BIRMINGHAM CITY COMMISSION AGENDA
FEBRUARY 5, 2024
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Elaine McLain, Mayor

II. ROLL CALL

Alexandria Bingham, City Clerk

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

ANNOUNCEMENTS

- The City of Birmingham, along with the nation, recognizes Black History Month in February. We celebrate the legacy of Black Americans whose power to lead, to overcome and to expand the meaning and practice of American democracy has helped our nation become a more fair and just society. The city continues to make significant progress in understanding the important history of Black families in early Birmingham, and remains committed to seeking opportunities to share the whole story of our community in the future.

APPOINTMENTS

A. Public Arts Board
    1. Shabman Hosseini
    2. Monica Neville

To appoint _____ to the Public Arts Board, as an alternate member, for the remainder of a three-year term to expire January 28, 2025.

To appoint _____ to the Public Arts Board, as a regular member, for a three-year term to expire January 28, 2027.

B. Historic District Study Committee
    1. Katherine Barta

To appoint _____ as a regular member to the Historic District Study Committee to serve the remainder of a three-year term to expire June 25, 2026.

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

V. 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 to approve the City Commission Long Range Planning meeting minutes of January 20, 2024.

B. Resolution to approve the City Commission regular meeting minutes of January 22, 2024.

C. Resolution to approve the warrant list, including Automated Clearing House payments, dated January 25, 2024 in the amount of $2,377,776.27.

D. Resolution to approve the warrant list, including Automated Clearing House payments, dated January 31, 2024 in the amount of $396,739.34.

E. Resolution to approve the Memorandum of Understanding and the Cost Reimbursement Agreement with the FBI and to authorize the Chief of Police to sign the agreements on behalf of the city.

F. Resolution to approve an extension of the public services and minor home repair contract with NEXT for the purpose of expending remaining program year 2021-2022 Community Development Block Grant funds for Yard Services and Minor Home Repair Services administered by NEXT through December 31, 2024; and further, to authorize the Mayor and the City Clerk to sign the amendment on behalf of the City.

G. Resolution to approve the purchase of root control services, as quoted by Duke's Root Control, Inc. for the 2024 Sewer Root Control Program, in the amount not to exceed $125,085.30. Funding for this project has been budgeted in the following account:

Fund Account	Fund ID Number	Project Award
Sewer Fund	590.0-538.000-811.0000	$125,085.30

AND
To approve the appropriation and amendment of the fiscal year 2023/2024 budget as follows:

Sewer Fund:

Revenues:		
590.0-00.00-400.0	Draw from Net Position	$25,085.30
Total Revenue		$25,085.30
Expenditures:		
590.0-537.000-811.0000	Other Contractual Services	$25,085.30
Total Expenses		$25,085.30

H. Motion amending Chapter 2 – Administration, Article IX. – Ethics, Sec. 2-325(a) Board of ethics (4) allowing for a business or property owner in the City of Birmingham to serve on the Ethics Board as appointed by the City Commission.

I. Resolution to split the award of the bid for truck transport and tank wagon deliveries of unleaded gasoline and diesel fuel to the following vendors based on bid factors included in their respective bids for a two-year period beginning February 1, 2024, with the option to extend terms and conditions an additional two years upon mutual consent:

Truck Transport deliveries:
1. RKA Petroleum Companies, 28340 Wick Rd., Romulus, MI, 48174 and
2. Marathon Flint Company, 1919 S Dort Highway, Flint, MI 48503

Tank Wagon deliveries:
1. RKA Petroleum Companies, 28340 Wick Rd., Romulus, MI, 48174 and
2. Gen Oil Company, 1238 Anderson Rd., Clawson, MI 48017

Funds for this purchase of gasoline and diesel fuels are budgeted in Auto Equipment Fund - Fuel Expense account #661-441.006-737.0000.

VI. CITY MANAGER'S REPORT

VII. UNFINISHED BUSINESS

A. Shirley Rd. & Arlington St. Interim Report for City-Initiated Unimproved Street Project
   1. Resolution to direct the Engineering Department to proceed with final design of the Arlington Street and Shirley Project to include the planned improvements to the sewer and water systems, and the full reconstruction of the streets within the project area that will meet the City standards for an improved street with a 5-foot sidewalk on each side of the road as indicated in Exhibit A.

VIII. NEW BUSINESS

A. Resolution to direct the Engineering Department to add Brandon Street to the Arlington Street and Shirley Street project and proceed with the final design to include construction of the street within the project area that will meet the City standards for an improved street with a 5-foot-wide sidewalk on each side of the road.

B. Speed Mitigation Report

C. Motion to meet in closed session to discuss a written attorney/client privilege communication pursuant to MCL § 15.268 Sec. 8(h) of the Open Meetings Act.

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

D. Commission Items for Future Discussion. A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.

E. Commission discussion on items from a prior meeting.

IX. REMOVED FROM CONSENT AGENDA

X. COMMUNICATIONS

XI. REPORTS

A. Commissioner Reports
   1. Notice of intention to appoint to the Architectural Review Committee
   2. Notice of intention to appoint to the Planning Board

B. Commissioner Comments

C. Advisory Boards, Committees, Commissions' Reports and Agendas
   1. Ethics Opinion 2023-03
   2. Ethics Opinion 2023-04

D. Legislation

E. City Staff

INFORMATION ONLY

XI!. ADJOURN

Should you wish to participate in this meeting, you are invited to attend the meeting in person or virtually through ZOOM: **https://zoom.us/j/655079760 Meeting ID: 655 079 760**
You may also 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.

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).

BIRMINGHAM
A WALKABLE CITY

NOTICE OF INTENTION TO APPOINT TO
PUBLIC ARTS BOARD

At the regular meeting of Monday, February 5, 2024 the Birmingham City Commission intends to appoint to the Public Arts Board one alternate member to serve the remainder of a term expiring on January 28, 2025 and one regular member to serve a three-year term to expire January 28, 2027.

In so far as possible, the members shall represent a major cultural institution, be a registered architect of the State of Michigan, an artist, an art historian, and/or 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 31, 2024. 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** At least four members must be residents of the City of Birmingham	**Qualifications** Members shall, in so far as possible, represent a major cultural institution, be a registered architect of the State of Michigan, an artist, an art historian, and/or 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.
Shabman Hosseini		Over 20 years of experience as a sculptor and designer.
Monica Neville		Director of a design and marketing agency.

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 an alternate member, for the remainder of a three-year term to expire January 28, 2025.

To appoint _____ to the Public Arts Board, as a regular member, for a three-year term to expire January 28, 2027.

BIRMINGHAM
A WALKABLE CITY

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: Public Arts Board

Specific Category/Vacancy on Board: Regular or Alternate Member (see back of this form for information)

Name: Shabnam Hosseini

Phone: 857 272 8680

Residential Address: 540 Landon St.

Email *: shosseini.hello@gmail.com

Residential City, Zip: Birmingham, 48009

Length of Residence: 3 Years +

Business Address:

Occupation: Artist / Designer

Business City, Zip:

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

With over 20 years of experience as a sculptor and designer, I am confident that my background and skills can greatly enhance the public art board. My keen eye for detail and deep understanding of the creative process can bring a fresh perspective to the board and contribute to the development of innovative and engaging public art projects. I am excited about the opportunity to use my expertise to help shape the public art landscape in our community.

List your related employment experience

Director Experience Design_Kinetic Optimism Studio at VMLY&R /// Color and Materials Design Adjunct Faculty/Advisor - College for Creative Studies ///

Artist/sculptor with 20+ years of experience

List your related community activities

. Volunteer at Detroit Institute of Arts, Detroit MI, 2015 - 2016 _Research Assistant to the curator of the Arts of Asia and Islamic Worlds department

List your related educational experience

College for Creative Studies, Detroit, MI_MFA in Color and Materials Design, July 2018 /// Boston University, Boston, MA_MFA in Sculpture, May 2015 ///

Kyoto Saga University of Arts, Kyoto, Japan_Research Program Sculpture, MEXT Scholar, 2012-2014 /// University of Tehran, Tehran, Iran_BFA in Sculpture, February 2008

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

Sh. Hosseini
Signature of Applicant

12/04/2023
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 clerk@bhamgov.org or fax to 248.530.1080.

Updated 11/18/2020

*By providing your email to the City, you agree to receive news & notifications from the City. If you do not wish to

BIRMINGHAM
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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 Public Arts Board

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

Name Monica Neville

Phone 248-321-1776

Residential Address 1516 E Melton Rd

Email * monica.neville1@gmail.com

Residential City, Zip Birmingham, 48009

Length of Residence 8 years

Business Address

Occupation Marketing

Business City, Zip

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

I am able to bring over 30 years of experience in advertising, marketing, event & sponsorships activation, and digital & social media to creative initiatives that are being pursued by the PAB.

List your related employment experience I have had a decades long career in advertising and I'm currently a Director at a creative-based design and marketing agency.

List your related community activities I am a current PAB Board member.

List your related educational experience BFA from Miami University

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

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

Monica Neville
Signature of Applicant

01/22/24
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 clerk@bhamgov.org or fax to 248.530.1080.

Updated 11/18/2020

By providing your email to the City, you agree to receive emails & notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.

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 Historic District Commission, Design Review Board, 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
Andi 1819 Washington Blvd Birmingham 48009	**Harris**	(248)765-3202 *andi.celeste.harris@gmail.com*	3/27/2023 Regular member	1/28/2026
Carey 937 Smith Ave Birmingham 48009	**Elaine**	(718) 490-9837 *ekcarey@gmail.com*	10/16/2023 Alternate member	1/28/2026
DeSanto	**Luca**		2/27/2023 Student representative	12/31/2023
Eddleston 892 Purdy Birmingham 48009	**Jason**	(248) 703-3808 *jason28e@yahoo.com*	12/5/2016 Regular member	1/28/2025

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Graham 884 Knox Birmingham 48009	**Pam**	(248) 408-6277 *pamcracker@gmail.com*	2/27/2023 Regular member	1/28/2026
Heller 176 Linden Birmingham 48009	**Barbara**	(248) 540-1310 (313) 833-7834 *bheller@dia.org*	1/28/2002 Regular member	1/28/2027
McLean	**Andrew**		2/27/2023 Student representative	12/31/2023
Vacant			Regular member	1/28/2027
Ritchie 1455 South Eton Birmingham 48009	**Anne**	(248) 635-1765 *anneritchie7@yahoo.com*	9/12/2016 Regular member	1/28/2025
Vacant			Alternate member	1/28/2025
VanGelderen 3795 Loch Bend Commerce Twp. 48382	**Annie**	(248) 408-6132 *annievangelderen@bbartcenter.org*	1/13/2020 Artist/major cultural institution	1/28/2026

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: PUBLIC ARTS BOARD **Year:** 2022

Members Required for Quorum: 4

MEMBER NAME	1/18	2/15	3/15	4/19	5/17	6/21	7/19	8/16	9/20	10/18	11/15	12/20	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS																	
Natalie Bishai	P	P	CM	NA	CM	CM	NA	CM	CM	CM	NA	CM			2	0	100%
Jason Eddleston	A	P	CM	P	CM	CM	A	CM	CM	CM	P	CM			3	2	60%
Pam Graham	NA	NA	CM	P	CM	CM	P	CM	CM	CM	P	CM					
Barbara Heller	P	P	CM	P	CM	CM	P	CM	CM	CM	A	CM			4	1	80%
Monica Neville	P	P	CM	P	CM	CM	P	CM	CM	CM	A	CM			4	1	80%
Anne Ritchie	P	P	CM	A	CM	CM	P	CM	CM	CM	A	CM			3	2	60%
Annie VanGelderen	P	P	CM	A	CM	CM	P	CM	CM	CM	P	CM			4	1	80%
ALTERNATES																	
Andi Harris	NA	NA	CM	P	CM	CM	P	CM	CM	CM	P	CM			3	0	100%
															0	0	
															0	0	
															0	0	
															0	0	
TOTAL	**5**	**6**	0	**5**	0	0	**6**	0	0	0	**4**	0	0	0			

KEY:

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

CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: PUBLIC ARTS BOARD **Year:** 2021

Members Required for Quorum: 4

MEMBER NAME	1/20	2/10	3/17	4/21	5/19	6/16	7/21	10/20	11/17	12/15	SPEC MTG	SPEC MTG	Total Mtgs. Att.	Total Absent	Percent Attended Available
REGULAR MEMBERS															
Natalie Bishai	P	P	P	P	A	A	P	P	A	P			7	3	70%
Peggy Daitch	P	P	P	P	A	P	P	NA	NA	NA			6	1	86%
Jason Eddleston	P	P	A	P	A	P	P	A	P	P			7	3	70%
Barbara Heller	P	P	P	P	P	P	P	P	P	P			10	0	100%
Hadley Lovell (student)	NA	NA	A	A	P	A	A	A	A	A			1	7	13%
Monica Neville	P	P	P	P	P	P	P	P	P	P			10	0	100%
Anne Ritchie	P	P	P	P	P	P	A	P	A	P			8	2	80%
Nora Sherifaj (student)	NA	NA	P	P	A	P	A	A	A	A			3	5	37%
Linda Wells	P	P	A	A	NA	NA	NA	NA	NA	NA			2	2	50%
Annie VanGelderen	P	P	P	P	P	P	P	P	P	P			10	0	100%
ALTERNATES															
Marla Kaftan	NA	NA	P	P	P	P	A	P	P	A			6	2	75%
													0	0	
TOTAL	**8**	**8**	**8**	**9**	**6**	**8**	**6**	**6**	**5**	**6**	0	0			

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CITY BOARD/COMMITTEE ATTENDANCE RECORD

Name of Board: Public Arts Board **Year:** 2020

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																	
Barbara Heller	P	P	NM	P	P	P	P	P	P	P	P	P			11	0	100%
Monica Neville	P	P	NM	P	P	P	P	P	P	P	P	P			9	0	100%
Annie Van Gelderen	NA	P	NM	P	P	P	P	P	P	P	P	P			9	0	100%
Anne Ritchie	P	P	NM	P	P	P	P	P	P	A	P	P			8	1	89%
Linda Wells	P	P	NM	P	A	A	P	P	P	P	P	P			7	2	78%
Jason Eddleston	P	P	NM	P	P	P	P	P	P	P	P	P			9	0	100%
Natalie Bishai	P	A	NM	P	P	P	A	P	A	A	A	P			6	5	55%
															0	0	#DIV/0!
															0	0	#DIV/0!
ALTERNATES																	
															0	0	#DIV/0!
															0	0	#DIV/0!
															0	0	#DIV/0!
															0	0	#DIV/0!
Present or Available	6	6	0	7	6	6	6	7	6	5	6	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
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Department Head Signature

ARTICLE V. - PUBLIC ARTS BOARD

Footnotes:

*--- (**4**) ---*

***Editor's note—** Ord. No. 1773, adopted December 17, 2001, enacted provisions intended for use as §§ 78-100—78-112. To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as §§ 78-101—78-113.*

Sec. 78-101. - Definitions.

Art, civic means visual art pertaining to a person, place or event relating to or belonging to a city or municipality.

Art, public means one or more pieces of civic, visual or performance art designed specifically for ownership by the public or display on property owned by the public.

Art, visual means the conscious production or arrangement of colors, forms or other elements in a manner that affects the human senses in a graphic or plastic medium.

Competition means a process established by the public arts board to review specific art work(s) for a specific site, for the purposes of making a recommendation to the public arts board.

Jury means an ad hoc committee or individual appointed by the public arts board to review specific art work(s) for the purposes of making a recommendation to the public arts board.

Performance art means works of art that create a situation and are conducted for a duration determined by the artist and/or spectator.

Rules of procedure means a written description of the board's mission statement, objectives, organization of meetings, membership, terms of service, procedure for the election of officers, and procedures for the review of public art work.

(Ord. No. 1773, 12-17-01)

Sec. 78-102. - Created.

There is hereby created a public arts board for the city. The public arts board is a locally organized board and is not established by any enabling legislation of the state.

(Ord. No. 1773, 12-17-01)

Sec. 78-103. - Composition and terms of members.

The public arts board shall be appointed by the city commission and consists of the city manager and his/her designated representative(s) as nonvoting ex-officio members and seven voting members.

At least four members of the public arts board shall be residents of the city. The remaining members and ex-officio members may or may not be residents of the city.

In so far as possible, the members shall represent a major cultural institution such as Cranbrook Academy and/or the Detroit Institute of Arts, the Birmingham/Bloomfield Arts Council (BBAC), a registered architect of the state, an artist, an art historian and an art consultant. Members of the public arts board may also be members of the design review board, the historic district commission, the parks and recreation board, or the planning board.

The initial members of the public arts board shall be appointed for the following terms: Two for one year, two for two years and three for three years. Thereafter, all such appointments, except to fill vacancies, shall be for a term of three years.

The city commission may appoint two alternate members to serve as needed on the public arts board during their term of appointment. An alternate member may be called on a rotating basis to sit as a regular member of the public arts board in the absence of a regular member. An alternate member may also be called to service in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member having been appointed shall serve in the case until a final decision has been made. An alternate member shall have the same voting rights as a regular member of the public arts board.

(Ord. No. 1773, 12-17-01; Ord. No. 1884, 7-24-06; Ord. No. 2234, 5-22-17)

Sec. 78-104. - Vacancies.

All appointments for the purpose of filling vacancies occurring otherwise than by expiration of term of office, shall be for the remainder of the term of office.

(Ord. No. 1773, 12-17-01)

Sec. 78-105. - Compensation.

The members of the public arts board shall serve as such without compensation.

(Ord. No. 1773, 12-17-01)

Sec. 78-106. - Removal.

Members of the public arts board may, after a public hearing, may be removed without cause by a majority vote of the city commission.

(Ord. No. 1773, 12-17-01)

Sec. 78-107. - Organization and election of officers.

The public arts board shall, from its appointed members, annually elect a chairperson and vice-chairperson whose terms of office shall be fixed by the rules of procedure of the public arts board. The chairperson shall preside over the public arts board and shall have the right to vote. The vice-chairperson shall, in absence, or disability of the chairperson perform the duties of the chairperson and shall have the right to vote. The city manager or his or her authorized representative shall act as secretary of the public arts board, and maintain a record of all of its proceedings.

The public arts board shall, at its first meeting establish the rules of procedure for conducting its business.

(Ord. No. 1773, 12-17-01)

Sec. 78-108. - Meetings and quorum.

The public arts board shall set a time and place for a regular meeting which will be held at least four times annually and shall determine the manner in which special meetings may noticed and held.

All meetings of the public arts board shall be open to the public. Any person or his duly constituted representative shall be entitled to appear and be heard on any matter applicable to the business at hand before the public arts board makes its recommendation to the city commission.

At least four members of the public arts board shall constitute a quorum for the transaction of its business.

The proceedings of each meeting of the public arts board, shall be recorded by the city manager or his or her authorized representative, acting as secretary.

(Ord. No. 1773, 12-17-01)

Sec. 78-109. - Assistance.

The public arts board may call upon the city manager for information and services from the various city departments as it may require. The public arts board may recommend to the city commission the securing of professional and consulting services as it may require, however, no expenditures of funds shall be made or contracts entered into for providing such services unless the same shall first be approved and authorized by the city commission.

(Ord. No. 1773, 12-17-01)

Sec. 78-110. - Objectives.

To enrich the city's civic and cultural heritage, the public arts board is established to provide a level of expertise and objectivity to recommend to the city commission works of art to become the property of or for display upon property owned by the city.

To promote a rich, diverse, and stimulating cultural environment in order to enrich the lives of the city's residents, business owners, employees and visitors and to enhance the city's image both nationally and internationally.

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.

(Ord. No. 1773, 12-17-01)

Sec. 78-111. - Duties.

The public arts board shall establish rules of procedure to describe the board's mission statement, objectives, organization of meetings, membership, terms of service, procedure for the election of officers, and procedures for the review of public art work. See section 78-106.

With the exception of art works to be placed in museums or art galleries, the public arts board shall have the responsibility to review all works of art to become the property of or placed upon property owned by the city. See section 78-109.

The public arts board shall have the responsibility to review publicly owned property for the purposes of consideration for the display of public art. The public arts board shall recommend to the city commission the establishment of general guidelines for site selection, maintenance program(s) for ensuring the structural integrity and aesthetic quality of the site and any work of art, including the removal of any work of art.

The public arts board shall have the responsibility to pursue sources of public funding for arts and cultural education, design competitions, special events etc., that may be necessary to advance the objectives of the public arts board. See section 78-109. In fulfilling such duties, the public arts board may seek assistance from city staff, and others for the completion of applications for grants, scholarships and other sources of public funding, including the administration of such funds. See section 78-108. The city may also accept private donations and gifts to advance the goals, objectives and duties of the public arts board. The city manager shall be responsible for the administration of any funds, account or endowments created to accept such gifts or donations and to administer any honorariums or other expenses incurred for the activities of the public arts board including but not limited to juries and design competitions.

It shall also be the responsibility of the public arts board to increase public awareness and promote education of the importance of public art as an enrichment of the quality of life for the residents, business owners, employees and visitors to the city.

The public arts board shall prepare an annual report of its activities, accomplishments and a description of how the public arts board has attempted to achieve its objectives. See section 78-109. This report shall be presented to the city commission.

(Ord. No. 1773, 12-17-01)

Sec. 78-112. - Review of public art.

The public arts board, within its rules of procedure, as set forth in section 78-106, shall establish its vision statement and processes for the review of public art works. The public arts board may also appoint a jury or hold design competitions for the selection and review of public art works. See section 78-108.

The public arts board shall make a recommendation regarding the proposed public art work to the city commission. However, a positive recommendation shall not be required to advance the proposed artwork for review by the city commission.

In the event that a display and/or installation of civic, public or visual art is proposed on a site that is within the jurisdiction of another board of this city, it shall be reviewed by and reported on by such board before it is presented to the city commission.

(Ord. No. 1773, 12-17-01)

Sec. 78-113. - Scope of authority.

The public arts board may select and appoint a jury or hold a competition for the review of any public art project as provided for in sections 78-106 and 78-111. The jury or competition held for any public art project shall serve the public arts board as an ad hoc committee for the duration of the project only.

The public arts board is a non-administrative board serving to make recommendations to the city commission but may not assume any legislative or administrative authority in the operation of any city department or publicly owned property, except as specifically provided in this article.

(Ord. No. 1773, 12-17-01)

BIRMINGHAM
A WALKABLE CITY

NOTICE OF INTENTION TO APPOINT TO HISTORIC DISTRICT STUDY COMMITTEE

At the regular meeting of Monday, February 5, 2024, the Birmingham City Commission intends to appoint one regular member to the Historic District Study Committee to serve the remainder of a three-year term to expire June 25, 2026.

The goal of the Historic District Study Committee is to conduct historical research regarding the proposed designation of historic landmarks or districts in the City of Birmingham.

A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation, although city residency is not required if an expert on the potential historic district topic is not available among city residents. The committee shall include representation of at least one member appointed from one or more duly organized local historic preservation organizations. The meetings are held by resolution of the City Commission.

Interested parties may submit an application available at the City Clerk's Office on or before noon on Wednesday, January 31, 2024. Applications will appear in the public agenda at which time the commission will discuss recommendations, and may make nominations and vote on appointments.

Applicant(s) Presented For City Commission Consideration:

Applicant Name	**Criteria/Qualifications** Shall have a clearly demonstrated interest in or knowledge of historic preservation.
Katherine Barta	Has a vested interest in preserving historical homes in Birmingham, and maintaining the character of Birmingham neighborhoods. In her profession she is extremely organized and thorough.

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

SUGGESTED ACTION:
To appoint_____, as a regular member to the Historic District Study Committee to serve the remainder of a three-year term to expire June 25, 2026.

BIRMINGHAM
A WALKABLE CITY

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 Historic District Study Committee

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

Name Katherine Barta

Phone 810-691-9424

Residential Address 397 S Cranbrook Rd

Email * barta.katie@gmail.com

Residential City, Zip Birmingham, MI 48009

Length of Residence 2 years, 10 months

Business Address _____

Occupation Nurse Practitioner

Business City, Zip _____

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

I have a vested interest in preserving historical homes in our area, and maintaining the character of our neighborhoods. In my profession I am extremely organized and thorough, and this translates into my personal life, as well as any extracurricular activities I partake in. I will exhibit that same effort to our city and the HDSC.

List your related employment experience N/A

List your related community activities I am relatively new to our community, however my grandmother moved to Birmingham in 1938, so I have a long family history in our city. I'd love the opportunity to take an active part in a city committee.

List your related educational experience I have 2 Bachelors degrees, as well as a Masters degree as well. While they are all science/health related, I have a graduate level education which showcases my dedication to education and learning overall.

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

Katherine S. Barta
Signature of Applicant

1/17/24
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 clerk@bhamgov.org or fax to 248.530.1080.

Updated 11/18/2020

By providing your email to the City, you agree to receive emails & notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.

BIRMINGHAM
A WALKABLE CITY

HISTORIC DISTRICT STUDY COMMITTEE

Goal: To conduct historical research regarding the proposed designation of historic landmarks or districts in the City of Birmingham.

The committee shall consist of seven members in addition to a city appointed liaison. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation, although city residency is not required if an expert on the potential historic district topic is not available among city residents. The committee shall include representation of at least one member appointed from one or more duly organized local historic preservation organizations.
Terms: three years

Meetings are held by resolution of the City Commission.

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
German 475 S. Adams #18	**Jacob**	(734) 934-9051 *jake@dunaskiss.biz*	1/14/2019	6/25/2024
Loafman 580 Oakland	**Thomas**	(248)840-6678 *thosloafman@gmail.com*	9/20/2021	6/25/2025
McGough 543 Watkins	**Colleen**	(248) 808-4410 *colleenlmcgough@gmail.com*	1/14/2019	6/25/2024
Prena 1524 Villa Road	**Andrea**	(248)872-5404 *kalis.andi@gmail.com*	6/27/2022	6/25/2025

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
Roush 2010 Buckingham	**Jennifer**	(248)736-2801 *jennygwtw@comcast.net*	8/10/2020	6/25/2025
Vacated	**6/5/2023**			6/25/2026
Xenos 608 W. Lincoln	**Michael**	(248) 496-8983 *mxenos@comcast.net*	2/22/2016 Nat'l Trust for Historic Preservation	6/25/2026

Sec. 127-4. Historic district study committee and the study committee report.

(a) The city commission shall appoint a standing committee to serve as the historic district study committee. The committee shall consist of seven members in addition to a city appointed liaison. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation, although city residency is not required if an expert on the potential historic district topic is not available among city residents. Members shall be appointed for a term of three years, except the initial appointments of three members for a term of two years and two members for a term of one year. Subsequent appointments shall be for three-year terms. Members shall be eligible for reappointment. In the event of a vacancy on the committee, interim appointments shall be made by the city commission within 60 calendar days to complete the unexpired term of such position. The committee shall include representation of at least one member appointed from one or more duly organized local historic preservation organizations.

(b) The business that the committee may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended. Public notice of the date, time, and place of the meeting shall be given in the manner required by Public Act 267. A meeting agenda shall be part of the notice and shall include a listing of each potential district to be reviewed or considered by the committee.

(c) When directed by a resolution passed by the city commission, the standing historic district study committee shall meet and do all of the following:

(1) Conduct a photographic inventory of resources within each proposed historic district following procedures established by the state historic preservation office of the state historical center.

(2) Conduct basic research of each proposed historic district and historic resources located within that district.

(3) Determine the total number of historic and non-historic resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the committee shall be guided by the criteria for evaluation issued by the United States secretary of the interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 CFR Part 60, and criteria established or approved by the state historic preservation office of the state historical center.

(4) Prepare a preliminary historic district study committee report that addresses at a minimum all of the following:

a. The charge of the committee.

b. The composition of committee membership.

c. The historic district(s) studied.

d. The boundaries of each proposed historic district in writing and on maps.

e. The history of each proposed historic district.

f. The significance of each district as a whole, as well as the significance of sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.

(5) Transmit copies of the preliminary report for review and recommendations to the city planning board, the state historic preservation office of the Michigan Historical Center, the Michigan Historical Commission, and the state historic preservation review board.

(6) Make copies of the preliminary report available to the public pursuant to Section 399.203(4) of Public Act 169 of 1970, as amended.

(7) Not less than 60 calendar days after the transmittal of the preliminary report, the historic district study committee shall hold a public hearing in compliance with Public Act 267 of 1976, as amended. Public notice of the time, date and place of the hearing shall be given in the manner required by Public Act 267. Written notice shall be mailed by first class mail not less than 14 calendar days prior to the hearing to the owners of properties within the proposed historic district, as listed on the most current tax rolls. The report shall be made available to the public in compliance with Public Act 442 of 1976, as amended.

(8) After the date of the public hearing, the committee and the city commission have not more than one year, unless otherwise authorized by the city commission, to take the following actions:

a. The committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the city planning board and the historic district commission, to the city commission as to the establishment of a historic district(s). If the recommendation is to establish a historic district(s), the final report shall include a draft of the proposed ordinance(s).

b. After receiving a final report that recommends the establishment of a historic district(s), the city commission, at its discretion, may introduce and pass or reject an ordinance(s). If the city commission passes an ordinance(s) establishing one or more historic districts, the city shall file a copy of the ordinance(s), including a legal description of the property or properties located within the historic district(s) with the register of deeds. The city commission shall not pass an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed historic district, as listed on the tax rolls of the local unit, have approved the establishment of the historic district pursuant to a written petition.

(9) A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function of the historic district commission should be made available to the public in compliance with Public Act 442 of 1976, as amended.

(Ord. No. 1880, 7-24-06; Ord. No. 2154, 6-29-15)

Birmingham City Commission
Long Range Planning Minutes
January 20, 2024
8:30 a.m.
Municipal Building, 151 Martin
Vimeo Link: https://vimeo.com/901033380

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Elaine McLain, Mayor, opened the meeting with the Pledge of Allegiance.

II. ROLL CALL

Alexandria Bingham, City Clerk, called the roll.

Present: Mayor McLain
Mayor Pro Tem Schafer
Commissioner Haig
Commissioner Host
Commissioner Long
Commissioner Longe

Absent: Commissioner Baller

Staff: City Manager Ecker; City Clerk Bingham, Information Technology Manager Brunk (Zoom), City Engineer Coatta, Assistant City Manager Clemence, Library Director Craft, Planning Director Dupuis, Assistant City Manager Fairbairn, Parking Systems Manager Ford, Communications Director Gamboa (Zoom), Finance Director Gerber, Police Chief Grewe, Building Official Johnson, Human Resources Manager Woods, Museum Director Pielack (Zoom), Birmingham Shopping District Director Sheppard-Decius (Zoom), Fire Chief Wells, Department of Public Services Director Zielinski

III. PUBLIC COMMENT

IV. DISCUSSION ITEMS

CM Ecker made introductory remarks.

A. Finance

a. Five-Year Financial Forecast 2023 to 2027
b. Digital Budget Book — Status Update

FD Gerber introduced the items. Spencer Tawa from Plante Moran and FD Gerber presented Item A(a) and FD Gerber presented Item A(b). FD Gerber answered informational questions from the Commission.

Commissioners made the following comments:

- Water and sewer funds previously limited the amount of infrastructure improvements that could be accomplished, and so raising the water and sewer fund rates would allow for more infrastructure improvements;
- It was valuable that the City was investing more of the general funds into improving infrastructure;
- The infrastructure improvements would represent improvements in safety as well; and,

- The transparency reports available in the Digital Budget Book will be useful.

Public Comment
Staff answered informational questions from David Bloom.

B. Public Services

a. Parks & Recreation Master Plan Implementation

DPSD Zielinski presented Item B(a) and answered informational questions from the Commission.

Commissioners made the following comments:
- A community garden was previously considered for Barnum Park and tabled due to questions of demand, water and tool access, oversight, theft of produce;
- Bloomfield Hills and Royal Oak have community gardens that could potentially serve as models for Birmingham;
- It would be appropriate to relocate the outdoor exercise equipment that NEXT paid for from Midvale to St. James Park; and,
- The next round of park bonds should be used for parks that will have the highest impact. Since the park bonds were supported by individual neighborhoods seeking improvements to the playground equipment at their local parks and to expand park accessibility, it is important that the bonds be used for those purposes.

Public Comment
Staff answered informational questions from Mr. Bloom.

Dave Palmeri, president of the Birmingham Little League, spoke in support of redesigning two additional fields in Kenning Park.

C. Engineering

a. Changes in Stormwater Management
b. Upcoming Capital Projects 2024

CE Coatta presented the items and answered informational questions from the Commission.

Commissioners made the following comments:
- Funds are allocated towards maintaining the safety of the sidewalks;
- The City should reach out to business owners to emphasize the importance of maintaining alley cleanliness; and,
- The City should consider whether a policy regarding the aesthetics of rain barrels in the front yard should be implemented.

Public Comment
Mr. Bloom thanked the Engineering Department and a contractor for assisting him with an issue at his property.

D. Planning

a. Historic Preservation
b. Transit Planning

PD Dupuis presented Items D(a) and D(b) and answered informational questions from the Commission.

Commissioners made the following comments:

- There is funding available for owners looking to make improvements to a historic home;
- Crossing Woodward should be made safer for pedestrians, and potential other multi-modal ways of crossing Woodward should be explored;
- Old is not the same as historic. More information on how historic properties influence neighborhood development and growth would be beneficial. The Commission should be kept apprised of historic preservation efforts in the City;
- It is important to balance community benefit with individual property owners' rights; and,
- The Commission should continue to be apprised of the City Manager's efforts to promote increased safety and pedestrian walkability along the Woodward corridor.

E. Birmingham Shopping District

a. Long-Range Economic Growth Plan

BSDD Sheppard-Decius presented Item E(a) and answered informational questions from the Commission.

Commissioners made the following comments:

- Adding lighting and other aesthetic improvements to the alleys would be beneficial; and,
- Improvements to the alleys should be considerate of adjacent residential.

F. Fire Department

a. Insurance Services Office (ISO) Update

FC Wells presented Item F(a) and answered informational questions from the Commission.

Commissioners made the following comments:

- Carbon monoxide detectors save lives, and a combustible gas detector can also be purchased relatively inexpensively for safety improvements;
- Birmingham is known for its emergency response services, and the responsible departments deserve commendation; and,
- Working towards an ISO rating of one is valuable because it represents safety improvements for the community.

G. Police Department

a. Police Department / City Hall Safety & Security, Building Redesign & Expansion

PC Grewe presented Item G(a) and staff answered informational questions from the Commission.

Commissioners made the following comments:

- Improvements to the Police Department and City Hall should be a high priority;
- Birmingham residents remain concerned about the safety of crossing Woodward;
- Increased traffic enforcement on Woodward results in an increase in funds due from the City to the 48th District Court; and,
- While the Police Department will likely be located off-site, the City will still have a responsibility to renovate City Hall in order to make ADA, security, utility, and other improvements.

H. Lunch

The Commission briefly recessed, and returned from recess.

I. Parking

a. Parking System Improvements

PSM Ford presented Item I(a) and staff answered informational questions from the Commission.

Commissioners made the following comments:

- Using QR codes to initiate payments could pose a security issue, and should be evaluated further before implementation. The QR code signs would at least have to be regularly evaluated for either tampering or replacements by malicious actors;
- Improving the lighting and aesthetics of the parking garages will help people feel more safe in using the garages;
- Internet connectivity along Old Woodward can impede people from using ParkMobile, and should be improved;
- PSM Ford deserved thanks for hearing the APC's frustrations about perceived changes to its role;
- It would be useful to review how boards such as the APC meet the City's needs presently, and whether changes in those boards' charges or meeting frequencies would be appropriate;
- Each ParkMobile account has a history of paid parking. If an inaccurate parking fine is issued, a ParkMobile user can present their paid parking history to the City to rectify the issue; and,
- Garage users would not be required to use a QR code to initiate a payment.

J. IT

a. Cyber Security & IT Infrastructure

ITM Brunk presented Item J(a) and staff answered informational questions from the Commission.

Commissioners made the following comments:

- Residents having connectivity issues in their homes should escalate their concerns with their internet and cellular services providers, as appropriate.

K. Clerk's Office

a. Digitizing Applications and Processes

CC Bingham presented Item K(a) and answered informational questions for the Commission.

The Commission thanked the Clerk's Office for providing food and refreshments during the LRP.

L. Building Department

a. Paperless Plan Review

BO Johnson presented Item L(a) and staff answered informational questions from the Commission.

Commissioners made the following comments:

- A link on the website to the paperless plan review process would be helpful. Residents are finding the paperless process beneficial.

M. Library

a. Renovation Update & Future Planning

LD Craft presented Item M(a) and answered informational questions from the Commission.

N. Museum

a. Museum Updates

MD Pielack presented Items N(a). The Commission had no questions on this item.

O. Human Resources

a. Recruitment and Retention

HRM Woods presented Item O(a) and answered informational questions from the Commission.

Commissioners made the following comments:

- The work of the employee engagement committee would be valuable; and,
- City staff and HRM Woods were commended for their work for the City.

P. Manager's Office

a. Communications Enhancements
b. Senior/Recreation Building Project – 400 E. Lincoln
c. Citywide Sustainability Efforts

CD Gamboa presented Item P(a), CM Ecker presented Item P(b), and ACM Fairbairn presented Item P(c). Staff and Cris Braun, Executive Director of NEXT, answered informational questions from the Commission.

The Mayor asked Commissioners to comment on or highlight something of note from the day's proceedings. Commissioners noted:

- The volume of items discussed, and the future need for some prioritization of those items and projects;
- The extent of coordination and collaboration interdepartmentally and with other groups, as well as the City Administration's awareness of, and participation in, that collaboration;
- How the Human Resources Department's recruitment and retention efforts enable the City to have the best-suited staff for City work;
- When Commissioners ask questions of staff, those questions are asked in an effort to collaborate in improving projects and the City's overall functioning; and,
- Thanks were extended to all of the City's boards, to everyone who was present for the LRP session, and to all who participated in the work that went into the LRP.

V. ADJOURN

Mayor McLain adjourned the meeting at 2:19 p.m.

Alexandria Bingham, City Clerk

Laura Eichenhorn, City Transcriptionist

Birmingham City Commission Minutes
January 22, 2024
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: https://vimeo.com/905373297

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Elaine McLain, Mayor, opened the meeting with the Pledge of Allegiance.

II. ROLL CALL

City Clerk Bingham called the roll.

Present: Mayor McLain
MPT Schafer
Commissioner Haig
Commissioner Host
Commissioner Long
Commissioner Longe

Absent: Commissioner Baller

Staff: City Manager Ecker; City Clerk Bingham, Assistant City Engineer Borton, Assistant City Manager Clemence, City Engineer Coatta, Senior Planner Cowan, Planning Director Dupuis, Assistant City Manager Fairbairn, Police Chief Grewe, Deputy Treasurer Katz, Police Captain Kearney, City Attorney Kucharek

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

APPOINTMENTS

01-015-24 Public Arts Board

The Commission interviewed Barbara Heller for the appointment.

MOTION: Nomination by Commissioner Longe:
To appoint Barbara Heller to the Public Arts Board as a regular member for a three-year term to expire January 28, 2027.

VOICE VOTE: Ayes, MPT Schafer
Commissioner Longe
Commissioner Long
Commissioner Haig
Commissioner Host

Mayor McLain

Nays, None

01-016-24 Martha Baldwin Park Board

The Commission interviewed Nicole Cillette for the appointment.

MOTION: Nomination by Commissioner Host:
To appoint Nicole Cillette as a regular member to the Martha Baldwin Park Board to serve a four-year term to expire May 1, 2027.

VOICE VOTE: Ayes, MPT Schafer
Commissioner Longe
Commissioner Long
Commissioner Haig
Commissioner Host
Mayor McLain

Nays, None

01-017-24 Board of Zoning Appeals

The Commission interviewed Jason Canvasser for the appointment.

MOTION: Nomination by Commissioner Host:
To appoint Jason Canvasser as a regular member of the Board of Zoning Appeals to serve the remainder of a three-year term to expire October 10, 2026.

VOICE VOTE: Ayes, MPT Schafer
Commissioner Longe
Commissioner Long
Commissioner Haig
Commissioner Host
Mayor McLain

Nays, None

01-018-24 Board of Zoning Appeals

The Commission proceeded to reappoint Carl Kona in his absence since he was interviewed for reappointment at a recent, prior meeting.

MOTION: Nomination by Commissioner Longe:
To appoint Carl Kona as an alternate member of the Board of Zoning Appeals to serve the remainder of a three-year term to expire February 18, 2026.

VOICE VOTE: Ayes, MPT Schafer

Commissioner Longe
Commissioner Long
Commissioner Haig
Commissioner Host
Mayor McLain

Nays, None

CC Bingham swore in the present applicants.

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

V. CONSENT AGENDA

01-019-24 Consent Agenda

MOTION: Motion by Commissioner Longe, seconded by Commissioner Long:
To move the Consent Agenda with the exception of Items B and C.

ROLL CALL VOTE: Ayes, MPT Schafer
Commissioner Host
Commissioner Longe
Commissioner Long
Commissioner Haig
Mayor McLain

Nays, None

A. Resolution to approve the City Commission regular meeting minutes of January 8, 2024.

D. Resolution to approve a Special Event permit as requested by Common Ground to hold the Birmingham Street Art Fair on September 28 and 29, 2024 contingent upon compliance with all permit and insurance requirements and payment of all fees and further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.

E. Resolution to approve a special event permit as requested by the HDSA Michigan Chapter to hold Yoga in the Park on 06/15/24 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.

F. Resolution to hold a 2023 review of establishments who have liquor licenses for consumption on premises and to consider same establishments for 2024 renewal at the regular City Commission meeting on Monday, February 12, 2024 at 7:30 p.m.

G. 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 February 27, 2024, August 6, 2024 and November 5, 2024 elections:

- 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)

H. Resolution designating Finance Director Mark Gerber, Assistant Finance Director Kim Wickenheiser, DPS Director Scott Zielinski, Building Official Bruce Johnson, Assistant Building Official Mike Morad, Museum Director Leslie Pielack, and Police Commander Ryan Kearney as proxy representatives of Election Commissioners Mayor Elaine McLain, Mayor Pro Tem Katie Schafer, Commissioner Clinton Baller, Commissioner Brad Host, Commissioner Andrew Haig, Commissioner Anthony Long, and Commissioner Therese Longe, to conduct the Public Accuracy Test on Tuesday, February 6, 2024 at 9:00 a.m. in room 205 to test the electronic tabulating equipment which will be used to count votes at Birmingham precincts during the February 27, 2024 presidential primary election.

I. Resolution appointing election inspectors, absentee voter counting board inspectors, receiving board inspectors and other election officials as recommended by the City Clerk for the February 27, 2024 presidential primary election pursuant to MCL 168.674, and further grant the City Clerk the authority to make emergency appointments of qualified candidates should circumstances warrant in order to maintain adequate staffing in the various precincts, counting boards and receiving boards.

AND

To authorize the use of the Oakland County Absent Voter Counting Board for the purpose of processing and tabulating absent voter ballots on February 27, 2024, as prescribed in the terms and responsibilities previously agreed upon at the July 12, 2020 meeting by Commission resolution 07-120-20.

J. Resolution to allocate $20,416 in Municipal Credits and $33,579 in Community Credits from SMART for fiscal year 2024 to Next in support of their specialized transportation program; and further to direct the Finance Director to sign the Municipal Credit and Community Credit contract for fiscal year 2024 on behalf of the City.

K. Motion adopting an amendment to Chapter 58, Article IV., Sec. 58-111(a) of the Birmingham City Code of Ordinances stating that applicants for child care centers, day care centers and family day care group homes must provide their most recent driver's

license and the Police Department shall perform a background and criminal check of applicants.

01-020-24 Warrant List – January 11, 2024 (Item B)

Mayor McLain pulled Item B, explaining that she pulls warrant lists with payments to the 48th District Court.

MOTION: Motion by Commissioner Longe, seconded by Commissioner Haig:
To approve the warrant list, including Automated Clearing House payments, dated January 11, 2024 in the amount of $7,342,564.60.

ROLL CALL VOTE: Ayes, MPT Schafer
Commissioner Host
Commissioner Longe
Commissioner Long
Commissioner Haig
Mayor McLain

Nays, None

01-021-24 Warrant List – January 18, 2024 (Item C)

Mayor McLain pulled Item B, explaining that she pulls warrant lists with payments to the 48th District Court.

MOTION: Motion by Commissioner Longe, seconded by Commissioner Haig:
To approve the warrant list, including Automated Clearing House payments, dated January 18, 2024 in the amount of $1,460,660.63.

ROLL CALL VOTE: Ayes, MPT Schafer
Commissioner Host
Commissioner Longe
Commissioner Long
Commissioner Haig
Mayor McLain

Nays, None

VI. CITY MANAGER'S REPORT

A. January 22, 2024 City Manager's Report

VII. UNFINISHED BUSINESS

01-022-24 Staff Update – Shirley Rd. & Arlington St. Interim Report for City-Initiated Unimproved Street Project

Mayor McLain introduced the item. CA Kucharek and CM Ecker presented the item and answered

informational questions from the Commission.

Commissioners made the following comments in the course of discussion:

- The walk should be scheduled so as to be convenient for residents of the neighborhood; and,
- The walk should not be scheduled during inclement weather.

There was Commission consensus to schedule the walk for January 30, 2024 at 9 a.m. with a backup date of February 2, 2024 at 9 a.m.

Public Comment
Jim Mirro thanked City staff for their assistance with a map and supported a stop during the walk on Brandon.

MOTION: Motion by Commissioner Longe, seconded by Commissioner Host:
To reschedule the previously scheduled walking tour of the Shirley and Arlington Streets as it was originally proposed to a new primary date of Tuesday, January 30 at 9 a.m., with a secondary weather date of Friday, February 2 at 9 a.m.

ROLL CALL VOTE: Ayes, MPT Schafer
Commissioner Host
Commissioner Longe
Commissioner Long
Commissioner Haig
Mayor McLain

Nays, None

VIII. NEW BUSINESS

01-023-24 Confirmation of SAD Roll 907 Edgewood Road Project – Water and Sewer Laterals

The Mayor opened the public hearing at 8:22 p.m.

DT Katz and FD Gerber presented the item.

Public Comment
Mr. Mirro asked for information on the costs, asked whether the SAD could be optional for streets, and requested increased clarity of communication regarding these types of projects.

Sue Gallagher raised questions about the costs of the SAD.

Staff answered informational questions from the public.

Seeing no further public comment, the Mayor closed the public hearing at 8:38 p.m.

Staff answered informational questions from the Commission.

Commissioners made the following comments in the course of discussion:

- The agenda packet included some of the information requested by members of the public.

MOTION: Motion by Commissioner Longe, seconded by Commissioner Long:
To confirm special assessment roll 907 as follows:

WHEREAS, Special Assessment Roll, designated Roll No. 907, has been heretofore prepared for collection, and

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

WHEREAS, the Commission has deemed it practicable to cause payment of the cost thereof to be made after the time of construction and

WHEREAS, Commission Resolution 01-005-24 provided it would meet this 22nd day of January, 2024 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this January 22, 2024, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 907 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that the special assessment shall be payable in five (5) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of nine and one half percent (9.50%) on all unpaid installments.

The chart is available on page three of Item 8A in the agenda packet for January 22, 2024.

Street Address
280 E. Lincoln
280 E. Lincoln
400 E. Lincoln
400 E. Lincoln
1204 Edgewood

1212 Edgewood
1236 Edgewood
1260 Edgewood
1272 Edgewood
1300 Edgewood
1332 Edgewood
1348 Edgewood
1416 Edgewood
1450 Edgewood
1486 Edgewood
1498 Edgewood

$ 89,590.00

Street Address
1204 Edgewood
1260 Edgewood
1288 Edgewood
1300 Edgewood
1332 Edgewood
1416 Edgewood
1450 Edgewood
1472 Edgewood
1498 Edgewood

$ 20,424.00

ROLL CALL VOTE: Ayes, MPT Schafer
Commissioner Host
Commissioner Longe
Commissioner Long
Commissioner Haig
Mayor McLain

Nays, None

01-024-24 Public Hearing – Lot Combination of 34350 Woodward Avenue and 909-911 Haynes Street, Fred Lavery Porsche, Parcel # 19-36-281-022 and Parcel # 19-36-281-030

The Mayor opened the public hearing at 8:45 p.m.

SP Cowan presented the item.

The applicant was available on behalf of the project.

Seeing no public comment, the Mayor closed the public hearing at 8:50 p.m.

Staff answered informational questions from the Commission.

Commissioners made the following comments in the course of discussion:

- This project was a long time coming; and,
- Positive aspects of the project included the addition of EV charging stations and safety improvements to the intersection.

MOTION: Motion by Commissioner Long, seconded by Commissioner Host:
To approve the lot combination of 34350 Woodward Ave and 909-911 Haynes Street, Fred Lavery Porsche, parcel # 19-36-281-022 and parcel # 19-36-281-030.

ROLL CALL VOTE: Ayes, MPT Schafer
Commissioner Host
Commissioner Longe
Commissioner Long
Commissioner Haig
Mayor McLain

Nays, None

01-025-24 Public Hearing for 34350 Woodward Ave & 909-911 Haynes Street – Fred Lavery Porsche Dealership – Special Land Use Permit, Final Site Plan & Design Review

The Mayor opened the public hearing at 8:52 p.m.

SP Cowan presented the item.

The applicant spoke on behalf of the project.

Seeing no public comment, the Mayor closed the public hearing at 8:58 p.m.

Staff and the applicant answered informational questions from the Commission.

Commissioners made the following comments in the course of discussion:

- This change was a result of brand requirements for the franchisee; and,
- This project as a whole will represent a benefit for the area.

MOTION: Motion by Commissioner Host, seconded by Commissioner Longe:
To approve the Special Land Use Permit, Final Site Plan and Design Review application for 34350 Woodward Ave & 909-911 Haynes Street – Fred Lavery Porsche.

Commissioner Host noted that the Laverys live in Birmingham and said it was nice that owners of Birmingham commercial operations lived in the City.

ROLL CALL VOTE: Ayes, MPT Schafer
Commissioner Host
Commissioner Longe
Commissioner Long
Commissioner Haig
Mayor McLain

Nays, None

01-026-24 Wayfinding & Branding Committee

PD Dupuis presented the item and answered informational questions from the Commission.

MOTION: Motion by Commissioner Haig, seconded by Commissioner Longe:
To establish a permanent Wayfinding and Branding Committee to continue the implementation of the Citywide Wayfinding and Signage Plan and act as a clearing house for all major wayfinding and branding projects in the City.

The Mayor said she looked forward to updates from the Committee.

ROLL CALL VOTE: Ayes, MPT Schafer
Commissioner Host
Commissioner Longe
Commissioner Long
Commissioner Haig
Mayor McLain

Nays, None

Commission Items for Future Discussion
Commission Discussion On Items From A Prior Meeting

01-027-24 Brandon Street

Commissioners made the following comments in the course of discussion:
- Brandon was likely not originally included in the Arlington and Shirley project because it was likely not as urgently an issue; and,

- Projects often include water, sewer, and surface improvements because it is more resource-efficient.

Public Comment
Mr. Mirro commented that Brandon is different from Arlington and Shirley.

Lauren Butazoni received clarification from the Commission regarding when further comment regarding Arlington and Shirley could be provided.

MOTION: Motion by Commissioner Longe, seconded by Commissioner Long:
To move Brandon Street forward as a formal agenda item to consider its inclusion in the Shirley-Arlington Road Project.

ROLL CALL VOTE: Ayes, MPT Schafer
Commissioner Host
Commissioner Longe
Commissioner Long
Commissioner Haig
Mayor McLain

Nays, None

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

A. Commissioner Reports

The Mayor noted that Live with the League is available for watching online from the MML.

Commissioner Host provided an update on the ongoing intermunicipal discourse regarding the Birmingham Country Club's pickleball court.

B. Commissioner Comments

MPT Schafer noted that the Birmingham Bloomfield Youth Assistance was hosting a Kids' Dog Show at Berkshire Middle School on February 4, 2024. She also noted that clearing unimproved roads after inclement weather was difficult for DPS.

Commissioner Host encouraged residents to help their neighbors to clear snow when needed.

Commissioner Long noted that the recent storm was particularly difficult to clear and that the City also aims to be reasonable in its requirements.

The Mayor noted that concerns could be submitted via the GovAlert app.

Commissioner Host commended City Staff for the collaboration and reflection of the Commission's goals demonstrated at the Long Range Planning Meeting. He said he was disappointed in the report regarding parking.

C. Advisory Boards, Committees, Commissions' Reports and Agendas
D. Legislation
E. City Staff
1. Annual Review of ADA Project Updates Completed in 2023

INFORMATION ONLY

XI. ADJOURN

The Mayor adjourned the meeting at 9:45 p.m.

Alexandria Bingham, City Clerk

Laura Eichenhorn, City Transcriptionist

City of Birmingham
Warrant List Dated 01/25/2024

Meeting of 02/05/2024

Check Number	Early Release	Vendor #	Vendor	Amount
PAPER CHECK				
296133		006638	ACTION MAT & TOWEL RENTAL, INC	40.00
296134		BDREFUND	ALEXANDER BACHTIAROV	1,800.00
296135		BDREFUND	ALEXANDER BACHTIAROV	500.00
296136		BDREFUND	ALL SEASONS ROOFS	100.00
296137		009813	ALMA TIRE SERVICE INC	3,619.38
296138	*	TAXMISC	AMERITITLE AGENCY LLC	15.80
296139	*	003703	AT&T MOBILITY	874.76
296140		BDREFUND	BALBES CUSTOM BUILDERS INC	500.00
296141		BDREFUND	BARBAT, MASON	500.00
296142		BDREFUND	BINGHAM DEVELOPMENT LLC	500.00
296143		BDREFUND	BOTTOMS UP BASEMENT FINISHING	100.00
296144		003526	BOUND TREE MEDICAL, LLC	3,939.49
296145	*	009078	CANON SOLUTIONS AMERICA INC	1,298.88
296146	*	009809	CAROLINE ROBINSON	24.00
296147		009137	CGS, INC	1,650.00
296148	*	001086	CITY OF BIRMINGHAM	10,470.00
296149		009656	CORBIN DESIGN, INC	4,262.50
296150		BDREFUND	CREATIVE BRICK PAVING & LANDSCAPING	400.00
296151		003923	CUMMINS BRIDGEWAY LLC	475.13
296152		004386	CYNERGY PRODUCTS	720.00
296153		009207	D'ANGELO BROTHERS INC	14,405.38
296154		BDREFUND	DENNIS GALBRAITH	30.00
296155	*	009814	DETROIT EQUIPMENT, LLC	320.00
296156		005318	DEWOLF & ASSOCIATES, LLC	595.00
296157		009130	DOG WASTE DEPOT	1,175.64
296158	*	000190	DOWNRIVER REFRIGERATION	210.58
296159		BDREFUND	DXU ARCHITECTS	300.00
296160		BDREFUND	EAGLE HOME REMODELING	300.00
296161		004493	ELITE IMAGING SYSTEMS, INC	339.79
296161	*	004493	ELITE IMAGING SYSTEMS, INC	450.65
296162		009366	EXPERT HEATING & COOLING	438.00
296163		BDREFUND	FAST SIGNS OF BIRMINGHAM	200.00
296164		BDREFUND	FASTSIGNS OF BIRMINGHAM	200.00
296165		008656	FBINAA	115.00
296166		BDREFUND	FINISHED BASEMENTS PLUS LLC	300.00
296167	*	004604	GORDON FOOD	416.71
296168		BDREFUND	GREAT LAKES HOMES & REMODELING LLC	300.00
296169	*	008007	GREAT LAKES WATER AUTHORITY	8,284.64
296170		009030	SYNTHA GREEN	34.84
296171		BDREFUND	GREGORY JAY TITTLE	100.00
296172	*	006666	GRID 4 COMMUNICATIONS INC.	228.14
296173	*	007723	BRYAN GRILL	729.66
296174		001531	GUNNERS MOTOR & PARTS INC	155.50

City of Birmingham
Warrant List Dated 01/25/2024

Check Number	Early Release	Vendor #	Vendor	Amount
296175		BDREFUND	HARDY & SONS SIGN SERVICE	100.00
296176		BDREFUND	HARDY AND SONS SIGN SERVICE	100.00
296177		BDREFUND	HEWARD, RYAN	100.00
296178	*	001956	HOME DEPOT CREDIT SERVICES	177.25
296179		001234	IAFC MEMBERSHIP	190.00
296180		BDREFUND	J D CANDLER ROOFING	100.00
296181	*	TAXMISC	JC TITLE AGENCY	1,337.40
296182		BDREFUND	KEARNS BROTHERS INC	200.00
296183		004088	KGM DISTRIBUTORS INC	360.00
296184		BDREFUND	KINLOCH PROPERTIES LLC	2,500.00
296185		BDREFUND	KITTINGER, PAUL MICHAEL	1,000.00
296186		BDREFUND	KOZA, SEAN	300.00
296187		MISC	KRISTINA FRAGOMENI	65.00
296188	*	000362	KROGER COMPANY	8.26
296189		BDREFUND	KYLE BUILDERS INC	300.00
296190		BDREFUND	LEE H MOROFF & TERI COHODES MO	1,100.00
296191	*	TAXMISC	LERETA LLC	1,517.92
296192		009663	MACQUEEN EQUIPMENT, LLC	1,136.99
296193		009082	MADISON ELECTRIC COMPANY	1,759.75
296194		009169	MANAGEENGINE	2,243.00
296195		BDREFUND	MARYGROVE AWNING	100.00
296196		009546	MASTERS TELECOM	68.81
296197		000888	MCKENNA ASSOCIATES INC	4,452.50
296197	*	000888	MCKENNA ASSOCIATES INC	42,448.88
296198	*	000369	MCMI	1,435.00
296199		009681	MICHAEL KUHN & ASSOCIATES	9,000.00
296200		BDREFUND	MICHAEL W MORSS ROOFING CO	200.00
296201		004687	MICHIGAN DEPT. OF TRANSPORATION	1,397.53
296202	*	001715	MICHIGAN NOTARY SERVICE	97.85
296203	*	006461	MID AMERICA RINK SERVICES	443.25
296204		BDREFUND	MMD Signs	100.00
296205		BDREFUND	MR ROOF HOLDING CO LLC	100.00
296206		BDREFUND	NATIONAL BUILDING SERVICES	300.00
296207		BDREFUND	NGUYEN, CHAN HUY	100.00
296208		BDREFUND	NOAH'S WINDOWS & MORE INC	100.00
296209		BDREFUND	NORTHERN SIGN CO INC	100.00
296210	*	006359	NYE UNIFORM COMPANY	79.00
296211	*	000477	OAKLAND COUNTY	7,258.50
296212	*	009478	ODP BUSINESS SOLUTIONS, LLC	883.05
296213		009698	PCI INDUSTRIES, INC	285,423.52
296213	*	009698	PCI INDUSTRIES, INC	840.00
296214		009612	PLAYAWAY PRODUCTS LLC	265.46
296215	*	006625	PTS COMMUNICATIONS, INC	78.00

City of Birmingham
Warrant List Dated 01/25/2024

Check Number	Early Release	Vendor #	Vendor	Amount
296216		BDREFUND	RAPID RENOVATIONS	300.00
296217		BDREFUND	RENEWAL BY ANDERSEN	500.00
296218		BDREFUND	RONNISCH CONSTRUCTION GROUP	500.00
296219		006590	SECURE DOOR, LLC	2,471.00
296220		BDREFUND	SIGNS & MORE	100.00
296221		BDREFUND	SIGNSCAPES	100.00
296222		007907	SP+ CORPORATION	1,324.00
296223		BDREFUND	SPECTRUM NEON CO.	100.00
296224	*	001887	STATE OF MICHIGAN	10.00
296225		BDREFUND	TEMPLETON BUILDING COMPANY	500.00
296226		BDREFUND	THOMAS SEBOLD & ASSOCIATES, IN	500.00
296227	*	009812	TIME TO PLAY RENTALS	8,275.00
296228		BDREFUND	TOLEDO SIGN COMPANY	100.00
296229		009552	TRAFFIC & SAFETY CONTROL SYSTEMS	1,340.00
296230	*	008017	TRATTORIA DA LUIGI	1,650.00
296231	*	004379	TURNER SANITATION, INC	315.00
296232		BDREFUND	ULTRA PROFESSIONAL OUTDOOR SERVICES	100.00
296233		BDREFUND	UNITED BUILDING SERVICE	200.00
296234	*	001279	US FIGURE SKATING ASSOC.	210.00
296235	*	000293	VAN DYKE GAS CO.	184.80
296236	*	000158	VERIZON WIRELESS	89.89
296237	*	000158	VERIZON WIRELESS	366.06
296238	*	000158	VERIZON WIRELESS	308.16
296239	*	000158	VERIZON WIRELESS	98.38
296240	*	000158	VERIZON WIRELESS	152.46
296241	*	009140	WAHL TENTS	5,486.35
296242		BDREFUND	WALLSIDE WINDOWS	500.00
296243		004497	WATERFORD REGIONAL FIRE DEPT.	236.76
296244		009026	WELLS FARGO VENDOR FIN SERV	768.47
296245	*	009349	WELLSTREET URGENT CARE OF MICHIGAN	891.00
296246		BDREFUND	WINDOW PRO HOLDINGS LLC	500.00
296247	*	009460	BRANDON WYNN	135.00
296248	*	008391	XEROX CORPORATION	125.49
296249		BDREFUND	YUN, ALEXANDER	100.00
			SUBTOTAL PAPER CHECK	$459,824.21
ACH TRANSACTION				
9912		001797	ALLEGRA MARKETING, PRINT, MAIL	1,545.00
9913		000167	ANDERSON ECKSTEIN WESTRICK INC	2,400.00
9914	*	007624	BIRMINGHAM OIL CHANGE CENTER, LLC	68.97
9915	*	008840	BIRMINGHAM PUBLIC SCHOOLS-TAXES	1,016,789.61
9916	*	008983	BRENNA SANDLES	591.25
9917		009326	CAPFINANCIAL PARTNERS, LLC	22,500.00
9918	*	009122	CLAIRE SONG	356.50

City of Birmingham
Warrant List Dated 01/25/2024

Check Number	Early Release	Vendor #	Vendor	Amount
9919		000605	CINTAS CORPORATION	181.03
9920	*	000605	CINTAS CORPORATION	178.02
9921	*	000605	CINTAS CORPORATION	225.12
9922		002234	CMP DISTRIBUTORS INC	21,120.00
9923		001367	CONTRACTORS CONNECTION INC	1,041.00
9924	*	009557	ZECO, LLC	550.00
9925	*	007538	EGANIX, INC.	720.00
9926	*	000995	EQUATURE	3,278.57
9927		000929	CONNIE FOLK	177.74
9928	*	000243	GRAINGER	574.69
9929		007927	MICHELLE HOLLO	595.00
9930		009308	IDEMIA IDENTITY & SECURITY USA LLC	1,791.27
9931	*	007870	J.C. EHRLICH CO. INC.	65.88
9932		000261	J.H. HART URBAN FORESTRY	22,272.92
9933	*	002576	JAX KAR WASH	166.00
9934	*	003458	JOE'S AUTO PARTS, INC.	486.42
9935	*	008827	KANOPY, INC	466.65
9936	*	007827	HAILEY R KASPER	574.00
9937	*	000891	KELLER THOMA	536.25
9938	*	004085	KONE INC	2,086.45
9939	*	005876	KROPF MECHANICAL SERVICE COMPANY	3,504.37
9940		005550	LEE & ASSOCIATES CO., INC.	210.78
9940	*	005550	LEE & ASSOCIATES CO., INC.	625.20
9941		002013	MIDWEST TAPE	9,257.94
9942	*	007306	MARK MISCHLE	25.00
9943		008336	NBS COMMERCIAL INTERIORS	792.00
9944	*	001194	NELSON BROTHERS SEWER	197.00
9945	*	006359	NYE UNIFORM COMPANY	1,350.00
9946	*	008843	OAKLAND COUNTY TREASURER- TAX PYMNT	469,888.23
9947	*	005688	PEGASUS ENTERTAINMENT INC	2,495.00
9948	*	003554	RKA PETROLEUM	9,753.04
9949	*	001181	ROSE PEST SOLUTIONS	79.00
9950		006832	SAFEWARE INC.	50,806.50
9951	*	009603	SERV-ICE REFRIGERATION, INC	1,590.80
9952	*	009305	JEREMY SHULTZ	25.00
9953		000254	SOCRRA	76,801.00
9954		001097	SOCWA	188,831.22
9955		005861	UNIQUE MGMT SERVICE, INC	41.20
9956		009687	WAGEWORKS, INC.	279.00
9957	*	000301	PAUL WELLS	61.44
			SUBTOTAL ACH TRANSACTION	$1,917,952.06

Meeting of 02/05/2024

City of Birmingham
Warrant List Dated 01/25/2024

Check Number	Early Release	Vendor #	Vendor	Amount
			GRAND TOTAL	$2,377,776.27

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 02/01/2024

Check Number	Early Release	Vendor #	Vendor	Amount
PAPER CHECK				
296250	*	009519	ADVANTAGE REPORTING	165.40
296251		009817	ALLEGRA MARKETING, PRINT, MAIL	1,545.00
296252	*	009393	AMANDA MCBRIDE	1,440.00
296253	*	009126	AMAZON CAPITAL SERVICES INC	380.89
296254		000167	ANDERSON ECKSTEIN WESTRICK INC	2,400.00
296255		000500	ARTECH PRINTING INC	54.00
296256	*	006759	AT&T	167.41
296257	*	006759	AT&T	311.16
296258	*	006759	AT&T	3,141.92
296259		000843	BAKER & TAYLOR BOOKS	11.03
296260		009609	BALIAN LEGAL, PLC	2,292.00
296261		002231	BILLINGS LAWN EQUIPMENT INC.	479.98
296262		003526	BOUND TREE MEDICAL, LLC	25.80
296263	*	UBREFUND	BRIAN OTT	192.00
296264		006520	BS&A SOFTWARE, INC	2,286.00
296265	*	009078	CANON SOLUTIONS AMERICA INC	236.62
296266	*	003904	CAPITAL ONE BANK	5,132.26
296268		000595	CARRIER & GABLE INC	1,272.00
296269	*	009137	CGS, INC	2,730.00
296270	*	008006	CLEAR RATE COMMUNICATIONS, INC	1,651.09
296271	*	000627	CONSUMERS ENERGY	7,367.76
296272		008512	COOL THREADS EMBROIDERY	384.97
296273		008582	CORE & MAIN LP	431.00
296274	*	009815	CULLIGAN OF ANN ARBOR/DETROIT	71.59
296275	*	000179	DTE ENERGY	301.66
296276	*	000179	DTE ENERGY	6,765.77
296277	*	000179	DTE ENERGY	239.27
296278	*	000179	DTE ENERGY	32.10
296279	*	000179	DTE ENERGY	2,079.78
296280	*	000179	DTE ENERGY	58.14
296281	*	000179	DTE ENERGY	438.56
296282	*	000179	DTE ENERGY	8,064.63
296283	*	000179	DTE ENERGY	17.63
296284	*	000179	DTE ENERGY	56.23
296285	*	000179	DTE ENERGY	136.49
296286	*	000179	DTE ENERGY	82.42
296287	*	000179	DTE ENERGY	84.44
296288	*	000179	DTE ENERGY	616.23
296289	*	000179	DTE ENERGY	64.34
296290	*	000179	DTE ENERGY	132.00
296291		000179	DTE ENERGY	17.63
296292	*	000179	DTE ENERGY	19.70

City of Birmingham
Warrant List Dated 02/01/2024

Check Number	Early Release	Vendor #	Vendor	Amount
296293	*	000180	DTE ENERGY	9,482.89
296294		002460	EASTERN MICHIGAN UNIVERSITY	1,750.00
296295	*	004514	FEDEX OFFICE	63.75
296296		006654	FLEETPRIDE INC	98.97
296297	*	007314	FLEIS AND VANDENBRINK ENG. INC	11,447.12
296298	*	UBREFUND	FRED LAVERY COMPANY	325.00
296299		005524	FRIENDS OF THE ROUGE	2,200.00
296300	*	004604	GORDON FOOD	406.03
296301	*	001956	HOME DEPOT CREDIT SERVICES	1,649.09
296302	*	001820	IIMC	225.00
296303	*	009417	INTERNATIONAL PARKING AND MOBILITY	695.00
296304	*	009401	IRENE S WASSEL	360.00
296305	*	009403	JUSTIN ZAYID	720.00
296306		005291	KAESER & BLAIR INC	1,954.74
296307	*	004088	KGM DISTRIBUTORS INC	509.00
296308		009133	KIMBERLY FENCE & SUPPLY INC	1,144.52
296309	*	009386	LAW OFFICE OF BRIAN P. FENECH	1,188.00
296310		000797	THE LIBRARY NETWORK	1,876.58
296311		007910	MACALLISTER RENTALS	150.00
296312		001669	MACP	115.00
296313	*	006461	MID AMERICA RINK SERVICES	27.90
296314		008319	MKSK INC	2,973.27
296315		MISC	NICE RINK	260.68
296316	*	009748	NORTHSTAR PAINTING	1,864.00
296317		002853	OAKLAND COMMUNITY COLLEGE	150.00
296318	*	000477	OAKLAND COUNTY	1,272.50
296319	*	006117	OAKLAND PRESS	456.40
296320	*	004370	OCCUPATIONAL HEALTH CENTERS	162.00
296321		008669	OHM ADVISORS INC	18,100.75
296322		002518	PITNEY BOWES INC	219.87
296323		009612	PLAYAWAY PRODUCTS LLC	269.96
296324	*	009614	PROGRESSIVE PLUMBING SUPPLY CO	4.30
296325	*	002728	PSYBUS, P.C.	6,000.00
296326		004137	R & R FIRE TRUCK REPAIR INC	983.25
296327	*	009394	RABAA & NACHAWATI PLLC	528.00
296328	*	008342	RAIN MASTER CONTROL SYSTEMS	38.85
296329	*	003365	EDWARD ROSETT	70.00
296330		000218	ROYAL OAK P.D.Q. LLC	185.50
296331	*	002806	SAM'S CLUB/SYNCHRONY BANK	577.18
296332		007142	SHERWIN-WILLIAMS COMPANY	216.80
296332	*	007142	SHERWIN-WILLIAMS COMPANY	753.62
296333		004544	STRYKER SALES CORPORATION	2,773.55
296334	*	009384	THE EDITH BLAKNEY LAW FIRM, PLLC	360.00

City of Birmingham
Warrant List Dated 02/01/2024

Check Number	Early Release	Vendor #	Vendor	Amount
296335	*	008944	THE PRINT STOP, INC.	402.50
296336	*	003760	UNUM LIFE INSURANCE CO. OF AMERICA	28,477.90
296337	*	000293	VAN DYKE GAS CO.	189.60
296338	*	000158	VERIZON WIRELESS	951.77
296339		009806	VFP FIRE SYSTEMS	1,050.00
296340		009816	WAUSAU EQUIPMENT COMPNAY LLC	897.72
296341	*	008408	WISS, JANNEY, ELSTNER ASSOC. INC	7,040.00
296342	*	007620	WJE-WISS, JANNEY, ELSTNER ASSOC.INC	45,350.00
296343	*	008391	XEROX CORPORATION	52.63
296344		000309	ZEP SALES AND SERVICE	130.90
44		009808	CITY OF BIRMINGHAM	0.00
			SUBTOTAL PAPER CHECK	$212,528.99
EFT TRANSFER				
" "		009593	BLUE CROSS BLUE SHIELD OF MICHIGAN	4,481.59
" "	*	009593	BLUE CROSS BLUE SHIELD OF MICHIGAN	31,183.96
" "		009636	HEALTHEQUITY, INC	5,458.87
			SUBTOTAL EFT TRANSFER	$41,124.42
ACH TRANSACTION				
10000	*	002037	TOTAL ARMORED CAR SERVICE, INC.	281.45
10001	*	009379	YELLOW DOOR LAW	13,956.00
9960	*	003243	AMERICAN PRINTING SERVICES INC	2,285.00
9961	*	009383	BATTI LAW PLLC	720.00
9962		009183	BOB ADAMS TOWING	100.45
9963	*	003282	LISA MARIE BRADLEY	546.00
9964	*	009396	CECILIA QUIRINDONGO BAUNSOE	360.00
9965	*	000605	CINTAS CORPORATION	293.95
9966	*	009195	CROWN CASTLE FIBER LLC	4,651.25
9967	*	000565	DORNBOS SIGN & SAFETY INC	1,270.96
9968		003801	JANA ECKER	500.00
9969	*	000995	EQUATURE	1,340.69
9970	*	006689	F.D.M. CONTRACTING INC.	42,900.65
9971	*	001230	FIRE SYSTEMS OF MICHIGAN LLC	378.04
9972	*	009357	BRENDT FREDERICK	150.00
9973	*	000243	GRAINGER	1,893.47
9974		008293	GRAINGER, INC	413.54
9975	*	001672	HAYES PRECISION INC	90.00
9976	*	009382	HB LAW, PLLC	480.00
9977	*	009390	IDUMESARO LAW FIRM, PLLC	2,160.00
9978		009298	JCR SUPPLY INC	74.90
9979	*	003458	JOE'S AUTO PARTS, INC.	502.10
9980	*	004085	KONE INC	1,375.45
9981	*	009392	LAMB LEGAL CONSULTING SERVICES	720.00

City of Birmingham
Warrant List Dated 02/01/2024

Check Number	Early Release	Vendor #	Vendor	Amount
9982	*	009385	LAW OFFICE OF MICHAEL J. DICK	828.00
9983	*	005550	LEE & ASSOCIATES CO., INC.	243.28
9984	*	003527	LOWER HURON SUPPLY CO INC	1,147.36
9985	*	009398	MARCIA C ROSS PC	2,064.00
9986		001505	MEADOWBROOK INSURANCE GROUP	1,800.00
9987		002013	MIDWEST TAPE	508.28
9988		009596	WP COMPANY LLC	2,205.00
9989		002253	NATIONAL BUSINESS FURNITURE	1,938.96
9990	*	007755	NETWORK SERVICES COMPANY	1,369.46
9991	*	009706	NORTHSTAR MAT SERVICE	299.74
9992		001864	NOWAK & FRAUS ENGINEERS	47,748.00
9993	*	006359	NYE UNIFORM COMPANY	12.50
9994	*	009395	ORLANDO LAW PRACTICE PC	864.00
9995	*	006853	PAUL C SCOTT PLUMBING INC	655.57
9996	*	001753	PEPSI COLA	489.48
9997		002852	QMI GROUP INC	238.12
9997	*	002852	QMI GROUP INC	75.00
9998	*	001181	ROSE PEST SOLUTIONS	129.00
9999		005787	SOUTHEASTERN EQUIPMENT CO. INC	3,026.28
			SUBTOTAL ACH TRANSACTION	$143,085.93
			GRAND TOTAL	$396,739.34

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.

BIRMINGHAM
A WALKABLE CITY

MEMORANDUM

Police Department

DATE: January 29, 2024

TO: Jana L. Ecker, City Manager

FROM: Scott A. Grewe, Chief of Police

SUBJECT: Memorandum of Understanding and Cost Reimbursement Agreement with the Federal Bureau of Investigations Detroit Fraud and Financial Crimes Task Force (DFFACT).

INTRODUCTION:
In 2016, the Birmingham Police Department entered into an agreement with the FBI to assign an officer to the FBI's Financial Crimes Task Force. This agreement has remained in place since the original signing and requires renewal.

BACKGROUND:
The Birmingham Police Department had an officer assigned to the Financial Crimes Task Force since 2016. This has provided the Police Department the ability to investigate financial crimes with the assistance of the FBI dramatically improving our ability with these types of crimes. As a result, our department has been able to successfully charge multiple individuals for high-level financial crimes that previously would have been difficult to investigate. Additionally, this partnership has assisted in other areas, such as the successful investigation and arrest of a subject for Criminal Sexual Conduct that originated in Birmingham and crossed state lines resulting in an arrest in Florida.

The only change in the Memorandum of Understanding is a change in the name of the task force. Under our first agreement, the task force was named the Detroit Metropolitan Identify Theft and Financial Crimes Task Force (DMITF). The task force has been renamed the Detroit Fraud and Financial Crimes Task Force (DFFACT).

LEGAL REVIEW:
This Memorandum of Understanding and the Cost Reimbursement Agreement was reviewed and approved by the City Attorney.

FISCAL IMPACT:
There is no change from the original agreement and the FBI agrees to reimburse the City for overtime worked by the officer assigned to this task force.

One officer is assigned to the FBI task force and this position is budgeted for a total $117,368.00.

SUSTAINABILITY:
N/A

PUBLIC COMMUNICATIONS:
The Police Department has promoted this partnership at previous public meetings, however, there has been no specific public communication regarding this renewed agreement other than inclusion in the agenda packet for the City Commission meeting.

SUMMARY:
The Police Department entered into an agreement in 2016 with the FBI to provide an officer to their Financial Crimes Task Force. This partnership has been extremely valuable in enhancing our investigation abilities for financial crimes. Additionally, this partnership has assisted our department with other comprehensive, non-financial, investigations. This agreement has not been renewed since its inception in 2016 and is due for renewal. Other than the change in the task force name, there are no changes in the agreement.

ATTACHMENTS:

1. MOU between the FBI and the City of Birmingham.
2. Cost Reimbursement Agreement.

SUGGESTED COMMISSION ACTION:
Make a motion adopting a resolution to approve the Memorandum of Understanding and the Cost Reimbursement Agreement with the FBI and to authorize the Chief of Police to sign the agreements on behalf of the city.

DETROIT FRAUD AND FINANCIAL CRIMES TASK FORCE (DFFACT) MEMORANDUM OF UNDERSTANDING Between the FEDERAL BUREAU OF INVESTIGATION and BIRMINGHAM POLICE DEPARTMENT (BPD)

PARTIES

1. This Memorandum of Understanding (MOU) is entered into by and between the **Federal Bureau of Investigation (FBI)** and the Birmingham Police Department (BPD) (collectively: the Parties). Nothing in this MOU should be construed as limiting or impeding the basic spirit of cooperation which exists between these agencies.

AUTHORITIES

2. Authority for the FBI to enter into this agreement can be found at Title 28, United States Code (USC), Section (§) 533; 34 U.S.C. § 10211; Title 28, Code of Federal Regulations (CFR), § 0.85; Title 18, USC, §3061; and applicable United States Attorney General's Guidelines.

PURPOSE

3. The purpose of this MOU is to delineate the responsibilities of the Detroit Fraud and Financial Crimes Task Force (DFFACT) personnel; formalize relationships between participating agencies for policy guidance, planning, training, public and media relations; and maximize inter-agency cooperation. This MOU is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law or otherwise by any third party against the parties, the United States, or the officers, employees, agents, or other associated personnel thereof.

MISSION

4. The mission of the DFFACT is to identify and target for prosecution criminal enterprise groups and individuals responsible for identity theft, financial institution fraud, credit card fraud, mortgage fraud and other complex financial crimes where there is or may be a federal investigative interest. The DFFACT will enhance the effectiveness of federal/state/local law enforcement resources through a well-coordinated initiative seeking the most effective investigative/prosecutive avenues by which to convict and incarcerate dangerous offenders.

SUPERVISION AND CONTROL

A. Supervision

5. Overall management of the DFFACT shall be the shared responsibility of the FBI and participating agency heads and/or their designees.

6. The Special Agent in Charge (SAC) of the FBI Detroit Division shall designate one Supervisory Special Agent (DFFACT Supervisor) to supervise the DFFACT. The DFFACT Supervisor may designate a Special Agent to serve as the DFFACT Coordinator. Either the DFFACT Supervisor or the DFFACT Coordinator shall oversee day-to-day operational and investigative matters pertaining to the DFFACT.

7. Conduct undertaken outside the scope of an individual's DFFACT duties and assignments under this MOU shall not fall within the oversight responsibility of the DFFACT Supervisor or DFFACT Coordinator. As stated in paragraph 75, below, neither the United States nor the FBI shall be responsible for such conduct.

8. DFFACT personnel will report to his or her respective agency for personnel and administrative matters. Each participating agency shall be responsible for the pay, overtime, leave, performance appraisals, and other personnel matters relating to its employees detailed to the DFFACT. The FBI and the participating agency may provide for overtime reimbursement by the FBI by separate written agreement.

9. All FBI personnel will adhere to the FBI's ethical standards, including Department of Justice (DOJ)/FBI regulations relating to outside employment and prepublication review matters, and will remain subject to the Supplemental Standards of Ethical conduct for employees of the DOJ.

10. All DFFACT personnel, which includes Task Force Officers, Task Force Members, and Task Force Participants, must adhere to the applicable U.S. Attorney General's Guidelines and Domestic Investigations and Operations Guide (DIOG).

11. DFFACT personnel will continue to report to their respective agency heads for non-investigative administrative matters not detailed in this MOU.

12. Continued assignment of personnel to the DFFACT will be based on performance and at the discretion of appropriate management. The FBI SAC and DFFACT Supervisor will also retain discretion to remove any individual from the DFFACT.

B. Case Assignments

13. The FBI DFFACT Supervisor will be responsible for opening, monitoring, directing, and closing DFFACT investigations in accordance with existing FBI policy and the applicable U.S. Attorney General's Guidelines.

14. Assignments of cases to personnel will be based on, but not limited to, experience, training, and performance, in addition to the discretion of the DFFACT Supervisor.

15. For FBI administrative purposes, DFFACT cases will be entered into the relevant FBI computer system.

16. DFFACT personnel will have equal responsibility for each case assigned. DFFACT personnel will be responsible for complete investigation from predication to resolution.

C. **Resource Control**

17. The head of each participating agency shall determine the resources to be dedicated by that agency to the DFFACT, including personnel, as well as the continued dedication of those resources. The participating agency head or designee shall be kept fully apprised of all investigative developments by his or her subordinates.

OPERATIONS

A. **Investigative Exclusivity**

18. It is agreed that matters designated to be handled by the DFFACT will not knowingly be subject to non-DFFACT law enforcement efforts by any of the participating agencies. It is incumbent on each agency to make proper internal notification regarding the DDFACT's existence and areas of concern.

19. It is agreed that there is to be no unilateral action taken on the part of the FBI or any participating agency relating to DFFACT investigations or areas of concern as described in paragraph 4. All law enforcement actions will be coordinated and cooperatively carried out.

20. DFFACT investigative leads outside of the geographic areas of responsibility for the FBI Detroit Division will be communicated to other FBI offices for appropriate investigation.

B. **Confidential Human Sources**

21. The disclosure of FBI informants, or Confidential Human Sources (CHSs), to non-DFFACT personnel will be limited to those situations where it is essential to the effective performance of the DFFACT. These disclosures will be consistent with applicable FBI guidelines and policy.

22. Non-FBI DFFACT personnel may not make any further disclosure of the identity of an FBI CHS, including to other individuals assigned to the DFFACT. No documents which identify, tend to identify, or may indirectly identify an FBI CHS may be released without prior FBI approval.

23. In those instances where a participating agency provides a CHS, the FBI may become solely responsible for the CHS's continued development, operation, and compliance with necessary administrative procedures regarding operation and payment as set forth by the FBI.

24. The U.S. Attorney General's Guidelines and FBI policy and procedure for operating FBI CHSs shall apply to all FBI CHSs opened and operated in furtherance of DFFACT investigations. Documentation of, and any payments made to, FBI CHSs shall be in accordance with FBI policy and procedure.

25. Operation, documentation, and payment of any CHS opened and operated in furtherance of a DFFACT investigation must be in accordance with the U.S. Attorney General's Guidelines, regardless of whether the handling agency is an FBI DFFACT participating agency. Documentation of state, county, or local CHSs opened and operated in furtherance of DFFACT investigations shall be maintained at an agreed upon location.

C. **Reports and Records**

26. All investigative reporting will be prepared in compliance with existing FBI policy. Subject to pertinent legal and/or policy restrictions, copies of pertinent documents created by DFFACT personnel will be made available for inclusion in the respective investigative agencies' files as appropriate.

27. DFFACT reports prepared in cases assigned to DFFACT personnel will be maintained at an FBI approved location; original documents will be maintained by the FBI.

28. Records and reports generated in DFFACT cases which are opened and assigned by the DFFACT Supervisor with designated oversight for investigative and personnel matters will be maintained in the FBI investigative file for DFFACT.

29. DFFACT investigative records maintained at the Detroit Field Office of the FBI will be available to all DFFACT personnel, as well as their supervisory and command staff subject to pertinent legal, administrative and/or policy restrictions.

30. All evidence and original tape recordings (audio and video) acquired by the FBI during the course of the DFFACT investigations will be maintained by the FBI. The FBI's rules and policies governing the submission, retrieval, and chain of custody will be adhered to by DFFACT personnel.

31. All DFFACT investigative records will be maintained at an approved FBI location. Placement of all or part of said information into participating agency files rests with the discretion of supervisory personnel of the concerned agencies, subject to DFFACT Supervisor approval.

32. Classified information and/or documents containing information that identifies or tends to identify an FBI CHS shall not be placed in the files of participating agencies unless appropriate FBI policy has been satisfied.

33. The Parties acknowledge that this MOU may provide DFFACT personnel with access to information about U.S. persons which is protected by the Privacy Act of 1974 and/or Executive Order 12333. The Parties expressly agree that all such information will be handled lawfully pursuant to the provisions thereof. The Parties further agree that if this access to information by DFFACT personnel requires a change in privacy compliance documents, those changes will be accomplished prior to access being granted.

INFORMATION SHARING

34. No information possessed by the FBI, to include information derived from informal communications between DFFACT personnel and FBI employees not assigned to the DFFACT, may be disseminated by DFFACT personnel to non-DFFACT personnel without the approval of the DFFACT Supervisor and in accordance with the applicable laws and internal regulations, procedures, or agreements between the FBI and the participating agencies that would permit the participating agencies to receive that information directly. Likewise, DFFACT personnel will not provide any participating agency information to the FBI that is not otherwise available to it unless authorized by appropriate participating agency officials.

35. Each Party that discloses personally identifiable information (PII) is responsible for making reasonable efforts to ensure that the information disclosed is accurate, complete, timely, and relevant.

36. The FBI is providing access to information from its records with the understanding that in the event the recipient becomes aware of any inaccuracies in the data, the recipient will promptly notify the FBI so that corrective action can be taken. Similarly, if the FBI becomes aware that information it has received pursuant to this MOU is inaccurate, it will notify the contributing Party so that corrective action can be taken.

37. Each Party is responsible for ensuring that information it discloses was not knowingly obtained or maintained in violation of any law or policy applicable to the disclosing Party, and that information is only made available to the receiving Party as may be permitted by laws, regulations, policies, or procedures applicable to the disclosing Party.

38. Each Party will immediately report to the other Party each instance in which data received from the other Party is used, disclosed, or accessed in an unauthorized manner (including any data losses or breaches).

39. The Parties agree that either or both may audit the handling and maintenance of data in electronic and paper recordkeeping systems to ensure that appropriate security and privacy protections are in place.

PROSECUTIONS

40. DFFACT investigative procedures, whenever practicable, are to conform to the requirements which would allow for either federal or state prosecution.

41. A determination will be made on a case-by-case basis whether the prosecution of DFFACT cases will be at the state or federal level. This determination will be based on the evidence obtained and a consideration of which level of prosecution would be of the greatest benefit to the overall objectives of the DFFACT.

42. In the event that a state or local matter is developed that is outside the jurisdiction of the FBI or it is decided to prosecute a DFFACT case at the state or local level, the FBI agrees to provide all relevant information to state and local authorities in accordance with all applicable legal limitations.

A. Investigative Methods/Evidence

43. For cases assigned to an FBI Special Agent or in which FBI CHSs are utilized, the Parties agree to conform to federal standards concerning evidence collection, processing, storage, and electronic surveillance. However, in situations where the investigation will be prosecuted in the State Court where statutory or common law of the state is more restrictive than the comparable federal law, the investigative methods employed by FBI case agents shall conform to the requirements of such statutory or common law pending a decision as to venue for prosecution.

44. In all cases assigned to state, county, or local law enforcement participants, the Parties agree to utilize federal standards pertaining to evidence handling and electronic surveillance activities as outlined in the DIOG to the greatest extent possible. However, in situations where the statutory or common law of the state is more restrictive than the comparable federal law, the investigative methods employed by state and local law enforcement agencies shall conform to the requirements of such statutory or common law pending a decision as to venue for prosecution.

45. The use of other investigative methods (search warrants, interceptions of oral communications, etc.) and reporting procedures in connection therewith will be consistent with the policies and procedures of the FBI.

B. Undercover Operations

46. All DFFACT undercover operations will be conducted and reviewed in accordance with FBI guidelines and the U.S. Attorney General's Guidelines on FBI Undercover Operations. All participating agencies may be requested to enter into an additional agreement if an employee of the participating agency is assigned duties which require the officer to act in an undercover capacity.

USE OF LESS-THAN-LETHAL-DEVICES[1]

47. The parent agency of each individual assigned to the DFFACT will ensure that while the individual is participating in FBI-led task force operations in the capacity of a task force officer, task force member, or task force participant, the individual may carry agency authorized firearms and may carry only less-lethal devices that the parent agency has issued to the individual, and that the individual has been trained in accordance with the agency's policies and procedures.

48. The parent agency of each individual assigned to the DFFACT will ensure that the agency's policies and procedures for use of any less-lethal device that will be carried by the task force officer, task force member, or task force participant are consistent with the DOJ policy statement on the Use of Less-Than-Lethal Devices.[2]

DEADLY FORCE AND SHOOTING INCIDENT POLICIES

49. DFFACT personnel will follow their own agencies' policies concerning firearms discharge and use of deadly force.

DEPUTATIONS

50. Local and state law enforcement personnel designated to the DFFACT, subject to a limited background inquiry, shall be sworn as federal task force officers either by acquiring Title 21 or Title 18 authority (via the United States Marshals), with the FBI securing the required deputation authorization. These deputations should remain in effect throughout the tenure of each investigator's assignment to the DFFACT or until the termination of the DFFACT, whichever comes first.

51. Deputized DFFACT personnel will be subject to the rules and regulations pertaining to such deputation. Administrative and personnel policies imposed by the participating agencies will not be voided by deputation of their respective personnel.

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[1] Pursuant to Section VIII of the DOJ Less-Than-Lethal Devices Policy dated May 16, 2011, all state/local officers participating in joint task force operations must be made aware of and adhere to the policy and its limits on DOJ officers.

[2] Less-lethal – When use of force is required, but deadly force may not be appropriate, law enforcement officers may employ less-lethal weapons to gain control of a subject. Less-lethal weapons are designed to induce a subject to submit or comply with directions. These weapons give law enforcement officers the ability to protect the safety of officers, subjects, and the public by temporarily incapacitating subjects. While less-lethal weapons are intended to avoid causing any serious harm or injury to a subject, significant injuries and death can occur from their use.

The term "less-than-lethal" is synonymous with "less-lethal", "non-lethal", "non-deadly", and other terms referring to devices used in situations covered by the DOJ Policy on the Use of Less-Than-Lethal Devices. "Less-lethal" is the industry standard and the terminology the FBI has elected to utilize in reference to this policy.

VEHICLES

52. In furtherance of this MOU, employees of participating agencies may be permitted to drive FBI owned or leased vehicles for official DFFACT business and only in accordance with applicable FBI policy, rules and regulations, including those outlined in the FBI Government Vehicle Use Policy Guide (1093PG). The assignment of an FBI owned or leased vehicle to participating agency DFFACT personnel will require the execution of a separate Vehicle Use Agreement.

53. The participating agencies agree that FBI vehicles will not be used to transport passengers unrelated to DFFACT business.

54. Neither the FBI nor the United States shall be responsible for any liability arising from the use of an FBI owned or leased vehicle by BPD while engaged in any conduct outside the scope of their duties and assignments pursuant to their federal deputation on the DFFACT.

55. To the extent permitted by applicable law, BPD agrees to hold harmless the FBI and the United States for any claim for property damage or personal injury arising from any use of an FBI owned or leased vehicle by DFFACT which is outside the scope of their duties and assignments under this MOU.

SALARY/OVERTIME COMPENSATION

56. The FBI and each participating agency remain responsible for all personnel costs for their DFFACT representatives, including salaries, overtime payments, and fringe benefits consistent with their respective agency, except as described in paragraph 57 below.

57. Subject to funding availability and legislative authorization, the FBI will reimburse to participating agencies the cost of overtime worked by non-federal DFFACT personnel assigned full-time to DFFACT, provided overtime expenses were incurred as a result of DFFACT-related duties, and subject to the provisions and limitations set forth in a separate Cost Reimbursement Agreement to be executed in conjunction with this MOU. A separate Cost Reimbursement Agreement must be executed between the FBI and participating agencies for full-time employee(s) assigned to DFFACT, consistent with regulations and policy, prior to any reimbursement by the FBI. Otherwise, overtime shall be compensated in accordance with applicable participating agency overtime provisions and shall be subject to the prior approval of appropriate personnel.

PROPERTY AND EQUIPMENT

58. Property utilized by the DFFACT in connection with authorized investigations and/or operations and in the custody and control and used at the direction of the DFFACT, will be maintained in accordance with the policies and procedures of the agency supplying

the equipment. Property damaged or destroyed which was utilized by DFFACT in connection with authorized investigations and/or operations and is in the custody and control and used at the direction of DFFACT, will be the financial responsibility of the agency supplying said property.

FUNDING

59. This MOU is not an obligation or commitment of funds, nor a basis for transfer of funds, but rather is a basic statement of the understanding between the Parties hereto of the tasks and methods for performing the tasks described herein. Unless otherwise agreed in writing, each Party shall bear its own costs in relation to this MOU. Expenditures by each Party will be subject to its budgetary processes and to the availability of funds and resources pursuant to applicable laws, regulations, and policies. The Parties expressly acknowledge that the above language in no way implies that Congress will appropriate funds for such expenditures.

FORFEITURES

60. The FBI shall be responsible for processing assets seized for federal forfeiture in conjunction with DFFACT operations.

61. Asset forfeitures will be conducted in accordance with federal law and the rules and regulations set forth by the FBI and DOJ. Forfeitures attributable to DFFACT investigations may be equitably shared with the agencies participating in the DFFACT.

DISPUTE RESOLUTION

62. In cases of overlapping jurisdiction, the participating agencies agree to work in concert to achieve the DFFACT's objectives.

63. The participating agencies agree to attempt to resolve any disputes regarding jurisdiction, case assignments, workload, etc., at the field level first before referring the matter to supervisory personnel for resolution.

MEDIA RELEASES

64. All media releases and statements will be mutually agreed upon and jointly handled according to FBI and participating agency guidelines.

65. Press releases will conform to DOJ Guidelines regarding press releases. No release will be issued without FBI final approval.

SELECTION TO DFFACT AND SECURITY CLEARANCES

66. If a participating agency candidate for the DFFACT will require a security clearance, he or she will be contacted by FBI security personnel to begin the background investigation process prior to the assigned start date.

67. If, for any reason, the FBI determines that a participating agency candidate is not qualified or eligible to serve on the DFFACT, the participating agency will be so advised and a request will be made for another candidate.

68. Upon being selected, each candidate will receive a comprehensive briefing on FBI field office security policies and procedures. During the briefing, each candidate will execute non-disclosure agreements (SF-312 and FD-868), as may be necessary or required by the FBI.

69. Before receiving unescorted access to FBI space identified as an open storage facility, DFFACT personnel will be required to obtain and maintain a "Top Secret" security clearance. DFFACT personnel will not be allowed unescorted access to FBI space unless they have received a Top Secret security clearance.

70. Upon departure from the DFFACT, each individual whose assignment to the DFFACT is completed will be given a security debriefing and reminded of the provisions contained in the non-disclosure agreement to which he or she previously agreed.

LIABILITY

71. The Parties acknowledge that this MOU does not alter the applicable law governing civil liability, if any, arising from the conduct of personnel assigned to the DFFACT.

72. Each participating agency shall immediately notify the FBI of any civil, administrative, or criminal claim, complaint, discovery request, or other request for information of which the agency receives notice, concerning or arising from the conduct of personnel assigned to the DFFACT or otherwise relating to the DFFACT. Each participating agency acknowledges that financial and civil liability, if any and in accordance with applicable law, for the acts and omissions of each employee detailed to the DFFACT remains vested with his or her employing agency. In the event that a civil claim or complaint is brought against a state or local officer assigned to DFFACT, the officer may request legal representation and/or defense by DOJ, under the circumstances and pursuant to the statutes and regulations identified below.

73. For the limited purpose of defending against a civil claim arising from alleged negligent or wrongful conduct under common law under the FTCA, 28 USC, §1346(b) and §§ 2671-2680; an individual assigned to the DFFACT who is named as a defendant in a civil action as a result or in connection with the performance of his or her official duties and assignments pursuant to this MOU may request to be certified by the U.S. Attorney General or his designee as having acted within the scope of federal employment at the

time of the incident giving rise to the suit. 28 USC §2679(d)(2). Upon such certification, the individual will be considered an "employee" of the United States government for the limited purpose of defending the civil claim under the FTCA, and the claim will proceed against the United States as sole defendant. 28 USC §2679(d)(2). Once an individual is certified as an employee of the United States for purposes of the FTCA, the United States is substituted for the employee as the sole defendant with respect to any tort claims. Decisions regarding certification of employment under the FTCA are made on a case-by-case basis, and the FBI cannot guarantee such certification to any DFFACT personnel.

74. For the limited purpose of defending against a civil claim arising from an alleged violation of the U.S. Constitution pursuant to 42 U.S.C. § 1983 or Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971): an individual assigned to the DFFACT who is named as a defendant in a civil action as a result of or in connection with the performance of his or her official duties and assignments pursuant to this MOU may request individual-capacity representation by DOJ to defend against the claims. 28 C.F.R. §§ 50.15, 50.16. Any such request for individual-capacity representation must be made in the form of a letter from the individual defendant to the U.S. Attorney General. The letter should be provided to Chief Division Counsel (CDC) for the FBI Detroit Division, who will then coordinate the request with the FBI Office of the General Counsel. In the event of an adverse judgment against the individual, he or she may request indemnification from DOJ. 28 C.F.R. § 50.15(c)(4). Requests for DOJ representation and indemnification are determined by DOJ on a case-by-case basis. The FBI cannot guarantee the United States will provide legal representation or indemnification to any DFFACT personnel.

75. Liability for any conduct by DFFACT personnel undertaken outside of the scope of their assigned duties and responsibilities under this MOU shall not be the responsibility of the FBI or the United States and shall by the sole responsibility of the respective employee and/or agency involved.

DURATION

76. The term of this MOU is for the duration of the DFFACT's operations, contingent upon approval of necessary funding, but may be terminated at any time upon written mutual consent of the agency involved.

77. Any participating agency may withdraw from the DFFACT at any time by written notification to the DFFACT Supervisor with designated oversight for investigative and personnel matters or program manager of the DFFACT at least 30 days prior to withdrawal.

78. Upon termination of this MOU, all equipment provided to the DFFACT will be returned to the supplying agency/agencies. In addition, when an entity withdraws from the MOU, the entity will return equipment to the supplying agency/agencies. Similarly, remaining

agencies will return to a withdrawing agency any unexpended equipment supplied by the withdrawing agency during any DFFACT participation.

MODIFICATIONS

79. This agreement may be modified at any time by written consent of all involved agencies.

80. Modifications to this MOU shall have no force and effect unless such modifications are reduced to writing and signed by an authorized representative of each participating agency.

SIGNATORIES

Cheyvoryea Gibson Special Agent in Charge Federal Bureau of Investigation	Date
Chief Birmingham Police Department	Date

FEDERAL BUREAU OF INVESTIGATION
DETROIT FRAUD AND FINANCIAL CRIMES TASK FORCE (DFFACT)
Cost Reimbursement Agreement

DFFACT File No.: 196-DE-C4520066

Pursuant to Congressional appropriations, the Federal Bureau of Investigation (FBI) receives authority to pay overtime for police officers assigned to the formalized Detroit Fraud and Financial Crimes Task Force (DFFACT), as set forth below, for expenses necessary for detection, investigation, and prosecution of crimes against the United States. It is hereby agreed between the FBI and Birmingham Police Department (BPD), located at 151 Martin Street, P.O. Box 3001, Birmingam, Michigan 48012, Taxpayer Identification Number: [_], and Telephone Number: (248) 530-1870, that:

1. This Agreement is entered into pursuant to, and as an annex to, the FBI DFFACT Memorandum of Understanding (MOU) signed by the Chief of BPD on / /2023, and shall be read and interpreted in conformity with all terms of that document.

2. Commencing upon execution of this Agreement, the FBI will, subject to availability of required funding, reimburse BPD for overtime payments made to officers assigned to and working full time on DFFACT related matters.

3. Requests for reimbursement shall be made on a monthly basis utilizing the United States Department of the Treasury Invoice Processing Platform (IPP) software system and shall be submitted to the FBI Detroit Field Office immediately after the first of the month which follows the month for which reimbursement is requested. The reimbursement request shall be approved by the appropriate Supervisor (or their designee) at BPD prior to the invoice submission in IPP. The invoice submitted in IPP will automatically route to the FBI DFFACT personnel for their review, approval, and processing for payment.

4. Overtime reimbursement payments from the FBI will be made via electronic funds transfer (EFT) directly to DFFACT using the FBI's Unified Financial Management System (UFMS). To facilitate EFT, BPD shall establish an account online in the System for Award Management (SAM) at www.SAM.gov. Verification of BPD banking information is required on an annual basis in order to keep payment information current. For additional information regarding the UFMS and SAM, contact the FBI Detroit Financial Liaison Specialist.

5. Overtime reimbursements will be calculated at the usual rate for which the individual officer's time would be compensated in the absence of this Agreement. However, said reimbursement, per officer, shall not exceed monthly and/or annual limits established annually by the FBI. The limits, calculated using Federal pay tables, will be in effect for the Federal fiscal year running from October 1st of one year through September 30th of the following year, unless changed during the period. The FBI reserves the right to change the reimbursement limits, upward or downward, for subsequent periods based on fiscal priorities and appropriations limits. The FBI will notify BPD of the applicable annual limits prior to October 1st of each year.

6. The number of BPD deputies assigned full-time to the DFFACT and entitled to overtime reimbursement by the FBI shall be approved by the FBI in advance of each fiscal year. Based on the needs of the DFFACT, this number may change periodically, upward or downward, as approved in advance by the FBI.

7. Prior to submission of any overtime reimbursement requests, BPD shall prepare an official document setting forth the identity of each officer assigned full-time to the DFFACT, along with the

regular and overtime hourly rates for each officer. Should any officers change during the fiscal year, a similar statement shall be prepared regarding the new officers prior to submitting any overtime reimbursement requests for the officers. If the rate changes during the fiscal year for a previously assigned officer, an updated letter shall be attached with the invoice submission in IPP that reflects the new rate. The updated letter shall be mailed to the Detroit Field Office DFFACT personnel to maintain in FBI records.

8. Each request for reimbursement shall be submitted via IPP to the FBI. The request for reimbursement shall include an invoice number, invoice date, the name, overtime compensation rate, number of reimbursable hours claimed, and the dates of those hours for each officer for whom reimbursement is sought. An attachment signed and dated by an authorized Agency representative noting the dates and hours for each officer overtime reimbursement claimed shall be uploaded in IPP as supporting documentation for the invoice to confirm the information described in this paragraph is accurate, and the personnel for whom reimbursement is claimed were assigned full-time to the DFFACT.

9. Requests for reimbursement shall be submitted monthly and all requests shall be received by the FBI no later than December 31st of the next fiscal year for which the reimbursement applies. For example, reimbursements for the fiscal year ending September 30, 2022, shall be received by the FBI monthly and not later than December 31, 2022. The FBI is not obligated to reimburse any requests received untimely and not in accordance herewith.

10. This Agreement is effective upon signatures of the parties and will remain in effect for the duration of BPD's participation on the DFFACT, contingent upon approval of necessary funding, and unless terminated in accordance with the provisions herein. This Agreement may be modified at any time by written consent of the parties or based on changing business operations and practices of the FBI. It may be terminated at any time upon mutual consent of the parties, or unilaterally upon written notice from the terminating party to the other party at least 30 days prior to the termination date.

Signatories:

_____
Cheyvoreau Gibson
Federal Bureau of Investigation

Date: _____

Chief _____(signed)

_____(printed)
Birmingham Police Department

Date: _____

_____
Financial Liaison Specialist
Federal Bureau of Investigation

Date:_____

BIRMINGHAM
A WALKABLE CITY

MEMORANDUM

Finance Department

DATE: January 24, 2024

TO: Jana L. Ecker, City Manager

FROM: Mark Gerber, Finance Director/Treasurer

SUBJECT: Amendment to the 2021-2022 Public Service Contract

INTRODUCTION:
Staff is recommending an extension of the 2021-2022 Public Service Contract with NEXT in order to expend the remaining CDBG funds for that program year.

BACKGROUND:
The City previously entered into an agreement with NEXT for the 2021-2022 Community Development Block Grant (CDBG) program year. Under the CDBG program, the contract provides for Yard Services, Senior Outreach Services, and Minor Home Repair Services to resident homeowners administered by NEXT for the City.

Currently, there are unexpended balances in Community Development Block Grant Funds for the program year 2021-2022 (Yard Services $1,213.10 and Minor Home Repair $26,085.00). In order to provide for continued expenditures of these funds, the Department of Community and Economic Development at Oakland County has advised the City that our current 2021-2022 contract with NEXT which expired on December 31, 2023 must be extended.

LEGAL REVIEW:
Legal has reviewed and approved the contract amendment.

FISCAL IMPACT:
Extending the contract will allow the City to spend the remaining CDBG funds.

SUSTAINABILITY:
Not applicable.

PUBLIC COMMUNICATIONS:
None needed.

SUMMARY:
It is recommended that the City Commission approve the amendment to extend the contract with NEXT through December 31, 2024.

ATTACHMENTS:

- Amendment to the 2021-2022 Public Service Contract

SUGGESTED COMMISSION ACTION:
To make a motion adopting a resolution to approve an extension of the public services and minor home repair contract with NEXT for the purpose of expending remaining program year 2021-2022 Community Development Block Grant funds for Yard Services and Minor Home Repair Services administered by NEXT through December 31, 2024; and further, to authorize the Mayor and the City Clerk to sign the amendment on behalf of the City.

ADDENDUM TO COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC SERVICE CONTRACT FOR YARD SERVICES, SENIOR OUTREACH SERVICES, AND MINOR HOME REPAIR SERVICES FOR PROGRAM YEAR 2021-2022

THIS AGREEMENT, made as of this 24 day of January, 2024, by and between the City of Birmingham and NEXT provides as follows:

WHEREAS, the City and NEXT entered into a Yard Services, Senior Outreach Services, and Minor Home Repair Services Public Service Contract on August 29, 2022 for the Community Development Block Grant program year 2021-2022 to provide for Yard Services, Senior Outreach Services, and Minor Home Repair Services to resident homeowners of the City of Birmingham;

WHEREAS, the Contract provided that NEXT would administer these services for the City until December 31, 2022 in the funding amounts as follows: $7,327 for yard services, $3,500 for senior services, and $26,085 for Minor Home Repair.

WHEREAS, the City and NEXT desire to extend this Contract through December 31, 2023 for purposes of expending remaining 2021-2022 Community Development Block Grant Funds.

WHEREAS, the City and NEXT desire to extend this Contract through December 31, 2024 for purposes of expending remaining 2021-2022 Community Development Block Grant Funds.

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

1. The parties agree to further extend the Contract until December 31, 2024.

2. All other terms of the original and amended contract that do not conflict with this Agreement shall remain in full force and in effect throughout the term of this extension.

WITNESSES:

_____

NEXT

By: _____

Its: Executive Director

CITY OF BIRMINGHAM

By:_____

Its: Mayor

By:_____

Alexandria Bingham
Its: City Clerk

BIRMINGHAM
A WALKABLE CITY

MEMORANDUM

Engineering Department

DATE: January 29, 2024

TO: Jana L. Ecker, City Manager

FROM: Melissa A. Coatta, City Engineer

SUBJECT: 2024 Sewer Root Control Program Award

INTRODUCTION:
The Engineering Department in cooperation with the Department of Public Service recommends conducting another round of sewer root control treatment to sewer segments throughout the City. The City has previously used Duke's Root Control, Inc. to perform this work in the past using HGACBuy and we recommend awarding this year's work using HGACBuy pricing.

BACKGROUND:
Root control treatment in sewer segments is a regular practice to eliminate tree roots in the sewer system. The treatment includes injecting a chemical foam into the sewer pipes from manholes, and the chemical foam makes the root friable and will break off over time. The chemicals used for root treatment are for the public municipal sewer system and are not harmful to humans, animals, or trees.

Duke's Root Control, Inc. has provided these specialized services across the county. The City has previously used Duke's Root Control, Inc. in 2022 to address "Year 2" segments from the 2021-2022 sewer televising and inspection work, and "Year 3" segments in 2023. The scope of work for the 2024 project includes "Year 4" segments which include 33,421 feet of 8-inch to 30-inch sewers. The quote from Duke's Root Control, Inc. for completing the 2024 project is $125,085.30 and $100,000.00 is in the 2023/2024 fiscal year budget.

HGACBuy is a nationwide, government procurement service that the City of Birmingham has been a member of since 2012. All contracts available to participating members of HGACBuy have been awarded by a public competitive procurement process compliant with State statutes. HGACBuy offers expedited procurement, volume purchasing discounts, on-duty professional staff assistance, research and development of technical specifications, and contract administration.

LEGAL REVIEW:
Purchasing through a cooperative purchasing service, such as HGACBuy, complies with the City's procurement policies related to competitive bidding. The City Attorney has reviewed and approved the documentation. Prior to issuing the notice to proceed, Duke's Root Control must provide evidence of insurance coverage meeting the City's requirements.

FISCAL IMPACT:
This project was budgeted for in the 2023/2024 budget in the Sewer Fund, Other Contractual Services, account number 590.0-538.000-811.0000. However, a budget amendment is required for the project cost exceeding the budget amount by $25,085.30. The total cost for the project is estimated to be $125,085.30. The project award will be funded by the following accounts:

Fund Account	Fund ID Number	Project Award
Sewer Fund	590.0-538.000-811.0000	$125,085.30

SUSTAINABILITY:
Continued maintenance on sewer segments is more sustainable and cost effective as it extends the service life of the pipe versus spot repairs or removal and replacement of the pipe.

PUBLIC COMMUNICATIONS:
Sewer service will not be interrupted with this proposed work and no action is required by property owners. The Engineering Department will issue notices to property owners in advance of the work being performed to their section of the sewer system.

SUMMARY:
It is recommended the 2024 Sewer Root Control Program be awarded to Duke's Root Control, Inc., with purchasing through HGACBuy, and the Engineering Department is also requesting authorization to issue a purchase order in the amount of $125,085.30.

ATTACHMENTS:

- Location Map of sewer segments recommended for root control treatment
- HGACBuy Contract Pricing Worksheet from Duke’s Root Control, Inc. for the 2024 Sewer Root Control Program

SUGGESTED COMMISSION ACTION:
Make a motion adopting a resolution to approve the purchase of root control services, as quoted by Duke's Root Control, Inc. for the 2024 Sewer Root Control Program, in the amount not to exceed $125,085.30. Funding for this project has been budgeted in the following account:

Fund Account	Fund ID Number	Project Award
Sewer Fund	590.0-538.000-811.0000	$125,085.30

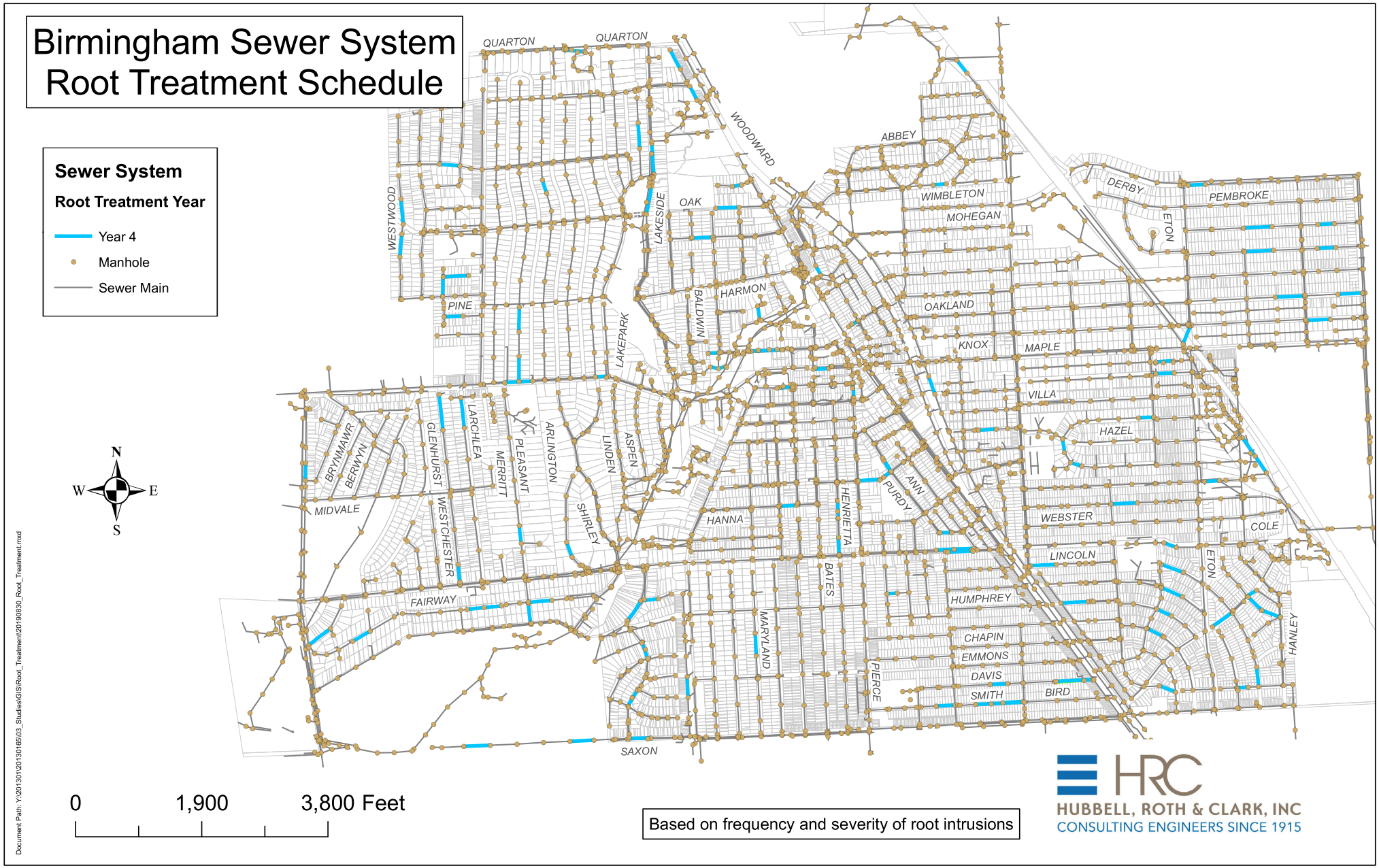
AND

To approve the appropriation and amendment of the fiscal year 2023/2024 budget as follows:

Sewer Fund:

Revenues:		
590.0-000.000-400.0000	Draw from Net Position	$25,085.30
Total Revenue		$25,085.30
Expenditures:		
590.0-537.000-811.0000	Other Contractual Services	$25,085.30
Total Expenses		$25,085.30

Birmingham Sewer System Root Treatment Schedule



CONTRACT PRICING WORKSHEET
For Catalog & Price Sheet Type Purchases

Contract No.:	SC01-21	Date Prepared:	11-Jan

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	City of Birmingham,MI	**Contractor:**	DUKE'S ROOT CONTROL, INC.
Contact Person:	Melissa Coatta	**Prepared By:**	Bob Hunn
Phone:	248-530-1839	**Phone:**	614-354-3927
Fax:		**Fax:**	
Email:	mcoatta@bhamgov.org	**Email:**	bob@dukes.com / lisa@dukes.com

Catalog / Price Sheet Name:	SEWER CLEANING, HYDRO EXCAVATING, INSPECTION EQIPMENT,AND MISCELLIOUS SERVICES
General Description of Product:	**RAZOR ROOTER II CHEMICAL ROOT CONTROL**

A. Catalog / Price Sheet Items being purchased - Itemize Below - Attach Additional Sheet If Necessary

Quan	Description	Unit Pr	Total
7637	SC211003 RAZOROOTER II CHEMICAL ROOT CONTROL 4" THRU 9"	1.96	14968.52
8467	SC211004 RAZOROOTER II CHEMICAL ROOT CONTROL 10" THRU 12"	2.36	19982.12
5927	SC211005 RAZOROOTER II CHEMICAL ROOT CONTROL 13" THRU 16"	3.29	19499.83
9061	SC211006 RAZOROOTER II CHEMICAL ROOT CONTROL 18" THRU 22"	5.86	53097.46
2329	SC211007 RAZOROOTER II CHEMICAL ROOT CONTROL 24" THRU 30"	7.53	17537.37
			0
			0
			0
			0
			0
			0
			0
		Total From Other Sheets, If Any:	
		Subtotal A:	125085.3

B. Unpublished Options, Accessory or Service items - Itemize Below - Attach Additional Sheet If Necessary
(Note: Unpublished Items are any which were not submitted and priced in contractor's bid.)

Quan	Description	Unit Pr	Total
			0
			0
			0
			0
		Total From Other Sheets, If Any:	
		Subtotal B:	0

Check: Total cost of Unpublished Options (B) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B).	**For this transaction the percentage is:**	0%

C. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges

Subtotal C:	0

Delivery Date:	**3/15/2024**	**D. Total Purchase Price (A+B+C):**	125085.3

BIRMINGHAM
A WALKABLE CITY

MEMORANDUM

Legal – City Attorney

DATE: January 29, 2024

TO: Jana L. Ecker, City Manager

FROM: Mary M. Kucharek, City Attorney

SUBJECT: Amendment to Chapter 2 – Administration, Article IX. – Ethics, Sec. 2-325(a)(4)

INTRODUCTION:
City staff is recommending an amendment to the Board of Ethics Ordinance expanding the potential pool of applicants for the Ethics Board for regular and alternate members.

BACKGROUND:
The Board of Ethics was created by ordinance in 2003 and provided for three (3) members of the Board to be appointed by the City Commission. City staff is suggesting that the Board of Ethics membership be amended to include a business or property owner located in the City.

In 2003 the Ethics Ordinance was created and Sec. 2-325(a)(4) states that the Board of Ethics shall be made up of three residents of the City who have legal, administrative or other desirable qualifications. On April 24, 2023, the City Commission recently amended the Board of Ethics Ordinance to allot for two (2) alternate members to serve in the place of a regular member when a regular member must abstain or recuse themselves for the reason of a conflict of interest or because of a lack of quorum. Other communities in passing their Ethics Ordinance have not made residency a requirement for their Board of Ethics members. Instead, they have focused more on the qualifications of the members by either education and/or expertise in order to assure that the Board position is being filled with the best possible candidates who are in the position of making very difficult decisions regarding conduct of appointed, elected, or employee positions within a community.

As the City Commission is aware the Ethics Board can meet with some regularity and therefore it is important that vacant positions be filled. For instance, on May 16, 2023, one regular member resigned. A new member was not appointed, and the vacant position was not filled until August 14, 2023 and only one of the two alternate positions has been filled on December 18, 2023. The second alternate position remains unfilled as of this date.

By opening up the requirements to include or allow for a business or property owner in the City, would possibly open up potential candidates to fill positions more easily as they become open. The ability for non-residents to serve on boards occurs with multiple other boards in the City as listed below:

- Birmingham Shopping District
- Brownfield Redevelopment Authority
- Housing Board of Appeals
- Multi-Modal Transportation Board
- Museum Board
- Public Arts Board

By allowing business and/or property owners in the City of Birmingham to participate may increase the ability of finding qualified and desirable candidates.

LEGAL REVIEW:
The City Attorney and City Clerk join in their efforts to propose these changes and have prepared the proposed amendment.

FISCAL IMPACT:
There is no fiscal impact as these are non-paid voluntary positions.

PUBLIC COMMUNICATIONS:
This item has been publicly announced as an agenda item.

SUMMARY:
Staff is recommending a change to the Ethics Ordinance to include that members of the Board may not only be residents but also property and/or business owners in the City.

ATTACHMENTS:
Redlined version of the proposed amendment to Chapter 2 – Administration, Article IX. – Ethics, Sec. 2-325(a)(4).

Clean version of the proposed amendment to Chapter 2 – Administration, Article IX. – Ethics, Sec. 2-325(a)(4).

SUGGESTED COMMISSION ACTION:
Make a motion amending Chapter 2 – Administration, Article IX. – Ethics, Sec. 2-325(a) *Board of ethics* (4) allowing for a business or property owner in the City of Birmingham to serve on the Ethics Board as appointed by the City Commission.

CITY OF BIRMINGHAM

ORDINANCE NO. _____

AN ORDINANCE TO AMEND PART II, CHAPTER 2. - ADMINISTRATION, ARTICLE IX. – ETHICS, SEC. 2-325. – VIOLATION, ENFORCEMENT AND ADVISORY OPINIONS

THE CITY OF BIRMINGHAM ORDAINS:

The City Code, Part II, Chapter 2. - Administration, Article IX. – Ethics, Sec. 2-325. – Violation, Enforcement and Advisory Opinions, shall read as follows:

Sec. 2-325. Violation, enforcement and advisory opinions.

(a) *Board of ethics.*

(1) The city commission shall appoint a board of ethics, consisting of three members, as an advisory body for the purpose of interpreting this code of ethics.

(2) The initial three members of the board of ethics shall be appointed for one-, two-, and three-year terms of office respectively, which shall begin on July 1, 2003. If appointed prior to July 1st, they shall begin their terms of office immediately and their terms shall include the additional time prior to July 1st. Terms of office shall expire on June 30th of the respective years.

Thereafter, all members shall be appointed to three-year terms, beginning July 1, so that only one member's term expires each year. A member shall hold office until his or her successor is appointed. The city commission shall fill a vacancy by an appointment for the unexpired term only.

(3) The city commission may also appoint not more than two alternate members for the same term as regular members of the board of ethics. An alternate member may be called on a rotating basis to sit as a regular member of the board of ethics in the absence of a regular member, and shall have the same voting rights as a regular member of the board of ethics. An alternate member may also be called to service in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained or recused for reasons of conflict of interest. An alternate member having been appointed shall serve in the case until a final decision has been made.

(4) The board of ethics shall be made up of residents of the city, or a business or property owner in the City, who have legal, administrative or other desirable qualifications.

a. The members of the board of ethics shall serve without compensation, and shall not be elected officials, persons appointed to elective office, full-time appointed officials or city employees, nor shall they be currently serving on any other city board or commission.

b. The board shall select its own presiding officer from among its members.

c. The board shall establish such procedures it deems necessary or appropriate to perform its functions as set forth in this article.

(b) *Functions of the board of ethics.* When there is a question or a complaint as to the applicability of any provision of this code to a particular situation, that question or complaint shall be directed to the board of ethics. It shall then be the function of the board of ethics to conduct hearings and/or issue an advisory opinion, as applicable.

(1) Hearings. The board of ethics shall follow the following hearing procedure:

a. The board shall, within seven days after any matter is brought to its attention, set a date certain for hearing said matter.

b. The board shall, at least 28 days before the hearing date, send notice of such hearing, accompanied by a concise statement of the alleged breach of this code of ethics, to any person requested to appear before them, by certified mail, return receipt requested, to addressee only.

c. Any person requested to appear before a board of ethics hearing may request one extension for a period not to exceed 28 days. Extensions thereafter will be granted only under extreme circumstances.

d. Any person requested to appear before a board of ethics hearing may be accompanied by his or her attorney.

e. All hearings at which any person shall be requested to appear shall be subject to the Open Meetings Act.

f. All findings of board hearings shall be published in permanent form and communicated to the city commission and the public, subject to the requirements of the Open Meetings Act.

(2) Advisory opinions. All advisory opinions so issued shall also be published in permanent form and communicated to the city commission and the public, subject to the requirements of the Open Meetings Act.

(3) After the board of ethics' advisory opinions and/or hearing findings have been published:

a. The city commission shall be responsible for imposing any sanction for a violation of this Code on one of its members or any person appointed by the commission to any city board.

b. If it becomes necessary to seek the removal of a city official after the board of ethics' advisory opinion and/or hearing findings, the city shall follow the requirements for removal of a public official in accordance with the laws of the state.

c. The city manager shall be responsible for imposing any discipline for a violation of this Code on any employee of the city.

Secs. 2-317 – 2-319. Reserved.

All other Sections of Chapter 2. – ADMINISTRATION, shall remain unaffected.

Ordained this _____ day of _____, 2024. Effective upon publication.

_____
Elaine McLain, Mayor

_____
Alexandria D. Bingham, City Clerk

I, Alexandria D. Bingham, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held _____ and that a summary was published _____, 2024.

_____
Alexandria D. Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

AN ORDINANCE TO AMEND PART II, CHAPTER 2. - ADMINISTRATION, ARTICLE IX. – ETHICS, SEC. 2-325. – VIOLATION, ENFORCEMENT AND ADVISORY OPINIONS

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(4) The board of ethics shall be made up of residents of the city, or a business or property owner in the City, who have legal, administrative or other desirable qualifications.

a. The members of the board of ethics shall serve without compensation, and shall not be elected officials, persons appointed to elective office, full-time appointed officials or city employees, nor shall they be currently serving on any other city board or commission.

b. The board shall select its own presiding officer from among its members.

c. The board shall establish such procedures it deems necessary or appropriate to perform its functions as set forth in this article.

(b) *Functions of the board of ethics.* When there is a question or a complaint as to the applicability of any provision of this code to a particular situation, that question or complaint shall be directed to the board of ethics. It shall then be the function of the board of ethics to conduct hearings and/or issue an advisory opinion, as applicable.

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c. Any person requested to appear before a board of ethics hearing may request one extension for a period not to exceed 28 days. Extensions thereafter will be granted only under extreme circumstances.

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f. All findings of board hearings shall be published in permanent form and communicated to the city commission and the public, subject to the requirements of the Open Meetings Act.

(2) Advisory opinions. All advisory opinions so issued shall also be published in permanent form and communicated to the city commission and the public, subject to the requirements of the Open Meetings Act.

(3) After the board of ethics' advisory opinions and/or hearing findings have been published:

a. The city commission shall be responsible for imposing any sanction for a violation of this Code on one of its members or any person appointed by the commission to any city board.

b. If it becomes necessary to seek the removal of a city official after the board of ethics' advisory opinion and/or hearing findings, the city shall follow the requirements for removal of a public official in accordance with the laws of the state.

c. The city manager shall be responsible for imposing any discipline for a violation of this Code on any employee of the city.

Secs. 2-317 – 2-319. Reserved.

All other Sections of Chapter 2. – ADMINISTRATION, shall remain unaffected.

Ordained this _____ day of _____, 2024. Effective upon publication.

_____
Elaine McLain, Mayor

_____
Alexandria D. Bingham, City Clerk

I, Alexandria D. Bingham, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held _____ and that a summary was published _____, 2024.

_____
Alexandria D. Bingham, City Clerk

BIRMINGHAM
A WALKABLE CITY

MEMORANDUM

Department of Public Works

DATE: January 30, 2024

TO: Jana L. Ecker, City Manager

FROM: Scott D. Zielinski, DPS Director

SUBJECT: MITN Fuel Cooperative Purchasing Program

INTRODUCTION:

The City of Birmingham is a member of the Michigan Intergovernmental Trade Network (MITN) Fuel Cooperative Purchasing program led by the City of Sterling Heights. This fuel cooperative includes 19 member communities in the Macomb, Oakland and Wayne County region. Annually through this cooperative bid, approximately 3,000,000 gallons of gasoline and 1,300,000 gallons of diesel fuel are purchased.

The City of Sterling Heights along with the other member communities recommend awarding truck transport deliveries to the two overall low bidders, RKA Petroleum Companies and Marathon Flint Oil Company. A recommendation is also being made to award tank wagon deliveries to the two overall low bidders, RKA Petroleum Company and Gen Oil Company.

BACKGROUND:

The City of Birmingham has been a cooperative member since its inception and participates with this fuel bid purchase program. The City of Birmingham has two underground storage tanks (UST) at DPS, the diesel tank is 6,000 gallons and the gasoline tank is 11,600 gallons. The golf courses both house two tanks of each fuel at 550 gallons per tank.

The City of Birmingham purchases approximately 56,000 gallons of gasoline and 34,000 gallons of diesel fuel per fiscal year to power the City's fleet of automobiles, trucks, equipment and generators. The total annual expenditure for our fuel purchases is approximately $200,000.

RKA Petroleum has successfully provided fuel to the City and the cooperative members since 2015. The cooperative has not worked with Marathon Flint Oil Company or Gen Oil Company. A reference check of Marathon Flint Oil Company was favorable with positive recommendations from current customers including Oakland County and the St. Clair Road Commission. Gen Oil Company does not currently have any governmental agencies as customers, however they have several large private sector enterprises that require 24/7 operational uptime. Having a history

of providing 24/7 operational uptime makes Gen Oil Company a prime candidate for municipal use and the needs of the cooperative.

The bid is structured so that MITN fuel purchasing cooperative members pay for fuel based upon the per gallon wholesale rack average published daily by the Oil Price Information Service (OPIS) for the Detroit, Michigan market, plus a delivery fee (bid factor per gallon.) Gasoline and diesel fuel are purchased and delivered by truck transport for quantities of fuel greater than 5,000 gallons, and by tank wagon for amounts less than 5,000 gallons.

LEGAL REVIEW:
This cooperative agreement has been reviewed and approved by the City Attorney.

FISCAL IMPACT:
Funds for these purchases are available in the Auto Equipment Fund – Fuel expense account #661-441.006-737.0000

SUSTAINABILITY:
The City is currently replacing vehicles that use gas and diesel as fuel with vehicles that electricity as fuel in hopes of reducing the City's dependence on gas and diesel as the primary source of fuel in the future. Currently, the fuel contract provides the opportunity for the single delivery vendor that will limit the amount of trucks that deliver to the City, reducing the carbon footprint of the deliveries we receive.

PUBLIC COMMUNICATIONS:
No public communications are required for this purchase.

SUMMARY:
The City of Birmingham supports the recommendation of the City of Sterling Heights to split the award of the bid among three bidders. RKA Petroleum Companies, Marathon Flint Oil Company and Gen Oil Company will supply the City with fuel from February 1, 2024, through January 31, 2026.

ATTACHMENTS:

- Unsigned Vender Contract Agreement for Fuel Services
- City of Sterling Heights Motion Certification and corresponding agenda packet

SUGGESTED COMMISSION ACTION:
Make a motion adopting a resolution to split the award of the bid for truck transport and tank wagon deliveries of unleaded gasoline and diesel fuel to the following vendors based on bid factors included in their respective bids for a two year period beginning February 1, 2024, with the option to extend terms and conditions an additional two years upon mutual consent:

Truck Transport deliveries:

1. RKA Petroleum Companies, 28340 Wick Rd., Romulus, MI, 48174 and
2. Marathon Flint Company, 1919 S Dort Highway, Flint, MI 48503

Tank Wagon deliveries:

1. RKA Petroleum Companies, 28340 Wick Rd., Romulus, MI, 48174 and
2. Gen Oil Company, 1238 Anderson Rd., Clawson, MI 48017

Funds for this purchase of gasoline and diesel fuels are budgeted in Auto Equipment Fund – Fuel Expense account #661-441.006-737.0000.

AGREEMENT FOR FUEL DELIVERY & PURCHASE BETWEEN THE CITY OF BIRMINGHAM & RKA PETROLEUM COMPANIES

THIS AGREEMENT is entered into this ___ day of _____, 2024, by and between the **CITY OF BIRMINGHAM,** whose address is 151 Martin Street, Birmingham, MI 48009 (hereinafter referred to as the City) and RKA Petroleum Companies, 28340 Wick Rd., Romulus, MI, 48174, (hereafter referred to as Vendor) and the foregoing shall collectively be referred to as the parties.

WHEREAS, the City desires to purchase fuel deliveries, through a Michigan Intergovernmental Trade Network (MITN), as described in Attachment "A"; and

WHEREAS, Vender has qualifications that meet the project requirements and has provided a response and cost proposal to perform the delivery for fuel.

NOW, THEREFORE, in consideration of the foregoing preambles, the adequacy of which is acknowledged by and between the parties to this Agreement, the parties agree as follows:

1. MUTUALLY AGREE: It is mutually agreed by and between the parties that the Vendor's Quotation for the Truck Transport (deliveries of greater than 5,000 gallons) of fuel and Tank Wagon (deliveries of less than 5,000 gallons), shall be fully incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto (attached hereto as Attachment "A").

2. TERM: This Agreement shall have a term of two (2) years and with City Commission Approval may be extended for up to an additional two (2) years from the end of the second year tem but no more than four (4) years total. The City shall have the right to unilaterally terminate this Agreement, with or without cause, on thirty (30) days written notice. Vendor shall not have the right to terminate this Agreement except where the City has committed a material breach of this Agreement, and such breach has not been cured by the City within thirty (30) days following written notice of such breach.

3. TERMS OF PAYMENT: The Vendor will invoice the City for the sale. The City may, at its sole discretion demand review and the right to request at any time further detailed accounting information for any or all bills. The right to inspection of any bill and invoice shall never be at any cost or billings to the City, nor shall preparation of said invoices be billed to the City or against the general retainer. Payment terms will be net 30 days unless otherwise specified by the City. Invoicing will be calculated and paid based on the following:

OPIS Detroit Rack Average Price (10:00:01 AM on Date of Delivery)
+ Per Gallon Additive price on Bid Form, if any (diesel premium / winter additive)
= Net Price Per Gallon
+ / - Bid Factor on Bid Form (Tank Wagon or Truck Transport)
= Net Price Per Gallon Delivered (Before any Taxes / Surcharges)

+ Per Gallon Mandatory Surcharges (Taxes & Surcharges)
= Total Price Per Gallon Delivered
x Gallons Delivered
= Net Total Cost of Fuel
+ Short Load Charge or Split Order Charge, when applicable
= Invoice Total

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

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

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

7. COMPLIANCE WITH LAWS: The Vendor agrees to fully and faithfully carry out the duties of set forth herein using its best efforts in accomplishing all assignments from the City, and further, in addition to upholding all federal, and state laws and applicable codes of professional conduct to which Vendor is subject, Vendor hereby agrees to be bound by all Federal, State, or City of Birmingham ordinances, rules, regulations and policies as are amended from time to time, and including without limitation the Fair Labor Standards Act, the Equal Employment Opportunity rules and regulations, the Transportation Safety Act and the Occupational Safety and Health Acts.

8. NON-COMPLIANCE WITH INSURANCE REQUIREMENTS: Failure to deliver and maintain insurance in accordance with the terms of this Agreement will be cause for the City, by and through its City Manager, to terminate this Agreement, or at the City's option, the City may purchase on the open market such required insurance and shall be entitled to charge any additional cost to the Vendor, either by offset to any amounts due and owing Vendor for services provided to the City, or, by separate bill and demand for payment. Nothing in this paragraph shall be deemed to create or be interpreted as establishing a "for cause" termination; Vendor agrees and understands that its engagement is at will and may be terminated by the City Manager for any cause or no cause.

9. INDEMNIFICATION: To the fullest extent permitted by law, the Vendor and any entity or person for whom the Vendor is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on their behalf against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers or others working on their behalf, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arise out of the acts, errors or omissions of the Vendor including its employees and agents, in the performance of this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the City.

10. WRITTEN NOTICES: Written notices regarding this Agreement shall be addressed to the following:

City: City of Birmingham
851 S. Eton Rd.
Birmingham, MI 48012
Attn: Scott Zielinski, PE

RKA Petroleum Companies
28340 Wick Rd.,
Romulus, MI, 48174
Attn: Kacey Spell

11. COVID: The Vendor shall follow all of the City's COVID-19 safety protocols while on City property. Additionally, Vendor staff which will be in physical contact with city staff must have current vaccinations against COVID-19. The City, at its discretion, may ask for proof of vaccination of Vendor staff. Failure to provide proof of vaccination when requested will cause the City to request un-vaccinated personnel to leave, request alternate staff, and if the Vendor is unable to comply, this violation of safety protocols will constitute a breach of contract by the Vendor.

12. AMENDMENTS: No amendment, modification or supplement to this Agreement shall be binding unless it is in writing and signed by authorized representatives of the parties.

13. WAIVER OF BREACH: No waiver by either party of any breach of any of the terms, covenants or conditions herein contained by the other party shall be construed as a waiver of any succeeding breach of this same or of any other term, covenant or condition.

14. COMPLETE AGREEMENT: The parties agree that the conditions set forth in this Agreement sets forth all terms and conditions of Vendor agreement with the City of Birmingham. This Agreement supersedes all prior agreements or understandings between the parties. There are no promises, conditions or understandings other than those stated herein, and, that any prior negotiations, terms or conditions discussed between the City and the Vendor shall not constitute a part of this Agreement. The term "agreement" as used in this clause shall include any future written amendments, modifications, or supplements made in accordance herewith.

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

16. FAILURE TO PERFORM. If Vendor 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.

17. LEGAL PROCEEDINGS: 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 a federal or state court with jurisdiction over Oakland County, Michigan.

18. RESPONSE TO REQUESTS FOR PROPOSALS: The Vendor shall be held to and bound by all terms, conditions, warranties and representations which it made in its written response dated Vendor, to the City's Request for Proposals dated November 14, 2024 (attached hereto as Attachment "A"). In the event of a conflict in any of the terms of this Agreement and the Vendor on November 14, 2024 response, the terms of this Agreement shall prevail.

19. FAIR PROCUREMENT OPPORTUNITY: Procurement for the City of Birmingham will be handled in a manner providing fair opportunity for all businesses. This will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the City of Birmingham.

IN WITNESS WHEREOF, the parties hereto agree to be bound by the above terms and conditions, and Vendor, by its authorized signature below, expressly accepts this Agreement upon the above provided terms and conditions contained in this Agreement as of the date first above written.

RKA Petroleum Companies

By:_____

Its:_____

STATE OF MICHIGAN)
) ss:
COUNTY OF OAKLAND)

On this _____day of _____, 2024, before me personally appeared

_____, who acknowledged that with authority on behalf of _____ to

do so he/she signed this Agreement.

_____
Notary Public
_____County, Michigan

Acting in _____ County, Michigan

My commission expires: _____

CITY OF BIRMINGHAM APPROVED:

By: _____
Elaine McClain, Mayor
On the date of:_____

By:_____
Alexandria D. Bingham, City Clerk

Jana L. Ecker, City Manager
(Approved as to substance)
On the date of:_____

Scott D. Zielinski, PE, Public Services Director
(Approved as to substance)

Mary M. Kucharek, City Attorney
(Approved as to form)

Mark A. Gerber, Finance Director
(Approved as to Financial Obligation)

ATTACHMENT A

CITY OF STERLING HEIGHTS
ITB-SH23-052: TRUCK TRANSPORT AND TANK WAGON
DELIVERIES OF UNLEADED GASOLINE AND DIESEL FUEL

BID TABULATION - TRUCK TRANSPORT
NOVEMBER 13, 2023

Commodity	Estimated Gallons	OPIS Avg	Colonial Oil Industries Add/gal	+/- Factor	Price/gal	Ext Total	OPIS Avg	Corrigan Oil Comp Add/gal	+/- Factor	Price/gal	Ext Total	OPIS Avg	Gen Oil Add/gal	+/- Factor	Price/gal	Ext Total	OPIS Avg	Mansfield Oil Company Add/gal	+/- Factor	Price/gal	Ext Total
Unleaded 87	2,379,381	2.2125		-0.0382	$2.1743	$5,173,488.11	2.2125		-0.02	$2.1915	$5,214,413.46	2.2125		-0.01	$2.2025	$5,240,586.65	2.2125		-0.0065	$2.2060	$5,248,914.49
Unleaded Mid-Grade 89	0	2.5926		-0.0572	$2.5354	0.00	2.5926		-0.02	$2.5716	$0.00	2.5926		-0.01	$2.5826	$0.00	2.5926		-0.0567	$2.5359	$0.00
ULS Premium Diesel #2	259,307	3.0136		-0.0211	$2.9925	775,976.20	3.0136		0.03	$3.0436	$789,226.79	3.0136		-0.02	$2.9941	$776,391.09	3.0136		0.0227	$3.0363	$787,333.84
ULS Diesel #2	581,808	2.9150	0.035	-0.0411	$2.8739	1,672,058.01	2.9150	0.01	-0.02	$2.8940	$1,683,752.35	2.9150	0.0199	-0.01	$2.9041	$1,689,628.61	2.9150	0.03	-0.0223	$2.8927	$1,682,996.00
Totals						$7,621,522.32					$7,687,392.60					$7,706,606.35					$7,719,244.33
Winter Additive Typically November - March			$0.03 / gal November-March					$0.01 / gal November-March					0.0199 As Requested					$0.03 / gal November-March			
Short load charge - (5,000-8,000 gals)			$150					$150 for less than 8,000 gal					$50.00					$250			
Volume/Gallons, SE MI			4.5 million					did not disclose					30,000,000.+					20 million			
Split order charge			$85.00					N/A					$50.00					$50.00			
## Fuel Cost Recovery Surcharge																					
Delivery Time			24 hours					24 - 48 hours					24 hours					24 hours			
Source of Supply			Detroit Buckeye Terminal					Marathon, BP, Mobil													

Commodity	Estimated Gallons	OPIS Avg	Marathon Flint Oil Add/gal	+/- Factor	Price/gal	Ext Total	OPIS Avg	Petroleum Traders Corp Add/gal	+/- Factor	Price/gal	Ext Total	OPIS AVG	Ports Petroleum Co Add/gal	+/- Factor	Price/gal	Ext Total	OPIS Avg	RKA Petroleum Co Add/gal	+/- Factor	Price/gal	Ext Total
Unleaded 87	2,379,381	2.2125		-0.048	$2.1645	$5,150,170.17	2.2125		-0.0151	$2.1974	$5,228,451.81	2.2125		-0.0109	$2.2016	$5,238,445.21	2.2125		-0.0520	$2.1605	$5,140,652.65
Unleaded Mid-Grade 89	0	2.5926		-0.048	$2.5446	0.00	2.5926		N/B			2.5926		N/B			2.5926		N/A		
ULS Premium Diesel #2	259,307	3.0136	0.022	-0.031	$2.9826	773,409.06	3.0136		-0.0018	$3.0118	$780,980.82	3.0136		-0.0133	$3.0003	$777,998.79	3.0136		-0.0529	$2.9607	$767,730.23
ULS Diesel #2	581,808	2.9150		-0.031	$2.8840	1,677,934.27	2.9150	0.0200	-0.0127	$2.9023	$1,688,581.36	2.9150	0.0450	-0.0133	$2.9017	$1,688,232.27	2.9150	0.0285	-0.0529	$2.8621	$1,665,192.68
Totals						$7,601,513.50					$7,698,013.99					$7,704,676.28					$7,573,575.56
Winter Additive Typically November - March			0.022 November-March										$0.045 / gal November-March					$0.0285 / gal November-March			
Short load charge - (5,000-8,000 gals)			$50					$0.02 / gal November-March					$125					$50			
Volume/Gallons, SE MI			100,000,000					$200					18,500,000					100,000,000			
Split order charge			None if same property/$50. If separate					6 million gallons					$65					$50			
## Fuel Cost Recovery Surcharge								$75													
Delivery Time			4-6 hours					24 - 48 hours					24 hours					24 - 48 hours			

Commodity	Estimated Gallons	OPIS Avg	Sunoco Add/gal	+/- Factor	Price/gal	Ext Total
Unleaded 87	2,379,381	2.2125		-0.0037	$2.2088	$5,255,576.75
Unleaded Mid-Grade 90	0	2.5926		-0.0037	$2.5889	$0.00
ULS Premium Diesel #2	259,307	3.0136		-0.0037	$3.0099	780,488.14
ULS Diesel #2**	581,808	2.9150	0.25	-0.0037	$2.9113	1,693,817.63
Totals						$7,729,882.52
Winter Additive Typically November - March			$0.025			
Short load charge - Less than 5,000 Gal			$75. betweeen 5,000 and 8,000			
Volume/Gallons, SE MI			5,387,001			
Split order charge			N/A			
## Fuel Cost Recovery Surcharge						
Delivery Time			24 hours			

Corrected by Purchaing

OPIS Detroit Michigan Rack Average on 11/26/19 10:00 AM Report used as pricing benchmark.
For all bid pricing above, add to price / gal $0.001/gal for the Federal Leaking Underground Storage Tank Fee and $0.01/gal for the Michigan Underground Storage Tank Fee. Mandatory Federal and State fees subject to change
Used wrong bid form.

** Use OPIS USL Diesel #2 rack average price on 10/27/23 (10 AM) and list cost per gallon of additive for Premium blend.

CITY OF STERLING HEIGHTS
ITB-SH23-052: TRUCK TRANSPORT AND TANK WAGON
DELIVERIES OF UNLEADED GASOLINE AND DIESEL FUEL

BID TABULATION - TANK WAGON
NOVEMBER 13, 2023

	Estimated	OPIS	Colonial Oil Industries				OPIS	Corrigan Oil Comp				OPIS	Gen Oil				OPIS	Mansfield Oil Company			
Commodity	Gallons	Avg	Add/gal	+/- Factor	Price/gal	Ext Total	Avg	Add/gal	+/- Factor	Price/gal	Ext Total	Avg	Add/gal	+/- Factor	Price/gal	Ext Total	Avg	Add/gal	+/- Factor	Price/gal	Ext Total
Unleaded 87	782,829	2.2125		0.4377	$2.6502	$2,074,653.42	2.2125		0.1195	$2.3320	$1,825,557.23	2.2125		0.0995	$2.3120	$1,809,900.65			N/B		
Unleaded Mid-Grade 90	65,000	2.5926		0.4209	$3.0135	195,877.50	2.5926		0.1195	$2.7121	$176,286.50	2.5926		0.0995	$2.6921	$174,986.50			N/B		
ULS Premium Diesel #2	371,819	3.0136		0.4184	$3.4320	1,276,082.81	3.0136		0.1695	$3.1831	$1,183,537.06	3.0136		0.0895	$3.1031	$1,153,791.54			N/B		
ULS Diesel #2**	67,717	2.9150	0.04	0.4094	$3.3244	225,118.39	2.9150	0.03	0.1195	$3.0345	$205,487.24	2.9150	0.0199	0.0925	$3.0075	$203,658.88			N/B		
ULS Diesel #2 Dyed	41,319	$2.9393		0.0446	$2.9839	123,293.42	$2.9393		0.1195	$3.0588	$126,386.56	$2.9393		0.0925	$3.0318	$125,270.94			N/B		
Totals						$3,895,025.54					$3,517,254.58					$3,467,608.51					
Winter Additive Typically November - March			$0.03 / gal November-March					$0.03 / gal November-March					0.0199 as requested								
Short load charge - Less than 5,000 Gal			N/A					N/A					None								
Tank Wagon min delivery quantity			150 gallons					$150 for less than 150 gallons													
Volume/Gallons, SE MI			4.5 million					not disclosed					30,000,000+								
Split order charge			N/A					None if at same location property					$50.00								
## Fuel Cost Recovery Surcharge								corrigan oil bid 89 not 90 octane														
Delivery Time								24 - 48 hours					24 hours								

	Estimated	OPIS	Marathon Flint				Petroleum Traders					Ports Petroleum Co					OPIS	RKA Petroleum Co			
Commodity	Gallons	Avg	Add/gal	+/- Factor	Price/gal	Ext Total		Add/gal	+/- Factor	Price/gal	Ext Total		Add/gal	+/- Factor	Price/gal	Ext Total	Avg	Add/gal	+/- Factor	Price/gal	Ext Total
Unleaded 87	782,829	2.2125		0.14	$2.3525	$1,841,605.22			N/B					N/B			2.2125		0.0780	$2.2905	$1,793,069.82
Unleaded Mid-Grade 90	65,000	2.5926		0.14	$2.7326	177,619.00			N/B					N/B			2.5926		0.0780	$2.6706	$173,589.00
ULS Premium Diesel #2	371,819	3.0136	0.0220	0.14	$3.1536	1,172,568.40			N/B					N/B			3.0136		0.0771	$3.0907	$1,149,180.98
ULS Diesel #2**	67,717	2.9150		0.14	$3.0550	206,875.44			N/B					N/B			2.9150	0.0285	0.0771	$2.9921	$202,616.04
ULS Diesel #2 Dyed	41,319	$2.9393		0.14	$3.0793	127,233.60			N/B					N/B			$2.9393		0.1021	$3.0414	$125,687.61
Totals						$3,525,901.65															$3,444,123.45
Winter Additive Typically November - March			0.022 November-March															0.0285 November-March			
Short load charge - Less than 5,000 Gal			$150 for less than 150															N/A			
Volume/Gallons, SE MI			100,000,000															$100,000,000			
Split order charge			None if same property/$50 if separate															$50.00			
## Fuel Cost Recovery Surcharge																					
Delivery Time			4-6 hours															24 - 48 hours			

	Estimated	OPIS	Sunoco			
Commodity	Gallons	Avg	Add/gal	+/- Factor	Price/gal	Ext Total
Unleaded 87	782,829	2.2125		0.5000	$2.7125	$2,123,423.66
Unleaded Mid-Grade 90	65,000	2.5926		0.5000	$3.0926	201,019.00
ULS Premium Diesel #2	371,819	3.0136		0.5000	$3.5136	1,306,423.24
ULS Diesel #2**	67,717	2.9150	0.025	0.5000	$3.4150	231,253.58
ULS Diesel #2 Dyed	41,319	$2.9393		0.5000	$3.4393	142,108.44
Totals						$4,004,227.89
Winter Additive Typically November - March			0.025 November-March			
Short load charge - Less than 5,000 Gal			500 Minimum with $100 fee under 5,000 gal			
Volume/Gallons, SE MI			5,387,001			
Split order charge			N/A			
## Fuel Cost Recovery Surcharge						
Delivery Time			24 hours			

Corrected by Purchasing

CITY OF Sterling Heights
InnovatingLiving

Richard J. Notte Sterling Heights City Center
City Hall
40555 Utica Road | P.O. Box 8009
Sterling Heights, MI | 48311-8009

TEL 586.446.CITY (2489) FAX 586.276.4077
cityhall@sterling-heights.net | www.sterling-heights.net
facebook.com/cityofsterlingheights | twitter.com/sterlingheights

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INVITATION TO BID

ITB-SH23-052

The City of Sterling Heights, as the lead agency for a fuel cooperative of approximately twenty governmental entities, is accepting sealed bids for TRUCK TRANSPORT AND TANK WAGON DELIVERIES OF UNLEADED GASOLINE AND DIESEL FUEL until TUESDAY, NOVEMBER 14, 2023, at 2:30 PM Please refer to the attached for instructions, specifications, and bid submission procedures.

Purchasing Department
586-446-2740

****

Official bid specifications are available at www.mitn.info.

IV. INSTRUCTIONS TO BIDDERS

Attachments A and B indicate estimated annual usage in summary formats. Volumes are estimates only that are based upon previous usage and are not a firm commitment. They are offered as a guide for bidding purposes only.

Attachments C and D indicate potential delivery locations. All listed locations are not guaranteed to take deliveries, but can be used as a guide for the general delivery area. Delivery locations may change based on each municipalities needs throughout the contract term.

One price for each product shall apply to all delivery locations and all participants in this cooperative bid. Bids offering different prices for different locations or participants will be rejected. All prices shall be F.O.B. Destination.

Invoices will be paid within thirty (30) days of receipt. On a separate sheet, list any early payment discounts offered. Please indicate on the bid form if purchasing cards are accepted for payment of invoiced amounts, including the types of cards accepted.

Successful vendor must comply with all State of Michigan and local laws and ordinances i.e. frost laws, transportation of flammable liquids, etc. All bidders shall submit material safety data sheets (MSDS) for products included in their bid.

Before award of contract, the vendor must be post-qualified, by the cooperative as awardable to conduct business with the cooperative members. Failure to be post-qualified will result in rejection of vendor's bid.

PRICING - TANK WAGON AND TRUCK TRANSPORT

Pricing as indicated on the Tank Wagon and Truck Transport portions of the bid form shall be the final per gallon pricing, delivered, for the term of the 2-year award and any extensions, and shall not include any state and federal taxes, fees, surcharges, underground storage taxes, environmental recovery fees, environmental protection fees, etc. A two-year extension will be available upon mutual consent. No per gallon price increases to the Tank Wagon and Truck Transport pricing will be allowed during the term of the award and any extensions.

SALES AND EXCISE TAXES

Each cooperative member is exempt from sales and federal excise taxes. Tank Wagon and Truck Transport bid price is to be exclusive of taxes and surcharges. Each cooperative member will issue the necessary exemption certificates, if requested.

STATE AND FEDERAL SURCHARGES

All additional charges, including State and Federal surcharges and MUSTFA, must not be added to the Tank Wagon or Truck Transport unit pricing on your bid form and will be broken out separately and listed on the Taxes & Surcharges Form of the Bid Form.

Any surcharges should be broken out as a line item on the invoice.

State and Federal Surcharges: State and Federal Surcharges legally required to be paid by the Cooperative Member shall be firm for the term of the initial award and any extension.

Any **reduction** in the per gallon surcharges shall take effect immediately and shall be communicated to the City of Sterling Heights Purchasing Manager and the Cooperative with the next invoice.

Any **increase** in the per gallon surcharges listed below, or any new surcharge added must be approved in advance by the City of Sterling Heights Purchasing Manager prior to including and changes in any invoice to the invoice. Only those surcharges in which Cooperative members are legally obligated to pay will be considered.

INVOICES

Separate invoices with each delivery location shall be submitted in duplicate to each cooperative member's Finance Department. Invoices shall state the delivery location (name of using agency), product, quantity delivered and extended price. Each entity is responsible for its own ordering and payment. Vendor must submit verification of OPIS Price Report 10:00 AM for date of delivery. Any surcharges should be broken out as a line item on the invoice.

Invoices will be paid based on the following:

OPIS Detroit Rack Average Price (10:00:01 AM on Date of Delivery)

+ Per Gallon Additive price on Bid Form, if any (diesel premium / winter additive)

= Net Price Per Gallon

+ / - Bid Factor on Bid Form (Tank Wagon or Truck Transport)

= Net Price Per Gallon Delivered (Before any Taxes / Surcharges)

+ Per Gallon Surcharges (Taxes & Surcharges from Bid Form)

= Total Price Per Gallon Delivered

x Gallons Delivered

= **Invoice Total**

BILL OF LADING

Each delivery location shall receive a delivery slip verifying gallons delivered. Tank Wagon deliveries shall be metered at point of delivery and offloading. Truck Transport deliveries, if not metered at point of delivery and offloading, shall be verified by quantity loaded at terminal as stated on bill of lading, and quantity offloaded at point of delivery, by in-ground tank veeder root system or other acceptable means of verifying by cooperative member the quantity delivered and offloaded.

Any exceptions to this requirement must be noted in your bid and be accepted by the cooperative prior to award of bid.

DELIVERY REQUIREMENTS

All deliveries shall be made within approximately 24 hours from time of telephone release or no later than 4:00 p.m. the following business day, if ordered prior to the weekend. If an automated ordering system is used, vendor shall place a phone call or fax to confirm delivery. The vendor shall have the right to specify the order cut off time for next day delivery (e.g. all orders for next day delivery to be placed by 3:00 p.m.). The vendor must have personnel available for telephone releases at all times during normal business hours 8:30 a.m. to 4:00 p.m. If a delivery is called in on a Friday, the delivery will occur no later than the following Monday at 4:00 p.m. Please provide an emergency phone number with 24 hours a day/7 day a week availability which will be accessible for all governmental agencies using this contract.

DISASTERS AND DECLARED EMERGENCIES

All participating entities must be given first priority in times of Disaster or Declared Emergencies. Vendors must provide 24-hour emergency phone number (land line) available 7 days a week. All bidders are requested to include written procedures with their bid to accommodate deliveries during a Disaster or Declared Emergency.

PENALTY FOR LATE DELIVERIES

In the event that fuel is not delivered within 72 hours or the third business day, the cooperative cities reserve the right to obtain gas and or diesel fuel from an alternate source. If the price is higher, the awarded vendor shall be responsible to pay the difference between the price paid at the alternate source and the bid price that would have been paid on the day of the scheduled delivery and deduct the difference from the next invoice issued to that city.

V. INSURANCE REQUIREMENTS

The Contractor, and any and all of their subcontractors, shall not commence work under this contract until required insurance within this contract has been obtained and shall keep such insurance in force during the entire life of this contract. All insurance coverages shall be with insurance carriers licensed and admitted to do business in the State of Michigan and acceptable to the City of Sterling Heights. The requirements below should not be interpreted to limit the liability of the Contractor. If any insurance is written with a deductible or self-insured retention, the Contractor shall be solely responsible for said deductible or self-insured retention. The purchase of insurance and the furnishing of a certificate of insurance shall not be a satisfaction of the Contractor's indemnification to the City of Sterling Heights. The Contractor is responsible to meet all MIOSHA requirements for on-the-job safety.

The Contractor shall procure and maintain during the life of this contract the following coverages:

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

Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than $3,000,000.00 per occurrence and aggregate, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions:

(1) Contractual Liability Coverage
(2) Products and Completed Operations Coverage.
(3) Independent Contractors Coverage.
(4) Broad Form General Liability Extensions.
(5) Explosion, Collapse, and Underground, if applicable.

Automobile Liability including Michigan No-Fault Coverages, with limits of liability of not less than $3,000,000.00 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles and all hired vehicles.

Pollution Liability: The Contractor shall procure and maintain during the life of this contract, a Pollution Liability Policy with limits of liability not less than $3,000,000.00 per occurrence and aggregate, including, but not limited to, the collection, transportation, storage, and removal of all hazardous waste. Each entity of the Cooperative listed above shall be named as additional insured on said coverage. This coverage may be provided separately or as part of the Automobile Liability coverage.

Additional Insured: Following the official award of bid by City Council, the Commercial General Liability Insurance, Automobile Liability and Pollution Liability as described above shall include an Additional Insured endorsement as follows:

"Each entity of the Cooperative listed above, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. It is understood and agreed by naming each entity of the Cooperative listed above as additional insured, coverage afforded is considered to be primary and any other insurance each entity of the Cooperative listed above may have in effect shall be considered secondary and/or excess."

Cancellation Notice: Policies as described above, shall include an endorsement stating the following: It is understood and agreed thirty (30) days, ten (10) days for non-payment of premium, Advance Written Notice of Cancellation, Non-Renewal, Reduction and/or Material Change shall be sent to:

City of Sterling Heights
Reference: Bid ITB-SH23-052
Purchasing Department
40555 Utica Road
Sterling Heights, MI 48313

Proof of Insurance Coverage: The contractor shall provide the City of Sterling Heights at the time the contracts are returned by him/her for execution a Certificate of Insurance as well as the required endorsements. In lieu of required endorsements, if applicable, a copy of the policy sections where coverage is provided for additional insured and cancellation notice would be acceptable. Copies or certified copies of all policies mentioned above shall be furnished, if so requested.

Required liability limits may be obtained by using an Excess/Umbrella Liability policy in addition to the primary liability policy(ies). If coverage limits are satisfied by an Excess and/or Umbrella policy, coverage must follow form of the primary liability policy(ies).

If any of the above coverages expire during the term of this Contract, the Contractor shall deliver renewal certificates, endorsements and/or policies to the City of Sterling Heights at least ten (10) days prior to the expiration date.

If the required insurance (with the exception of the Additional Insured endorsement) is already in place, please include a copy of the Certificate of Liability Insurance with your bid. However, if required insurance is not already in place when submitting bid, contractors shall include a letter from their insurance agent indicating that they will be able to secure a Certificate of Liability Insurance upon award of the contract.
Please label that letter Exhibit A.

VI. SPECIFICATIONS

The governmental entities of Ann Arbor Public Schools, Birmingham, Bloomfield Township, Clinton Township, Eastpointe, Farmington Hills, Grosse Pointe Woods, Huron-Clinton Metro parks, Livonia, Madison Heights, Macomb County Roads, Novi, Oakland County, Rochester Hills, Royal Oak, St. Clair Shores, Southfield, Sterling Heights, Troy, Warren, Waterford, and West Bloomfield, herein known as the "Cooperative", are jointly requesting sealed bid proposals for the purchase of gasoline and diesel fuel, as described below, in truck transport and tank wagon deliveries for the period of **February 1, 2024 through January 31, 2026.** The Cooperative reserves the right to extend the contract, exclusively, unless the vendor can show that terms or conditions or their variables within the contract have changed.

The Cooperative members listed above have their estimated annual fuel use incorporated into the bid. In addition, there may be approximately 2-3 additional entities that may be included at a later date. Individual governmental entity participation in the Cooperative may be subject to the entity's governing board approval.

TRUCK TRANSPORT ESTIMATED TOTAL ANNUAL REQUIREMENTS

Unleaded 87 Octane	2,379,381	gallons
Unleaded Mid-grade 90 Octane	0	gallons
ULS Diesel #2 Premium	259,307	gallons
ULS Diesel #2	581,808	gallons

TANK WAGON ESTIMATED ANNUAL REQUIREMENTS

Unleaded 87 Octane	782,829	gallons
Unleaded Mid-grade 90 Octane	65,000	gallons
ULS Diesel #2 Premium	371,819	gallons
ULS Diesel #2	67,717	gallons
ULS Diesel #2 – Dyed	41,319	gallons

SPECIFICATIONS

Unleaded gasoline (10% Ethanol)	Minimum octane rating of 87	(R+M)/2
Mid-grade gasoline (10% Ethanol) (used mostly for boats)	Minimum octane rating of 90	(R+M)/2
Ultra Low Sulphur Diesel	Maximum sulphur 15ppm	

All gasoline shall be free of water, suspended matter and strong obnoxious odors and shall meet the standards as per ASTM, D439-83 and all other recognized minimum standards.

Diesel fuel: The following specifications should be considered the minimum acceptable. All diesel fuel must meet or exceed the latest ASTM D975 version of standard specification, be free of water, suspended matter and strong obnoxious odors.

	PREMIUM NO. 2		NO. 2
	SUMMER	WINTER	
Gravity, API, Min (ASTM D287)	34	36	30
Flash, F., P-M, Min. (ASTM D93)	155	145	140
Pour Point, F., Max. (ASTM D97)	-10	-20	+10 to -5
Cloud Point, F., Max. (ASTM D2500)	0	-15	+15 max
Viscosity @ 40 C., (100 F.) MIN. c St. (ASTM D445) MAX.	35 -	33 -	2.0 3.6
Carbon Residue on 10% Bottoms, % Max. (ASTM D524)	.02	.02	0.35
Ash, % Max. (ASTM D482)	0.01	0.01	0.01
Corrosion 3 hrs. @ 122 F., Max. (ASTM D130)	1	1	1
Distillation (ASTM D86) 10% Recovered, F., Max.	413	413	Report
Color, Min. (ASTM D156) Color, Max. (ASTM D1500)	- -	- -	- 2.5
Cetane No., (Motor), Min. (ASTM D613) or Cetane Index (ASTM D976)	45.0	46.0	40.0
Water & Sediment (D96) Max.	0	0	Clear/Bright

All No. 2 Premium and No. 2 delivered *must* not exceed 0.0015 percent by weight of sulfur.

VENDOR QUALIFICATIONS

Bids will be accepted only from vendors who are licensed by the State of Michigan as a wholesale distributor. Vendors may be required to submit financial data as required for qualification. Please submit all sources of supply and approximate volume of annual business currently transacted in Southeast Michigan where indicated on your bid form.

MISCELLANEOUS

The vendor will be responsible for any spillage. If the governmental entities need to clean or otherwise remedy the results of a spill, the vendor will be responsible for all costs incurred, to notify the Department of Natural Resources and to complete and file all required forms. Proof of all such actions are to be provided to cooperative member concerned. Inasmuch as the fuel to be supplied under this agreement is for Police, Fire and other emergency services, the successful bidder shall agree to designate the members of this cooperative as priority services.

In any case where vehicle performance is poor and fuel quality is suspect, the vendor shall provide the necessary technical assistance and independent testing to determine the cause and/or solution to the problem. Testing would be at vendor's expense, if fuel is determined to be of poor quality.

The vendor is responsible for all expense to remove defective fuel and repair equipment. All defective fuel would be replaced with fuel meeting specifications and priced at original delivery date. If requested by agency, driver to provide fuel sample before fuel is dropped into tank. Agency to provide container and sample.

In the event any member of the cooperative elects to have an additive added to their diesel, the additional cost per gallon, as bid, will be charged. Example: ULS Diesel #2 Premium would be charged at the rate for USL Diesel #2 plus the per gallon charge for premium additive, as bid.

Indicate on the Bid Form additional charges, if any, for a split order of fuel to equal the vendor's minimum order (i.e. 4,000 gallons of diesel and 4,000 gallons of unleaded) at the same address.

METHOD OF AWARD

The Detroit, Michigan Market OPIS Contract - Rack Average will be used as a point of reference in evaluating bid prices and as the method for price adjustments during the term of the agreement. Please submit your bid on the basis of the OPIS for Detroit Michigan Rack Average on prices that are contained in the 10:00:01, **October 27, 2023** publication date. Unit prices and factors prevail, and the cooperative will correct any extension errors.

Please provide base pricing for truck transport on minimum delivery of 8,000 gallons per drop. Indicate any short load charges for quantities between 5,000 and 8,000 gallons. Base pricing for tank wagon on minimum delivery of 250 gallons.

Use Diesel #2 OPIS Index for No. 2 Premium Diesel if *not* shown on the OPIS Index.

Award will be made on a joint basis. However, separate purchase orders will be issued by each member of the cooperative, subject to approval of respective elected officials.

The successful bidder shall have the option to extend the terms of the agreement to other governmental units in the Metropolitan area upon approval of the Purchasing Manager of the City of Sterling Heights.

The members of the cooperative reserve the right to accept or reject any or all bids, waive irregularities or informalities, award to other than the low bidder, to split award and to accept any bid considered to be in the best interests of the members. All bids shall be in accordance with the specifications and shall be submitted on the bid forms contained herein. Any exceptions shall be so noted.

The cooperative members individually reserve the right to withdraw from this contract if their governing body will not approve the contract as awarded and in the event of the abandonment of full storage tanks. The vendor is required to hold prices for the other cooperative members. If more than two (2) members cannot obtain approval from their respective governing body, the cooperative bid will be void.

VII. BID FORM

The undersigned hereby declares that the instructions and specifications have been carefully examined and that **TRUCK TRANSPORT AND TANK WAGON DELIVERIES OF UNLEADED GASOLINE AND DIESEL FUEL** will be furnished to the Cooperative for the prices set forth in this bid. It is understood and agreed that all bids are **F.O.B. DESTINATION** and shall remain in effect for at least ninety (90) days from the date of the bid opening to allow for award of bid. Unit prices and factors prevail, and the cooperative will correct extension errors. Bid prices shall remain firm for the two-year contract beginning on **February 1, 2024 through January 31, 2026** and an additional two year extension upon mutual consent.

Enclose the written policy you have in place for times of disaster or declared emergencies.

Realistic delivery time in hours:_____

List 24/7 emergency contact and number:_____

Indicate split order charges, if any:_____

Bid Bond ($5,000) included? _____

MSDS included? _____

Did you complete the new Taxes and Surcharges Form? _____

Are purchasing cards accepted? Which ones?_____

I hereby state I have read, understand and agree to be bound by all terms of this bid document and certify I have downloaded all documents/addendums associated with this bid from the MITN website.

Company_____

Address_____

City/State/Zip_____

Representative/Title_____

Telephone/Fax_____

E-Mail Address/Website_____

Terms_____

Signature/Date_____

This form **must** be completed and returned with your bid.

VII. BID FORM — TRUCK TRANSPORT

Do not include any governmental taxes or surcharges in the pricing below. Complete the attached Per Gallon Taxes & Surcharges Form and identify any and all governmental per gallon taxes and surcharges that will be added to the price per gallon listed below to arrive at the delivered total price per gallon to the Cooperative member.

	Est. Usage*	OPIS Rack Average on 10/27/23	Additive Cost Per Gal	Bid Factor ±	Total Price/gallon	Ext. Total#
Unleaded 87	2,379,381	$_____		_____	$_____	$_____
Unleaded Mid-Grade 89	0	$_____		_____	$_____	$_____
ULS Premium Diesel #2	259,307	$_____		_____	$_____	$_____
ULS Diesel #2	581,808	$_____	$_____	_____	$_____	$_____

** Estimated annual usage of cooperative in gallons*
*** Use OPIS USL Diesel #2 rack average price on 10/27/23 (10 AM) and list cost per gallon of additive for Premium blend.*
 # Extended total is calculated by multiplying estimated annual usage by TTL Price Per Gallon

Truck Transport Total $_____

List any additional charge per gallon for Winterized Diesel, and the applicable winter additive season, if applicable:

Charge Per Gallon: $_____ Season: (months / dates applicable): _____

Please base pricing on minimum delivery of 8,000 gallons per drop. Indicate any short load charges for quantities between 5,000 and 8.000 gallons.

Short load charge, if any: _____

1. Identify all sources of supply: _____
   _____
2. Approximate annual volume in gallons, in Southeast Michigan: _____
   _____

This form **must** be completed and returned with your bid.

VII. BID FORM — TANK WAGON

Do not include any governmental taxes or surcharges in the pricing below. Complete the attached Per Gallon Taxes & Surcharges Form and identify any and all governmental per gallon taxes and surcharges that will be added to the price per gallon listed below to arrive at the delivered total price per gallon to the Cooperative member.

	Est. Usage in Gallons*	OPIS Rack Ave on 10/27/23	Additive Cost per Gal	Bid Factor ±	Total Price/gallon	Ext. Total#
Unleaded 87	782,829	$_____		_____	$_____	$_____
Unleaded Mid-Gr. 90	65,000	$_____		_____	$_____	$_____
ULS Premium Diesel #2	371,819	$_____		_____	$_____	$_____
ULS Diesel #2**	67,717	$_____	$_____	_____	$_____	$_____
ULS Dyed Diesel #2	41,319	$_____		_____	$_____	$_____

** Estimated annual usage of cooperative in gallons*
*** Use OPIS USL Diesel #2 rack average price on 10/27/23 (10 AM) and list cost per gallon of additive for Premium blend.*
 # Extended total is calculated by multiplying estimated annual usage by TTL Price Per Gallon

Tank Wagon Total $_____

List any additional charge per gallon for Winterized Diesel, and the applicable winter additive season, if applicable:

Charge Per Gallon: $_____ Season: (months / dates applicable): _____

The term "tank wagon" is intended to describe delivery in lots of 5,000 or less. Please specify minimum delivery quantity: _____

_____

1. Identify all sources of supply: _____

_____

2. Approximate annual volume in gallons, in Southeast Michigan: _____

_____

This form **must** be completed and returned with your bid.

VII. BID FORM — PER GALLON TAXES AND SURCHARGES FORM

Bid forms for Tank Wagon and Truck Transport shall exclude all state and federal taxes and surcharges. It shall represent only the OPIS Rack Average per gallon price, diesel premium additive, bid factor, and winter additive, if applicable. List applicable surcharges on this form.

Sales and Excise Taxes: Each cooperative member is exempt from sales and federal excise taxes. Bid price shall not include any taxes. Each cooperative member will issue the necessary exemption certificates, if requested.

State and Federal Surcharges: List all State and Federal Surcharges below (Fed UST, MI UST, etc.) as a per gallon cost, delivered. Only those fees, and surcharges legally required to be paid by the Cooperative Member shall be included, and shall be firm for the term of the initial award and any extension, subject to the following:

Any **reduction** in the per gallon surcharges listed below shall take effect immediately and shall be communicated to the City of Sterling Heights Purchasing Manager and the Cooperative with the next invoice.

Any **increase** in the per gallon surcharges listed below, or any new surcharge added, must be approved in advance by the City of Sterling Heights Purchasing Manager prior to including in any invoice. Only those State and Federal Surcharges in which Cooperative members are legally obligated to pay will be considered.

Unleaded Gasoline: Describe Surcharge	Surcharge Fee Per Gallon
_____	$_____
_____	$_____
_____	$_____

Diesel Fuel: Describe Surcharge	Surcharge Fee Per Gallon
_____	$_____
_____	$_____
_____	$_____

Add Comments / Notation Here: _____

_____

_____

This form **must** be completed and returned with your bid.

ATTACHMENT A

TRUCK TRANSPORT - ESTIMATED ANNUAL USAGE SUMMARY - PER GALLON

Location	Unleaded 87 Octane	Mid-Grade Unleaded 90 Octane	ULS Premium Diesel #2	ULS Diesel #2
Ann Arbor Public Schools	0	0	0	200,000
Birmingham	55,139	0	26,712	0
Bloomfield	79,000	0	0	33,500
Clinton Township	128,679	0	0	25,735
Eastpointe	7,200	0	0	0
Farmington Hills	180,000	0	0	70,000
Grosse Pointe Woods	0	0	0	0
Huron-Clinton Metro Authority	0	0	0	0
Livonia	159,000	0	0	77,750
Macomb County Roads	12,000	0	0	0
Madison Heights	0	0	0	0
Novi	107,005	0	0	33,975
Oakland County	350,000	0	0	0
Rochester Hills	50,000	0	30,000	30,000
Royal Oak	135,000	0	0	110,000
St. Clair Shores	100,000	0	0	0
Southfield	217,300	0	58,000	0
Sterling Heights	243,729	0	69,080	0
Troy	151,800	0	27,500	11,000
Warren	254,681	0	48,015	141,002
Waterford	102,431	0	0	48,846
West Bloomfield	46,417	0	0	0
Totals:	**2,379,381**	**0**	**259,307**	**581,808**
	2,379,381 Gasoline		**841,115 Diesel**	

ATTACHMENT B
TANK WAGON TRANSPORT - ESTIMATED ANNUAL USAGE SUMMARY - PER GALLON

Location	Unleaded 87 Octane	Mid-Grade Unleaded 90 Octane	Diesel #2	ULS Diesel #2	ULS Dyed Diesel #2
Ann Arbor Public Schools	-	-	-	-	-
Birmingham	1,450			1,750	
Bloomfield Township	120,000		11,500		4,000
Eastpointe	-	-	-	-	-
Clinton Township	-	-	-	-	-
Farmington Hills	20,000	-	-	-	-
Grosse Pointe Woods	38,000			16,000	
Huron-Clinton Metro Authority	76,750				27,300
Livonia	7,900				5,400
Macomb County Roads	395,980	65,000	234,578	-	-
Madison Heights	72,000	-	-	26,400	-
Novi	-	-	-	-	-
Oakland County	-	-	-	-	-
Rochester Hills	-	-	-	-	-
Royal Oak	-	-	-	-	-
Southfield	5,500	-	54,900	-	-
St. Clair Shores	6,000	-	56,000	-	-
Sterling Heights	-	-	820	-	-
Troy	23,200	-	12,500	4,000	-
Warren	16,049	-	1,521	19,567	4,619
Waterford	-	-	-	-	-
West Bloomfield	-	-	-	-	-
Totals:	**782,829**	**65,000**	**371,819**	**67,717**	**41,319**
	847,829		**480,856**		
	Gasoline		**Diesel**		

ATTACHMENT C
ESTIMATED TRUCK DELIVERY LOCATIONS

Location	Tank Size	Above/Below Ground	Type of Product
Ann Arbor Public Schools	N/A	N/A	Diesel #2
2555 South State St			
Ann Arbor, MI 48104			
Birmingham, City of	11,600	Below	Regular Unleaded
851 S. Eton Road	6,000	Below	ULS Diesel #2
Birmingham, MI 48009			
Bloomfield Township	12,000	Below	Regular Unleaded
4200 Telegraph Rd	12,000	Below	ULS Diesel #2
Bloomfield Hills, MI 48302			
Clinton Township Water Dept.	10,000	Below	Regular Unleaded
24230 Shook Road	10,000	Below	ULS Diesel #2
Clinton Township, MI 48035			
Clinton Township Water Dept.	2,000	Below	ULS Diesel #2
17825 18 Mile Rd.			
Clinton Township, MI 48038			
Eastpointe, City of	8,000	Below	Regular Unleaded
Department of Public Works			
17800 10 Mile Road			
Eastpointe, MI 48021			
Farmington Hills, City of	10,000	Below	Regular Unleaded
Police Station	10,000	Below	Regular Unleaded
31655 Eleven Mile Road			
Farmington Hills, MI 48336			
Farmington Hills, City of	8,000	Below	Regular Unleaded
DPW	12,000	Below	ULS Premium Diesel #2
27245 Halsted	*(20k tank that is compartmentalized)*		
Farmington Hills, MI 48331			
Livonia, City of	10,000	Below	Regular Unleaded
33000 Civic Center Drive	10,000	Below	ULS Diesel #2
Livonia, MI 48154			
Livonia, City of	10,000	Below	Regular Unleaded
Public Service Division	10,000	Below	ULS Diesel #2
12973 Farmington Road			
Livonia, MI 48150			
Macomb County Roads	N/A	N/A	Regular Unleaded
117 S. Groesbeck Hwy.			
Mt. Clemens, MI 48043			
* May have multiple locations	N/A	N/A	
Madison Heights, City of	6000*	Below	ULS Diesel #2

ATTACHMENT C
ESTIMATED TRUCK DELIVERY LOCATIONS

Department of Public Services	12000*	Below	Regular Unleaded
801 Ajax Drive	*single 15,000 tank compartmentalized		
Madison Heights, MI 48071			
Novi, City of	10,000	Below	Regular Unleaded
26300 Delwal	10,000	Below	Regular Unleaded
Novi, MI 48375	10,000	Below	ULS Diesel #2
Oakland County Central Garage	20,000	Below	Regular Unleaded
1200 North Telegraph Road	20,000	Below	
Building 38E	20,000	Below	
Pontiac, MI 48341	12,000	Below	
Rochester Hills, City of	15,000	Below	ULS Premium Diesel #2
Department of Public Services	15,000	Below	Regular Unleaded
511 E. Auburn Road			
Rochester Hills, MI 48037			
Royal Oak, City of	20,000	Below	Mid-Grade Unleaded
Motor Pool Garage	10,000	Below	ULS Premium Diesel #2
1600 N. Campbell Road	10,000	Below	ULS Premium Diesel #2
Royal Oak, MI 48067			
St. Clair Shores, City of	12,000	Below	Regular Unleaded
Department of Public Works	6,000	Below	ULS Premium Diesel #2
19800 Pleasant			
St. Clair Shores, MI 48080			
Southfield, City of	20,000	Below	Mid-Grade Unleaded
DPS Facility			
25501 Clara Lane	20,000	Below	ULS Diesel #2
Southfield, MI 48034			
Southfield, City of	20,000	Below	Mid-Grade Unleaded
Public Safety Building			
26000 Evergreen			
Southfield, MI 48076			
Sterling Heights, City of	25,000	Below	Regular Unleaded
Department of Public Works	20,000	Below	ULS Diesel #2
7200 Eighteen Mile Road			
Sterling Heights, MI 48314			
Troy, City of	12,000	Below	Regular Unleaded
500 W. Big Beaver			
Troy, MI 48084			
Troy, City of	12,000	Below	Regular Unleaded
Department of Public Works	12,000	Below	ULS Diesel #2
4693 Rochester Road			
Troy, MI 48098			
Warren, City of	10,000	Below	Regular Unleaded
Department of Public Works	12,000	Below	ULS Premium Diesel #2
12801 Stephens			

ATTACHMENT C
ESTIMATED TRUCK DELIVERY LOCATIONS

Warren, MI 48089	*one split tank with 10,000 gallons for Regular Unleaded and		
Warren, City of	10,000	Below	Regular Unleaded
Police Department	10,000	Below	Regular Unleaded
29900 Civic Center Blvd.			
Warren, MI 48093			
Warren, City of	12,000	Above	ULS Diesel #2
Sanitation			
25601 Flanders			
Warren, MI 48093			
Waterford Township	10,000	Below	Regular Unleaded
5240 Civic Center Drive	6,000	Below	ULS Premium Diesel #2
Waterford, MI 48239			
West Bloomfield Township	10,000	Below	Regular Unleaded
Police Department			
4430 Walnut Lake Road			
West Bloomfield, MI 48323			
Warren, City of	10,000	Above	ULS Diesel #2
Sanitation			
25601 Flanders			
Warren, MI 48089			
Waterford Township	10,000	Below	Regular Unleaded
5240 Civic Center Drive	6,000	Below	ULS Premium Diesel #2
Waterford, MI 48239			
West Bloomfield Township	10,000	Below	Regular Unleaded
Police Department			
4430 Walnut Lake Road			
West Bloomfield, MI 48323			

ATTACHMENT D
ESTIMATED LOCATION LISTING FOR TANK WAGON DELIVERIES

Location	Tank Size	Above/Below Ground	Type of Product
Birmingham, City of	500	Below	Regular Unleaded
Lincoln Hills Golf Course	500	Below	ULS Dyed Diesel #2
2666 W. Fourteen Mile Road			
Birmingham, MI 48009			
Birmingham, City of	500	Below	Regular Unleaded
Springdale Golf Course	500	Below	ULS Dyed Diesel #2
316 Strathmore			
Birmingham, MI 48009			
Bloomfield Township	N/A	N/A	Regular Unleaded
4200 Telegraph Rd			ULS Diesel #2
Bloomfield Hills, MI 48302			
Eastpointe, City of	2,000	Above	ULS Premium Diesel #2
Department of Public Works			
17800 10 Mile Road			
Eastpointe, MI 48021			
Eastpointe, City of	560	Above	ULS Premium Diesel #2
Fire & Rescue Department			
16370 9 Mile Road			
Eastpointe, MI 48021			
Farmington Hills, City of	3,000	Below	Regular Unleaded
Parks & Golf Maintenance	500	Above	ULS Premium Diesel #2
38111 Interchange Drive			(in colder months
Farmington Hills, MI 48331			Winter Blend Diesel)
Grosse Pointe Woods, City of	4,000	Above	Regular Unleaded
Department of Public Works	4,000	Above	ULS Premium Diesel #2
1200 Parkway Drive			(in colder months
Grosse Pointe Woods, MI 48236			Winter Blend Diesel)
HC Metropark - Lake St. Clair	4,000	Above	Regular Unleaded
31300 Metro Parkway	2,000	Above	ULS Dyed Diesel #2
Mt. Clemens, MI 48045			
HC Metropark - Wolcott Mill Farm Center	500	Above	Regular Unleaded
65775 Wolcott Road	500	Above	ULS Dyed Diesel #2
Ray, MI 48096			
HC Metropark - Wolcott Golf Course	500	Temporary Above	Regular Unleaded
21690 27 Mile Road	500	Temporary Above	ULS Dyed Diesel #2
Ray, MI 48096			
HC Metropark - Stony Creek Golf Course	1,000	Above	Regular Unleaded
5140 Main Parkway	1,000	Above	ULS Dyed Diesel #2
Shelby Township, MI 48316			
HC Metropark - Stony Creek Service Yard	4,000	Above	Regular Unleaded

ATTACHMENT D
ESTIMATED LOCATION LISTING FOR TANK WAGON DELIVERIES

4250 26 Mile Road	2,000	Above	ULS Dyed Diesel #2
Shelby Township, MI 48316			
HC Metropark - Indian Springs Service Area	3,000	Under	Regular Unleaded
5200 Indian Trail			
White Lake, MI 48386			
HC Metropark - Indian Springs Golf Course	1,000	Under	Regular Unleaded
5100 Indian Trail	1,000	Under	ULS Dyed Diesel #2
White Lake, MI 48386			
HC Metropark - Kensington Service Yard	4,000	Above	Regular Unleaded
2240 W Buno Road	2,000	Above	ULS Dyed Diesel #2
Milford, MI 48380			
HC Metropark - Kensington Golf Course	2,500	Under	Regular Unleaded
13760 High Ridge Drive	1,000	Under	ULS Dyed Diesel #2
Brighton, MI 48114			
HC Metropark - Kensington Boat Rental	500	Above	Regular Unleaded
2240 West Buno Rd			
Milford, MI 48380			
HC Metropark - Huron Meadows Service Yard	1,000	Under	Regular Unleaded
8765 Hammel Road	1,000	Under	ULS Dyed Diesel #2
Brighton, MI 48116			
HC Metropark - Hudson Mills Golf Course	2,500	Under	Regular Unleaded
4800 Dexter-Pinckney Road	1,000	Under	ULS Dyed Diesel #2
Dexter, MI 48130			
HC Metropark - Hudson Mills Service Yard	2,500	Above	Regular Unleaded
8801 North Territorial	1,500	Above	ULS Dyed Diesel #2
Dexter, MI 48130			
HC Metropark - Lower Huron Service Yard	4,000	Under	Regular Unleaded
17845 Savage Road	2,500	Under	ULS Dyed Diesel #2
Belleville, MI 48111	1,000	Under	Regular Unleaded
HC Metropark - Willow Service Yard	4,000	Above	Regular Unleaded
23140 Interloop Rd	2,000	Above	ULS Dyed Diesel #2
New Boston, MI 48164			
HC Metropark - Willow Golf Course	1,000	Under	Regular Unleaded
22900 Huron River Drive	1,000	Under	ULS Dyed Diesel #2
New Boston, MI 48164			
HC Metropark - Lake Erie Service Yard	4,000	Above	Regular Unleaded
32481 West Jefferson	2,000	Above	ULS Dyed Diesel #2
Brownstown, MI 48173			
HC Metropark - Lake Erie Golf Course	4,000	Above	Regular Unleaded
14786 Lee Road	2,000	Above	ULS Dyed Diesel #2

Browntown, MI 48173			
Livonia, City of	500	Above	Regular Unleaded
Fox Creek Golf Course	500	Above	ULS Dyed Diesel #2
36000 Seven Mile Road			
Livonia, MI 48152			
Livonia, City of	2,000	Above	Regular Unleaded
Idylwyld Golf Course	2,000	Above	ULS Dyed Diesel #2
35786 Five Mile Road			
Livonia, MI 48150			
Livonia, City of	2,000	Above	Regular Unleaded
Whispering Willows Golf Course	2,000	Above	ULS Dyed Diesel #2
20500 Newburgh Road			
Livonia, MI 48152			
Macomb County Roads	N/A	N/A	Regular Unleaded
117 S. Groesbeck Hwy.			
Mt. Clemens, MI 48043			
* May have multiple locations	N/A	N/A	
Madison Heights, City of	N/A	N/A	ULS Diesel #2
Department of Public Services	N/A	N/A	Regular Unleaded
801 Ajax Drive	N/A		
Madison Heights, MI 48071			
St. Clair Shores, City of	1,000	Above	Regular Unleaded
St. Clair Shores Country Club	1,000	Above	ULS Premium Diesel #2
22185 Masonic			
St. Clair Shores, MI 48082			
Southfield, City of	1,000	Above	ULS Premium Diesel #2
Fire Headquarters			
24477 Lahser Road			
Southfield, MI 48033			
Station 1	1,000	Above	ULS Diesel #2
Station 2	1,000	Above	ULS Diesel #2
Station 3	1,000	Above	ULS Diesel #2
Station 4	1,000	Above	ULS Diesel #2
	500	Above	ULS Diesel #2
Southfield, City of	3,000	Above	ULS Diesel #2
Public Safety Building / Park Services			
26000 Evergreen			
Southfield, MI 48076			
Sterling Heights, City of	1,000	Above	ULS Diesel #2
Fire Station #2			
12825 Nineteen Mile Road			
Sterling Heights, MI 48313			
Sterling Heights, City of	1,000	Above	ULS Diesel #2

Fire Station #3 5250 Fifteen Mile Road Sterling Heights, MI 48310			
Sterling Heights, City of Fire Station #4 12850 Fifteen Mile Road Sterling Heights, MI 48312	1,000	Above	ULS Diesel #2
Sterling Heights, City of Fire Station #5 41627 Ryan Road Sterling Heights, MI 48314	generator	Above	ULS Dyed Diesel #2 off-road diesel
Sterling Heights, City of Booster Station 2460 Dobry Drive Sterling Heights, MI 48314	generator	Above	ULS Dyed Diesel #2 off-road diesel
Sterling Heights, City of Police Department 40333 Dodge Park Sterling Heights, MI 48313	generator	Above	ULS Dyed Diesel #2 off-road diesel
Sterling Heights, City of Fire Station #1 38911 Van Dyke Sterling Heights MI, 48312	generator	Above	ULS Dyed Diesel #2 off-road diesel
Troy, City of 500 W. Big Beaver Troy, MI 48084	12,000	Below	Regular Unleaded
Troy DPW, City of 4693 Rochester Road Troy, MI 48098	12,000	Below	ULS Diesel #2
Warren, City of Parks & Recreation 32601 Warkop Warren, MI 48093	4,000 2,000	Above Above	Mid-Grade Unleaded ULS Diesel #2
Warren, City of Waste Water Treatment Plant 32360 Warkop Warren, MI 48093	,000 (14 Mile 125 (14 Mile 1,050 (9 Mile)	Below Above Above	ULS Dyed Diesel #2 ULS Dyed Diesel #2 ULS Dyed Diesel #2
Warren, City of Police Department 29900 Civic Center Blvd. Warren, MI 48093	6,000	Below	ULS Diesel #2 - Dyed
Warren, City of City Hall One City Square Warren, MI 48093	1,250	Above	ULS Dyed Diesel #2

ATTACHMENT D
ESTIMATED LOCATION LISTING FOR TANK WAGON DELIVERIES

Waterford Township 5240 Civic Center Drive Waterford, MI 48239	1,000	Above	ULS Premium Diesel #2
Waterford Township Fire Station #3 3435 Elizabeth Lake Road Waterford, MI 48328	1,000	Above	ULS Diesel #2
West Bloomfield Township Fire Station #1 4601 Orchard Lake Road West Bloomfield, MI 48323	500 500	Below Below	Mid-grade Unleaded ULS Diesel #2
West Bloomfield Township Fire Station #2 6925 West Maple West Bloomfield, MI 48322	500	Below	ULS Diesel #2
West Bloomfield Township Fire Station #3 3340 Green Lake Road West Bloomfield, MI 48324	500	Below	ULS Diesel #2
West Bloomfield Township Fire Station #4 5842 Greer Road West Bloomfield, MI 48324	500 500	Below Below	Mid-grade Unleaded ULS Diesel #2
West Bloomfield Township Fire Station #5 5425 W. Maple West Bloomfield, MI 48322	500 500	Below Below	Mid-grade Unleaded ULS Diesel #2
West Bloomfield Township Fire Station #9 3300 Orchard Lake Road West Bloomfield, MI 48324	500	Below	ULS Diesel #2
West Bloomfield Township Police Department 4430 Walnut Lake Road West Bloomfield, MI 48323	2,000	Below	ULS Dyed Diesel #2
West Bloomfield Township Township Hall 4550 Walnut Lake Road West Bloomfield, MI 48323	300	Below	ULS Dyed Diesel #2
West Bloomfield Township Water and Sewer Department 2400 Haggerty West Bloomfield, MI 48323	3,000 5,000	Below Below	ULS Dyed Diesel #2 Mid-grade Unleaded

CITY OF Sterling Heights
InnovatingLiving

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CERTIFICATION

I, Melanie D. Ryska, City Clerk of the City of Sterling Heights, do hereby certify that the following action was taken at the regular City Council meeting of Wednesday January 03, 2024:

Moved: Koski Seconded: Ziarko

Resolved, to split the award of the bid for truck transport and tank wagon deliveries of unleaded gasoline and diesel fuel to the following vendors based on bid factors included in their respective bids for a two-year period, February 1, 2024 through January 31, 2026, with the option for the City Manager to extend the bid terms and conditions for an additional two year period, February 1, 2026 through January 31, 2028, upon mutual consent:

Truck Transport deliveries:

1. RKA Petroleum Companies, 28340 Wick Rd., Romulus, MI, 48174, and
2. Marathon Flint Oil Company, 1919 S Dort Highway, Flint, MI 48503

Tank Wagon deliveries:

1. RKA Petroleum Companies, 28340 Wick Rd., Romulus, MI, 48174, and
2. Gen Oil Company, 1238 Anderson Rd., Clawson, MI 48017

The motion carried. 7/0

Melanie D. Ryska

Melanie D. Ryska, City Clerk

CITY OF STERLING HEIGHTS
STAFF REPORT
January 3, 2023

Prepared By: Erik Skurda, Purchasing Manager Ext. No. 2741

GENERAL INFORMATION:

On November 14, 2023, bids were received in response to a MITN cooperative bid solicitation for the delivery of gasoline and diesel fuel. The Invitation to Bid (ITB) was advertised on SHTV, posted to the MITN and City of Sterling Heights Website, and circulated on City social media. Nine (9) vendors responded with bids per the attached bid tabulation.

Funds for the purchase of gasoline and diesel fuels are budgeted in 101.440.553 (Fleet Maintenance) 750.000 (Fuels and Lubricants). Based on an estimated purchases of 300,000 gallons of fuel and an average delivered price of $2.35/gal based on current market conditions, the City will expend approximately $705,000 for truck transport and tank wagon deliveries of gasoline and diesel fuel annually.

STAFF ANALYSIS AND FINDINGS:

Upon review and analysis of all qualifying bids received, the recommendation is being made to split the award of the bid among three vendors per the following analysis:

Truck Transport (deliveries of greater than 5,000 gallons): Recommendation is being made to award truck transport deliveries to the two overall low bidders, RKA Petroleum Companies and Marathon Flint Oil Company based upon the following bids:

RKA Petroleum Companies, Inc., 28340 Wick Road, Romulus, MI 48174:

Unleaded Regular 87	- $0.0520/gal	
Unleaded Mid-Grade 89	N/A	
ULS Diesel #2	- $0.0529/gal	
ULS Premium Diesel #2	- $0.0529/gal	
Winter Diesel Additive		+ $0.0285/gal for Winter Additive

Marathon Flint Oil Company, 1919 S Dort Highway., Flint, MI 48503:

Unleaded Regular 87	- $0.0480/gal
Unleaded Mid-Grade 89	- $0.0480/gal

ULS Diesel #2 - $0.0310/gal
ULS Premium Diesel #2 - $0.0310/gal
Winter Diesel Additive + $0.022/gal for Winter Additive

RKA Petroleum is the low bidder overall for unleaded 87 octane fuel, ULS Premium Diesel #2, and ULS Diesel #2. Marathon Flint Oil Company is the overall low bidder for Unleaded Mid-Grade 89 octane fuel. Splitting the award to the two overall lowest bidders for purchases of truck transport deliveries of gasoline and diesel fuel offers the City and the cooperative members the option of leveraging the lowest pricing, with the safety of a back-up vendor in case of delivery or supply issues.

RKA Petroleum is a capable vendor, having provided fuel to the City and the cooperative members under the current contract since 2015, with satisfactory performance. Marathon Flint Oil Company is also capable. A check of references resulted in favorable recommendations from current customers. Marathon's clients include both the Oakland County and St Clair County Road Commission's, which has led the Office of Purchasing to believe they are capable of fulfilling municipal needs, and the needs of the cooperative.

Tank Wagon (deliveries of less than 5,000 gallons): Recommendation is being made to award tank wagon deliveries to the two overall low bidders, RKA Petroleum Company and Gen Oil Company based upon the following bids:

RKA Petroleum Companies, Inc., 28340 Wick Road, Romulus, MI 48174:
Unleaded Regular 87 + $0.0780/gal
Unleaded Mid-Grade 89 + $0.0780/gal
ULS Diesel #2 + $0.0771/gal
ULS Diesel #2 Premium + $0.0771/gal + $.0285/gal for Premium Additive
ULS Diesel #2 Dyed + $0.1021/gal
Winter Additive + $.0285/gal for Winter Additive

Gen Oil Company, 1238 Anderson Rd., Clawson, MI 48017
Unleaded Regular 87 + $0.0995/gal
Unleaded Mid-Grade 89 + $0.0995/gal
ULS Diesel #2 + $0.0895/gal
ULS Diesel #2 Premium + $0.0925/gal
ULS Diesel #2 Dyed + $0.0925/gal
Winter Additive + $0.0199/gal for Winter Additive

RKA Petroleum is the incumbent vendor for tank wagon deliveries and is the overall low bidder for Unleaded 87 octane fuel, Unleaded Mid-Grade 90 Octane, ULS Diesel #2, and ULS Diesel Premium. Gen Oil Company is the overall low bidder for ULS Diesel #2 Dyed, and the second lowest bidder in all other categories. Gen Oil does not have a past relationship with the City, however a review of references resulted in favorable recommendations. Gen Oil's current clients include several large private sector enterprises that require 24/7 operational uptime making them a prime candidate to provide service for municipal use and the needs of the cooperative.

As indicated above, an award to two vendors for both tank wagon and truck transport deliveries affords MITN members the opportunity to leverage the bid results and purchase fuel at the lowest cost, depending on the commodity and quantity being ordered. In addition, in the event of an emergency, MITN cooperative members will have access to two tank wagon vendors.

Wholesale fuel prices charged to MITN members through this cooperative bid may fluctuate daily based on market conditions and are considerably lower than consumer pump prices.

Mandatory Taxes and Fees: Qualifying governmental entities are tax exempt, however, Federal LUST (Leaking Underground Storage Tank) fees, Michigan UST (Underground Storage Tank) fees, and Federal Superfund fees are payable on a per gallon basis. These mandatory taxes/fees are listed by the individual bidders in the bid submissions, however they are not included in the totals listed on the Bid Tabulation. Below is the listing of the currently allowable taxes and fees that will be added to all invoices on a per gallon basis:

Federal LUST (Leaking Underground Storage Tank) fee - $0.001 per gallon.
Federal Superfund - $0.003515 per gallon
Michigan UST (Underground Storage Tank) fees - $0.01 per gallon.

In total, these allowable taxes/fees equate to $0.014515 per gallon, and are subject to change, in addition to new fees that may be imposed by Federal and State governments. The City and the cooperative members will only be required to pay taxes and fees that they are legally obligated to pay.

Bid Factors: Bids were received that reflect negative (-) factors for the truck transport deliveries. This negative factor applies only to the larger truck transport deliveries, not the smaller volume tank wagon deliveries. These negative bid factors can best be explained as the 'sharing of a volume discount provided to the vendor from the fuel terminals.' The bidders buy a high volume of fuel from the terminals and as a result, have favorable pricing agreements with the terminals. In the hope of being awarded a bid, vendors have made a business decision to pass along savings offered by the terminals in the form of a negative factor. If awarded, the gallons of fuel included in this cooperative bid advances

the vendors objective of meeting their threshold of fuel needed to secure favorable pricing from the fuel terminals.

Invoicing: Invoices will calculated and paid based on the following:

OPIS Detroit Rack Average Price (10:00:01 AM on Date of Delivery)
+ Per Gallon Additive price on Bid Form, if any (diesel premium / winter additive)
= Net Price Per Gallon
+ / - Bid Factor on Bid Form (Tank Wagon or Truck Transport)
= Net Price Per Gallon Delivered (Before any Taxes / Surcharges)
+ Per Gallon mandatory Surcharges (Taxes & Surcharges)
= Total Price Per Gallon Delivered
x Gallons Delivered
= Net Total Cost of Fuel
+ Short Load Charge or Split Order Charge, when applicable
= **Invoice Total**

Cooperative Members: MITN cooperative members include the governmental entities of Birmingham, Bloomfield, Clinton Township, Eastpointe, Farmington Hills, Grosse Pointe Woods, Huron-Clinton Metro Parks, Livonia, Madison Heights, Novi, Oakland County, Rochester Hills, Royal Oak, St. Clair Shores, Southfield, Sterling Heights, Troy, Warren, Waterford, and West Bloomfield. In addition, there are approximately 2-3 additional entities that may be included at a later date.

All vendors receiving an award must agree to indemnify and hold the MITN cooperative members harmless from liability and provide evidence of insurance with acceptable terms and coverage.

STAFF RECOMMENDATION:

Please see the suggested action on the Agenda Statement.

BIRMINGHAM
A WALKABLE CITY

MEMORANDUM

ENGINEERING & PLANNING DIVISION

DATE: January 30, 2024

TO: Jana Ecker, City Manager

FROM: Melissa Coatta, Engineering Director
Brooks Cowan, Senior Planner
Ryan Kearney, Police Lieutenant

SUBJECT: Staff Update – Shirley Rd. & Arlington St. Interim Report for City-Initiated Unimproved Street Project

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INTRODUCTION:
As part of the City's annual Capital Improvement Plan and budget for Fiscal Year 2023-2024, Shirley Rd. and Arlington St. have been selected by the City's Engineering Department for water main replacement and some sewer improvements. Shirley Rd. and Arlington St. are both considered unimproved streets. This is the second project under the City's new policy for initiating improvement projects for unimproved streets.

BACKGROUND:
On January 8, 2024, the City Commission held a meeting regarding the Interim Report for Shirley & Arlington's City initiated unimproved street project. City staff presented on the background of unimproved streets in Birmingham, recommendations of the Unimproved Streets Study Committee, and the following amendments to the City's Municipal Code that enable City led improvement projects. Staff also presented on existing infrastructure conditions and right-of-way conditions with a tree inventory. Existing conditions were presented, as well as the City's Residential Street Width Policy and relevant master plans recommending how the public right-of-way should be designed. A summary of plans referenced was presented, followed by a recommended improved street design.

The City Commission took no action regarding infrastructure or roadway design for the Shirley and Arlington project on January 8, 2024. A motion was approved by the City Commission to have a special on-site meeting where the City Commission would walk Shirley Rd. and Arlington St. along with staff and residents on Saturday January 13, 2024 at 12:00 pm, with a backup weather date scheduled for January 20, 2024 at 3pm in case of inclement weather. Both meetings were canceled due to inclement weather.

On January 22, 2024, the City Commission determined that they would not make a final decision on Shirley Rd. and Arlington St. until they had completed a walking tour. A new date of Tuesday January 30, 2024 at 9:00am was scheduled, with a backup weather date on Friday February 2, 2024.

On January 30, 2024 (Agenda - Video), the City Commission conducted a walking tour of Shirley Rd., Arlington St., and Brandon Rd. The City Commission stopped at five designated locations and listened to public comment.

The original memo and related attachments for the Shirley & Arlington Interim Report for City Initiated Street Project dated January 3, 2024 is included below. The latest December 2023 traffic counts and the slides used for the staff presentation regarding Shirley and Arlington from the January 8, 2024 City Commission meeting have also been incuded in the attachments with PDF links.

BIRMINGHAM
A WALKABLE CITY

MEMORANDUM

ENGINEERING & PLANNING DIVISION

DATE: January 3, 2024

TO: Jana Ecker, City Manager

FROM: Melissa Coatta, Engineering Director
Brooks Cowan, Senior Planner
Ryan Kearney, Police Lieutenant

SUBJECT: Shirley Rd. & Arlington St. Interim Report for City-Initiated Unimproved Street Project

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INTRODUCTION:
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This report serves as the Interim Report for City-Initiated Unimproved Street Project, as outlined in the updated 2021 policy statement on procedures for City street improvements. Once a recommendation is made by the City Commission for sewer, water, and road design, the City Engineering Department will proceed with final designs. The City Commission will then have a public hearing on a future date to establish a special assessment district for the making of the public improvement.

BACKGROUND:
In 2017, the City of Birmingham created an Ad Hoc Unimproved Street Study Committee for the purpose of developing a long term plan addressing unimproved roads in the City. The committee was composed of seven total members with two elected City Commissioners, three residents living on an unimproved street from different areas of the City, one resident living on an improved street, and one member with a background in road design. The Committee held 15 public meetings between 2018 to 2020 for policy review and recommendations. A central item for discussion involved how to approach infrastructure improvements for unimproved streets. A common concern was that the City's current policy of a resident led petition created undesireable conflict between neighbors. The Committee wanted the City's professional engineers and staff to have more say on the matter.

On December 21, 2020, the City Commission accepted the Ad Hoc Unimproved Street Study Committee's Final Report. One recommendation of the Final Report was for the City to create a policy enabling the City's Engineering Department to initiate road improvements projects without a citizen led petition. It was also recommended that the City conduct a system wide infrastructure

ranking of all unimproved streets to prioritize the initiation of projects. The rankings and prioritized projects would be presented in the five-year capital improvement plan through the annual budgeting process. The information presented during the 2023 budgetary meeting for FY 23/24 regarding Shirley Rd. and Arlington St. is included in the attachments.

On October 25, 2021 (Agenda – Minutes), the City Commission adopted the "Procedure for City Street Improvements" policy and amended the subsequent Municipal Code Chapter 94, Sections 94-4 through 94-8 related to initiating special assessments. This new policy aligns with a number of the recommendations from the Ad Hoc Unimproved Street Study Committee. Road improvements may still be initiated by residents with a petition, however unimproved street projects may also be initiated by the City Engineering Department. Such projects would be determined by a ranking system and presented during Capital Improvements Planning.

Updates to Chapter 94, Section 94-4 *Initiation of Improvement by Commission* of the Municipal Code reads as follows:

> *(1) Proceedings for making public improvements within the city may be commenced by resolution of the city commission, on its own initiative, making the improvement and special assessment mandatory.*
>
> *(2) In order to ascertain whether 50% of property owners to be assessed for a special improvement, the City Commission may choose to direct staff to circulate an expression of interest form. Or, the Commission may receive a petition presented by property owners.*
>
> *(3) The commission shall carefully consider any petition or expression of interest forms received, but both petitions and expression of interest forms shall be advisory only. Petitions or expression of interest forms shall in no event be mandatory upon the commission.*

Shirley Rd. and Arlington St. improvements were included in the FY 23-24 budget and Capital Improvement Plan (CIP), however, the project was budgeted for replacement of an unimproved road. The Shirley Rd. and Arlington St. project is now being proposed under the recently adopted City-Initiated Project policy for unimproved streets (the first being Westwood in June of 2022). Both streets were in the budget since FY 17-18 with construction planned to occur in FY 21-22. This timeline was pushed back in 2020 due to COVID.

With this project, improvements will be made to the sewer and water mains, the cost for which is paid from the Sewer and Water Funds, and are not subject to a special assessment. If a water/sewer lateral connecting a home to the main does not meet current City standards, a special assessment to the homeowner for lateral replacement is typical for these types of projects.

The sewer and water mains are located beneath the public street, hence the proposed project will also include a new pavement surface. The cost for the street pavement on unimproved roads with cape seal treatment or improved roads with aggregate base and either concrete or asphalt pavement will be subject to a special assessment to the adjoining property owners that benefit from the street improvement project. The special assessment process is a long-standing City policy when unimproved streets are improved. Special assessments for drive approaches, are typically included for these type of projects.

Proposed infrastructure work includes the following components:

- Replace the existing 6" water main (originally installed in 1927) on both Shirley Rd. and Arlington St. with a new 8" water main meeting current City sizing requirements. New valves and fire hydrants will be replaced within the project area. Some of the existing fire hydrants in this area do not meet current goals for available water flow. Water system modeling considering the new mains to be installed with this project indicate significant improvement in water flows, and the improvement will allow the system to meet current goals for residential areas.
- Shirley Rd. and Arlington St. both have combined sewers ranging from 10" to 24" in size that were originally installed in 1927. In 1968, a relief size was installed on the south portion of Arlington St, and on Shirley Rd. ranging from 15" to 27" in diameter. The City will be extending the relief sewer along the north portion of Arlington and separating some of the storm runoff in this area.
- Sidewalk improvements will be completed as needed, especially at intersection crosswalks, to meet current ADA requirements. We are considering employing the use of limited "bump-outs" to improve pedestrian safety by shortening the distance they have to be in the crosswalk, which have also been shown to have a traffic calming effect and reduce average traffic speeds.

On October 16th, 2023, City staff held an informational meeting with residents of Shirley and Arlington to go over engineering topics related to sewer and water for each street, along with the upcoming design, approval, and special assessment process associated with infrastructure projects. Participants at the meeting raised questions regarding the street design and sidewalk placements. Those inquiring were informed that such topics will be discussed with the Multi-Modal Transportation Board and the City Commission at upcoming meetings.

Following the process used in 2022 for the Westwood improvements, surveys for the proposed project were distributed to residents in September of 2023. The City has received responses from 44 out of the 80 properties (49 total surveys – multiple responses from single properties). **As noted in Chapter 94, Section 94-4 of the Municipal Code, both petitions and expressions of interest forms shall be advisory only. The results of the surveys are as follows:**

Category	Yes	No	No Repsonse
Sewer:	18 (23%)	26 (33%)	36 (45%)
Water:	18 (23%)	26 (33%)	36 (45%)
Improved Street:	12 (15%)	30 (38%)	38 (48%)
Sidewalks:	8 (10%)	36 (45%)	36 (45%)

The current timeline for this project is to complete the final design of the project after receiving direction from the City Commission related to pursuing a potential special assessment for defraying the costs of street improvements. The final design will take several months to complete, and the intent would be to advertise the project for bids in April or May of 2024, with construction beginning in the summer of 2024. A three to four month construction period is anticipated.

Multi-Modal Transportation Board Review:

In 2018, the City Commission directed the Multi-Modal Transportation Board to create a residential street width policy after a public hearing debate regarding the improvement of Bennaville Ave. The Board proceeded to discuss this item on March 1, 2018 (Agenda – Minutes), April 5, 2018 (Agenda – Minutes), and May 3, 2018 (Agenda – Minutes). The City's transportation

consultants presented national standards and best practices for residential streets recommended by the Transportation Research Board, the Institute of Transportation Engineers, the Urban Land Institute, the National Association of City Transportation Officials (NACTO), and the American Association of State Highway and Transportation Officials (AASHTO). Upon review of best practices, it was determined that the 26' pavement width was best practice for residential streets.

There was general consensus from the Multi-Modal Transportation Board (MMTB) that 26' was an appropriate policy for residential street width. Doing so allowed a 5' sidewalk and appropriate curblawn space for trees on each side of the street within a typical 50' right-of-way. The MMTB also agreed that exceptions should be considered under certain conditions. The Board recommended that each street be reviewed on a case-by-case basis and factors such as vehicular counts, vehicular speeds, on-street parking, emergency access, bus routes, and street trees be considered each time.

On July 23, 2018 (Agenda – Minutes), the City Commisison reviewed the recommendations of the Multi-Modal Transportation Board and approved the Birmingham Residential Street Design Standards. Such standards include a residential street width of 26' (28' back of curb to back of curb), with a curblawn for street trees and a 5'-6' sidewalk. The policy also includes exceptions for consideration and standards for review. The approved residential street width policy is included in the packet as noted below.

On September 7th, 2023 (Agenda – Minutes), the Multi-Modal Transportation Board began preliminary discussions regarding Arlington St. and Shirley Rd. within the context of the City's Residential Street Width Policy. The Board initially indicated an interest in pusuing a sidewalk on just one side of the street within the existing 33' curb to curb space. Doing so would avoid disturbing the natural features and enable a City standard 26' street width.

On October 5th, 2023 (Agenda – Minutes), the Multi-Modal Transportation Board reviewed schematic concepts provided by staff for potential sidewalk locations and held a discussion regarding preferences. City staff commented that when there is a 50' right-of-way of City property, staff recommends maximizing the health, safety, and welfare of the entire space for the public good. In this case, that would entail finding a way to use all 50' of the right-of-way to place sidewalks on both sides of the street that includes a typical curb lawn between the sidewalk and road to act as a buffer between vehicles and pedestrians. After discussion, staff indicated more detailed concepts would be provided for the November meeting.

On November 2nd, 2023 (Agenda – Minutes), City staff presented a detailed topographic survey with four design concepts for street widths and sidewalk locations. Data from a detailed survey of all trees within the public right-of-way conducted by Davey Environmental was also discussed. The intent was to address concerns regarding the natural features in the right-of-way. The memo provided online Friday October 27th, 2023 included tree data taken between 2012 to 2023, however staff received an expedited survey from Davey Environental to reflect existing conditions to present at the meeting on November 2nd, 2023. The MMTB moved to approve a public hearing on the street width of Shirley Rd. and Arlington St. for December 5, 2023.

On December 5th, 2023 (Agenda), the MMTB held a public hearing to make a recommendation of street width and design to the City Commission. City staff presented on the City's relevant policies and master plans for residential roads, the existing conditions of Shirley and Arlington, the City's street tree policy, and the necessary traffic, parking, and vehicular speed data for reviewing changes to residential street widths – all of which are included as noted below.

City staff and the Multi-Modal Transportation Board refer to the City's Complete Streets Resolution (2011), the Multi-Modal Transportation Plan (2013), the 2040 Birmingham Plan, and the Residential Street Width Standards policy (2018) as guidelines for making recomendations.

On July 11th, 2011, the Birmingham City Commission adopted a resolution in support of a complete streets policy encouraging safe transportation design for all users. The resolution concludes with the following:

> *"Now, therefore, be it resolved, that the City of Birmingham City Commission hereby declares its support of complete streets policies and further directs City staff to develop a set of proposed policies and procedures to implement Complete Streets practices to make the City more accommodating to all modes of travel, including walkers, bicyclists and transit riders, of all ages and abilities."*

In 2013, the City Commission approved the Multi-Modal Transportation Plan which goes into more detail regarding recommendations to enhance pedestrian safety and multi-modal connectivity. The Multi-Modal Transportation Plan categorizes the subject area as a neighborhood where sidewalks should be completed. It recommends that the City pursue sidewalks on all sides of the street, particularly when the City is undertaking a road reconstruction process.

In 2023, Birmingham's City Commission adopted a new Master Plan titled "The Birmingham Plan 2040". The creation and adoption of this plan involved 45 public meetings over the span of four years. Chapter 3 of the Birmingham Plan 2040, "Retain Neighborhood Quality" has a section titled "Keep Streets Pedestrian-oriented". This section discusses how widening streets encourages higher speeds and cut through traffic. It provides that street design must consider pedestrian comfort and safety and street trees for public health, stating (pg 56):

> *Today, sidewalks are missing in numerous places, which should be surveyed and remedied. Similarly, street intersections which do not have accessible ramps to crossings should be remedied. These changes may cause trees to be removed, which should be replaced nearby to maintain the street tree canopy…*
>
> *The tree lawn is critical to street trees; sufficient root area results in greater canopy. Canopy health is very closely related with the health of residents, mental and physical, the ease of walking or biking along streets, and the success of children in school. In fact, programs exist across the country to re-establish urban tree canopies to improve the health outcomes of children.* ***In neighborhoods, tree lawns should not be sacrificed for pavement width.***

In addition, the following section of Chaper 3 "Retain Neighborhood Quality" is titled "Replace Unimproved Streets". This section of the Master Plan recommends that the City pursue recommedations of the Ad-Hoc Unimproved Streets Committee in order to remedy unimproved streets throughout the City.

Chapter 3 "Retain Neighborhood Quality" of the Birmingham Plan also has a section titled "Retain Street Tree Canopy". This section states that Birmingham's downtown and neighborhoods benefit from a rich tree canopy, increasing house values, public health, and sustainability. This section comments that the street tree canopy should be protected, well maintained, and prepared for a

changing climate. Recommended actions for a Canopy Improvement Plan relevant to Shirley and Arlington include the following (pg. 59):

i. *Select large canopy species for streets and parks, native to the region and resilient for its' future climate, retaining the character of each neighborhood's distinctive canopy.*
ii. ***Minimize overly-used or exotic species, such as Crab Apple, Honey Locust, and Pear Trees.***

In regards to existing conditions, the 33' road width is located within a 50' public right-of-way. Thus, the 8'-9' feet of property located on each side of the road along Shirley and Arlington is City property. Staff pointed out that a number of landscaping features have been planted in the public right-of-way without a special treatment permit. Staff also discussed that when a special treatment permit to plant or install features in the right-of-way is obtained, the agreement has a clause stating the City may remove such features during a public project at no cost or liability. **The City owns the entire 50' right-of-way and is permitted to use the space for the public good, regardless of any improvements installed by others.**

City staff also discussed the presence of 136 street trees within the right-of-way along Shirley Rd. and Arlington St. An updated survey of species and conditions was obtained by Davey Environmental in November of 2023. The data indicated that 93 of the 136 trees were either prohibited species or in poor to fair condition. The prohibited species include 16 Pear Trees, (Callery Cleveland Select), 11 Norway Maples, 7 Silver Maples, and 3 Red Maples which are considered non-native and invasive. The data also indicated that 31-38 trees have the potential to be relocated given their species and a diameter at breast height of 5 inches or less. The Crab Apple is the most populated tree throughout the subject area with a count of 18 (14 of which were illegally installed without a special treatment permit on City property without City approval.) As previously mentioned, The Birmingham Plan 2040 recommendation under "Maintain Tree Canopy" is to minimize the use of Crab Apple and Pear Trees (pg. 59).

City staff, including the staff arborist, toured Arlington St. and Shirley Rd. with arborist Lawrence Sobson from the Michigan Department of Natural Resources (DNR). Mr. Sobson was able to attend the Multi-Modal Transportation Board meeting on December 5, 2023 and answer questions on tree species, recommended street trees, and why some species are not recommended as street trees. The City of Birmingham's arborist staff maintains a prohibited tree species list and a recommended tree species list that aligns with recommendations of the Michigan DNR. To learn more about prohibited species, the DNR has a webinar series "Not MI Species" titled "Where the Sidewalk Ends: Choosing Resilient Trees for Tomorrow's Urban Environments" (select link to view, see mins 8:00-20:00 for prohibited species, and 34:00 for recommended species).

City staff representatives from the Department of Public Services (DPS) were also available to answer questions for the Multi-Modal Transportation Board. DPS commented that if the City were to pursue a complete streets policy on Arlington St. and Shirley Rd., the City would plant 200-250 new trees that were permitted species and intended to provide a long-term healthy tree canopy. DPS also provided a detailed memo on the street trees of Arlington St. and Shirley Dr. which is included in the attachments.

Staff then proceeded to review the Birmingham Residential Street Design Standards Section 4, "Exceptions and Modifications to the Width Standards" which includes the following:

Any modification must be consistent with the Intent of these standards and the engineering publications upon which they are based. Street width exceptions may only be approved to a minimum of 20 ft. and a maximum of 30ft. If residents express a desire for a non-standard street width at a public meeting or through a public survey of street residents, those preferences shall be considered (either wider or narrower) only if one or more of the following conditions exist:

a. *High or low frequency of use of on-street parking. When surveyed on-street parking is utilized 15% or less overnight, the width may be reduced. When parking density is classified as highly utilized, defined as over 25%occupancy throughout the day or more than 50% of the available curb space used overnight, the width may be increased. For calculation of parking, a minimum length of 22 ft. shall be used and not include driveways, spaces adjacent to fire hydrants, or other locations where parking is not allowed.*

   Parking counts were taken by the City's Police Department from Thursday November 9th, 2023 to Saturday November 11th, 2023 at 10am, 2pm, and 12am each day. Arlington's highest parking count was 39 at 10am on a Friday, while Shirley's highest parking count was 23 at 10am on a Thursday. Shirley and Arlington have approximately 7,892 feet of curb space, thus a parking capacity of approximately 359 vehicles. The highest utilization rate during the daytime was 11% for Arlington and 6% for Shirley. Meanwhile, the nighttime utilization rate was between 0%-1% for both streets. It has been noted that there are a number of construction workers and landscaping companies parked on the street during the daytime. Staff does not recommend deviating from City standards to accommodate parking space for contractors and landscapers. **Thus, the Shirley and Arlington parking counts qualify the road width to be less than the City standard of 26', however the parking counts do not qualify the subject area to modify the street width standard to be wider than 26'.**

Arlington

Parking Counts	10am	2pm	12am
Thursday 11.09.23	32	36	0
Friday 11.10.23	39	30	0
Saturday 11.11.23	3	3	0

Arlington

Parking Occupancy	10am	2pm	12am
Thursday 11.09.23	9%	10%	0%
Friday 11.10.23	11%	8%	0%
Saturday 11.11.23	1%	1%	0%

Shirley

Parking Counts	10am	2pm	12am
Thursday 11.09.23	23	17	2
Friday 11.10.23	21	15	1
Saturday 11.11.23	6	8	4

Shirley

Parking Occupancy	10am	2pm	12am
Thursday 11.09.23	6%	5%	1%
Friday 11.10.23	6%	4%	0%
Saturday 11.11.23	2%	2%	1%

b. *Daily traffic volumes exceed 1500 vehicles.*

   Daily traffic counts were taken on Arlington and Shirley from November 14th to November 17th, 2023. Traffic counts ranged from 263 to 1,563 per day. Shirley Rd. exceeded 1,500 vehicles on two occasions but Arlington St. peaked at 1,420 vehicles. **Thus, Shirley may qualify for this exception, however Arlington does not.**

November 2023	Tue 14	Wed 15	Thur 16	Fri 17
Arlington	854	1,349	1,420	263
Shirley	1,145	1,522	1,563	291

c. *The street is a published school bus route used by the Birmingham Public Schools or is a frequent emergency response route.*

Shirley and Arlington are published school bus routes. The Fire Department has indicated that the subjects roads are not frequent emergency response routes. **Thus, Shirley and Arlington may qualify for this exception.**

d. *Street is adjacent to a school, religious institution, City park, multiple-family residential development, or other use with access that generates higher traffic volumes.*

Arlington and Shirley are not adjacent to uses considered to generate higher traffic volumes. Shirley is adjacent to the Rouge Trail and Linden park, however this site does not have a parking lot and does not generate large amounts of vehicular traffic. The house on the corner of Arlington and Maple belongs to a religious institution (Birmingham First United Methodist Church), however vehicular access to the church is off of W. Maple. **Thus, Shirley and Arlington do not qualify for this exception.**

e. *Presence of street trees, especially healthy, mature trees, such that rebuilding the road as proposed would result in the removal of two or more trees on any given block.*

There are 136 trees within the public right-of-way along Shirley and Arlington. A review of existing trees by Davey Environmental, City staff Arborists, and a DNR arborist has determined that the majority of street trees are either prohibited species, in poor to fair condition, or have the potential to be transplanted. Also, if the City were to pursue complete streets design with a 26' wide road, sidewalks on eack side of the street, and a 6' curblawn, the City would plant 200-250 new trees that align with the City's permitted street tree policy to enable a healthy, longlasting tree canopy.

It is also of note that reducing the road width from 33' to 26' will not impact any trees – the replacement of trees would be related to the pursuit of sidewalks. **Given the existing road width and tree conditions in the subject area, Shirley and Arlington do not qualify for this exception.**

f. *A speed study confirms that the 85th percentile speed is more than 5 miles per hour over the posted speed limit and/or city police or engineering departments have documented operational or safety concerns related to traffic patterns along the street.*

The Police Department consistently collects speed and volume counts for all residential streets on a rotating basis using clandestine recording devices.

The most recent data for Shirley indicates an 85% speed of 30 mph and 32 mph for Arlington. Given the recorded speeds in the 85th percentile of 5-7 mph over the speed limit, the Police and Engineering Department are MORE inclined to recommend that the street width be reduced from existing 33' to the City standard of 26' in order to reduce speeds. The Police and Engineering Department also want to reitereate that speed bumps cannot be installed on unimproved streets with cape seal such as Arlington and Shirley due to the lack of road foundation. **Thus, Shirley and Arlington do not qualify for an exception to widen the street width to more than 26', however they do qualify for consideration to reduce the street width to less than 26'.**

g. *Street may be as narrow as 20 ft. with parking on one side only if right-of-way is less than 50 ft.*

The right-of-way along Shirley and Arlington is 50' wide. **Thus, Shirley and Arlington do not qualify for this exception.**

Thus, Shirley and Arlington meet the criteria for consideration of exceptions to the residential street width standard due to being a school bus route and Shirley having a recorded daily vehicle traffic volume exceeding 1,500. In addition, having recorded 85th percentile vehicular speeds of 5-7 mph over the speed limit supports a narrowing of the street to a width less than 26'.

Four alternative design concepts for Arlington St. and Shirley Rd. were presented. Exhibit A included a City standard street maximizing the public right-of-way with a 26' wide street accomodated by a 6' greenspace and 5' sidewalk on each side. Based upon a review of relevant master plans and the City's residential street width policy, City staff recommended Exhibit A for approval. Staff emphasized that this is a generational project and Exhibit A would provide safe sidewalks and a healthy new tree canopy for multiple generations of Birmingham residents to come.

Staff also commented that the City wants to be proactive, not reactive, when it comes to pursuing sidewalks and safe pedestrian spaces. Staff brought up the fact that the City had recommendations for enhanced pedestrian safety at Woodward near Maple and Forest for years, but it was not until there were two pedestrian deaths in 2021 that the City acted upon the recommendations of its plans.

Upon review, discussion, and public comment, the Multi-Modal Transportation Board motioned to recommend approval of Exhibit A which includes a City standard 26' wide street and sidewalks on both sides to the City Commission by a vote of 4-2.

LEGAL REVIEW:
The City Attorney has reviewed the suggested resolutions and has no objection.

FISCAL IMPACT:
This project has been planned and is included in the approved FY 23/24 budget as a standard cape seal replacement. The budget includes $270,000 in Local Streets account 202-449.001-981.0100, $390,000 in Sewer Fund account 590-936.001-981.0100, and$1,700,000 in Water Fund account 591-537.004-981.0100. Therefore, the total project budgeted is $2,360,000. If a full reconstruction of the streets as shown in Exhibit A is selected, a budget amendment would be required for the Local Street Fund. Preliminary estimate of the road reconstruction as an improved street is $3,300,000, thus there will be a shortfall of $3,030,000 in the Local Streets account with approximately$2,750,000 in potential special assessment revenue over a 10-year payback. Installing a 5' wide sidewalk on both sides of Arlington and Shirley will be approximately$500,000. The FY 23/24 budget has $200,000 for sidewalk gap closure and potential sidewalk assessment revenue for new sidewalk installation. Thus, City Commission would have to amend the budget and approve the use of an additional$1,530,000 from the Local Streets fund, transfer an additional $1,500,000 from the General Fund, and amend the sidewalk budget for $300,000.

PUBLIC COMMUNICATIONS:
A "Notice of Upcoming Project and Expression of Interest Survey for Street Improvement" dated September 25, 2023 was sent to all properties along Arlington St. and Shirley Rd. City staff received a total of 49 responses from 44 properties.

Notices were sent to all residents along Arlington St. and Shirley Rd. to notify of the public hearing with the Multi-Modal Transportation Board that was set for December 5, 2023. Public Notice signs were also placed at all stop signs along Arlington and Shirley to notify of the hearing.

The item was presented in a public setting at the Multi-Modal Transportation Board in September, October, November, and December of 2023. Staff presented timelines of anticipated hearings and discussed that the final hearing would likely be held with the City Commission on January 8, 2024.

SUMMARY:
Based upon review of the existing water, sewer, and road conditions, the City's Ad Hoc Unimproved Streets Study Committee Final Report, the City Commission's 2011 Complete Streets Resolution, the Multi-Modal Transportation Plan, the 2040 Birmingham Plan, the Residential Street Width Policy, and the City's street tree program, City staff recommends that Shirley Rd. and Arlington St. be designed as an improved street with dimensions indicated in Exhibit A with 5' sidewalks on both sides of the street, a curb lawn for City trees on each side, and a street width of 26' consisting of a concrete surface. Staff recommends implementing Exhibit A as an improved street to provide quality infrastructure, a safe pedestrian design, and a healthy tree canopy for the existing residents as well as generations of Birmingham residents to come.

Once a recommendation is made by the City Commission for sewer, water, and road design, the City Engineering Department will proceed with final designs. The City Commission will then have a public hearing on a future date to establish a special assessment district for the making of the public improvement.

ATTACHMENTS:

- Staff Report – Fire Department
- Staff Report – Department of Public Services
- Draft Minutes – Multi-Modal Transportation Board December 5, 2023
- Exhibit A – Conceptual street design and sidewalk location
- Exhibit A – Intersection Recommendations
- Upcoming Capital Improvements Projects – 2023 Long Range Planning
- Procedure for City Street Improvements, October 25, 2021
- Residential Street Width Standards, July 23, 2018
- Complete Streets Resolution, July 11th, 2011
- Multi-Modal Transportation Plan (2013) – relevant sidewalk recommendations
- The Birmingham Plan (2023) – Chapter 3. "Retain Neighborhood Quality"
- Sidewalk location map – 2021
- Special Treatment Permit and right-of-way liability language
- Not MI Species Webinar – "Where the Sidewalk Ends: Choosing Resilient Trees for Tomorrow's Urban Environments" by Michigan DNR
- Table and Charts of Arlington St. and Shirley Rd. tree species
- Birmingham prohibited tree species list
- Birmingham permitted tree species list
- Maps of street tree conditions and species
- Arlington St. and Shirley Rd. speed data
- Arlington St. and Shirley Rd. vehicle counts
- Arlington St. and Shirley Rd. parking counts
- Slides from staff meeting with residents – October 19, 2023
- Resident letters
- Map of survey respondents and surveys
- Exhibit B – Conceptual sidewalk location reviewed by MMTB
- Exhibit C – Conceptual sidewalk location reviewed by MMTB
- December 2023 speed data and traffic counts - NEW
- January 8, 2024 staff presentation - NEW

SUGGESTED COMMISSION ACTION:

Make a motion adopting a resolution to direct the Engineering Department to proceed with final design of the Arlington Street and Shirley Project to include the planned improvements to the sewer and water systems, and the full reconstruction of the streets within the project area that will meet the City standards for an improved street with a 5 foot sidewalk on each side of the road as indicated in Exhibit A.

City of Birmingham Fire Department

572 South Adams • Birmingham, Michigan 48009 • 248.530.1900 Fax 248.530.1950

Arlington and Shirly Roads Water Supply Recommendations

Throughout the City, some areas need immediate improvements to the water system for fire suppression needs. Arlington and Shirley Roads are two of these locations. The fire hydrants located down these streets as you get closer to the middle do not meet the water requirements for fire suppression. Hydrants that are painted red on the caps are not used for fire suppression because they potentially do not provide enough water for a single fire hose.

Every fire hydrant in the City is color-coded based on the available amount of water that can be produced. A blue hydrant produces more than 1,500 gallons per minute (GPM), a green hydrant is 1,000 to 1,499 GPM, an orange hydrant is 500 to 999 GPM, and a red hydrant is less than 500 GPM.

For fire suppression operations to be effective, there should be a bare minimum of 1,000 GPM for a residential fire. Based on the fire hydrants on Arlington and Shirley there is insufficient coverage with the current water flows. Should a fire occur on one of these roads, fire crews are trained not to use a red cap fire hydrant and only an orange cap if a green or blue is not within 500 feet. Knowing neither can support the demand for multiple hose lines or master streams from fire engines or ladder trucks.

Last winter a house under renovation on an adjacent street had a red hydrant nearby. That hydrant was not capable of any fire suppression needs. Multiple 4-inch supply hoses had to be deployed hundreds of feet to the much better hydrants located near Maple Road and Lincoln Street to extinguish the fire. This additional step in obtaining a sufficient water supply is very labor intensive and time consuming when responding to a residential house fire. Delays in the time to obtain a sufficient water supply can allow the fire to grow in si e, causing the amount of fire damage to increase. In this case, the fire was a defensive one upon arrival, however, a successful offensive attack was needed to protect the neighboring homes from the fire exposure.

Most notably, the reduced water supply from red and orange-rated hydrants has impaired our last Insurance Services Office (ISO) rating. Although the fire department's overall ISO rating improved in 2023, it landed a substantial hit in the water supply category. Certainly, improving the water system on Arlington and Shirley would help with our ISO rating; most importantly, however, it would provide a more viable means of water flow for fire suppression crews should a situation arise.

espectfully Submitted,

Jeffrey G. Scaife
Fire Marshal

BIRMINGHAM
A WALKABLE CITY

MEMORANDUM

(Department of Public Services)

DATE: December 5, 2023

TO: Brooks Cowan, City Planner

FROM: Brendan McGaughey, Parks and Forestry Foreman
Scott Zielinski, Director of Public Services

SUBJECT: Forestry Comments re: Shirley and Arlington Engineering Project

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INTRODUCTION:

The Multi-Modal Transportation Board and Engineering Department have been reviewing potential construction design options in order to make a recommendation regarding installation of sidewalks on Shirley and Arlington streets. In general, sidewalk installation in any capacity will potentially cause conflicts with City-owned trees and landscaping within the easement, as well as nearby private trees and landscaping. The Department of Public Services is responsible for the maintenance of the City's urban forest, and are consulted on both potential and upcoming engineering projects as they relate to public and private trees.

BACKGROUND:

As sustainability is at the forefront of the City's efforts – it's a key goal of the City Commission which declared a climate emergency and instituted an Ad Hoc Environmental Sustainability Committee in early 2023. The Planning Department is currently working on the Birmingham Green Healthy Climate Plan and recently completed the 2040 Birmingham Master Plan (in which sustainability is encouraged throughout the plan). Finally, the ongoing development of the 2024-2028 Parks and Recreation Master Plan recommends sustainable landscaping and green infrastructure as a primary focus for all future park development. The definition of "sustainability" can take on many different forms when it's used in the instances of environmental preservation and public policy, but ultimately they all trend to growing and sustaining green infrastructure (additional trees, storm water capture, etc.) long into the future to have a healthier climate.

Birmingham's urban forest, located in street right-of-ways, parks and public property, is undoubtedly the most valuable and important part of green infrastructure owned by the City. Our current inventory of 15,547 trees provide the following environmental benefits:

- 1,189,646 pounds of carbon dioxide is sequestered annually
- 2,771,413 gallons of runoff is avoided annually
- 12,683,407 gallons of rainfall is intercepted annually – approximately 253,668,139 gallons of rainfall intercepted over the next 20 years

A recent inventory of Shirley and Arlington by Davey Resource Group (DRG) identified approximately 136 trees either within the City right-of-way or encroaching into the defined project area. Prohibited species (42) and non-prohibited trees in poor to fair condition (51) comprise 93 of the 136 (68%) of the trees in consideration. An onsite visit was also conducted by staff along with Lawrence Sobson of Michigan's Department of Natural Resources. Staff reviewed each approved species and recommended for use as a residential street tree in good or excellent condition with a DBH of greater than 5", and were unable to find any trees that should prevent sidewalk installation in the City standard location (which is approximately 1' from private property in the easement).

If a "carriage" sidewalk placement is used to prioritize the preservation of as many City trees as possible, 68% of which have been inventoried as prohibited species or already in fair or poor condition, the trees will likely suffer root damage anyway and they will not be replaced once they are eventually removed. The City does not plant trees on the private side of sidewalks to avoid liability and damage to private property, so eventually this option would eliminate City trees entirely if a carriage sidewalk is used. Furthermore, a carriage sidewalk placement would cause additional maintenance issues and would provide a less safe walking path without approximately 6' of grassy easement which helps separate pedestrians from traffic. DPS is firmly against this option as we want to sustain a long term urban forest on residential streets for hundreds of years, not just for the next 5-20 years.

DPS recommends conforming with residential improved road standards (28' width and a sidewalk on both sides of the roads placed ~12" from private property). This option will allow for a healthier, sustainable and successful urban forest where at least 200-250 trees could be planted following the majority of construction activities. These trees would all be approved species, conform to proper spacing guidelines and will all be recommended for use as residential street trees. The total amount of City-owned trees (approximately 130) would be increased by approximately 70-120 trees, which would provide numerous environmental and green infrastructure benefits to the entire community and help achieve the City's ongoing efforts to become more sustainable.

City Of Birmingham Multi-Modal Transportation Board
Thursday, December 5, 2023
151 Martin Street, City Commission Room 205, Birmingham, MI

Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, December 5, 2023. Chair White convened the meeting at 6:00 p.m.

A. Rollcall

Present: Chair Doug White; Board Members Mark Doolittle, David Hocker, Joe Zane; Alternate Board Members Gordon Davies, Patrick Hillberg

Absent: Vice Chair Tom Peard; Board Member Victoria Policicchio; Student Representatives Sophie Hanawalt, Angie Sharma

Staff: Senior Planner Cowan; City Engineer Coatta, City Transcriptionist Eichenhorn, Police Captain Kearney, Parks & Forestry Foreman McGaughey, Department of Public Services Director Zielinski

DNR: Lawrence Sobson

F&V: Julie Kroll

MKSK: Brad Strader

B. Introductions & Chair Comments

The Chair provided the Board's introductory comments.

C. Review of the Agenda
D. Approval of MMTB Minutes of November 2, 2023

Motion by Mr. Hillberg
Seconded by Mr. Zane to approve the MMTB Minutes of November 2, 2023 as submitted.

Motion carried, 6-0.

VOICE VOTE
Yeas: Doolittle, Davies, White, Zane, Hillberg, Hocker
Nays: None

E. Unfinished Business

1. **Arlington Rd. and Shirley Dr.**

SP Cowan presented the item and Staff answered informational questions from the Board. Ms. Kroll, and Mr. Strader also answered questions from the Board.

Lawrence Sobson, an arborist of the Michigan Department of Natural Resources, was also in attendance and answered questions regarding the DNR's recommendations for street trees and prohibited species.

Public Comment
Midge Moran made comments about safety on Arlington and Shirley.

Kathleen Devereaux supported the preservation of mature City trees.

Heidi Pinkert spoke about the safety of sidewalks, sustainability in the City, and the applicability of the 2040 Plan.

Ron Sawyer spoke about street widths' impact on traffic safety and whether narrowing the streets would represent an increase in maintenance costs for the homeowners.

Creagh Milford questioned whether there was data to support the City's tree and pedestrian safety recommendations.

David Mendelson thanked the Board members for their service and received brief answers from Staff regarding the project's timing and impact on setbacks.

Richard Silbergleit and James Mirro supported Arlington and Shirley remaining as-is.

Chris Gaudette thanked the Board members for their work and supported Exhibit A. Tony Trease concurred, emphasizing the long-term benefit.

Alex Davis said she would send videos to Staff demonstrating the difficulty of driving Arlington and Shirley.

Mike Vansyckle and Fremont Scott opposed adding sidewalks, narrowing the road, and removing the trees. They acknowledged the necessity of other improvements.

Brian Connolly expressed appreciation for the Board, opposed adding sidewalks and the attendant expense, and asked that local opposition to the project be taken into account.

Niharika Ramdev thanked the Board and asked two questions about trees.

Mike Minelli said he felt that residents' feedback was not being given genuine consideration. Alice Silbergleit concurred.

John Graham supported water, sewer, and road surface improvements and opposed sidewalks and reducing the streets' width.

At some point during the Board members' discussion, members of the public boo'ed the Board members, yelled 'Shame on you', and a member of the public made a repeated thumbs-down gesture at the Board members. While more gestures may have been made by the public, a limited portion of the public was visible on the recording.

At a few different points, the Chair and Staff paused the proceedings to remind audience members not to interrupt and to maintain proper decorum while the Board was deliberating.

Board members made the following comments in the course of discussion:

- SP Cowan was to be commended for his presentation;
- While the removal of trees can be disappointing, experts have explained that the present tree canopy along Arlington and Shirley will not be long-lasting. It was explained that there needs to be an increase in tree biodiversity in the area, and the Board is a generational decision rather than a shorter-term one;
- The City elected the Commission, which then adopted and implemented the complete streets plan, the Multi-Modal Transportation Plan, and the 2040 Plan. Those plans provide the context within the Board must make its recommendations;
- At the same time, as a resident, it is possible to understand being opposed to the outcome of those plans for one's own street;
- It might be more appropriate to add sidewalks to Arlington and Shirley when there has been more resident turnover and a possible increase in neighborhood support for the project;
- The desire to not remove snow because other streets do not remove snow was not a valid argument for opposing changes to Arlington and Shirley;
- In reply to some residents' stated sustainability concerns, the neighborhood probably generates about three times the emissions in lawn maintenance as the trees in the neighborhood collect. Additionally, residents said that the streets need to remain wide in order to have enough room for landscaping trucks, which promotes activities that generate emissions;
- While Arlington is a beautiful road, one of the Board members who coaches cross country at Seaholm is not able to take the cross country team on Arlington due to the lack of sidewalks. This demonstrates how members of the community may avoid using Arlington because of its lack of sidewalks;
- A more uniform tree program on Arlington and Shirley may enhance the streets in the next decade, and renderings showing what it might look like once the proposed tree replacements mature could be beneficial to the conversation;
- It was noted that while Exhibit C would be a compromise, there seemed to be little enthusiasm for that option among the public or among the Board; and,
- It was recalled that one member of the public at a prior meeting had opined that Exhibit C would be unfair since some of the costs would be borne by residents only on one side of the roads.

Motion by Mr. Doolittle
Seconded by Mr. Hillberg to recommend to the City Commission that Arlington St. and Shirley Rd. be constructed per the City's residential street standards as indicated in Exhibit A with a 26' street width and a 6' curblawn for street trees and 5' sidewalk on each side of the street.

<u>Public Comment</u>
Stuart Borman noted that he was encouraged to attend the meeting by a Commissioner and used coarse language to describe his dissatisfaction with the process.

Mr. Silbergleit made a comment about the necessity of installing sidewalks given his estimation that Arlington and Shirley are a suburban, not an urban, part of the City.

Ms. Moran and Mr. Mirro expressed support for moving Arlington and Shirley to the bottom of the list for street narrowing and sidewalk implementation.

Ms. Ramdev disagreed that sidewalks inherently represent a safety improvement for pedestrians.

Pam Minelli made a comment about how this project would affect her property. She asserted that protesters would physically block changes to the street and stated that the Board members should 'not ever plan to run for office again'.

Mr. Zane noted that the Board members are volunteers, not elected officials, that they do not get paid for the work they do, and that this particular process was no more enjoyable for the Board members than it was for the members of the public who had spoken.

Mr. Davies recommended that the Commission consider Exhibit C in the event that no consensus is achieved for Exhibit A.

Mr. Doolittle noted that no members of the public had expressed support for Exhibit C.

Mr. Hillberg noted that members of the public who opposed Exhibit C did so on the basis of some of the costs being borne only by residents on one side of the streets.

Mr. Zane noted that the cost allocations of projects were not within the purview of the Board.

Motion carried, 4-2.

VOICE VOTE
Yeas: Doolittle, Davies, White, Hillberg
Nays: Zane, Hocker

F. New Business

1. **Columbia Ave All-Way Stop Review**

SP Cowan introduced the item and Ms. Kroll presented the item. Ms. Kroll answered informational questions from the Board.

Motion by Mr. Zane
Seconded by Chair White to recommend All-way stop control to the City Commission at the intersections of Columbia St & Villa Rd and Columbia St & Haynes St.

Motion carried, 6-0.

VOICE VOTE
Yeas: Doolittle, Davies, White, Hillberg, Zane, Hocker
Nays: None

G. Meeting Open to the Public for items not on the Agenda
H. Miscellaneous Communications
1. **Maple & Baldwin**
2. **Oak & Lakepark**
3. **Ruffner Cut Through**

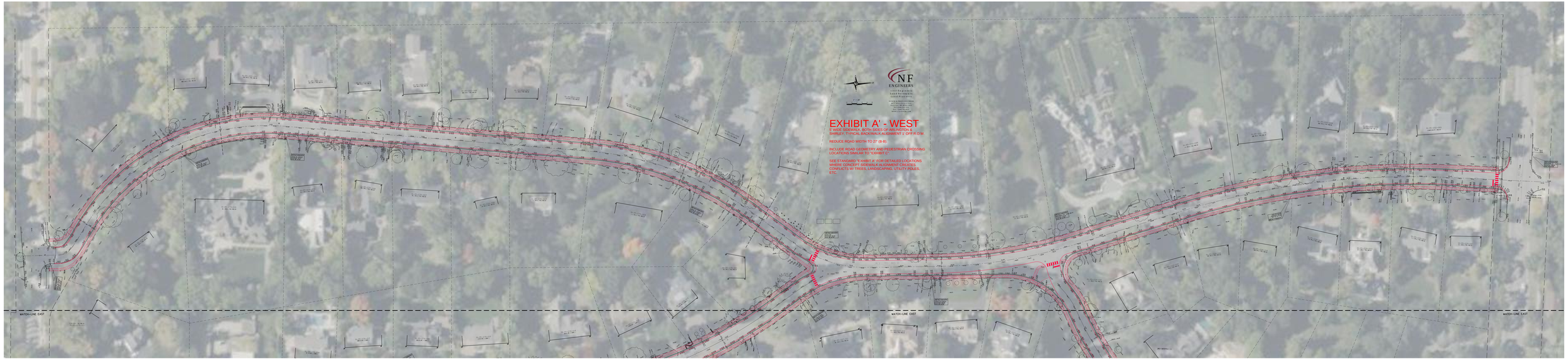
I. Next Meeting
J. Adjournment

No further business being evident, the Board adjourned at 8:34 p.m.

Brooks Cowan, Senior Planner

Laura Eichenhorn, City Transcriptionist


MATCH-LINE WEST
MATCH-LINE WEST
MATCH-LINE WEST
EXHIBIT A' - EAST
9' WIDE SIDEWALK SOUTH SIDE OF ALIGNMENT & SHIRLEY, TYPICAL BACK/WALK ALIGNMENT 6' OFF R.O.W.
REDUCE ROAD WIDTH TO 22' (5-6)
INCLUDE ROAD GEOMETRY AND PEDESTRIAN CROSSING LOCATIONS SIMILAR TO "EXHIBIT C"
SEE STANDARD "EXHIBIT A" FOR DETAILED LOCATIONS WHERE CONCEPT SIGNALS ALIGNMENT CREATES CONFLICTS W/ TREES, LANDSCAPING, UTILITY POLES, ETC.
NOTE: CONSTRUCT 5' CUT RETAINING WALL ALONG THIS LOT LINE BEGINNING AT THE PROPERTY BEING ALL TO EXTENDING AT THE PROPERTY LINE AS PER DESIGNATED PER PLAN
NF ENGINEERS
Civil Engineers
Land Surveyors
Land Planners
SHEET 1 OF 1


NF ENGINEERS
EXHIBIT A' - WEST
5' WIDE SIDEWALK, BOTH SIDES OF ARGYSTON & SHIRLEY, TYPICAL BACKING ALIGNMENT 1' OFF R.O.W.
REDUCE ROAD WIDTH TO 27' (9-B)
INCLUDE ROAD GEOMETRY AND PEDESTRIAN CROSSING LOCATIONS SIMILAR TO "EXHIBIT C"
SEE STANDARD "EXHIBIT A" FOR DETAILED LOCATIONS WHERE CONCEPT SIDEWALK ALIGNMENT CREATES CONFLICTS W/ TREES, LANDSCAPING, UTILITY POLES, ETC.
MATCH-LINE EAST
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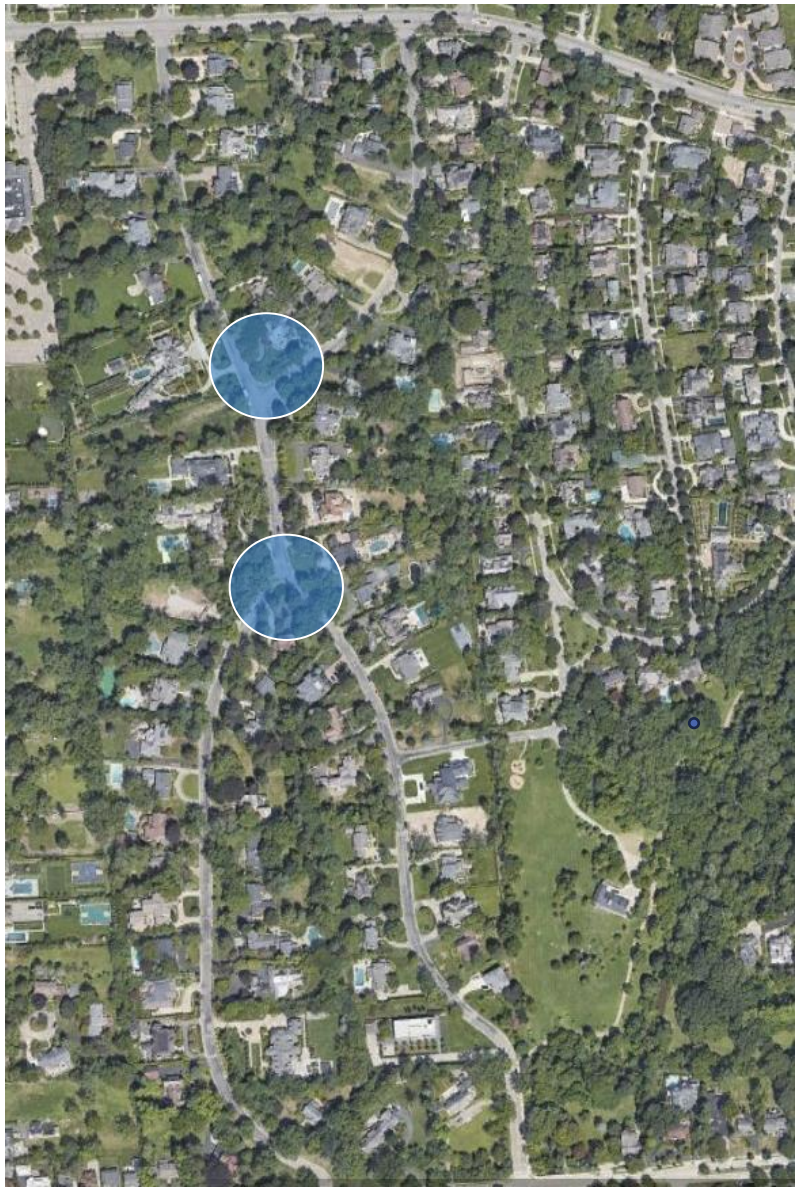
Intersection Redesign

Traffic Calming Features



- Reduces the wide expanse of unnecessary pavement
- Reduces stormwater and drainage issues
- Eases Pedestrian Crossings
- Reduces traffic Speeds
- Actual design is dependent on sidewalk alternative

BIRMINGHAM
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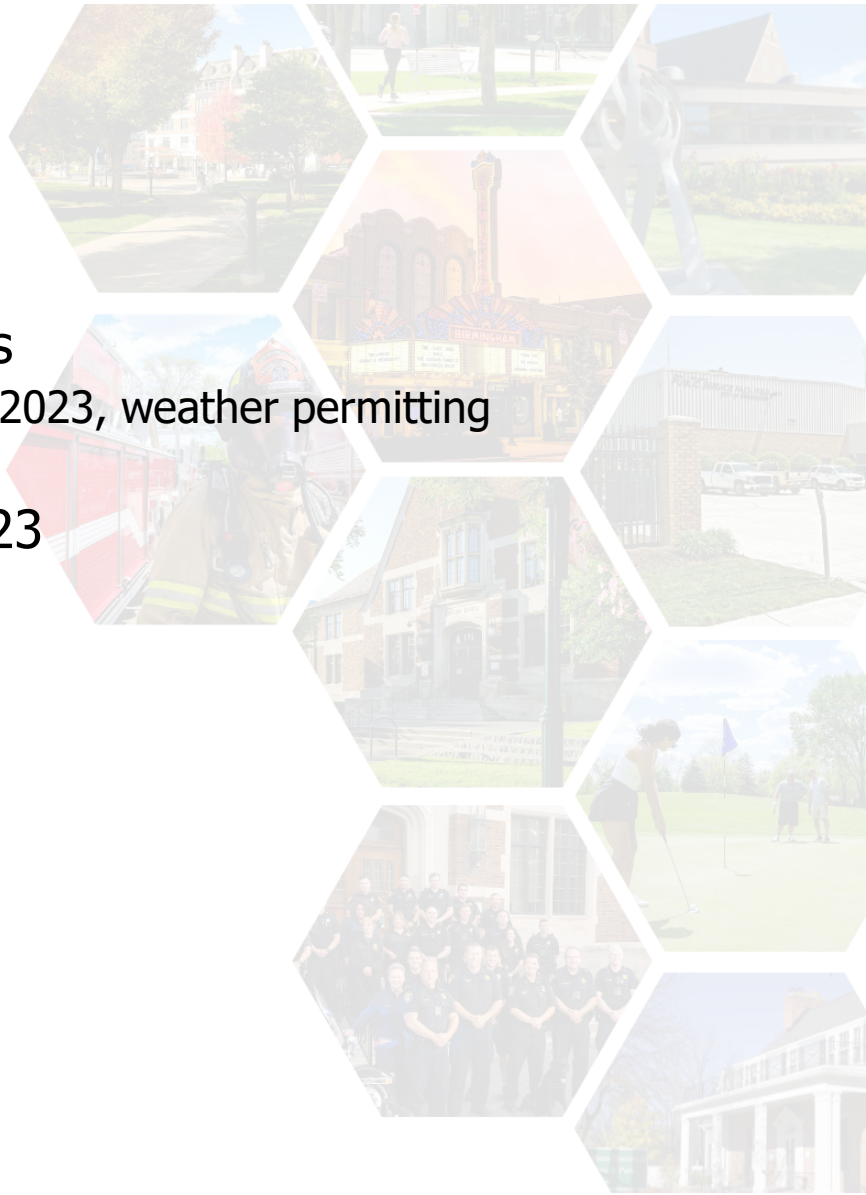
Upcoming Capital Projects 2023

Work Planned for 2023 and Future Plans

Engineering Department

Date: January 21, 2023

Upcoming Capital Projects



Overview:

- 2023 Calendar Year Construction Projects
  - Projects beginning in 2022 will continue into 2023, weather permitting
- New Construction Projects starting in 2023
  - Road improvements
  - Sidewalk maintenance programs
  - Infrastructure Improvements
  - Golf Course Improvements
- Capital Improvement Program
  - 2024 Construction Season
  - 2025 Construction Season

BIRMINGHAM
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Carry Over Projects from 2021-2022

2023 Construction Projects:

- Parking Lot No. 5 Resurfacing and Slope Repair
- 2022 and 2023 Concrete Sidewalk Program
- 2022 and 2023 Trip Elimination Services
- Water Tower Maintenance and Coating
- Cranbrook Non-Motorized Shared Use Path
- Redding Road Improvement
- Westwood Drive / Oak Street / Rayanle Street
- 2022 - 2023 Cape Seal Program
- 2022-2023 Asphalt Resurfacing
- Sewer Rehabilitation Program
- Lincoln Hills Golf Course Tee No. 1 Project
- Brown Street
- Pierce Street

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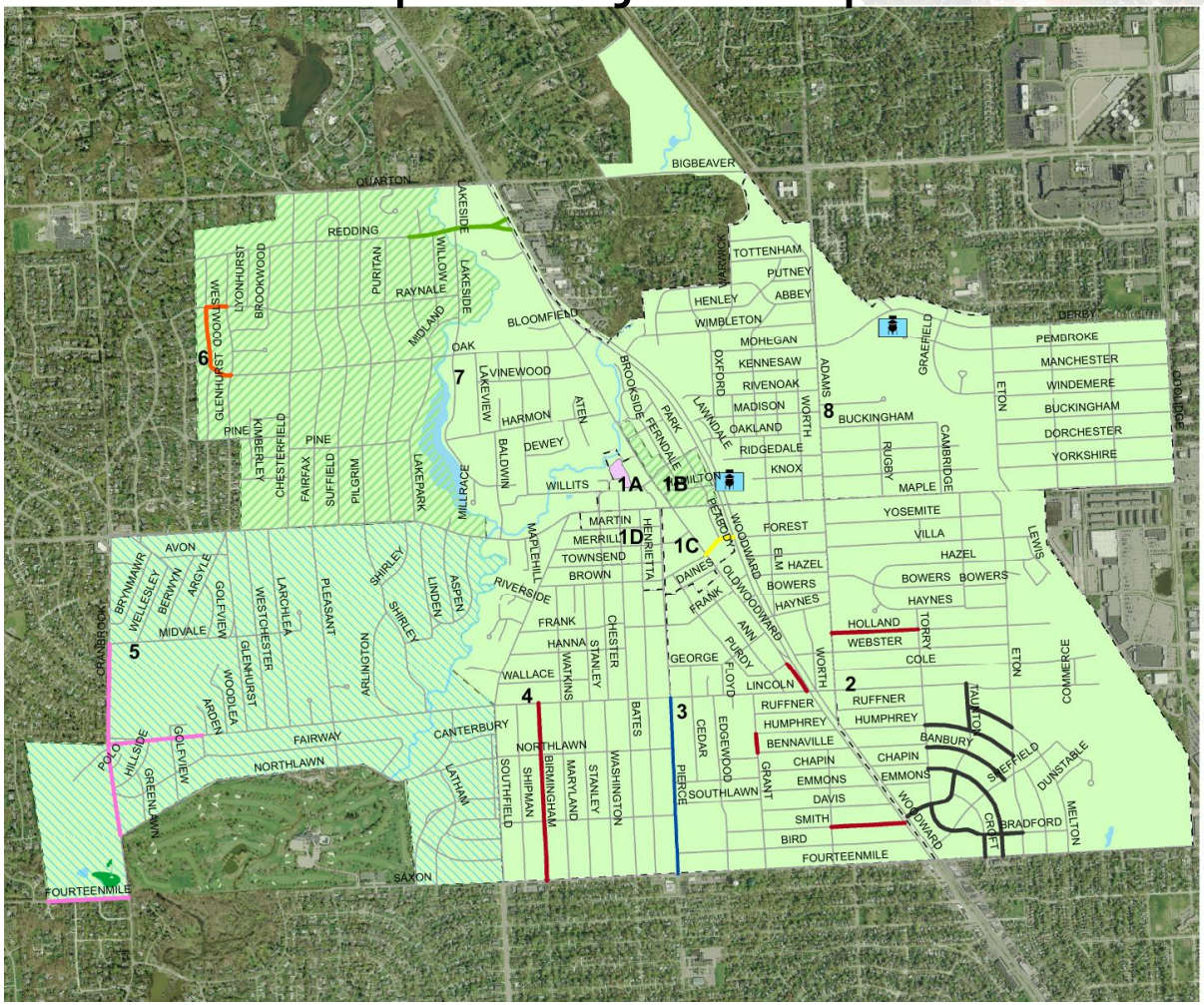
2023 Calendar Year Capital Projects Map



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2023 Capital Improvements

Legend

- 2022 Asphalt Paving & Lot 5 Slope Rehabilitation
- Water Tower Maintenance
- 2023 Asphalt Resurfacing
- Brown Street Reconstruction
- 2023 Cape Seal Program
- Lincoln Hills Tee #1
- Non Motorized Path (TAP Grant)
- Pierce Street Water Main
- Quarton Lake Phase 2
- Redding Water Sewer & Retaining Wall
- Sidewalk Program
- Sidewalk Trip Hazard Elimination
- Sewer Rehabilitation Various Locations TBD
- Sidewalk Program Districts

N

0 1,400 2,800 5,600 Feet

1 inch = 1,496 feet

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Lincoln Hills Golf Course Tee No. 1

Improvements to the cart path, retaining walls, and staircase to Tee No. 1 are currently out for bids.

- Project Schedule
  - Currently out for bids
  - February 2023: Award project
  - March 2023: Start construction, weather dependent
  - April 2023: Substantial completion to allow the use of the cart path
  - June 2023: Final completion

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Brown Street: S. Old Woodward Ave. to Woodward Ave.

Reduce the roadway to three lanes, improve pedestrian traffic and turning movements, and minor street scape improvements.

- Tentative Milestone Dates
  - Public Meeting with Property Owners (date TBD)
  - February – March 2023: Bidding for project
  - March 2023: Public Hearing of Necessity for SAD's
  - April 2023: Award project
  - May 2023: Start construction
  - July 2023: Final completion

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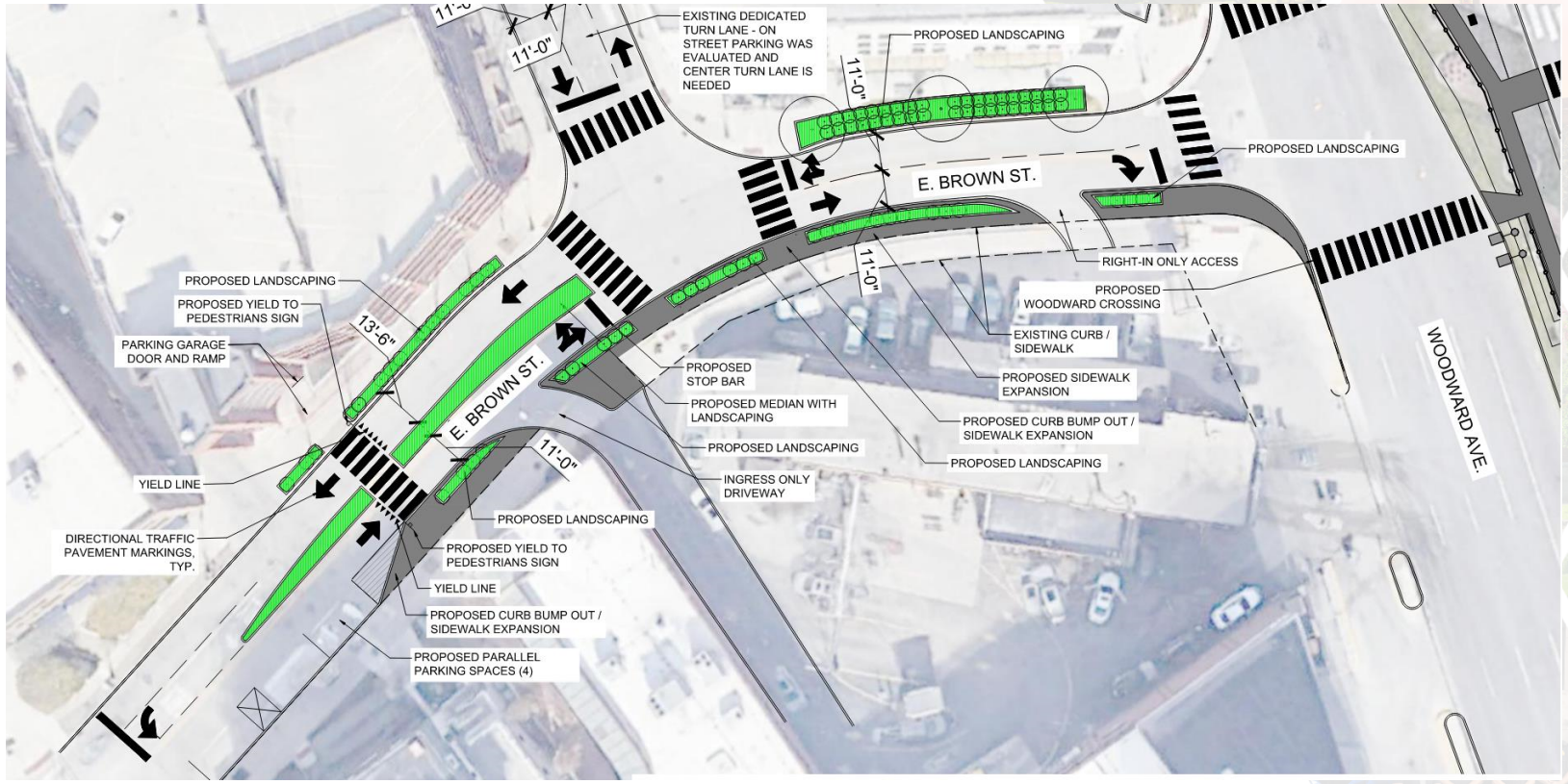
Brown Street: S. Old Woodward Ave. to Woodward Ave.



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Pierce Street, 14 Mile Road to Lincoln Street

Replacing the existing 6-inch water main on the east side of the street from Lincoln Street to 14 Mile Road, ADA ramp upgrades, full-depth road reconstruction for trench end excavations, and other road repair sections.

- Tentative Milestone Dates
  - Public Meeting with Property Owners (date TBD)
  - April 2023: Project Bidding
  - May 2023: Public Hearing of Necessity for SAD's
  - June 2023: Award project
  - Middle of June 2023: Start construction
  - October 2023: Final completion
- Coordination with Pierce Elementary School

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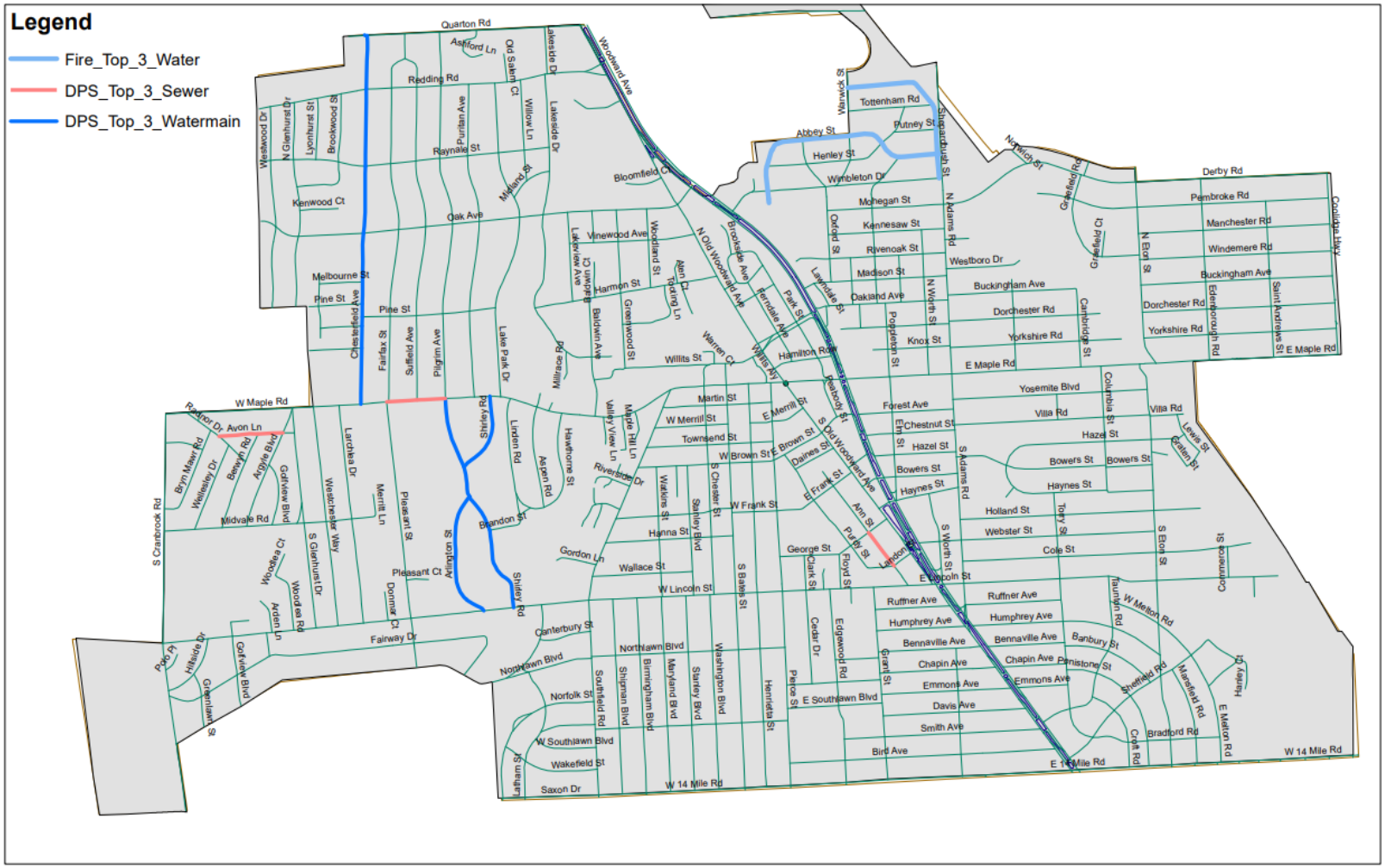
Future Capital Improvement Program



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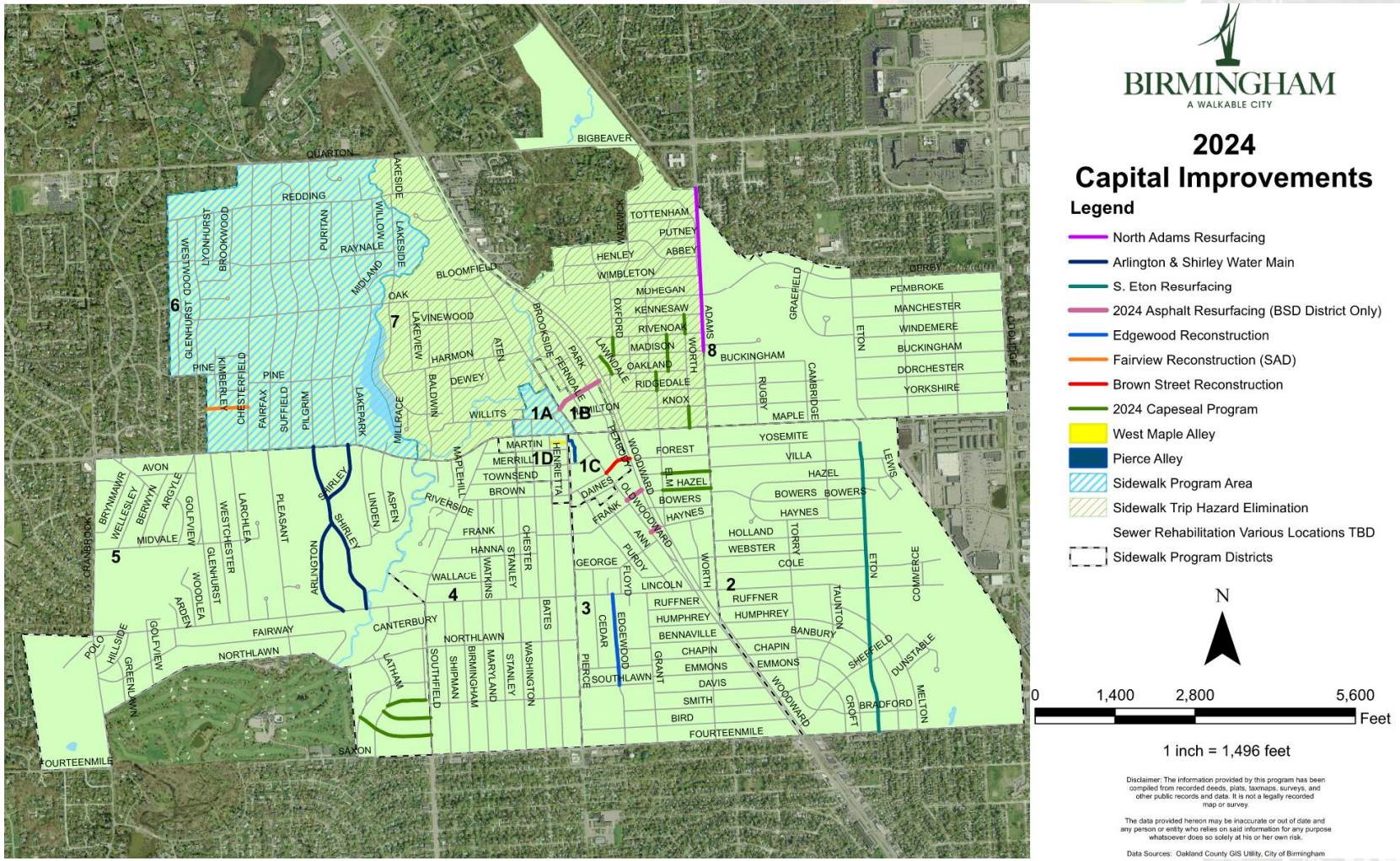
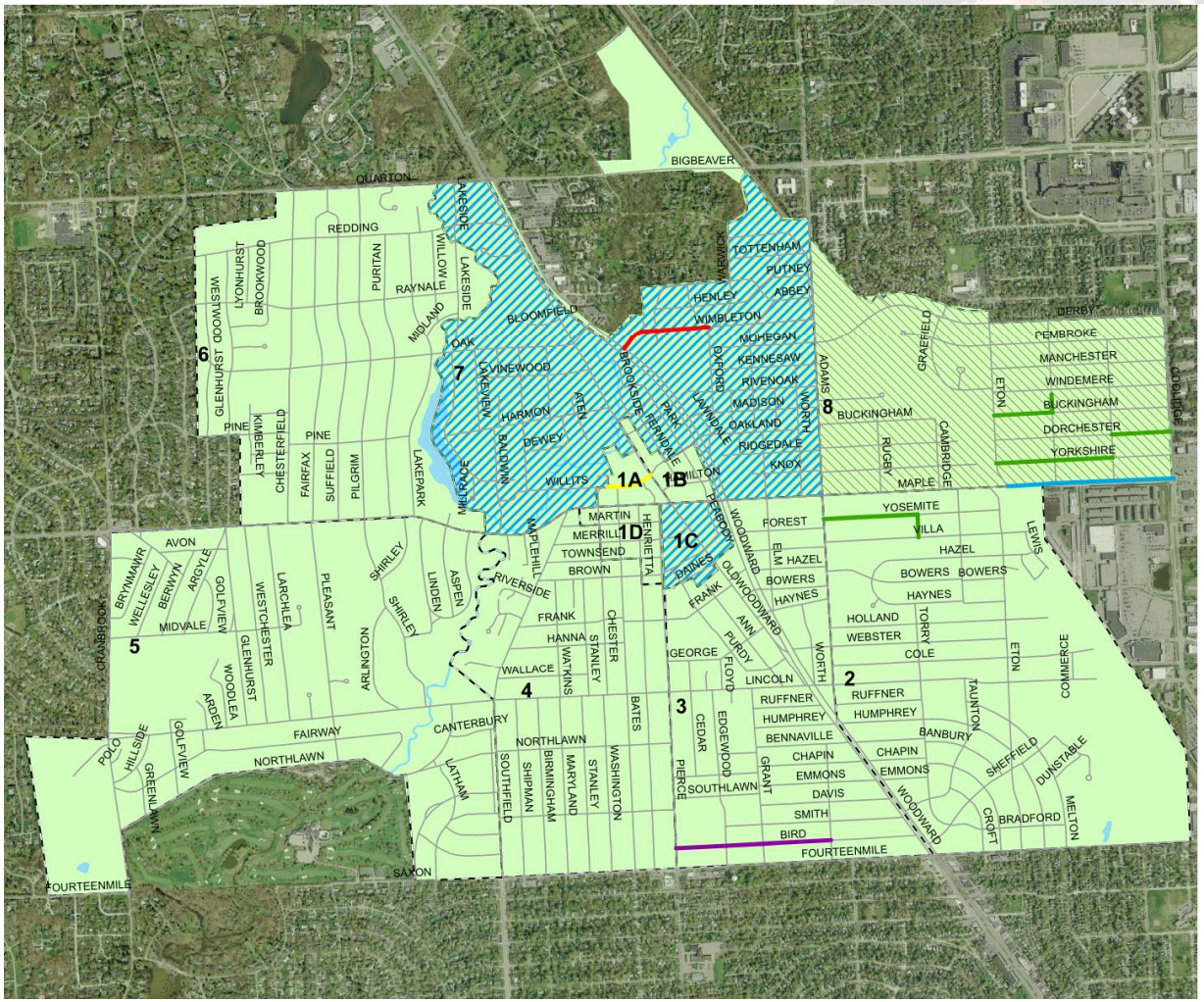
2024 Capital Improvement Program



BIRMINGHAM
A WALKABLE CITY

Note: All projects are subject to City Commission approval and City's budget

2025 Capital Improvement Program



Note: All projects are subject to City Commission approval and City's budget

City of Birmingham
A Walkable Community

MEMORANDUM

Engineering Department

DATE: **October 20, 2021**

TO: **Thomas M. Markus, City Manager**

FROM: **James J. Surhigh, Consulting City Engineer**

SUBJECT: **Unimproved Streets Policy Modifications – Process for City-Initiated Projects**

INTRODUCTION:

On September 13, 2021, the City Commission conducted their second workshop to explore the key recommendations made by the Ad Hoc Unimproved Streets Study Committee in their final report to the City Commission, and hear the Staff's recommendations for moving forward with changes to the process for converting unimproved streets to improved status. The City Commission is being asked to modify the City's current ordinance associated with converting an unimproved street to an improved street by allowing the City to initiate such street improvements. The Engineering Department policy statement regarding the modified ordinance for improving unimproved streets and associated improvements is also attached for the Commission's information.

BACKGROUND:

There are ninety (90) miles of existing roadway in the City of Birmingham. Approximately 30% (26 miles) of them are classified as "unimproved" streets. An unimproved road is a gravel road, with or without curbs, that has been maintained with chip or cape seal to provide a relatively smooth and dust-free driving surface. These unimproved streets exist due to the majority of neighborhoods in the City being subdivided and open for development prior to 1930. During this time local streets were built with gravel roads with no provision for storm drainage. Residents with unimproved roads often experience issues with flooding and deteriorating road surfaces as a more common occurrence than their neighbors with improved roads.

Today, unimproved streets may be converted to an improved street with construction of engineered pavement and drainage improvements only when a majority of residents on a residential block submit a petition to the City for such an improvement. In order, to convert a road from unimproved to improved, residents must pay a percentage of the total cost via special assessment.

The City Commission heard an increasing number of complaints from residents over the past several years concerning issues with drainage and the condition of the road surface on unimproved streets. In response, the Commission passed a resolution creating an Ad Hoc Unimproved Street Study Committee (AHUSC). The charge of the committee was to conduct a City-Wide study of unimproved streets and provide a recommendation outlining a long-term plan for improving these streets.

The AHUSC convened from June 2018 until December 2020, when it concluded its charge and presented a Final Report to the City Commission on December 21, 2020. The report provides details regarding the various topics related to the issue, and follows with actionable recommendations to modify the City's existing policy and procedures associated with converting an unimproved street to an improved street. The Committee unanimously believes that there are three key areas that should be the focus of their recommendations. These include the:

1) Initiation of the petition process by the City and not only by the citizens,
2) Selection of the road surface and design alternatives, and
3) Identification of funding sources that may allow the City to accelerate the conversion of unimproved roads.

On April 12, 2021, the City Commission held a workshop meeting to discuss these key recommendations, along with a fourth item related to planning for the street improvement projects. On April 26, 2021, the City Commission expressed support of making certain changes to the policies associated with converting unimproved streets to improved status, and gave direction to Staff to further develop the proposed changes.

On September 13, 2021, the City Commission held a second workshop meeting to discuss the recommendations made by the AHUSC, in conjunction with the Staff's recommendations for specific modifications to policies and ordinances that would move the City towards being more proactive with respect to converting unimproved streets to improved status. This report presents changes to the project initiation policy, and related ordinance modifications, for the City Commission to act upon.

With adoption of the proposed changes described herein, the City will be allowed to initiate a project on an unimproved street without waiting for a citizen-led petition effort. With the City-initiated process, an expression of interest survey will be distributed to affected property owners to ascertain the level of support for the proposed project during the preliminary planning stage, and before significant effort is expended by Staff and the City's consultants. At the conclusion of the preliminary planning stage, an interim project report will be presented to the City Commission to act upon and direct Staff to proceed with final design of the project. The existing process for a citizen-led petition effort to initiate a project will remain an option for property owners along unimproved streets.

LEGAL REVIEW:

This report, proposed ordinance, and resolutions contained herein have been reviewed by the City Attorney, and found to be in order.

FISCAL IMPACT:

There is no fiscal impact associated with the resolutions contained herein, as no changes are proposed to the existing policies related to assessment of costs for street improvements.

SUMMARY:

Staff recommends that the City Commission adopt modifications and additions to the ordinance language to allow the City to be proactive in identifying the need of street improvements and initiating such street improvements, and for the creation of Special Assessment Districts to defray the costs of these improvements. Further, to develop the petition process to allow for City-initiated projects and the use of a tool for an "expression of interest" in order to gauge the level of support from property owners in a particular project area before the City expends significant resources towards development of the design of a project, while retaining the ability of property owners to directly petition for a street improvement project.

ATTACHMENTS:

- Ordinance to Amend Part II of the City Code, Chapter 94, Sections 94-4 through 94-8 ("redline" version).
- Ordinance to Amend Part II of the City Code, Chapter 94, Sections 94-4 through 94-8 (final amended version).
- Existing policy statement for local road improvements.
- Proposed policy statement for local road improvements ("redline" version).
- Proposed policy statement for local road improvements (final amended version).

SUGGESTED COMMISSION ACTION:

Make a motion adopting the proposed Ordinance to amend the City Code, Part II, Chapter 94, Sec. 94-4. – Initiation of Improvement, Sec. 94-5. – Petitions, Sec. 94-6. City Engineer's Report, Sec. 94-7. – Notice of Public Hearing and Sec. 94.8. – Determination of Necessity by Commission.

AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 94 – SPECIAL ASSESSMENTS: SEC. 94-4.-INITIATION OF IMPROVEMENT, SEC. 94-5. – PETITIONS, SEC. 94-6. CITY ENGINEER'S REPORT, SEC. 94-7. – NOTICE OF PUBLIC HEARING AND 94.8. – DETERMINATION OF NECESSITY BY COMMISSION

THE CITY OF BIRMINGHAM ORDAINS:

The City Code, Part II, Chapter 94-4. – Initiation of Improvement, Sec. 94-5. – Petitions, Sec. 94-6. City Engineer's Report, Sec. 94-7. – Notice of Public Hearing and Sec. 94.8. – Determination of Necessity by Commission, shall read as follows:

Sec. Sec. 94-4. Initiation of ~~improvement~~Improvement by Commission.

(1) Proceedings for ~~the~~ making ~~of~~ public improvements within the city may be commenced by resolution of the city commission, on its own initiative, making the improvement and special assessment mandatory.

(~~1~~2) ~~The commission, in~~In order to ascertain whether 50% ~~or not a satisfactory number~~ of property owners to be assessed for a special ~~desire any particular~~ improvement, the City Commission may choose to direct staff to circulate an expression of interest form. Or, the Commission may ~~to be made, may request and~~ receive a petition presented by property owners. ~~therefor, or may receive a petition voluntarily presented.~~

(~~2~~3) The commission shall carefully consider any petition or expression of interest forms received, but both petitions and expression of interest forms shall be advisory only. ~~and shall not be jurisdictional.~~ Petitions or expression of interest forms shall in no event be mandatory upon the commission.

(Ord. No. 1637, 3-24-97)

Sec. 94-5. ~~Petitions.~~ Property owners may petition for an improvement.

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(a) All property owners initiating petitions shall be circulated and signed on ~~blank~~ forms furnished by the city engineer. Such petitions shall contain, in addition to the signature of the owner(s), a brief description of the property owned by the respective signers thereof, along with a description of the requested improvements~~and the requested . improvement.~~

(b) Petitions shall be verified by the affidavit(s) of the petition circulator(s) attesting that signatures on the petition are genuine and that the persons signing are owners of the described properties.

(c) Petitions shall be filed with the city engineer.

(d) All petitions shall be referred by the city engineer to the city manager and city clerk. The city ~~manager~~ clerk shall ~~check~~ verify the petitions and signatures ~~to determine~~determining whether they conform to the foregoing requirements and shall report ~~his or her~~ the city clerk's findings to the city engineer and city manager.

(Ord. No. 1637, 3-24-97; Ord. No. 1962, 4-21-08)

Sec. 94-6. City engineer's report.

(a) Before the commission shall decide on making any public improvements, whether initiated by commission or property owners through the petition process, the city engineer shall prepare and submit a preliminary report to the city commission which shall include a general description of the nature and scope of the project, a recommended approach to the project including coordination of other city projects and ~~finding~~ funding sources, preliminary estimates of cost, an estimate of the life of the improvement, a description of the proposed assessment district(s), and such other pertinent information as may enable the commission to determine the cost, scope, extent and necessity of the proposed improvement and whether any portion of the cost should be paid by the city at large. A copy of the city engineer's report shall also be filed with the city clerk for public examination.

(b) Whenever any property interest is acquired by condemnation or otherwise for the purpose of any public improvement, the cost thereof and of the proceedings required to acquire such property interest may be added to the cost of such public improvement.

(Ord. No. 1637, 3-24-97)

Sec. 94-7. Notice of public hearing.

(a) After the filing of the city engineer's report under section 94-6, above, a public hearing before the city commission on the advisability of proceeding to establish a special assessment district for the making of the public improvement shall be set, which hearing shall be held not less than ten days after notice thereof has been both published in a newspaper published or generally circulated in the city, and sent by first-class mail to all property owners in the proposed special assessment district as shown by the current property tax roll of the city. The notice shall include a statement that appearance and protest at the public hearing is required in order to appeal the special assessment to the Michigan Tax Tribunal, and that an owner or interested party, or his or her agent, may appear and protest in person or by letter, if received by the commission prior to the public hearing. The hearing required by this section may be held at any regular or special meeting of the commission.

(b) At the public hearing on the proposed improvement, all persons interested shall be given an opportunity to be heard.

(Ord. No. 1637, 3-24-97)

Sec. 94-8. Determination of necessity by commission.

(a) Following the hearing, the commission may determine whether it is necessary to continue to proceed, or to modify the scope of the public improvement, if necessary, in such a manner as it deems to be in the best interest of the city, provided that if the amount of work is increased or properties are added to the district, then another public hearing shall be held pursuant to notice as prescribed in section 94-7.

(b) If the commission determines to continue to proceed with the improvement, the commission shall adopt a resolution:

(1) Determining the necessity of the improvement;

(2) Approving the detailed plans and estimates of cost prepared by the city engineer;

(3) Prescribing what portion of the cost of such improvement shall be paid by special assessment upon the property especially benefited, determining what benefits will be received by affected properties and what portion, if any, of the cost shall be paid by the Ceity;

(4) Delineating the boundaries of the special assessment district;

(5) Determining the method or formula to be used in making the assessment; and

(6) Directing the city manager to prepare a special assessment roll and present the same to the commission for confirmation (unless the special assessment roll was previously prepared).

(c) The commission may modify the resolution to proceed that was adopted pursuant to subsection (b) at any time, but if any modification will increase the cost or scope of the improvement or add properties to the assessment district, a further public hearing shall be held and notice given as prescribed in section 94-7.

(Ord. No. 1637, 3-24-97; Ord. No. 1962, 4-21-08)

All other Sections of Chapter 94. – SPECIAL ASSESSMENTS, shall remain unaffected.

Ordained this _____ day of _____, 2021. Effective upon publication.

_____
Pierre Boutros, Mayor

_____
Alexandria D. Bingham, City Clerk

I, Alexandria D. Bingham, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held _____, 2021 and that a summary was published _____, 2021.

_____
Alexandria D. Bingham, City Clerk

AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 94 – SPECIAL ASSESSMENTS: SEC. 94-4.-INITIATION OF IMPROVEMENT, SEC. 94-5. – PETITIONS, SEC. 94-6. CITY ENGINEER'S REPORT, SEC. 94-7. – NOTICE OF PUBLIC HEARING AND 94.8. – DETERMINATION OF NECESSITY BY COMMISSION

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Sec. Sec. 94-4. Initiation of Improvement by Commission.

(1) Proceedings for making public improvements within the city may be commenced by resolution of the city commission, on its own initiative, making the improvement and special assessment mandatory.

(2) In order to ascertain whether 50% of property owners to be assessed for a special improvement, the City Commission may choose to direct staff to circulate an expression of interest form. Or, the Commission may receive a petition presented by property owners.

(3) The commission shall carefully consider any petition or expression of interest forms received, but both_petitions and expression of interest forms shall be advisory only. Petitions or expression of interest forms shall in no event be mandatory upon the commission.

(Ord. No. 1637, 3-24-97)

Sec. 94-5. Property owners may petition for an improvement.

(a) All property owners initiating petitions shall be circulated and signed on forms furnished by the city engineer. Such petitions shall contain, in addition to the signature of the owner(s), a brief description of the property owned by the respective signers thereof, along with a description of the requested improvements.

(b) Petitions shall be verified by the affidavit(s) of the petition circulator(s) attesting that signatures on the petition are genuine and that the persons signing are owners of the described properties.

(c) Petitions shall be filed with the city engineer.

(d) All petitions shall be referred by the city engineer to the city manager and city clerk. The city clerk shall verify the petitions and signatures determining whether they conform to the foregoing requirements and shall report the city clerk's findings to the city engineer and city manager.

(Ord. No. 1637, 3-24-97; Ord. No. 1962, 4-21-08)

Sec. 94-6. City engineer's report.

(a) Before the commission shall decide on making any public improvements, whether initiated by commission or property owners through the petition process, the city engineer shall prepare and submit a preliminary report to the city commission which shall include a general description of the nature and scope of the project, a recommended approach to the project including coordination of other city projects and funding sources, preliminary estimates of cost, an estimate of the life of the improvement, a description of the proposed assessment district(s), and such other pertinent information as may enable the commission to determine the cost, scope, extent and necessity of the proposed improvement and whether any portion of the cost should be paid by the city at large. A copy of the city engineer's report shall also be filed with the city clerk for public examination.

(b) Whenever any property interest is acquired by condemnation or otherwise for the purpose of any public improvement, the cost thereof and of the proceedings required to acquire such property interest may be added to the cost of such public improvement.

(Ord. No. 1637, 3-24-97)

Sec. 94-7. Notice of public hearing.

(a) After the filing of the city engineer's report under section 94-6, above, a public hearing before the city commission on the advisability of proceeding to establish a special assessment district for the making of the public improvement shall be set, which hearing shall be held not less than ten days after notice thereof has been both published in a newspaper published or generally circulated in the city, and sent by first-class mail to all property owners in the proposed special assessment district as shown by the current property tax roll of the city. The notice shall include a statement that appearance and protest at the public hearing is required in order to appeal the special assessment to the Michigan Tax Tribunal, and that an owner or interested party, or his or her agent, may appear and protest in person or by letter, if received by the commission prior to the public hearing. The hearing required by this section may be held at any regular or special meeting of the commission.

(b) At the public hearing on the proposed improvement, all persons interested shall be given an opportunity to be heard.

(Ord. No. 1637, 3-24-97)

Sec. 94-8. Determination of necessity by commission.

(a) Following the hearing, the commission may determine whether it is necessary to continue to proceed, or to modify the scope of the public improvement, if necessary, in such a manner as it deems to be in the best interest of the city, provided that if the amount of work is increased or properties are added to the district, then another public hearing shall be held pursuant to notice as prescribed in section 94-7.

(b) If the commission determines to continue to proceed with the improvement, the commission shall adopt a resolution:

(1) Determining the necessity of the improvement;

(2) Approving the detailed plans and estimates of cost prepared by the city engineer;

(3) Prescribing what portion of the cost of such improvement shall be paid by special assessment upon the property especially benefited, determining what benefits will be received by affected properties and what portion, if any, of the cost shall be paid by the City;

(4) Delineating the boundaries of the special assessment district;

(5) Determining the method or formula to be used in making the assessment; and

(6) Directing the city manager to prepare a special assessment roll and present the same to the commission for confirmation (unless the special assessment roll was previously prepared).

(c) The commission may modify the resolution to proceed that was adopted pursuant to subsection (b) at any time, but if any modification will increase the cost or scope of the improvement or add properties to the assessment district, a further public hearing shall be held and notice given as prescribed in section 94-7.

(Ord. No. 1637, 3-24-97; Ord. No. 1962, 4-21-08)

All other Sections of Chapter 94. – SPECIAL ASSESSMENTS, shall remain unaffected.

Ordained this _____ day of _____, 2021. Effective upon publication.

_____
Pierre Boutros, Mayor

_____
Alexandria D. Bingham, City Clerk

I, Alexandria D. Bingham, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held _____, 2021 and that a summary was published _____, 2021.

_____
Alexandria D. Bingham, City Clerk

ENGINEERING DEPT. POLICY STATEMENT

PROCEDURE FOR CITY STREET IMPROVEMENTS
(proposed 2021 version)

Most of the subdivisions built in Birmingham were complete and in place prior to the Great Depression. The expectations of a public street were different in that era. Cities and villages accepted gravel streets with little provision for drainage.

Subdivisions built today are required to provide public roads with an engineered pavement built to last anywhere from 20 to 40 years. Handling storm drainage is an important part of the design. The cost of the pavement and storm sewer system is paid for by the developer, and that cost is then passed on to the first homeowners who purchase a home or property within the development. After the new street is installed and approved to their standards, the local City then takes over ownership of the pavement, and promises to maintain it into the future.

Birmingham, like other cities built by the 1920's, accepted gravel roads without storm sewer systems to serve as their local streets. By the end of World War II, the public's expectations about what a public road should look like, and how it should function, was changing. Many cities took on ambitious construction programs, funded by bonds, and paid back through special assessments to the adjoining, benefitting properties. Birmingham took a more passive approach, electing to chip seal its gravel roads beginning in the late 1940's. The chip seal helped solve many of the problems of a gravel road, but did not resolve the more complex issues of drainage.

ROAD IMPROVEMENT OPTIONS

A. Citizen-Initiated Project:

Street improvement projects in Birmingham have historically been financed through the creation of a Special Assessment District (SAD). The district was authorized by the City Commission after consideration of a petition that was submitted indicating that over half of the property owners on the street were in favor of having their street paved, and that they were prepared to be charged for a portion of the cost. If your property is located on an unimproved road (one surfaced with a temporary cape seal surface consisting of asphalt emulsion and stone chips), then the property has never been included in a special assessment district to cover the cost of constructing a fully-improved road.

Residents interested in having their streets paved are encouraged to call the Engineering Dept. at 248-530-1850, to get the process started. Usually, one or two residents take charge of the process. A petition with the appropriate language is prepared by the Engineering Department., and forwarded to the petition circulator. They are then

responsible for talking to their neighbors, and collecting signatures on the petition, documenting those that initially support the proposal.

Every street is unique. That is why we ask that petition circulators discuss the specifics with the Engineering Dept. prior to collecting signatures. Generally speaking, a new street will include the following features:

1. New concrete pavement with integral curbs to control drainage, built at 26 ft. wide between the face of the curbs. The 26 ft. width provides just enough room for a car to pass through, if other cars are parked on both sides. An asphalt pavement section, designed to provide an equivalent performing pavement as compared to concrete, along with concrete curb and gutter, may be considered as an alternate pavement design on a case-by-case basis.
2. The City will review the current conditions of the sewer and water systems in the public right-of-way, referred to as "mains". Unimproved streets often need some or all of these systems replaced. The cost of these improvements would be charged to the City's Sewer and Water Funds, and would not be included in the special assessment.
3. In addition to the mains, the City also looks at the age and size of each home's individual water and sewer laterals serving their homes. These pipelines are considered a part of the private system serving each property. If the pavement is being replaced, and these pipes are either too old or too small, they will also be replaced as a part of the project. These costs are charged to the benefitting property in a separate special assessment from that established for the road paving.
4. Each driveway approach is removed and replaced to meet the current standards for driveways operating on the street. The size of the approach is measured and billed to the benefitting property through the road paving special assessment. Trees and sidewalks are left in place as much as possible. The grass lawn area between the sidewalk and the new street is removed and regraded to help ensure that the new sidewalk drains correctly. The new lawn area is sodded for quick, high quality restoration. Individual parking areas that may have been built along the edge of the road are removed, and not replaced. The new street is wide enough to support parked cars in most cases.

If a petition is submitted showing over 50% are in favor of the road improvement, the Engineering Department will prepare an informational booklet detailing the project being considered, and an estimate of the costs involved. It is mailed to all owners in the potential district, and a neighborhood meeting is conducted for those that would like to discuss and learn more about what is being considered.

If over 50% remain in favor of the project after this process, it will be moved forward to the City Commission for a public hearing, and possibly authorization. If the project is authorized, it will be designed and built by the City as soon as funding and construction schedules permit.

B. City-Initiated Project:

From time to time, the City Engineering Department may determine that construction of a project on an unimproved street should be initiated by the City. The main factors for making this determination would be where public sewer and/or water system improvements are needed, and construction of those utilities would necessitate removal of a portion of the existing roadway. Instead of simply restoring the cape-seal road surface after the utility construction, the City may start the process by engaging the property owners on the street about constructing an improved road. The City-initiated process would include the following steps:

1. The Engineering Department will identify project areas as part of the usual Capital Improvement Planning (CIP) process, where projects are planned over the upcoming 5 year time period. Occasionally, the need for a project is more unexpected by nature, and may not be part of the 5-year CIP.
2. Before starting the detailed design phase of a project on an unimproved street, the Engineering Department may engage the property owners that are in the project area to survey their opinions on the project by sending them an Expression of Interest form. Information and questions on the Expression of Interest form could include:
    a. Project description and explanation of the purpose of the project (improvements to sewer or water system, or other reason) – including anticipated street width, pavement material, construction period, and estimated SAD cost ranges.
    b. Ask if they are supportive of the project to improve the sewer and/or water system along the street.
    c. Ask if they are supportive of constructing an improved street upon completion of the underground utility work.
    d. Ask their opinion if the finished road surface paving material should be concrete or asphalt.

    This preliminary Expression of Interest Survey will be communicated to the affected property owners by mail, and email if that has been provided to the City. General communications can be posted on the City's website and social media

outlets to inform the public in general that design of the project will be starting, and if you are one of the affected properties, to look for the survey. The survey would be open for a minimum of 30 days.

3. Begin preliminary design of the project: performing topographic survey; reviewing sewer and water system needs; preparing preliminary plans; and refining cost estimates.
4. Prepare an informational booklet for the project, as described in the Citizen-Initiated Project process section of this procedure document. The information booklet will be mailed to all property owners in the potential SAD, and a neighborhood meeting will be conducted for those that would like to discuss and learn more about what is being considered.
5. Prepare an Interim Report for City-Initiated Unimproved Street Project and present to the City Commission. Interim report would include: Expression of Interest survey results; feedback from public information meeting; cost estimate update including SAD component; and suggested resolution to proceed with final design of the project.
6. Set public hearing dates for road paving SAD and sewer & water lateral replacement SAD; hold public hearings of necessity; and hold public hearings confirming the assessment rolls.
7. Complete project design, and issue bid documents (with alternate paving design if warranted).
8. Present project to City Commission for award of construction contract, and decision on alternates (if any).

With City-initiated projects, the Special Assessment District process and development of costs to be assessed is exactly the same as that followed for petition-initiated projects.

SPECIAL ASSESSMENT COSTS

Since costs for constructing road improvement projects change over time, you are encouraged to contact the Engineering Dept. for current estimated costs. Property owners can expect to be charged based on the following general schedule:

- **Paving Assessment** – Charged based on a unit rate times the footage of your property facing the street being improved. The unit rate is based on all paving related costs incurred to complete the project, minus 15% paid for by the City. If the property is on a corner, and the long side is being improved, the owner will be charged 33% of the unit rate, while the other 67% is paid for by the City.

- **Driveway Assessment** – Each property that has a driveway or driveways needing approaches to the new street will be charged by the square foot that the contractor charged the City to install them. The driveway assessment cost will be added to the paving assessment for each benefitting property in the district.
- **Sewer Lateral Replacement Assessment** – Each home served by a sewer lateral that is over 50 years old, or constructed with materials or pipe size not meeting current City standards, will have a new 6" PVC pipe installed to replace the existing one. Sewer laterals built with the road improvement projects are usually at least half off the cost of getting this work done on an individual basis, and reduces the chance that the new pavement will need to be damaged by utility cuts in the future.
- **Water Lateral Replacement Assessment** – Each home having a ¾" dia. pipe, or any size that is constructed with materials not meeting current City standards, will have a new 1" dia. pipe installed to replace the existing one (or larger size to match existing). If the home is significantly improved or replaced in the future, the water lateral would have to be replaced at that time, resulting in damage to the new pavement. The cost of this work is generally significantly less if done in conjunction with the road improvement project as compared to undertaking the water lateral replacement separately.

Special assessments for Paving Assessments, as well as Sewer and Water Lateral Replacement Assessments, can be paid off when due, or paid over a period of time (typically 10 years), with interest charged on the remaining balance, as determined by the City Commission at the special assessment hearing.

City of Birmingham
A Walkable Community

MEMORANDUM

Engineering Dept.
Planning Department
Police Dept.

DATE: **July 13, 2018**

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

FROM: **Jana Ecker, Planning Director**
Scott Grewe, Police Dept.
Paul O'Meara, City Engineer

SUBJECT: **Residential Street Width Standards**

On January 22, 2018, the City Commission considered future street widths for Bennaville, Chapin and Humphrey. Several residents appeared on behalf of Bennaville Ave., and additional residents appeared on behalf of the one block of Chapin Ave. After much discussion, the City Commission endorsed the recommendations of the Multi-Modal Transportation Board ("MMTB") with regards to the future street width. However, during the discussion, the Commission expressed confusion as to what the City's policy is for determining the width of a new street. As a result, the MMTB was asked to study the issue in further detail, and send information and policy direction back to the Commission.

In March 2018, the MMTB began their discussion by identifying goals for residential road width standards, and reviewed the national standards and best practices from professional organizations and peer cities. The board agreed that standards should be created, but that there may be factors to permit some modifications if certain criteria are met.

On May 3, 2018, the MMTB passed a unanimous motion to recommend approval of Residential Street Width Standards to the City Commission.

On June 4, 2018, the City Commission reviewed the proposed Residential Street Width Standards recommended by the MMTB. After much discussion, the City Commission directed the standards back to the MMTB for further refinement in the following areas:

- Expand on the introduction and policy goals section to clarify purpose of standards;
- Identify clearly the professional organizations on which the standards are based;
- Change language in (2) from mandatory (shall) to optional (may); and
- Emphasize the role of public involvement by adding language to (4).

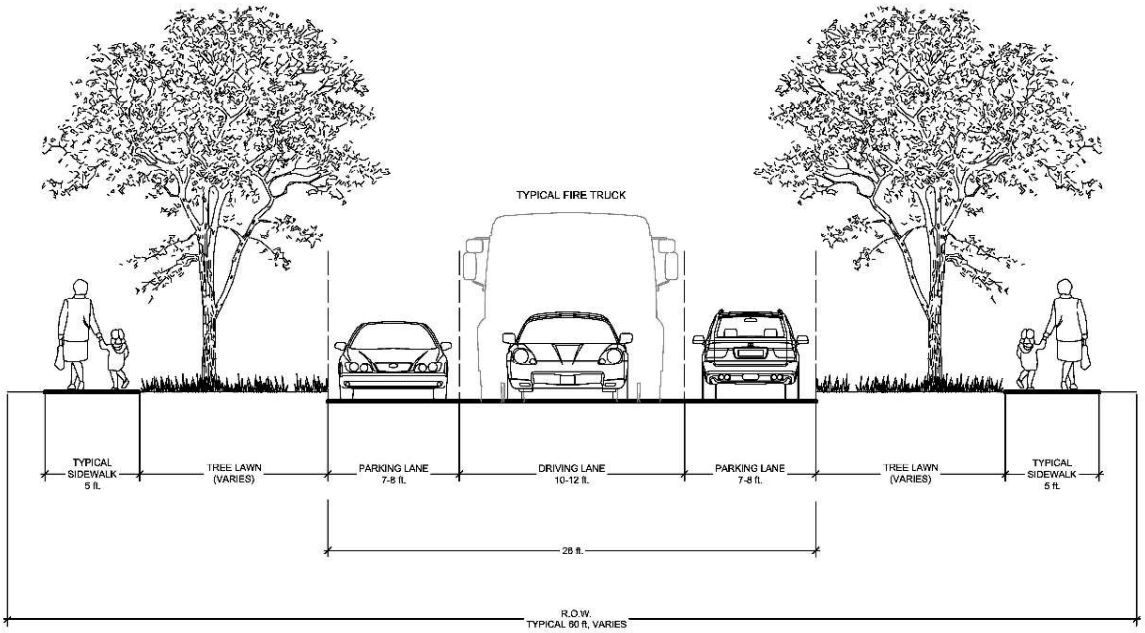
Accordingly, City staff made the changes requested by the City Commission to the Residential Street Width Standards and took the issue back to the MMTB on July 12, 2018. Board members recommended minor revisions, and then voted unanimously to recommend approval of the revised standards to the City Commission.

Please find attached all research considered by the MMTB, draft standards and all staff reports and minutes from the MMTB discussions for your review.

Suggested Action:

To approve the Residential Street Width Standards as recommended by the Multi-Modal Transportation Board on May 3, 2018, and as further refined and recommended on July 12, 2018.

POLICY STATEMENT:
BIRMINGHAM RESIDENTIAL STREET DESIGN STANDARDS



INTRODUCTION: The City Commission asked the Multi-Modal Transportation Board (MMTB) to establish a City policy for determining the width of a new street. Accordingly, the MMTB identified goals for residential road width standards, and reviewed the national standards and best practices from professional organizations and peer cities. The board created standards and allowed for modifications if certain criteria are met.

INTENT: The purpose of these standards is to provide consistent street widths throughout the city but with flexibility for very specific situations. The goals for identifying a standard road width for residential roads include the following:

- Functionality;
- Consistency **with adjacent streets**;
- Accident reduction **and public safety**;
- **Adhering to Complete Streets principles;**
    - **Enhancing walkability;**
- **Character of community;**
    - **Block length;**
    - **Size of lots;**
    - **Building setback and lengths;**
- Traffic calming;
- Expediency in planning and engineering;

- Infrastructure costs; and/or
- Storm water runoff management.

The following standards are based on residential street design recommendations published by **American Association of State Highway and Transportation Officials** (AASHTO), the Institute of Transportation Engineers (ITE), the Urban Land Institute (ULI), the Congress for New Urbanism, **National Association of City Transportation Officials** (NACTO), and those used by peer cities. Using those standards as a base, these standards are also based on emergency response access, winter weather, the existing street widths in the city, and the characteristics of different neighborhoods in the City. These widths typically allow for parking along both sides of the street with room for a vehicle to pass in one direction. When there is opposing traffic (vehicles going both ways) one of the motorists will need to yield to the other. This is commonly classified as a "Yield" or "Courtesy" Street.

STREET DESIGN STANDARDS (see also attached flow chart):

1. **NEW AND EXISTING, UNIMPROVED RESIDENTIAL STREETS THAT ARE BEING IMPROVED**

   When streets are improved or newly constructed, the standards below shall ~~be strictly~~ **generally be** applied. **Exceptions may be considered when factors, such as those described in Section 4, are evident.**

   a. **Standard Streets:** 26 ft. in width from curb to curb.
   b. If the right-of-way is less than 50 ft., the street width shall be a minimum of 20 ft. with parking allowed on one side only (generally the side without fire hydrants).

2. **EXISTING, IMPROVED RESIDENTIAL STREETS**

   When previously built streets are reconstructed, this standard shall generally be applied. Exceptions may be considered when factors, such as those described in Section 4, are evident.

   Standard Streets: 26 ft. in width from curb to curb.

   Existing Street is 28 feet or less in width: If existing street width is 28 ft. or less in width, street ~~shall~~ **may** generally be reconstructed at the existing width **provided there is a reason present under section 4**.

3. **PUBLIC NOTICE AND PUBLIC HEARING**

   Whenever there is a street project where a change in the existing width is being considered, the Multi-Modal Transportation Board shall have a Public Hearing to inform residents of the project and provide an opportunity for comment. The City shall post a sign along the street that announces street project. Design details shall be advertised and posted on the City's website. If residents express a desire for a non-

standard street width at a public meeting or through a public survey of street residents, those preferences shall be considered. However, engineering or safety factors listed in Section 4 must also be present to support a design exception.

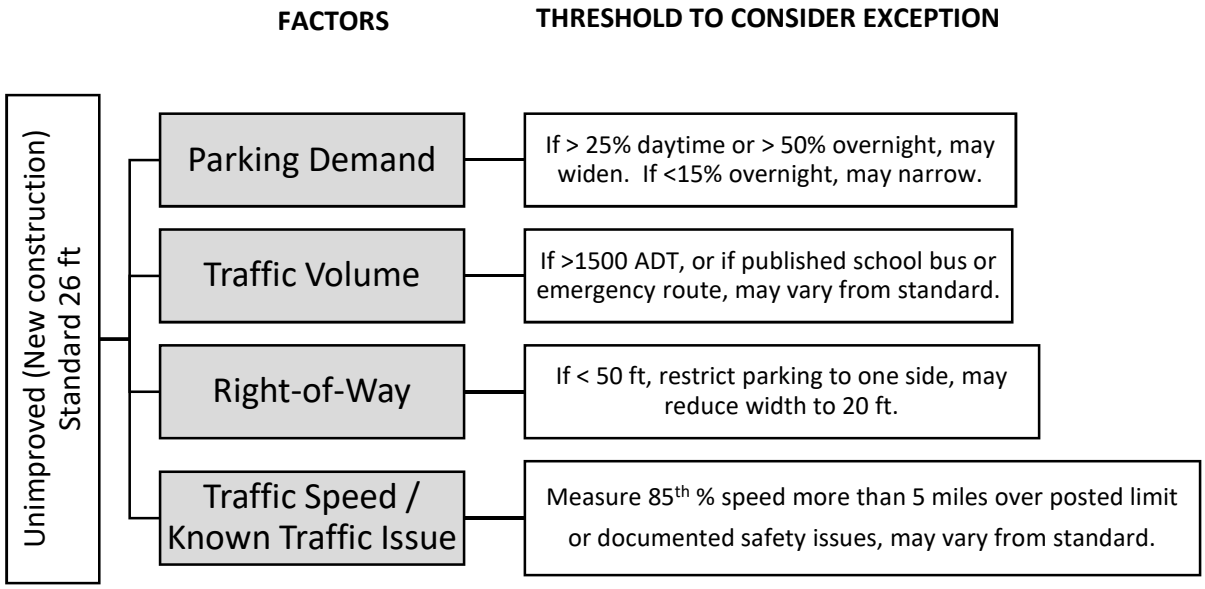
4. EXCEPTIONS AND MODIFICATIONS TO THE WIDTH STANDARDS

Any modification must be consistent with the Intent of these standards and the engineering publications upon which they are based. Street width exceptions may only be approved to a minimum of 20 ft. and a maximum of 30ft. **If residents express a desire for a non-standard street width at a public meeting or through a public survey of street residents, those preferences shall be considered (either wider or narrower)** ~~Modifications to street widths may~~ **only** ~~be considered~~ **if one or more of the following conditions exist:**

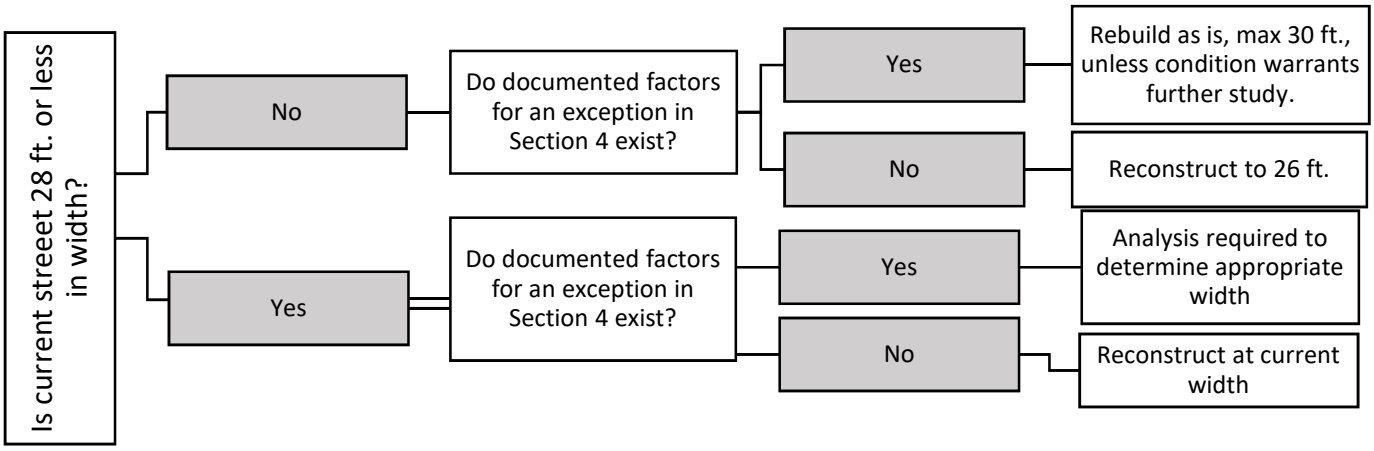
a. High or low frequency of use of on-street parking. When surveyed on-street parking is utilized 15% or less overnight, the width may be reduced. When parking density is classified as highly utilized, defined as over 25% occupancy throughout the day or more than 50% of the available curb space used overnight, the width may be increased. For calculation of parking, a minimum length of 22 ft. shall be used and not include driveways, spaces adjacent to fire hydrants, or other locations where parking is not allowed.
b. Daily traffic volumes exceed 1500 vehicles.
c. The street is a published school bus route used by the Birmingham Public Schools or is a frequent emergency response route.
d. Street is adjacent to a school, religious institution, City park, multiple-family residential development, or other use with access that generates higher traffic volumes.
e. Presence of street trees, especially healthy, mature trees, such that rebuilding the road as proposed would result in the removal of two or more trees on any given block.
f. A speed study confirms that the 85th percentile speed is more than 5 miles per hour over the posted speed limit and/or city police or engineering departments have documented operational or safety concerns related to traffic patterns along the street.
g. Street may be as narrow as 20 ft. with parking on one side only if right-of-way is less than 50 ft.

5. BOULEVARD STREETS

Reconstruction of streets with a boulevard, median, or other unique design feature, shall be reconstructed to match the current configuration unless geometric changes are needed based on safety or engineering analysis.



RECONSTRUCTION OF IMPROVED STREET



City of Birmingham
A Walkable Community

BIRMINGHAM CITY COMMISSION
REGULAR MEETING, JULY 11, 2011
RESOLUTION # 07-185-11

Present: Commissioners Dilgard, Hoff, McDaniel, Moore, Nickita, and Sherman
Absent: Mayor Rinschler

MOTION: Motion by Hoff, seconded by Dilgard:
To formally support the Complete Streets principles in the City of Birmingham:

WHEREAS, Complete Streets are defined as a design framework that enables safe and convenient access for all users, including pedestrians, bicyclists, transit riders, and drivers of all ages and abilities: and

WHEREAS, the Michigan Legislature adopted Public Acts 134 and 135 of 2010 to enact Complete Streets legislation that requires the Michigan Department of Transportation to consider all users in transportation related projects; and

WHEREAS, Complete Streets are achieved when transportation agencies routinely plan, design, construct, re-construct, operate, and maintain the transportation network to improve travel conditions for bicyclists, pedestrians, transit, and freight in a manner consistent with, and supportive of, the surrounding community; and

WHEREAS, development of multi-modal transportation infrastructure, including accommodations for pedestrian, bicycle, and transit riders, offers long-term cost savings by reducing costly infrastructure retrofits and opportunities to create safe and convenient non-motorized travel; and

WHEREAS, streets that support and invite multiple uses, including safe, active, and ample space for pedestrians, bicycles, and transit are more conducive to the public life and efficient movement of people than streets designed primarily to move automobiles; and

WHEREAS, increasing active transportation (e.g. walking, bicycling and using public transportation) offers the potential for improved public health, economic development, a cleaner environment, reduced transportation costs, enhanced community connections, social equity, and more livable communities; and

WHEREAS, existing City of Birmingham plans and policies already support principles that facilitate progress toward developing a network of Complete Streets consistent with the objectives of the Michigan Complete Streets legislation and with the practices promoted by the National Complete Streets Coalition; and

WHEREAS, Complete Streets principles have been and continue to be adopted nation-wide at state, county, MPO, and city levels in the interest of proactive planning and adherence to federal directives that guide transportation planning organizations to promote multi-modal transportation options and accessibility for all users; and

WHEREAS, the adoption of this Complete Streets Proclamation allows the City of Birmingham to remain competitive in the pursuit of future state transportation project funding.

NOW, THEREFORE, BE IT RESOLVED, that the City of Birmingham City Commission hereby declares its support of Complete Streets policies and further directs City staff to develop a set of proposed policies and procedures to implement Complete Streets practices to make the City more accommodating to all modes of travel, including walkers, bicyclists and transit riders, of all ages and abilities.

VOTE: Yeas, 6
Nays, None
Absent, 1 (Rinschler)

I, Laura M. Pierce, City Clerk of the City of Birmingham, do hereby certify that the above is a true and correct copy of a resolution adopted by the Birmingham City Commission at their regular meeting of July 11, 2011.

Laura M. Pierce
City Clerk

3.2 SIDEWALKS

DESCRIPTION

Sidewalks are the unsung heroes of a multi-modal system. They are usually the first facilities to be constructed and provide a backbone to a complete multi-modal network. They are one of the key components to a walkable community and should be completed on both sides of all roads in an urban area.

A community's long term goal should be to provide sidewalks on both sides of the roadway along all roads. Sidewalks are proven to reduce pedestrian crashes and are critical to children safely walking to school, especially in dark conditions. Providing a complete sidewalk network along all roadways is important from a safety and connectivity standpoint and the city should work towards completing its network.

For the most up-to-date guidelines please refer to AASHTO's *Guide for the Planning, Design, and Operation of Pedestrian Facilities.*

All newly constructed and reconstructed sidewalks and shared use pathways should be in compliance with Title II of the Americans with Disabilities Act of 1990 (ADA). Please refer to the *Accessible Public Rights-of-Way: Planning and Designing for Alternatives* guide for more information.

RECOMMENDATIONS

The first priority is to provide sidewalks along all the major roadways. In the near-term the City should focus on completing sidewalk gaps along S Cranbrook Road to connect to the high school and dog park and along S Old Woodard to connect on-street parking to the businesses along the corridor. Please refer to the Network Implementation Plan for more details.

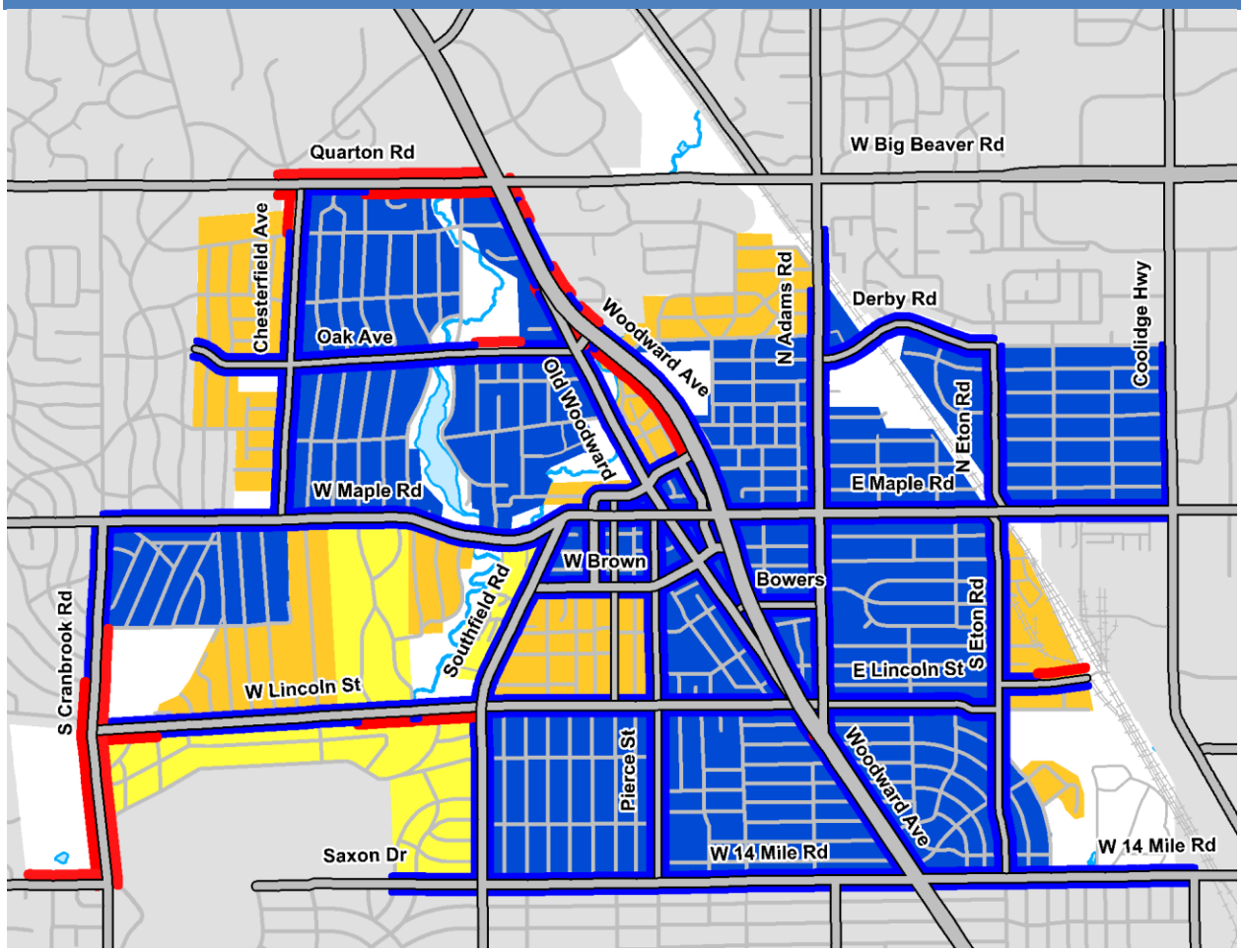
The second priority should be to complete the sidewalk gaps in neighborhoods that already have an existing sidewalk system partially in place.

The third priority should be to complete sidewalks in all neighborhoods.

In general, sidewalks should be installed by developers when constructing or reconstructing buildings or homes and by local city, county or state agencies during a roadway improvement project. Sidewalks should be a minimum of 5' wide. 6' is preferred along Collector roadways and 8' is preferred along Arterial roadways.

Please refer to Fig. 3.2A for a map of the proposed sidewalks.

FIGURE 3.2A PROPOSED SIDEWALKS



Proposed Sidewalks:

- Existing Sidewalks
- Prioirty 1: Complete Sidewalks along Major Roads
- Prioirty 2: Complete Sidewalk Gaps in Neighborhood
- Priority 3: Add Sidewalks to Neighborhood

APPROXIMATELY 2.5 MILES OF SIDEWALK ARE PROPOSED ALONG PRIMARY ROADS IN THE CITY OF BIRMINGHAM

Web Survey Results:

- About 38% of respondents walk to work and/or the store daily or weekly
- About 80% of respondents walk for fun and/or exercise daily or weekly
- Around 79% of respondents feel a complete sidewalk system is very important to non-motorized trips actually happening in the future

Keep Streets Pedestrian-oriented

Streets are the most pervasive public space in a city, and generally, Birmingham's streets are exceptionally beautiful and pleasant (See Fig. 37). However, moving cars is too often primary focus of street design, which results in widening to make driving easier. In most cases, widening neighborhood streets reduces their safety for pedestrians and bicyclists, reduces street tree canopy, and increases vehicle speeds. Fortunately, Birmingham has resisted calls to widen streets. As a result, the city retains a extensive tree canopy and pleasant streets to walk and bike along.

Yet today, calls for wider streets continue. If widened, cars will move more quickly and those streets become convenient ways to cut around areas of congestion. There are some streets in Birmingham are too narrow, like Westchester Way, paved approximately 16 feet yet operating two-way with parking. Streets narrower than 20 feet paved and operating two-way with on-street parking should be considered for a change to one-way or removal of some street parking, perhaps widening. Most other streets should not.

Beyond the space to accommodate automobiles, street design must consider pedestrian comfort and safety, bicyclist comfort and safety, and street trees for public health.

Pedestrian comfort and safety is influenced by the size and location of sidewalks. Birmingham's historic neighborhood standard was a minimum 4 foot sidewalk, which is insufficient by today's standards. In most neighborhoods, sidewalks should be a minimum of 5 feet wide, and 6 feet in neighborhoods near mixed-use districts or streets with multi-unit housing. The recently passed Residential Street Design Standard specifies a 5 foot minimum, which works for most places. In areas with smaller lots and multi-unit housing, sidewalks should be at least 6 feet wide. In a mixed-use context, sidewalks should be wider, no less than 14 feet from curb to edge of right-of-way assuming a paved tree lawn with tree wells. Shared space streets are a special exception to be handled on a case-by-case basis.

Today, sidewalks are missing in numerous places, which should be surveyed and remedied. Similarly, street intersections which do not have accessible ramps to crossings should be remedied. These changes may cause trees to be removed, which should be replaced nearby to maintain the street tree canopy.

Bicyclist and micro-mobility comfort and safety is principally influenced by the speed of vehicles and availability of dedicated facilities. In most streets, narrow lanes result in slow car movement, which provide for bike and micro-mobility needs. But more so than cars, frequent stopping is extremely inconvenient. Bicycle boulevards should be considered to solve this issue, arranging intersection control to prefer bike and micro-mobility through movement and diverting cars to avoid cut through movement. Strategically located bicycle boulevards can also be used to reduce cut-through traffic, such as that between Quarton, Maple, Lincoln, and 14-Mile. Along streets with speeds above 25mph, however, dedicated facilities should be provided or other means of slowing traffic pursued.

The tree lawn is critical to street trees; sufficient root area results in greater canopy. Canopy health is very closely related with the health of residents, mental and physical, the ease of walking or biking along streets, and the success of children in school. In fact, programs exist across the country to re-establish urban tree canopies to improve the health outcomes of children. In neighborhoods, tree lawns should not be sacrificed for pavement width.

Figure 37. A pleasant, right-sized street in the Quarton district.

With these concerns in mind, the ideal roadway width will depend upon the right-of-way width and what the street should best accommodate. Lincoln is perhaps the most difficult decision point in Birmingham. It needs on-street parking but is also an important route for cyclists. Certainly Lincoln needs to sustain its tree canopy. And as a major vehicular connector, Lincoln must accommodate cars. With recent crosswalk improvements, the means of accommodating bicycles must be carefully considered. Today, Lincoln is too busy a street to feel safe for many bicyclists.

Standards were set for residential streets by the Multi-modal Transportation Board and City Commission due to recurring resident

requests for wider streets. The current policy sets a standard residential street at 26 feet from curb-to-curb where the right-of-way is 50 feet or greater and 20 feet with parking along one side where the right-of-way is less than 50 feet. The policy provides for modifications for a number of specific conditions that may legitimately require greater paving, such as school bus routes. Generally these standards align with best safety practices.

Current street roadway standards should be retained, and augmented to simplify the exception criteria, aligning it with future land use. Minor modification is also needed to accommodate wider sidewalks along district seams. The residential street standards provide a modification of roadway width from 26 feet to 28 feet where on-street parking is in more active use. Because on-street parking will be more actively used in neighborhoods with high intensity fabric, the standard here may default to 28 feet. Similarly, neighborhoods with low intensity fabric will have low on-street parking usage and should be less justified to allow for wider streets.

To further support pedestrian and bicycling safety, the standard residential street posted speed should be lowered to 20 mph. Unfortunately current leglisation does not permit posting speeds below 25 mph. Across the world, including in other US states, “20 is Plenty” campaigns have reduced speeds on residential streets to 20mph or below. Legislative change is necessary to improve pedestrian and bicycle safety on neighborhood streets.

The main remaining issue with streets is parking beyond the roadway on unimproved streets as it encourages cut-through traffic and speeding. Once streets are improved this issue will be resolved.

MASTER PLAN ACTIONS

1. Update the Residential Street Standards, aligning the following streetscape elements with Future Land Use categories. Update the Multi-modal Plan accordingly. Additionally, Advocate for state legislation permitting municipalities to reduce posted speed limits below 25 mph.
    a. Sidewalk width;
    b. Planter width and type;
    c. Type and extent of on-street parking;
    d. Frequency of curb cuts; and
    e. Width of roadway.
2. Update the Multi-modal Plan, including:
    a. Study bicycle accommodation alternatives along Lincoln.
    b. Complete gaps in sidewalks, add accessible corner ramps where not already specified, and replace street trees which are displaced by the process.

STREETSCAPE BEST PRACTICES BY LAND-USE CATEGORY

1. Mixed-use Center: 8 foot sidewalks or wider, excluding a paved tree lawn area; 5-to-6 foot tree lawn principally paved with tree wells; on-street parking both sides.
2. High Intensity Fabric: 6 foot sidewalk; tree lawns 6 feet or wider, appropriate for long tree wells or continuous planters; on-street parking both sides.
3. Medium and Low Intensity Fabric: 5 foot sidewalk; tree lawns 8 feet or wider; on-street parking on one or both sides.
4. High and Medium Intensity District Seam: 6-to-8 foot sidewalk; tree lawns 6 feet or wider, appropriate for long tree wells; on-street parking both sides.
5. Low Intensity District Seam: 6 foot sidewalk, tree lawns 6 feet or wider; on-street parking both sides.

Replace Unimproved Streets

Many neighborhood streets in Birmingham are in disrepair. Residents are confused about the process to improve streets, which is exacerbated by unique situations in two parts of the community.

As is readily apparent, many neighborhood streets are in very poor condition. The situation is historic, related to the standards in place as far back as each neighborhood was initially developed. It has been incumbent upon neighbors to choose to improve their streets, and pay into that improvement based upon how much lot frontage they have along the street. To date, a significant number of residents have done just that, yet it leaves nearly 26 linear miles of streets unimproved. Most unimproved streets are easily recognizable in that they do not have curbs. Yet, to confuse the matter, about half of the unimproved streets have historic curbs. And lastly, there is a section of Birmingham where sewer service is located in the rear lot, not in the street, which requires special consideration when improving streets.

The City Commission convened an Ad-hoc Unimproved Streets Committee (AHUSC) to study this issue. In late 2020, the committee issued its recommendations. A high-level summary of those recommendations are to: 1) change the process of initiating street repair to be instigated by the City; 2) use the City's general fund to pay for the non-utility improvements to streets and bonds to pay for the utility portion of improvements, reimbursed by residents through special assessment and utility rate fees; and 3) to prefer construction of concrete streets over asphalt for their longevity, with exceptions for low volume conditions.

With these well researched recommendations in place, adjustments to unimproved streets policy and the city budget are required, along with a strategy for prioritizing streets to

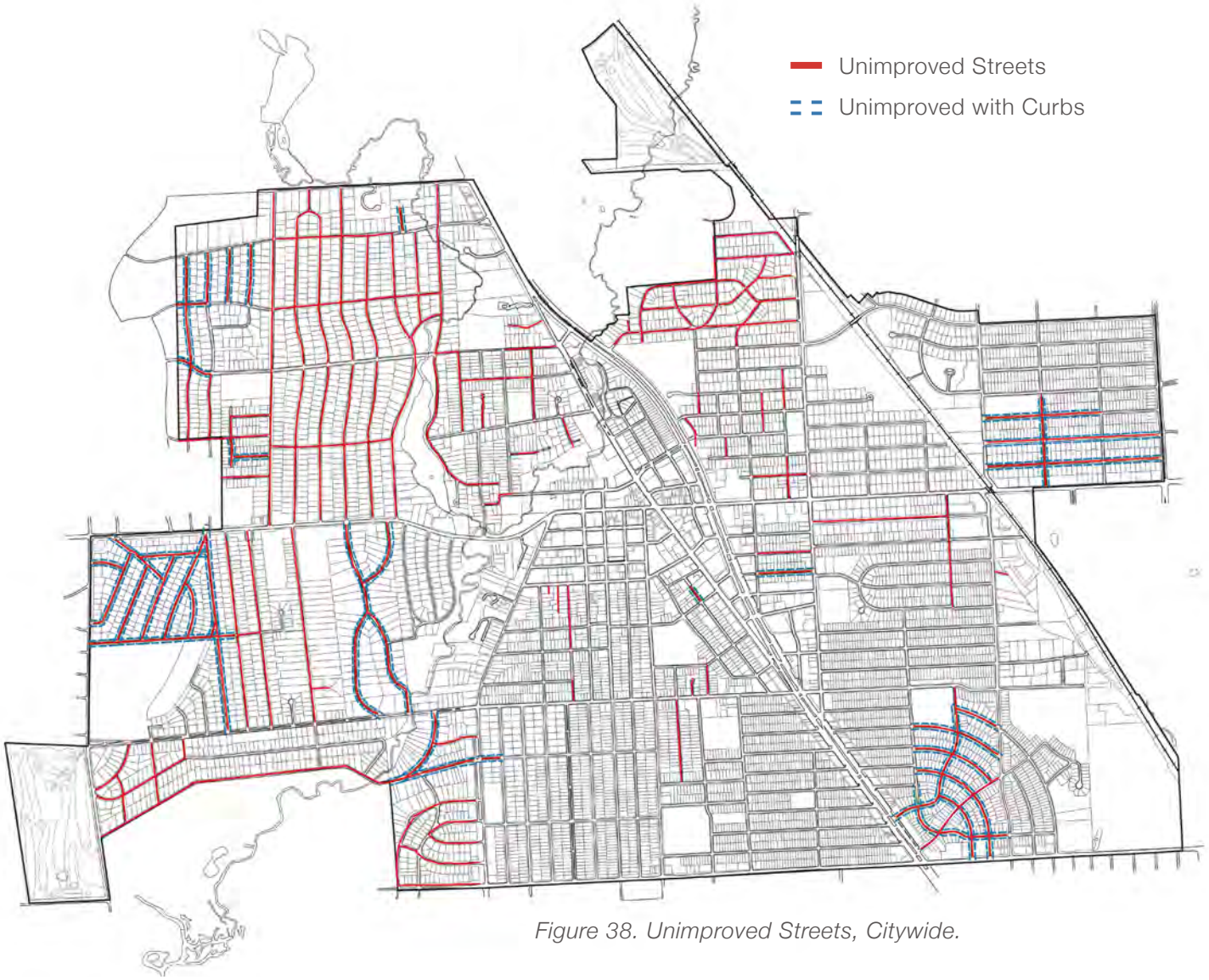


Figure 38. Unimproved Streets, Citywide.

improve. A consistent approach is recommended, ensuring funds are regularly allocated to carry on improvements. From a priority standpoint, the current condition of unimproved streets should be surveyed to categorize the state of disrepair. The stormwater condition of streets is a particularly important element to consider as streets with stormwater problems will deteriorate more quickly than others and work done to improve streets can also address some or all of the stormwater issues. To work through the list of repairs, consideration should be given to equitably distribute repairs throughout the city so that one Planning District is not prioritized over another. This can be done by ensuring that more than one Planning District receives repairs in any year. Some districts, like Quarton and Seaholm, are almost entirely unimproved and may receive a greater share of improvements than others as a result.

MASTER PLAN ACTIONS

1. Adopt policy recommendations specified by the Ad-hoc Unimproved Streets Committee (AHUSC), including the following:
    a. Establish a yearly budget to remedy unimproved streets, considering the general fund plus bond strategy and repayment timelines recommended by the AHUSC.
    b. Survey the current condition of unimproved streets, categorized by the current quality such that streets in the most extreme states of disrepair can be prioritized for improvement. Stormwater issues should receive special priority.
    c. Remedy unimproved streets according to the repair priority and budget, ensuring improvements occur in multiple Planning Districts each year.

Retain Street Tree Canopy

Birmingham's downtown and neighborhoods benefit from a rich tree canopy, increasing house values, public health, and sustainability. This street tree canopy should be protected, well maintained, and prepared for a changing climate. At present, the City works to diversify tree species, which is important in avoiding disease. Considerations should also be made to select species that will better fit the area's future climate. Much of the community is well stocked with trees but some streets, like Brown and 14 Mile, have gaps in the street tree canopy, sometimes spanning an entire block.

Most substantially, the City's commercial districts have severe street tree gaps, including entire streets without trees. Maple and Woodward have more consistent trees than elsewhere, with limited gaps such as Willits. However, streets like Merrill appear to have insufficient root area, resulting in small and ineffective trees. New plantings with the recent Woodward and future Maple streetscape projects have extended the root area to support a healthier tree stock, which is necessary elsewhere. The Triangle and Rail Districts have few street trees at all and are in need of streetscape redesign. Plantings are especially needed in these areas to fight the urban heat island by shading sidewalks and roadways, and to provide relief for pedestrians.

MASTER PLAN ACTIONS

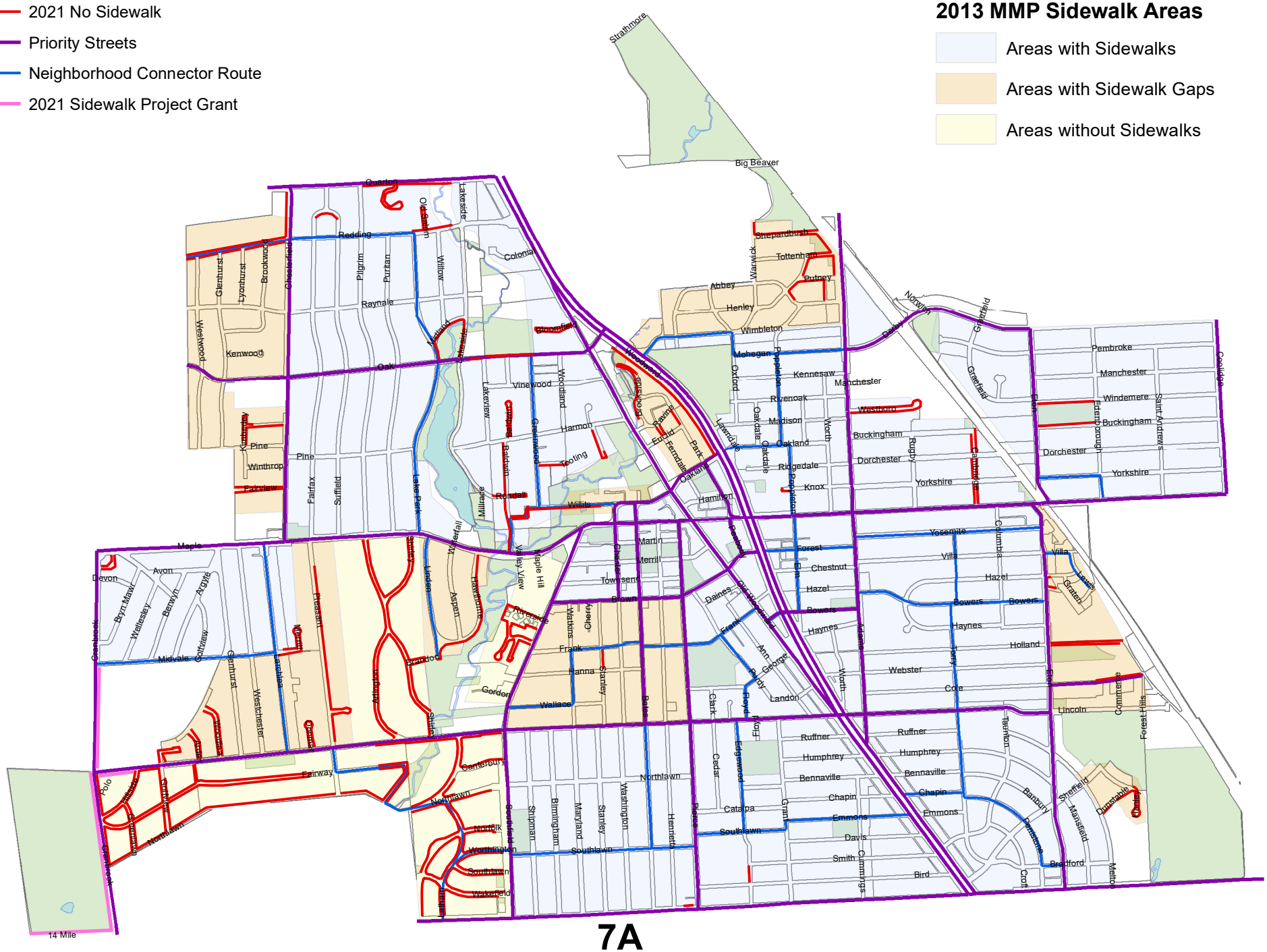
1. Create a Tree Canopy Improvement Plan, including:
    a. Establish comprehensive policies for trees in streets and open spaces.
        i. Select large canopy species for streets and parks, native to the region and resilient for its' future climate, retaining the character of each neighborhood's distinctive canopy.
        ii. Minimize overly-used or exotic species, such as Crab Apple, Honey Locust and Pear Trees.
    b. Create 5-, 10-, and 15- year goals to expand tree canopy cover.
    c. Study the condition of neighborhood tree canopies in parks and private spaces and potential improvements.
    d. Require that trees removed due to construction be replaced, as well as mandatory contributions to fund new off-site trees.
    e. Prevent existing, healthy trees from being removed due to new construction.
    f. Survey areas with constrained root area and establish a plan to add additional soil volume.

Future Sidewalk Construction Recomendation Priorities

- 2021 No Sidewalk
- Priority Streets
- Neighborhood Connector Route
- 2021 Sidewalk Project Grant

2013 MMP Sidewalk Areas

- Areas with Sidewalks
- Areas with Sidewalk Gaps
- Areas without Sidewalks



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Future Sidewalk Construction Recomendations

Prioritized Sidewalk Installation

- 1: Major Roads, Improved Streets, & Neighborhood Connector Route
- 2: Neighborhoods without Sidewalks
- 3: Neighborhoods with Sidewalk Gaps
- 4: Neighborhoods & Commercial Areas with Majority Sidewalks
- Unimproved Streets
- 2021 Sidewalk Project Grant

2013 MMTP Sidewalk Priority Areas

- Areas with Sidewalk Gaps
- Areas without Sidewalks
- Areas with Majority Sidewalks

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CITY OF BIRMINGHAM
ENGINEERING DEPARTMENT
151 Martin Street, P.O. Box 3001
Birmingham, Michigan 48012-3001
(248) 530-1850

DO NOT WRITE IN THIS BOX
Permit No. _____
Date of Issuance _____

APPLICATION AND PERMIT TO INSTALL SPECIAL TREATMENTS IN PUBLIC RIGHT OF WAY

_____
Address of Proposed Special Treatment

_____ _____
Property Owner's Name Tenant's Name (if other than owner)

_____ _____
Property Owner's Signature Date Tenant's Signature Date

_____
Property Owner's Email Address

By providing your e-mail to the City, you agree to receive news and notifications from the City. If you do not wish to receive these messages, you may unsubscribe at any time.

_____ _____
Telephone Number Fax Number

The above named owner (and tenant, if any) makes application for a revocable permit to place in the public right-of-way adjacent to the above address, decorative treatments or other improvements described as follows: (give location and detailed description - attach sketch).

_____

_____

_____

Will trees be affected? If yes, Signature of City Forester Required _____ _____
City Forester Date

Attached to Application: Plans _____

Other _____

If a permit is granted, the above named owner (and tenant, if any) shall do the following:

1. Conform with all City Ordinances, standards, and regulations relating thereto.
2. Install and maintain the improvement at no expense to the City of Birmingham.
3. Defend and hold the City harmless from any and all liability incidental to the construction, use, and maintenance of the improvement.
4. Remove the improvement and make necessary restoration to the right-of-way, upon revocation of the permit by the City.
5. **WAIVE AND RELEASE ANY AND ALL CLAIMS OF ANY NATURE AGAINST THE CITY OF BIRMINGHAM AND ANY PUBLIC UTILITY COMPANY FOR DAMAGES TO SUCH IMPROVEMENT CAUSED BY OR ARISING FROM THE USE OF THE RIGHT-OF-WAY.**

A permit, as requested in the foregoing application subject to the conditions to which applicant therein agrees, is hereby granted.

CITY OF BIRMINGHAM

By _____
Engineering Department

THIS PERMIT IS SUBJECT TO REVOCATION AT ANY TIME BY THE CITY OF BIRMINGHAM.

Thank you for your interest in the Not MI Species Webinar Series Webinar **"Where the Sidewalk Ends: Choosing Resilient Trees for Tomorrow's Urban Environments"** that we held on Tuesday.

You can now access a recording of the webinar at https://us06web.zoom.us/rec/share/rnTXF5f1Wla4jpDN12mhhuIxWinYHrUfQS61mQdgnlGe_7QvVqOoOzjHmvrU3_k-.bM_s-GGS9jxSpIX5.

If you attended the webinar or viewed the recording, and haven't done so already, please take a moment to complete a short evaluation for the webinar at Where the Sidewalk Ends: Choosing Resilient Trees for Tomorrow's Urban Environments-10/03/23 Survey (surveymonkey.com).

RESOURCES

- Michigan's Invasive Species Webpage: www.michigan.gov/invasives
- Not Mi Species Webinar Information: www.michigan.gov/egle/outreach/not-mi-species-webinar-series
- DNR Tree Species Lists (Also added as an excel attachment): Recommended trees for community planting (michigan.gov)
- Michigan DNR Urban and Community Forestry Webpage (Grant Programs and other information): Urban and community forestry (michigan.gov)
- Recent canopy inventories of Detroit and Grand Rapids and more: Common Tree Species, Planting Initiatives, and Diversity: An Analysis of Over 5 Million Urban Trees in 63 US Cities (treevitalize.com)

Upcoming Webinar

Tuesday, November 7, 9:00 a.m. to 10:00 a.m.

Must You Find Another Shrubbery? Understanding the Impacts of Invasive Box Tree Moth in Michigan

Box tree moth (*Cydalima perspectalis*) was first detected in Michigan in fall 2022. This invasive pest, native to East Asia, poses a major threat to the boxwood plant, an ornamental shrub that is a valuable part of the U.S. (and Michigan) nursery and horticultural industry. Join Susie Iott, MDARD invasive species program specialist, to learn more about identification, impacts and the state's response to limit the spread of this invasive pest.

Thanks!

Ryan Blazic
Water Resources Liaison
Environmental Support Division
Michigan Department of Environment, Great Lakes, and Energy (EGLE)
517-732-1187 | 800-662-9278
Follow Us | **Michigan.gov/EGLE**

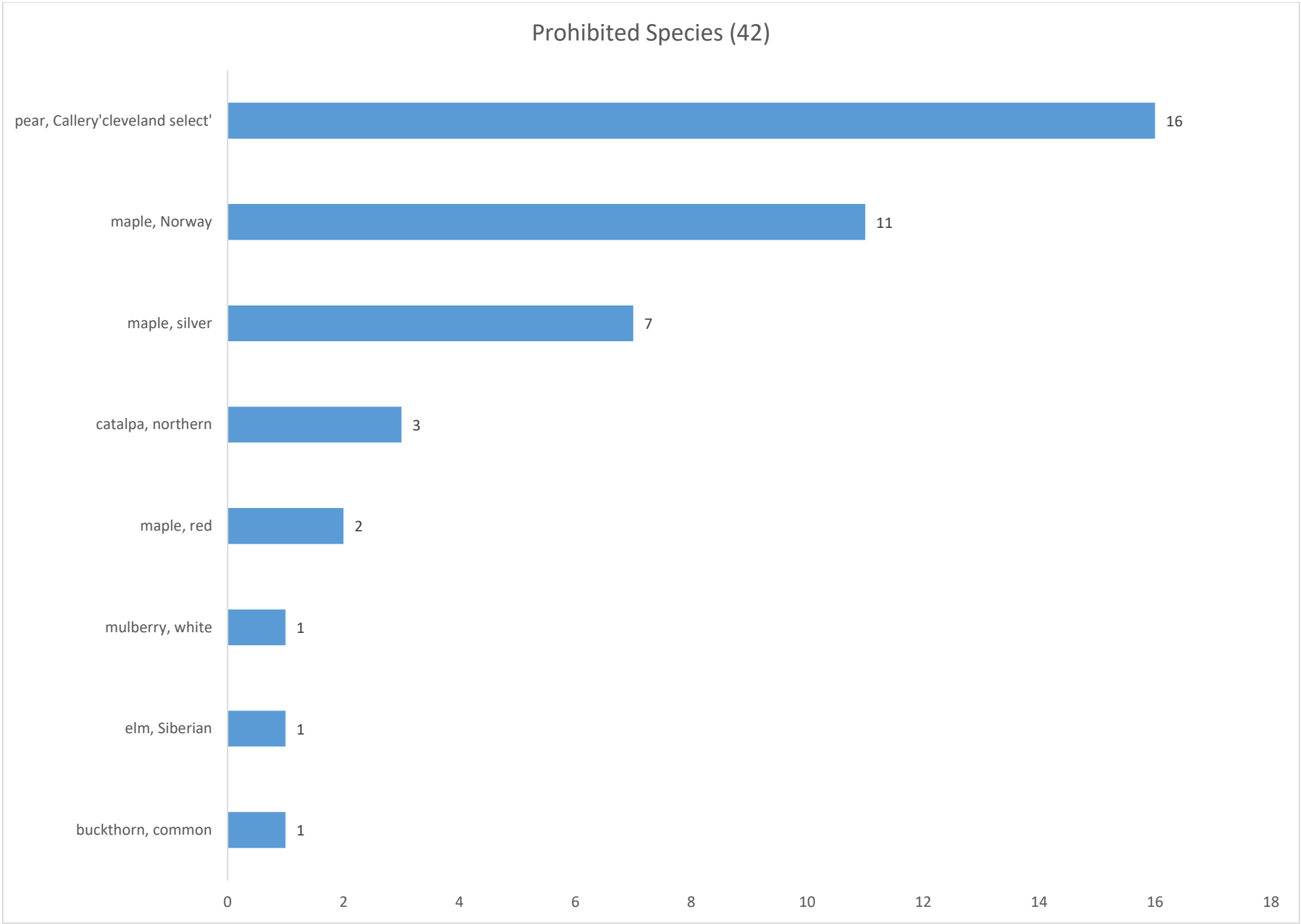
Tree Species Count and Classification

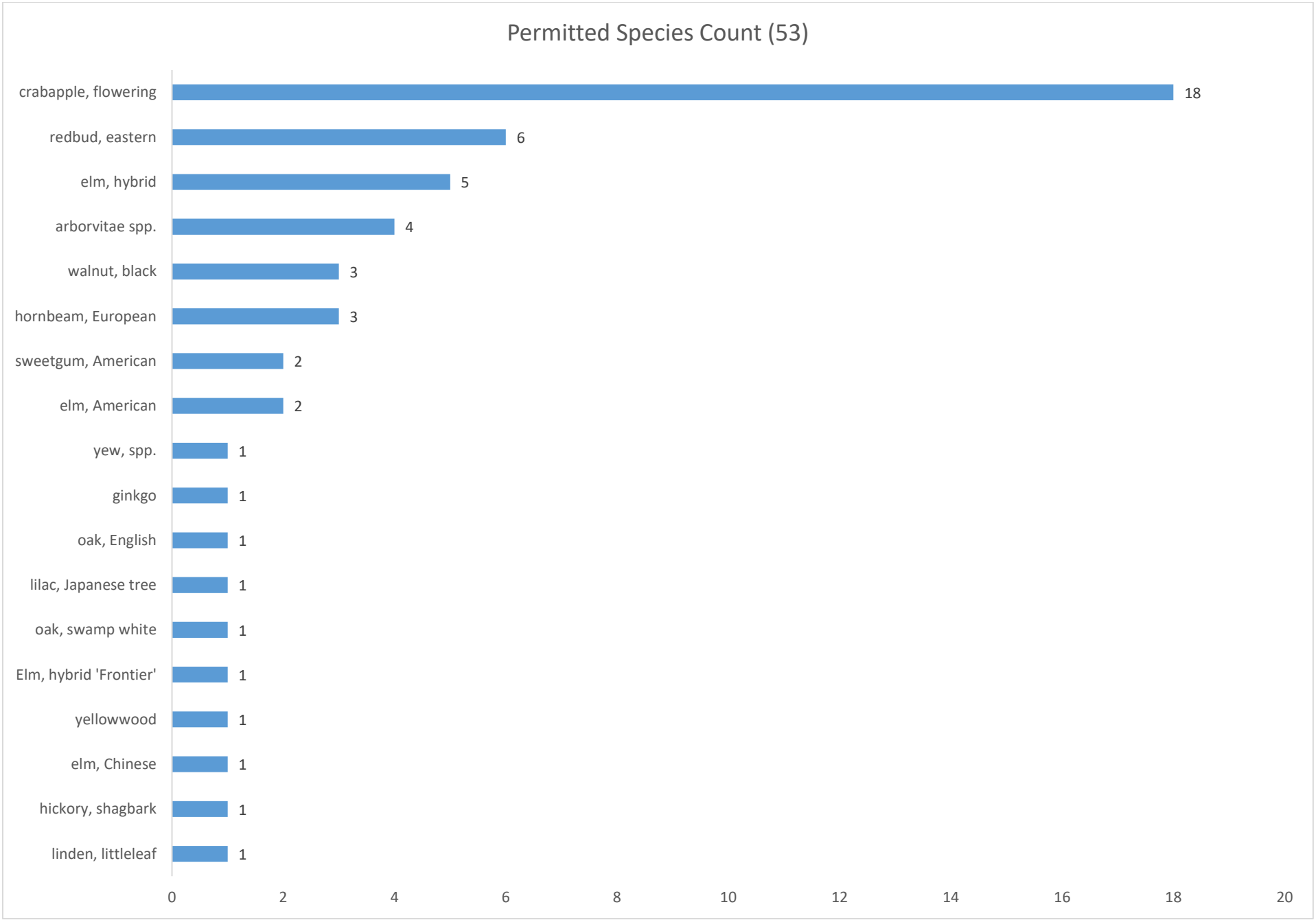
Species	Count	Prohibited
crabapple, flowering	18	No
redbud, eastern	6	No
elm, hybrid	5	No
arborvitae spp.	4	No
hornbeam, European	3	No
walnut, black	3	No
elm, American	2	No
sweetgum, American	2	No
ginkgo	1	No
hickory, shagbark	1	No
lilac, Japanese tree	1	No
linden, littleleaf	1	No
mulberry, white	1	No
oak, English	1	No
oak, swamp white	1	No
yellowwood	1	No
yew, spp.	1	No

Species	Count	Prohibited
maple, sugar	3	Overpopulated
maple, Freeman	2	Overpopulated
maple, hedge	2	Overpopulated

Species	Count	Prohibited
pear, Callery'cleveland select'	16	Yes
maple, Norway	11	Yes
maple, silver	7	Yes
catalpa, northern	3	Yes
maple, red	2	Yes
buckthorn, common	1	Yes
elm, Chinese	1	Yes
elm, Siberian	1	Yes

Species	Count	Prohibited
spruce, Norway	7	Not Recommended
horsechestnut	7	Not Recommended
horsechestnut, red	7	Not Recommended
spruce, Colorado	7	Not Recommended
hemlock, eastern	2	Not Recommended
pine, Scotch	2	Not Recommended
Elm, hybrid 'Frontier'	1	Not Recommended
oak, northern red	1	Not Recommended
pine, eastern white	1	Not Recommended


Prohibited Species (42)
pear, Callery'cleveland select'
16
maple, Norway
11
maple, silver
7
catalpa, northern
3
maple, red
2
mulberry, white
1
elm, Siberian
1
buckthorn, common
1
0
2
4
6
8
10
12
14
16
18


Permitted Species Count (53)
crabapple, flowering
18
redbud, eastern
6
elm, hybrid
5
arborvitae spp.
4
walnut, black
3
hornbeam, European
3
sweetgum, American
2
elm, American
2
yew, spp.
1
ginkgo
1
oak, English
1
lilac, Japanese tree
1
oak, swamp white
1
Elm, hybrid 'Frontier'
1
yellowwood
1
elm, Chinese
1
hickory, shagbark
1
linden, littleleaf
1
0
2
4
6
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10
12
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16
18
20

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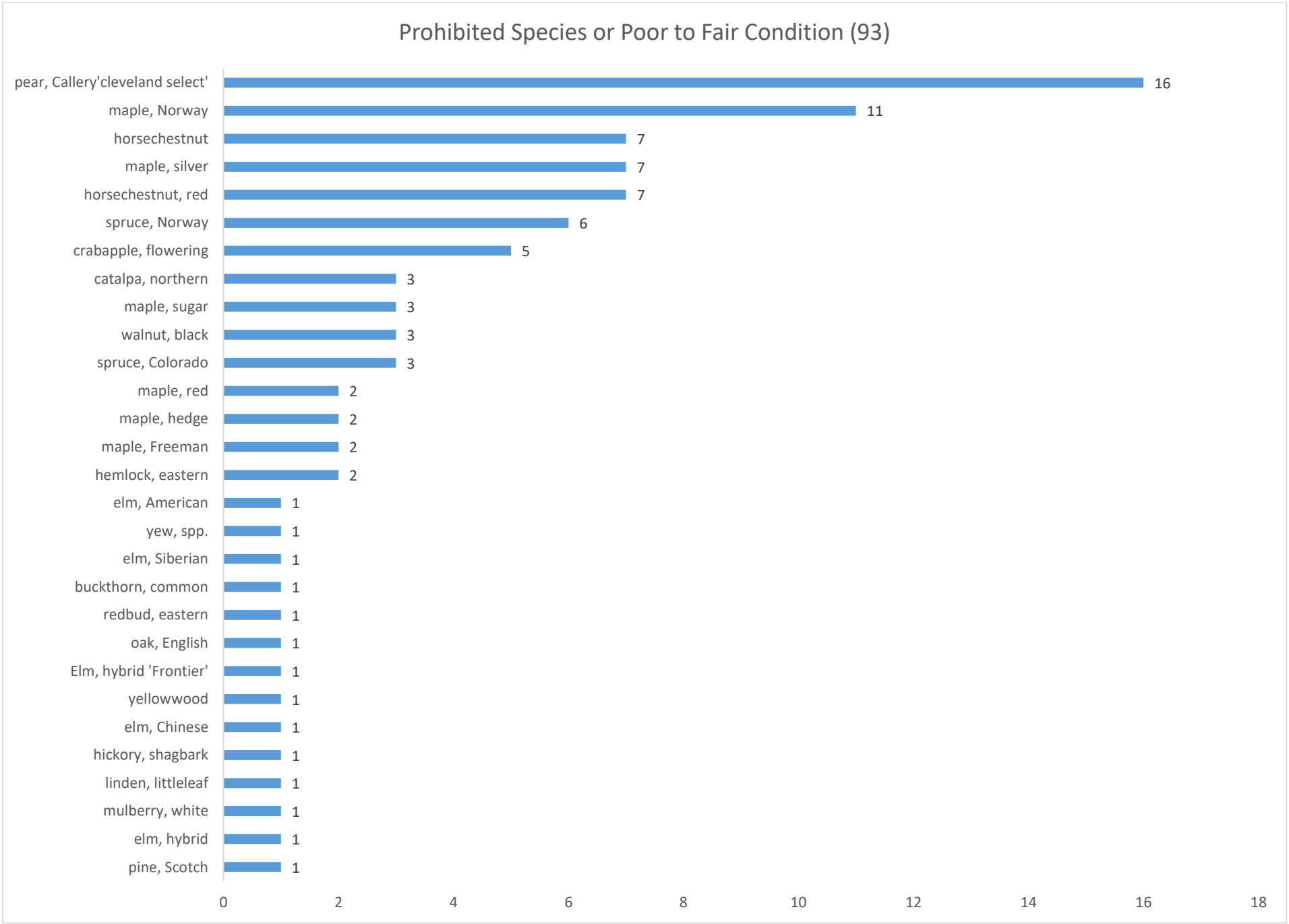
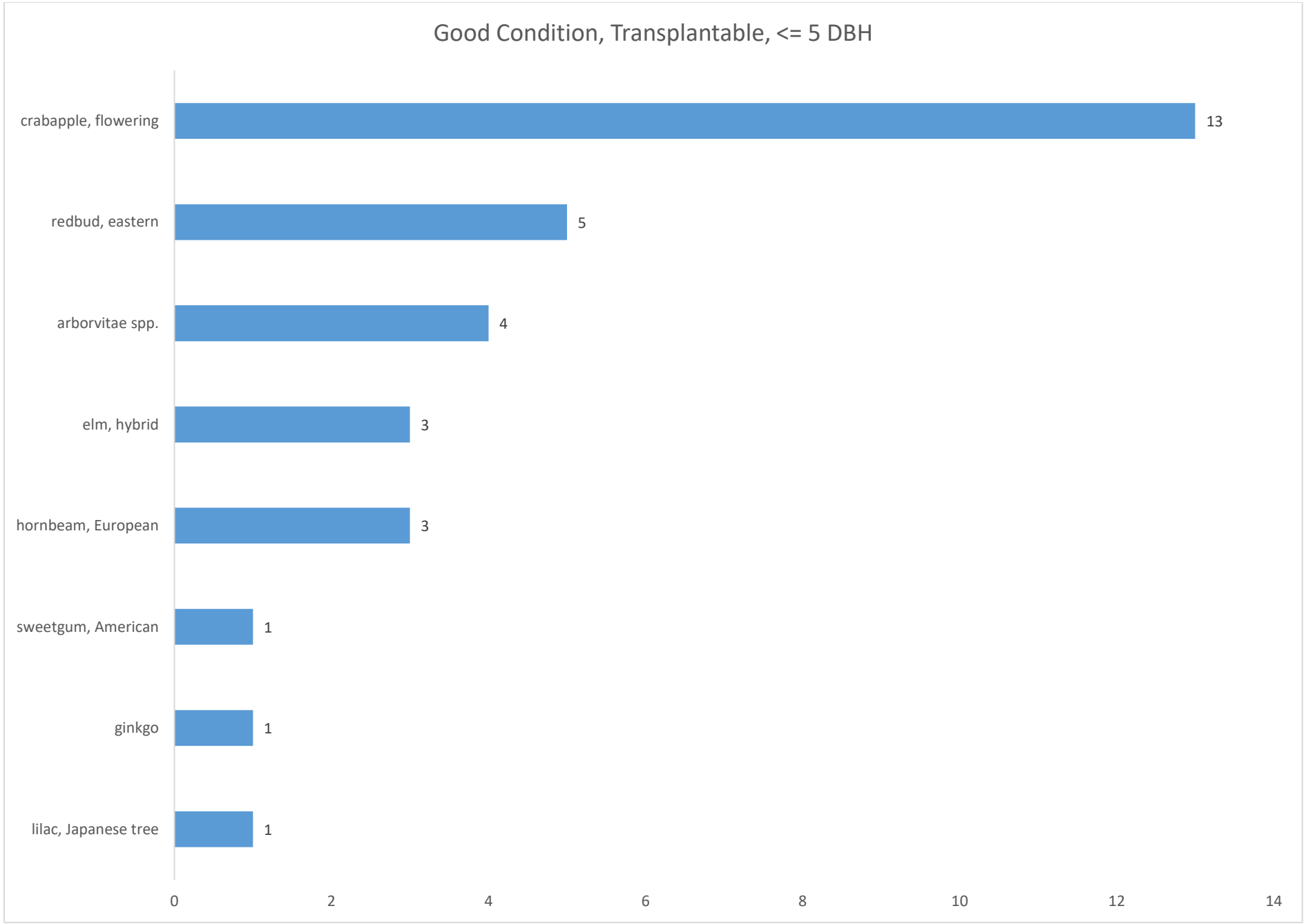

Prohibited Species or Poor to Fair Condition (93)
pear, Callery'cleveland select' 16
maple, Norway 11
horsechestnut 7
maple, silver 7
horsechestnut, red 7
spruce, Norway 6
crabapple, flowering 5
catalpa, northern 3
maple, sugar 3
walnut, black 3
spruce, Colorado 3
maple, red 2
maple, hedge 2
maple, Freeman 2
hemlock, eastern 2
elm, American 1
yew, spp. 1
elm, Siberian 1
buckthorn, common 1
redbud, eastern 1
oak, English 1
Elm, hybrid 'Frontier' 1
yellowwood 1
elm, Chinese 1
hickory, shagbark 1
linden, littleleaf 1
mulberry, white 1
elm, hybrid 1
pine, Scotch 1
0 2 4 6 8 10 12 14 16 18


Good Condition, Transplantable, <= 5 DBH
crabapple, flowering
13
redbud, eastern
5
arborvitae spp.
4
elm, hybrid
3
hornbeam, European
3
sweetgum, American
1
ginkgo
1
lilac, Japanese tree
1
0
2
4
6
8
10
12
14

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APPENDIX B
PROHIBITED SPECIES LIST

Common Name	Scientific Name
Ash	*Fraxinus* spp.
Boxelder	*Acer negundo*
Catalpa	*Catalpa* spp.
Common Buckthorn	*Rhamnus cathartica*
Common Privet	*Ligustrum vulgare*
Cottonwood	*Populus deltoides*
Dame's Rocket	*Hesperis matronalis*
Elm (except disease-resistant varieties)	*Ulmus* spp.
English Ivy	*Hedera helix*
Euonymus	*Euonymus* spp.
Garlic Mustard	*Alliaria petiolata*
Honeysuckle	*Lonicera* spp.
Horse Chestnut (nut bearing)	*Aesculus hippocastanum*
Japanese Barberry	*Berberis thunbergii*
Kentucky Bluegrass	*Poa pratensis*
Mulberry Trees	*Morus* spp.
Multiflora Rose	*Rosa multiflora*
Norway Maple	*Acer platanoides*
Orchard Grass	*Dactylis glomerata*
Oriental Bittersweet	*Celastrus orbiculatus*
Periwinkle	*Vinca* spp.
Poison Ivy	*Toxicodendron radicans*
Poplar	*Populus* spp.
Purple Loosestrife	*Lythrum salicaria*
Quack Grass	*Elymus repens*
Ribes (Gooseberry)	*Ribes* spp.
Siberian Elm	*Ulmus pumila*
Soft Maple (Red, Silver)	*Acer rubrum, Acer saccharinum, Acer freemanii*
Succulent fruit bearing trees	
Tree of Heaven	*Ailanthus altissima*
White Clover	*Trifolium repens*
Willow	*Salix* spp.
Winged Wahoo	*Euonymus alatus*

APPENDIX A
RECOMMENDED TREE SPECIES

Deciduous Trees						
Large Deciduous Trees: Greater than 45 Feet in Height at Maturity						
Common Name	**Scientific Name**	**Growth shape**	**Native to Michigan**	**Additional Information**	**Species Abundance in Birmingham**	**Recommended Use**
baldcypress	*Taxodium distichum*	Pyramidal	Native to adjacent states	Drought and flood tolerant, tolerant of salt spray, prefers acidic soil, no serious pests	Currently very few	Commercial street tree, Residential street tree, Parks, Yard tree
beech, American	*Fagus grandifolia*	Round	Native	May be difficult to find in nurseries, prefers acidic soil	Currently very few	Parks, Yard tree
beech, European	*Fagus sylvatica*	Pyramidal, Round	Non-native	Drought and flood intolerant, salt intolerant	Currently very few	Residential street tree, Parks, Yard tree
birch, river	*Betula nigra*	Pyramidal, Round	Native	Flood tolerant, intolerant of alkaline soil, ALB host, recommended cultivars 'Dura-Heat' and 'Heritage'	Currently very few	Residential street tree, Parks, Yard tree
corktree, Amur	*Phellodendron amurense*	Open, Round	Non-native	Plant male cultivars only (male trees are fruitless, female trees have invasive potential), moderately tolerant of drought and salt, flood intolerant	Currently very few	Residential street tree, Parks, Yard tree
cucumbertree	*Magnolia acuminata*	Oval, Pyramidal	Native to Ohio and Indiana	Showy flowers, salt intolerant, drought and flood intolerant, no serious pests	Currently very few	Residential street tree, Parks, Yard tree
elm, American	*Ulmus americana*	Vase	Native	Drought and flood tolerant, salt tolerant, highly tolerant of urban conditions, ALB host, plant Dutch elm disease resistant cultivars, recommended cultivars: Jefferson, New Harmony, Princeton, Valley Forge	Currently few	Commercial street tree, Residential street tree, Parks, Yard tree
elm, Chinese	*Ulmus parvifolia*	Round	Non-native	Drought and flood tolerant, salt tolerant, ALB host	Currently very few	Commercial street tree, Residential street tree, Parks, Yard tree
elms, hybrid	*Ulmus* x	Vase, Arching, Oval, Upright	Non-native, various hybrids between native American elms and European and Asian elm species	Drought and flood tolerant, salt tolerant, highly tolerant of urban conditions, ALB host, resistant to Dutch elm disease, recommended varieties: Accolade, Frontier, Homestead, Patriot, Pioneer, Regal	Currently few	Commercial street tree, Residential street tree, Parks, Yard tree
ginkgo	*Ginkgo biloba*	Broad, Pyramidal, Upright	Non-native	Drought tolerant, no serious pests, plant male trees only, columnar cultivars are available for sites with restricted aboveground space	Currently very few	Commercial street tree, Residential street tree, Parks, Yard tree
hackberry	*Celtis occidentalis*	Oval, Round, Vase	Native	ALB host, drought and flood tolerant	Currently very few	Commercial street tree, Residential street tree, Parks, Yard tree
hazel, Turkish	*Corylus colurna*	Oval, Pyramidal	Non-native	Drought tolerant, salt intolerant, no serious pests	Currently very few	Commercial street tree (use sparingly), Residential street tree, Parks, Yard tree

Large Deciduous Trees: Greater than 45 Feet in Height at Maturity *(continued)*						
Common Name	**Scientific Name**	**Growth shape**	**Native to Michigan**	**Additional Information**	**Species Abundance in Birmingham**	**Recommended Use**
hickory, bitternut	*Carya cordiformis*	Oval, Round, Upright	Native	May be difficult to find in nurseries, edible fruit	Currently very few	Residential street tree (use sparingly), Parks, Yard tree
hickory, shagbark	*Carya ovata*	Irregular, Oval	Native	May be difficult to find in nurseries, drought tolerant, edible fruit, attractive bark	Currently very few	Residential street tree (use sparingly), Parks, Yard tree
hickory, shellbark	*Carya laciniosa*	Oval	Native	May be difficult to find in nurseries, prefers moist soil, intolerant of alkaline soil, edible fruit	Currently very few	Residential street tree (use sparingly), Parks, Yard tree
honeylocust, thornless	*Gleditsia triacanthos f. inermis*	Broad, Round	Native	Drought and flood tolerant, salt tolerant, no serious pests	Use sparingly, species currently overrepresented	Commercial street tree, Residential street tree, Parks, Yard tree
Japanese pagoda tree	*Styphnolobium japonicum*	Round	Non-native	Drought tolerant, salt tolerant, messy fruit, potentially invasive, avoid planting near natural areas	Currently very few	Commercial street tree, Residential street tree
katsura tree	*Cercidiphyllum japonicum*	Oval, Pyramidal, Round	Non-native	ALB host, flood tolerant, salt tolerant, drought intolerant, plant in protected sites	Currently very few	Residential street tree, Parks, Yard tree
Kentucky coffeetree	*Gymnocladus dioicus*	Irregular, Oval	Native	Drought and flood tolerant, salt tolerant, no serious pests, leaves and seeds are poisonous when ingested, male cultivars are fruitless	Currently very few	Commercial street tree, Residential street tree, Parks, Yard tree
larch, eastern	*Larix laricina*	Pyramidal	Native	May be difficult to find in nurseries, flood tolerant, prefers wet sites, drops needles in winter	Currently very few	Parks, Yard tree
larch, European	*Larix decidua*	Irregular, Pyramidal	Non-native	Drought and flood intolerant, drops needles in winter	Currently very few	Parks, Yard tree
linden, American	*Tilia americana*	Oval, Pyramidal, Round	Native	Salt intolerant, no serious pests	Currently few	Residential street tree, Parks, Yard tree
linden, littleleaf	*Tilia cordata*	Oval, Pyramidal, Upright	Non-native	Salt intolerant, drought tolerant, no serious pests	Currently few	Commercial street tree (use sparingly), Residential street tree, Parks, Yard tree
linden, silver	*Tilia tomentosa*	Pyramidal	Non-native	Salt tolerant, no serious pests	Currently very few	Commercial street tree, Residential street tree, Parks, Yard tree
London planetree	*Platanus × acerifolia*	Pyramidal, Rounded	Non-native	Drought and flood tolerant, ALB host, often early leaf drop due to anthracnose	Currently few	Commercial street tree, Residential street tree, Parks, Yard tree
maple, black	*Acer saccharum subsp. nigrum*	Oval, Round, Upright	Native	Salt intolerant, prefers acidic soil, salt intolerant, flood intolerant	Use sparingly, genus currently overrepresented	Residential street tree, Parks, Yard tree

Large Deciduous Trees: Greater than 45 Feet in Height at Maturity *(continued)*						
Common Name	**Scientific Name**	**Growth shape**	**Native to Michigan**	**Additional Information**	**Species Abundance in Birmingham**	**Recommended Use**
maple, Freeman's	*Acer freemanii*	Columnar, Oval, Pyramidal, Upright	Native	ALB host, moderately tolerant of salt spray, flood tolerant	Use sparingly, genus currently overrepresented	Commercial street tree (use sparingly), Residential street tree, Parks, Yard tree
maple, red	*Acer rubrum*	Irregular, Oval, Round, Cultivars come in various forms	Native	ALB host, salt intolerant, flood tolerant	Use sparingly, genus currently overrepresented	Residential street tree, Parks, Yard tree
maple, sugar	*Acer saccharum*	Oval, Round, Upright	Native	ALB host, salt intolerant, fall color	Use sparingly, genus currently overrepresented	Residential street tree, Parks, Yard tree
oak, bur	*Quercus macrocarpa*	Upright, Oval, Spreading	Native	Drought and flood tolerant, moderately salt tolerant, no serious pests, some resistance to oak wilt	Currently very few	Commercial street tree, Residential street tree, Parks, Yard tree
oak, English	*Quercus robur*	Oval, Rounded	Non-native	Drought tolerant, moderately tolerant of salt spray, columnar cultivars are available for sites with restricted aboveground space, some resistance to oak wilt	Currently very few	Commercial street tree, Residential street tree, Parks, Yard tree
oak, overcup	*Quercus lyrata*	Oval, Rounded	Native to Illinois and Indiana	Drought and flood tolerant, some resistance to oak wilt	Currently very few or none	Residential street tree, Parks, Yard tree
oak, swamp white	*Quercus bicolor*	Upright, Oval, Rounded	Native	Drought and flood tolerant, moderately salt tolerant, no serious pests, some resistance to oak wilt	Currently very few	Commercial street tree, Residential street tree, Parks, Yard tree
oak, white	*Quercus alba*	Broad, Irregular, Round	Native	Fall color, intolerant of alkaline soil, drought and flood intolerant, some resistance to oak wilt	Currently very few	Commercial street tree (use sparingly), Residential street tree, Parks, Yard tree
redwood, dawn	*Metasequoia glyptostroboides*	Upright, Pyramidal	Non-native	Flood tolerant, intolerant of alkaline soil, no serious pests	Currently very few	Commercial street tree, Residential street tree, Parks, Yard tree
sweet-gum, American	*Liquidambar styraciflua*	Pyramidal, Oval	Native to Ohio and Illinois	Recommended cold hardy cultivar 'Moraine', fall color, messy gumball fruit, no serious pests, intolerant of alkaline soil, columnar cultivar 'Slender 'Silhouette' for sites with restricted aboveground space	Currently few	Residential street tree, Parks, Yard tree
tuliptree	*Liriodendron tulipifera*	Pyramidal, Oval	Native	Showy flowers, no serious pests, salt intolerant, weak wood	Currently few	Residential street tree, Parks, Yard tree
tupelo, black	*Nyssa sylvatica*	Pyramidal, Oval	Native	Fall color, intolerant of alkaline soil, no serious pests	Currently very few	Commercial street tree (use sparingly), Residential street tree, Parks, Yard tree
walnut, black	*Juglans nigra*	Round	Native	May be difficult to find in nurseries, messy fruit, can stunt growth of other trees, plant near trees tolerant of black walnut toxicity	Currently very few	Residential street tree (use sparingly), Parks, Yard tree
zelkova, Japanese	*Zelkova serrata*	Vase	Non-native	Drought and flood tolerant, salt tolerant, no serious pests, cultivars come in various sizes and forms, columnar cultivar 'Musashino' for sites with restricted aboveground space	Currently few	Commercial street tree, Residential street tree, Parks, Yard tree

Medium Deciduous Trees: 31 to 45 Feet in Height at Maturity						
Common Name	**Scientific Name**	**Growth shape**	**Native to Michigan**	**Additional Information**	**Species Abundance in Birmingham**	**Recommended Use**
buckeye, Ohio	*Aesculus glabra*	Round	Native	Moderately drought and flood tolerant, intolerant of soil salt, prefers acidic soil, ALB host	Currently very few or none	Residential street tree, Parks, Yard tree
cherry, amur choke	*Prunus maackii*	Pyramidal, Rounded	Non-native	Drought tolerant, heat intolerant, plant in protected sites	Currently very few or none	Residential street tree, Parks, Yard tree
cherry, Sargent	*Prunus sargentii*	Vase	Non-native	Salt tolerant, showy flowers, susceptible to black knot, columnar cultivar 'Columnaris' for sites with restricted aboveground space	Currently very few or none	Commercial street tree, Residential street tree, Parks, Yard tree
golden rain tree	*Koelreuteria paniculata*	Rounded	Non-native	Drought and flood tolerant, salt tolerant, no serious pests, columnar cultivars 'Fastigiata' and 'Gold Candle' for sites with restricted aboveground space	Currently very few or none	Commercial street tree, Residential street tree, Parks, Yard tree
hardy rubbertree	*Eucommia ulmoides*	Broad, Round	Non-native	Drought and flood tolerant, no serious pests	Currently very few	Commercial street tree, Residential street tree, Parks, Yard tree
hophornbeam, eastern	*Ostrya virginiana*	Oval, Rounded	Native	Drought tolerant, no serious pests	Currently very few	Commercial street tree (use sparingly), Residential street tree, Parks, Yard tree
hornbeam, European	*Carpinus betulus*	Oval, Upright	Non-native	Drought and flood tolerant, salt intolerant, columnar cultivar 'Fastigiata' for sites with restricted aboveground space	Currently very few	Commercial street tree (use sparingly), Residential street tree, Parks, Yard tree
horse-chestnut, red	*Aesculus × carnea*	Upright, Oval	Non-native	Drought and flood intolerant, tolerant of salt spray, prefers acidic soil, ALB host	Currently very few	Commercial street tree (use sparingly), Residential street tree, Parks, Yard tree
maackia, Amur	*Maackia amurensis*	Round, Vase	Non-native	Drought tolerant, showy flowers, attractive exfoliating bark, no serious pests	Currently very few	Commercial street tree, Residential street tree, Parks, Yard tree
maple, three-flowered	*Acer triflorum*	Oval, Upright	Non-native	Flood intolerant, intolerant of alkaline soil	Use sparingly, genus currently overrepresented	Residential street tree, Parks, Yard tree
mountain silverbell	*Halesia tetraptera*	Broad, Rounded	Native	Prefers acidic soil, no serious pests	Currently very few or none	Residential street tree, Parks, Yard tree
parrotia, Persian	*Parrotia persica*	Rounded, Vase	Non-native	Drought tolerant, salt intolerant, flood intolerant	Currently very few	Commercial street tree (use sparingly), Residential street tree, Parks, Yard tree
smoketree, American	*Cotinus obovatus*	Irregular, Oval, Upright, Shrub	Native to southern United States	Showy flowers, fall color	Currently very few	Parks, Yard tree
yellowwood, American	*Cladrastis kentukea*	Rounded, Vase	Native to adjacent states	Showy flowers, fall color, no serious pests	Currently very few	Residential street tree, Parks, Yard tree

Small Deciduous Trees: 15 to 30 Feet in Height at Maturity						
Common Name	**Scientific Name**	**Growth shape**	**Native to Michigan**	**Additional Information**	**Species Abundance in Birmingham**	**Recommended Use**
cherry, common choke	*Prunus virginiana*	Irregular, Oval, Round, Thicket-forming	Native	Showy flowers, drought tolerant, susceptible to many pests and diseases	Currently very few	Commercial street tree, Residential street tree, Parks, Yard tree
cherry, Japanese flowering	*Prunus serrulata*	Round, Vase	Non-native	Showy flowers, salt tolerant, drought and flood intolerant, susceptible to many pests and diseases, columnar cultivar 'Amanogawa' for sites with restricted aboveground space	Currently very few or none	Commercial street tree, Residential street tree, Parks, Yard tree
crabapple, flowering	*Malus* spp.	Rounded	Native to region	Drought tolerant, flood intolerant, moderately salt tolerant, prefers acidic soil, choose disease resistant cultivars, columnar cultivars are available for sites with restricted aboveground space	Currently few	Commercial street tree, Residential street tree, Parks, Yard tree
dogwood, cornelian cherry	*Cornus mas*	Multi-stemmed, Oval, Round	Non-native	Showy flowers, showy fruit, fall color	Currently very few or none	Residential street tree (use sparingly), Parks, Yard tree
dogwood, flowering	*Cornus florida*	Round	Native	Showy flowers, drought and flood intolerant, salt intolerant, plant in protected sites with part shade, requires acidic soil, no serious pests	Currently very few	Residential street tree (use sparingly), Parks, Yard tree
dogwood, Kousa	*Cornus kousa*	Round	Non-native	Showy flowers, flood intolerant, plant in protected sites with part shade, prefers acidic soil, no serious pests	Currently very few	Residential street tree (use sparingly), Parks, Yard tree
fringetree, Chinese	*Chionanthus retusus*	Round, Vase	Non-native	Showy flowers, drought and flood intolerant, salt intolerant	Currently very few or none	Residential street tree, Parks, Yard tree
fringetree, white	*Chionanthus virginicus*	Oval, Rounded	Native to Ohio	Showy flowers, drought and flood intolerant, intolerant of salt spray, may have potential to become emerald ash borer host	Currently very few or none	Residential street tree, Parks, Yard tree
hawthorn species	*Crataegus* spp.	Round	Native	Showy fruit and flowers, drought tolerant, salt intolerant, many suitable species and varieties, choose rust resistant varieties or plant away from*Juniperus* spp.	Currently very few	Commercial street tree, Residential street tree, Parks, Yard tree
hornbeam, American	*Carpinus caroliniana*	Round	Native	Salt intolerant, flood tolerant, no serious pests	Currently very few	Residential street tree, Parks, Yard tree
lilac, Japanese tree	*Syringa reticulata*	Oval, Rounded	Non-native	Showy flowers, moderately drought tolerant, salt tolerant, no serious pests	Currently very few	Commercial street tree, Residential street tree, Parks, Yard tree
lilac, Pekin	*Syringa pekinesis*	Multi-stemmed, Oval, Round, Upright	Non-native	Attractive peeling bark, showy flowers, moderately salt tolerant	Currently very few or none	Commercial street tree, Residential street tree, Parks, Yard tree
magnolia, saucer	*Magnolia* x *soulangeana*	Pyramidal, Round	Non-native	Showy flowers, drought and flood intolerant, salt intolerant, plant in protected sites with full sun or part shade, no serious pests	Currently very few	Residential street tree, Parks, Yard tree
magnolia, star	*Magnolia stellata*	Multi-stemmed, Round	Non-native	Showy flowers, drought and flood intolerant, moderately salt tolerant, plant in protected sites with full sun or part shade, no serious pests	Currently very few or none	Residential street tree, Parks, Yard tree

Small Deciduous Trees: 15 to 30 Feet in Height at Maturity *(continued)*						
Common Name	**Scientific Name**	**Growth shape**	**Native to Michigan**	**Additional Information**	**Species Abundance in Birmingham**	**Recommended Use**
maple, Japanese	*Acer palmatum*	Broad, Multi-stemmed, Round, Weeping, Shrub-like	Non-native	Drought intolerant, plant in protected sites with part shade, rarely ALB host	Use sparingly, genus currently overrepresented	Parks, Yard tree
maple, paperbark	*Acer griseum*	Oval, Round, Upright	Non-native	Flood tolerant, ALB host	Use sparingly, genus currently overrepresented	Residential street tree, Parks, Yard tree
maple, Shantung	*Acer truncatum*	Oval, Round, Upright	Non-native	Drought tolerant, prefers acidic soil, fall color, ALB host	Use sparingly, genus currently overrepresented	Residential street tree, Parks, Yard tree
maple, trident	*Acer buergerianum*	Oval, Rounded	Non-native	Drought tolerant, salt tolerant, ALB host	Use sparingly, genus currently overrepresented	Residential street tree, Parks, Yard tree
redbud, eastern	*Cercis canadensis*	Rounded, Irregular, Vase	Native	Showy flowers, sensitive species, drought and flood intolerant, salt intolerant, plant in protected sites with part shade, no serious pests	Currently very few	Residential street tree, Parks, Yard tree
serviceberry, Allegheny	*Amelanchier laevis*	Irregular, Multi-stemmed, Narrow, Round	Native	Flood tolerant, salt intolerant, showy flowers, edible fruit, no serious pests, columnar cultivar 'Cumulus' for sites with restricted aboveground space	Currently very few	Residential street tree, Parks, Yard tree
serviceberry, downy	*Amelanchier arborea*	Upright	Native	Drought and flood tolerant, prefers acidic soil, edible fruit, showy flowers	Currently very few	Residential street tree, Parks, Yard tree
serviceberry, juneberry	*Amelanchier* x *grandiflora*	Multi-stemmed, Round, Upright	Native, hybrid of native *Amelanchier* spp.	Flood intolerant, edible fruit, showy flowers	Currently very few	Residential street tree, Parks, Yard tree
snowbell, Japanese	*Styrax japonicus*	Rounded	Non-native	Drought tolerant, prefers acidic soil, no serious pests	Currently very few or none	Residential street tree, Parks, Yard tree
witch-hazel, common	*Hamamelis virginiana*	Shrub, Irregular, Round, Upright	Native	Drought intolerant, salt tolerant, no serious pests	Currently very few	Parks, Yard tree

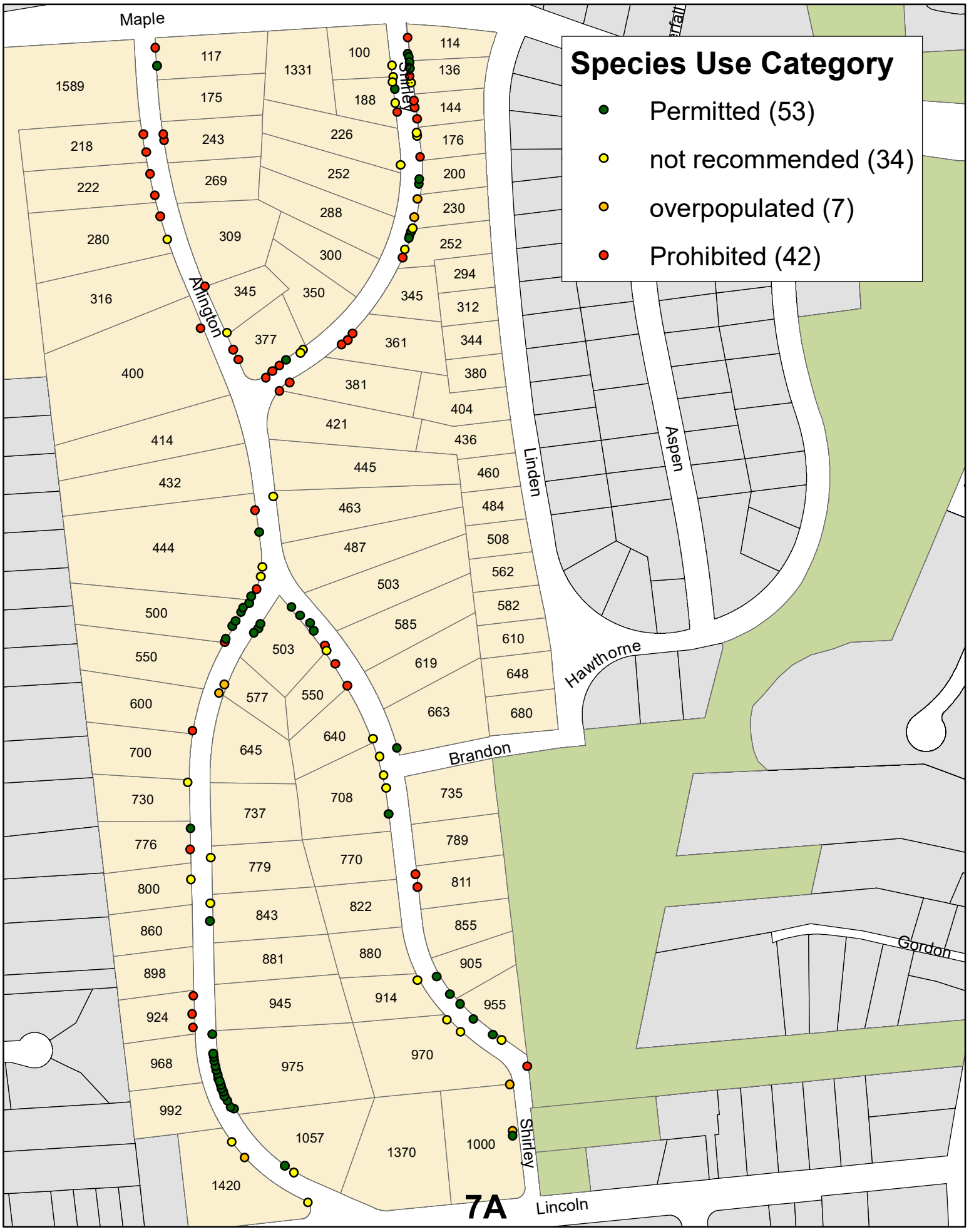
Evergreen Trees						
Large Evergreen Trees: Greater than 45 Feet in Height at Maturity						
Common Name	**Scientific Name**	**Growth shape**	**Native to Michigan**	**Additional Information**	**Species Abundance in Birmingham**	**Recommended Use**
cedar, Atlantic white	*Chamaecyparis thyoides*	Columnar, Narrow	Native to eastern United States	Drought intolerant, prefers acidic soil, no serious pests	Currently very few or none	Residential street tree (use sparingly), Parks, Yard tree
falsecypress, Nootka	*Chamaecyparis nootkatensis*	Columnar, Pyramidal, Upright	Native to western United States	Cold hardy, no serious pests	Currently very few or none	Residential street tree (use sparingly), Parks, Yard tree
fir, balsam	*Abies balsamea*	Mounded, Pyramidal	Native	Cold hardy, salt intolerant	Currently very few	Parks, Yard tree
fir, Douglas	*Pseudotsuga menziesii*	Pyramidal	Native to western United States	Moderately salt tolerant, drought and flood intolerant	Currently very few	Parks, Yard tree
fir, fraser	*Abies fraseri*	Pyramidal	Native to southeastern United States	May be difficult to find in nurseries, prefers acidic soil, no serious pests	Currently very few	Parks, Yard tree
fir, white	*Abies concolor*	Pyramidal	Native to western United States	Cold hardy, drought tolerant, salt intolerant, no serious pests	Currently very few	Parks, Yard tree
hemlock, eastern	*Tsuga canadensis*	Pyramidal	Native	Cold tolerant, salt intolerant, drought and flood intolerant, heat intolerant	Currently very few	Parks, Yard tree
holly, American	*Ilex opaca*	Pyramidal	Native to Indiana and Ohia	Salt tolerant, prefers acidic soil, marginally hardy	Currently very few or none	Residential street tree (use sparingly), Parks (use sparingly), Yard tree (use sparingly)
pine, eastern white	*Pinus strobus*	Broad, Irregular, Pyramidal	Native	Cold tolerant, salt intolerant, drought intolerant	Currently very few	Parks, Yard tree
spruce, Norway	*Picea abies*	Pyramidal	Non-native	Drought and flood intolerant, moderately salt tolerant, susceptible to several diseases and pests	Currently very few	Parks, Yard tree
spruce, Oriental	*Picea orientalis*	Pyramidal	Non-native	Salt intolerant	Currently very few or none	Parks, Yard tree
spruce, Serbian	*Picea omorika*	Narrow, Pyramidal	Non-native	Flood intolerant, moderately drought tolerant, salt intolerant, shelter from strong winds	Currently very few or none	Parks, Yard tree
spruce, white	*Picea glauca*	Pyramidal	Native	Drought and flood intolerant, salt intolerant	Currently very few	Parks, Yard tree

Medium Evergreen Trees: 31 to 45 Feet in Height at Maturity						
Scientific Name	**Common Name**	**Growth shape**	**Native to Michigan**	**Additional Information**	**Species Abundance in Birmingham**	**Recommended Use**
cedar, eastern red	*Juniperus virginiana*	Narrow, Pyramidal, Upright	Native	Salt tolerant, drought tolerant	Currently very few	Commercial street tree (use sparingly), Residential street tree, Parks, Yard tree
pine, lacebark	*Pinus bungeana*	Broad, Pyramidal	Non-native	Flood intolerant, salt intolerant	Currently very few or none	Parks, Yard tree
pine, limber	*Pinus flexilis*	Upright, Pyramidal	Native to western United States	Drought tolerant, no serious pests	Currently very few	Parks, Yard tree
pine, Swiss stone	*Pinus cembra*	Columnar, Narrow, Pyramidal, Upright	Non-native	Tolerant of salt spray, drought tolerant, cold tolerant	Currently very few or none	Parks, Yard tree
arborvitae	*Thuja occidentalis*	Narrow, Pyramidal, Round	Native	Moderately salt tolerant, medium to large tree	Currently very few	Parks, Yard tree
Small Evergreen Trees: 15 to 30 Feet in Height at Maturity						
Scientific Name	**Common Name**	**Growth shape**	**Native to Michigan**	**Additional Information**	**Species Abundance in Birmingham**	**Recommended Use**
pine, mugo	*Pinus mugo*	Mounded, Shrub-like	Non-native	Tolerant of alkaline soil, flood intolerant	Currently very few or none	Parks, Yard tree
yew, Japanese	*Taxus cuspidata*	Broad, Irregular, Pyramidal, Upright	Non-native	Flood intolerant	Currently very few	Parks, Yard tree
juniper, Chinese	*Juniperus chinensis*	Creeping, Narrow, Oval, Pyramidal, Round, Upright	Non-native	Rust host, plant in full sun, moderately salt tolerant, drought tolerant, sizes vary by cultivar	Currently very few or none	Parks, Yard tree

This recommended species list was compiled through the use of the references Dirr's Hardy Trees and Shrubs (Dirr, 2003), Manual of Woody Landscape Plants (5th Edtion) (Dirr, 1998), The Morton Arboretum's Tree Selector (mortonarb.org), Missouri Botanical Garden Plant Finder (missouribotanicalgarden.org), and the USDA Forest Service species fact sheets and website.

Existing Tree Conditions & R.O.W. Landscaping Conflicts

Tree Species Use Category



Poor, Fair, Critical Condition or Prohibited Species

Good Condition, Permitted, and DBH <= 5 Inches

Good Condition, Permitted, and DBH >= 10 Inches

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Location

Shirley
Between Lincoln & Brandon
Latitude: 0.000000
Longitude: 0.000000

Analysis Time Period

Start	End
11/14/2023	11/17/2023
10:21 AM	9:22 AM

Speed Limit

25

Vehicles Analyzed

4,518

Average Speed

25

85th Percentile Speed

30

Peak Time of Violations

11/16/2023
8:21 AM

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D D

Location

Arlington
Between Maple & Shirley
Latitude: 0.000000
Longitude: 0.000000

Analysis Time Period

Start	End
11/14/2023	11/17/2023
10:45 AM	9:27 AM

Speed Limit

25

Vehicles Analyzed

3,885

Average Speed

25

85th Percentile Speed

32

Peak Time of Violations

11/16/2023
8:45 AM

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Location 1: Shirley
Location 2: Between Lincoln & Brandon
Start Date: 11-14-23
End Date: 11-27-23

Averaged Daily Totals

0.000000
0.000000

Combined

	<= 10	>10 to 12	>12 to 14	>14 to 16	>16 to 18	>18 to 20	>20 to 22	>22 to 24	>24 to 26	>26 to 28	>28 to 30	>30 to 32	>32 to 34	>34 to 36	>36 to 38	>38 to 40	>40 to 42	>42 to 44	>44 to 46	>46 to 48	>48 to 50	>50 to 52	>52 to 54	>54 to 56	>56 to 58	>58 to 60	>60 to 62	>62 to 64	>64 to 66	> 66	Total
Sunday	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Monday	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tuesday	13	18	23	25	39	79	133	155	201	179	149	72	37	14	7	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1,145
Wednesday	14	12	20	34	48	82	132	175	249	278	242	122	62	33	14	4	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1,522
Thursday	22	18	32	32	58	118	156	223	268	235	186	132	48	18	7	8	1	1	0	0	0	0	0	0	0	0	0	0	0	0	1,563
Friday	4	7	8	12	8	12	25	47	46	54	38	20	8	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	291
Saturday	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	53	55	83	103	153	291	446	600	764	746	615	346	155	65	30	13	2	1	0	0	0	0	0	0	0	0	0	0	0	0	4,521

South, 1

	<= 10	>10 to 12	>12 to 14	>14 to 16	>16 to 18	>18 to 20	>20 to 22	>22 to 24	>24 to 26	>26 to 28	>28 to 30	>30 to 32	>32 to 34	>34 to 36	>36 to 38	>38 to 40	>40 to 42	>42 to 44	>44 to 46	>46 to 48	>48 to 50	>50 to 52	>52 to 54	>54 to 56	>56 to 58	>58 to 60	>60 to 62	>62 to 64	>64 to 66	> 66	Total
Sunday	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Monday	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tuesday	7	9	11	15	19	37	60	67	94	76	72	37	19	4	7	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	535
Wednesday	11	4	15	16	27	36	70	81	121	133	129	61	32	21	5	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	763
Thursday	17	11	19	15	28	54	69	100	109	117	97	64	24	11	4	6	1	1	0	0	0	0	0	0	0	0	0	0	0	0	747
Friday	4	4	6	5	2	7	11	19	20	21	21	9	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	135

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Location 1: Shirley
Location 2: Between Lincoln & Brandon
Start Date: 11-14-23
End Date: 11-27-23

0.000000
0.000000

Averaged Daily Totals

Saturday	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	39	28	51	51	76	134	210	267	344	347	319	171	81	36	16	7	2	1	0	0	0	0	0	0	0	0	0	0	0	0	2,180

North, 2

	<= 10	>10 to 12	>12 to 14	>14 to 16	>16 to 18	>18 to 20	>20 to 22	>22 to 24	>24 to 26	>26 to 28	>28 to 30	>30 to 32	>32 to 34	>34 to 36	>36 to 38	>38 to 40	>40 to 42	>42 to 44	>44 to 46	>46 to 48	>48 to 50	>50 to 52	>52 to 54	>54 to 56	>56 to 58	>58 to 60	>60 to 62	>62 to 64	>64 to 66	> 66	Total
Sunday	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Monday	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tuesday	6	9	12	10	20	42	73	88	107	103	77	35	18	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	610
Wednesday	3	8	5	18	21	46	62	94	128	145	113	61	30	12	9	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	759
Thursday	5	7	13	17	30	64	87	123	159	118	89	68	24	7	3	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	816
Friday	0	3	2	7	6	5	14	28	26	33	17	11	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	156
Saturday	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	14	27	32	52	77	157	236	333	420	399	296	175	74	29	14	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2,341

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Location 1: Arlington
Location 2: Between
Maple & Shirley
Start Date: 11-14-23
End Date: 11-17-23

Averaged Daily Totals

0.000000
0.000000

Combined

	<= 10	>10 to 12	>12 to 14	>14 to 16	>16 to 18	>18 to 20	>20 to 22	>22 to 24	>24 to 26	>26 to 28	>28 to 30	>30 to 32	>32 to 34	>34 to 36	>36 to 38	>38 to 40	>40 to 42	>42 to 44	>44 to 46	>46 to 48	>48 to 50	>50 to 52	>52 to 54	>54 to 56	>56 to 58	>58 to 60	>60 to 62	>62 to 64	>64 to 66	> 66	Total
Sunday	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Monday	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tuesday	5	16	18	24	35	53	74	120	126	138	104	64	47	17	11	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	854
Wednesday	6	23	58	54	76	135	138	145	172	177	136	107	61	33	13	7	4	1	0	0	1	2	0	0	0	0	0	0	0	0	1,349
Thursday	14	28	38	44	53	87	114	153	161	186	221	142	80	41	30	20	1	1	0	1	5	0	0	0	0	0	0	0	0	0	1,420
Friday	3	6	8	20	12	14	31	36	29	29	27	22	12	5	2	6	0	0	1	0	0	0	0	0	0	0	0	0	0	0	263
Saturday	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	28	73	122	142	176	289	357	454	488	530	488	335	200	96	56	35	5	2	1	1	6	2	0	0	0	0	0	0	0	0	3,886

South, 1

	<= 10	>10 to 12	>12 to 14	>14 to 16	>16 to 18	>18 to 20	>20 to 22	>22 to 24	>24 to 26	>26 to 28	>28 to 30	>30 to 32	>32 to 34	>34 to 36	>36 to 38	>38 to 40	>40 to 42	>42 to 44	>44 to 46	>46 to 48	>48 to 50	>50 to 52	>52 to 54	>54 to 56	>56 to 58	>58 to 60	>60 to 62	>62 to 64	>64 to 66	> 66	Total
Sunday	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Monday	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tuesday	5	5	5	6	12	34	43	60	61	59	36	22	16	3	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	369
Wednesday	6	14	24	23	40	73	77	80	90	66	46	32	8	6	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	589
Thursday	14	9	12	22	30	41	61	93	96	100	117	79	12	3	5	2	0	0	0	1	0	0	0	0	0	0	0	0	0	0	697
Friday	1	2	4	4	8	10	21	23	17	10	8	9	3	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	121

r D r

Location 1: Arlington
Location 2: Between Maple & Shirley
Start Date: 11-14-23
End Date: 11-17-23

0.000000
0.000000

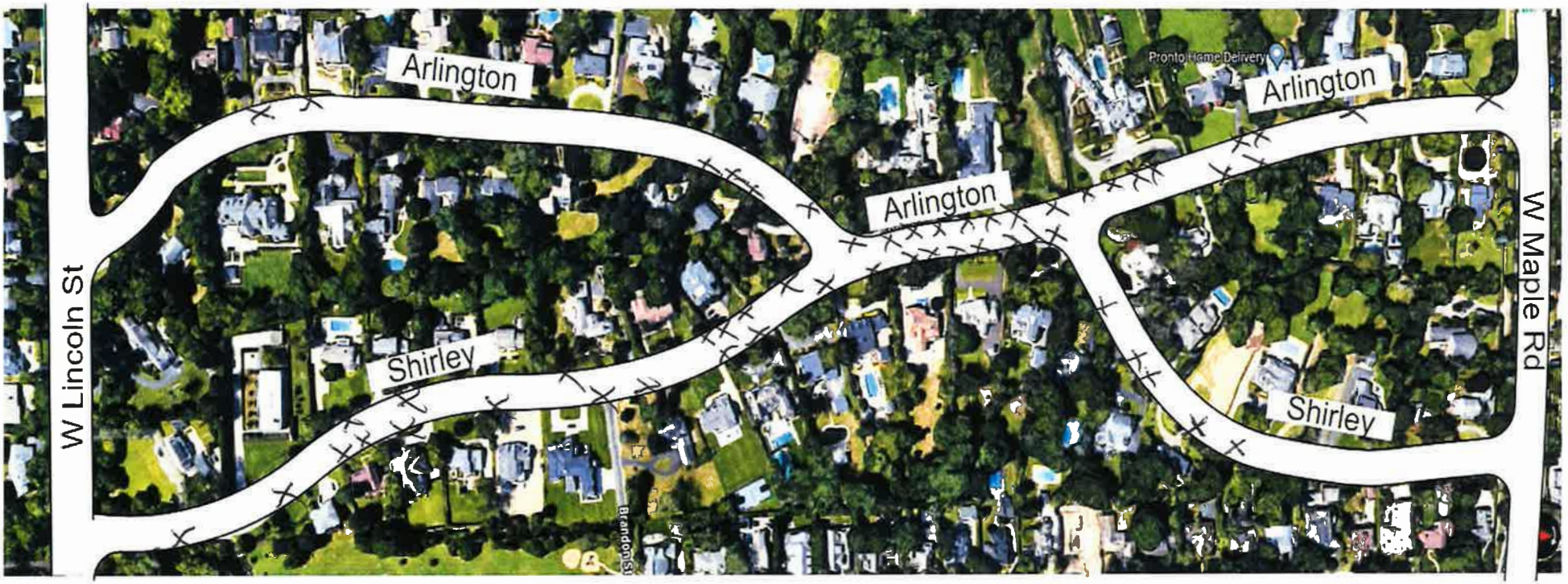
Averaged Daily Totals

Saturday	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	26	30	45	55	90	158	202	256	264	235	207	142	39	12	9	5	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	1,776

North, 2

	<= 10	>10 to 12	>12 to 14	>14 to 16	>16 to 18	>18 to 20	>20 to 22	>22 to 24	>24 to 26	>26 to 28	>28 to 30	>30 to 32	>32 to 34	>34 to 36	>36 to 38	>38 to 40	>40 to 42	>42 to 44	>44 to 46	>46 to 48	>48 to 50	>50 to 52	>52 to 54	>54 to 56	>56 to 58	>58 to 60	>60 to 62	>62 to 64	>64 to 66	> 66	Total
Sunday	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Monday	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tuesday	0	11	13	18	23	19	31	60	65	79	68	42	31	14	10	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	485
Wednesday	0	9	34	31	36	62	61	65	82	111	90	75	53	27	10	6	4	1	0	0	1	2	0	0	0	0	0	0	0	0	0	760
Thursday	0	19	26	22	23	46	53	60	65	86	104	63	68	38	25	18	1	1	0	0	5	0	0	0	0	0	0	0	0	0	0	723
Friday	2	4	4	16	4	4	10	13	12	19	19	13	9	5	2	5	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	142
Saturday	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	2	43	77	87	86	131	155	198	224	295	281	193	161	84	47	30	5	2	1	0	6	2	0	0	0	0	0	0	0	0	0	2,110

Arlington/Shirley Parking Count



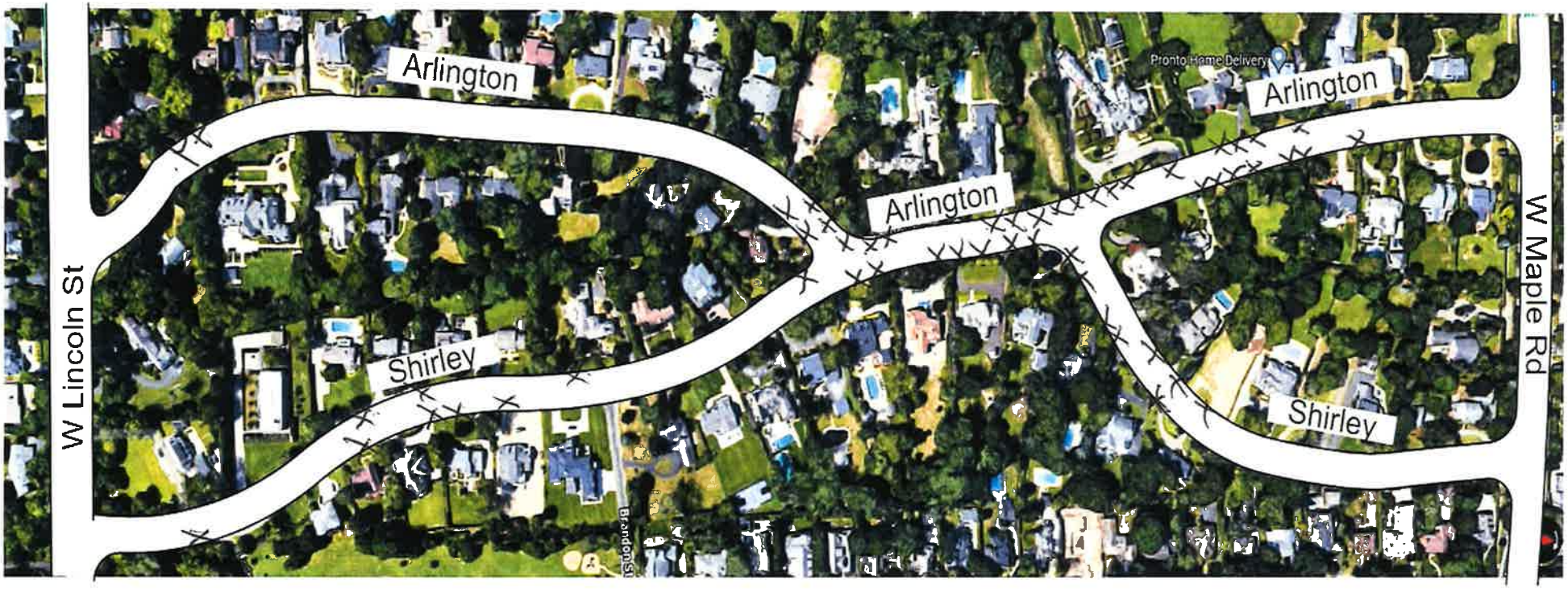
Date: Thursday, 11/09/2023

Time: 10AM-11AM (10:20AM)

Vehicles on Arlington: 32 **Vehicles on Shirley:** 23

Please mark parked vehicle locations on the map with a "X"

Arlington/Shirley Parking Count



Date: Thursday, 11/09/2023

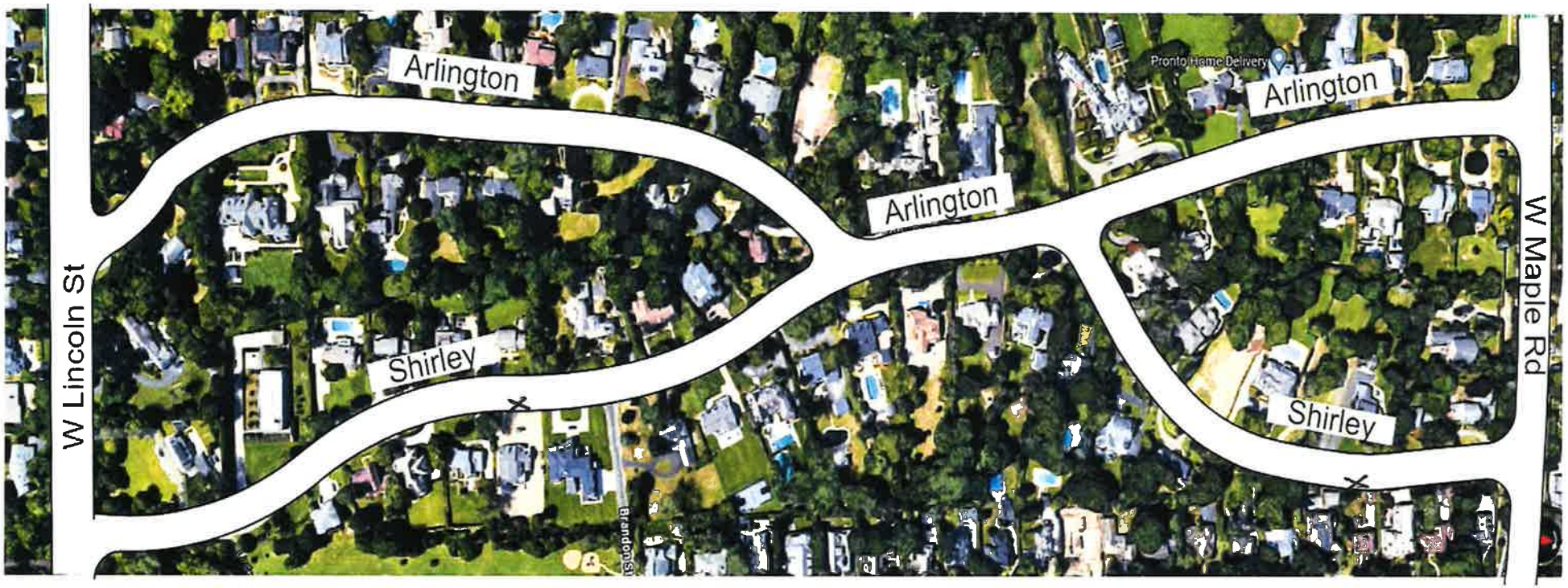
Time: 2PM-3PM (2:10 PM)

Vehicles on Arlington: 36 **Vehicles on Shirley:** 17

Please mark parked vehicle locations on the map with a "X"

7A

Arlington/Shirley Parking Count



Date: Friday, 11/10/2023 (00:03)

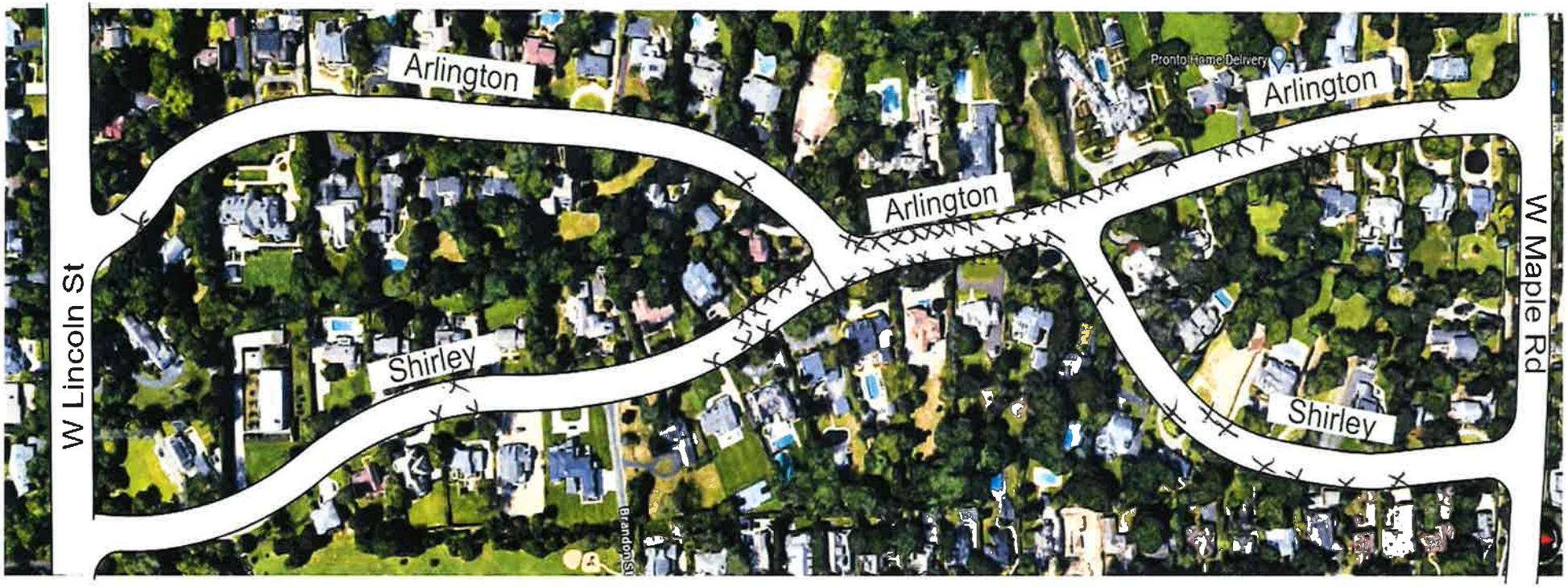
Time: 12AM-1AM

Vehicles on Arlington: 0 **Vehicles on Shirley:** 2

Please mark parked vehicle locations on the map with a "X"

7A

Arlington/Shirley Parking Count



TIME: 1010 AM

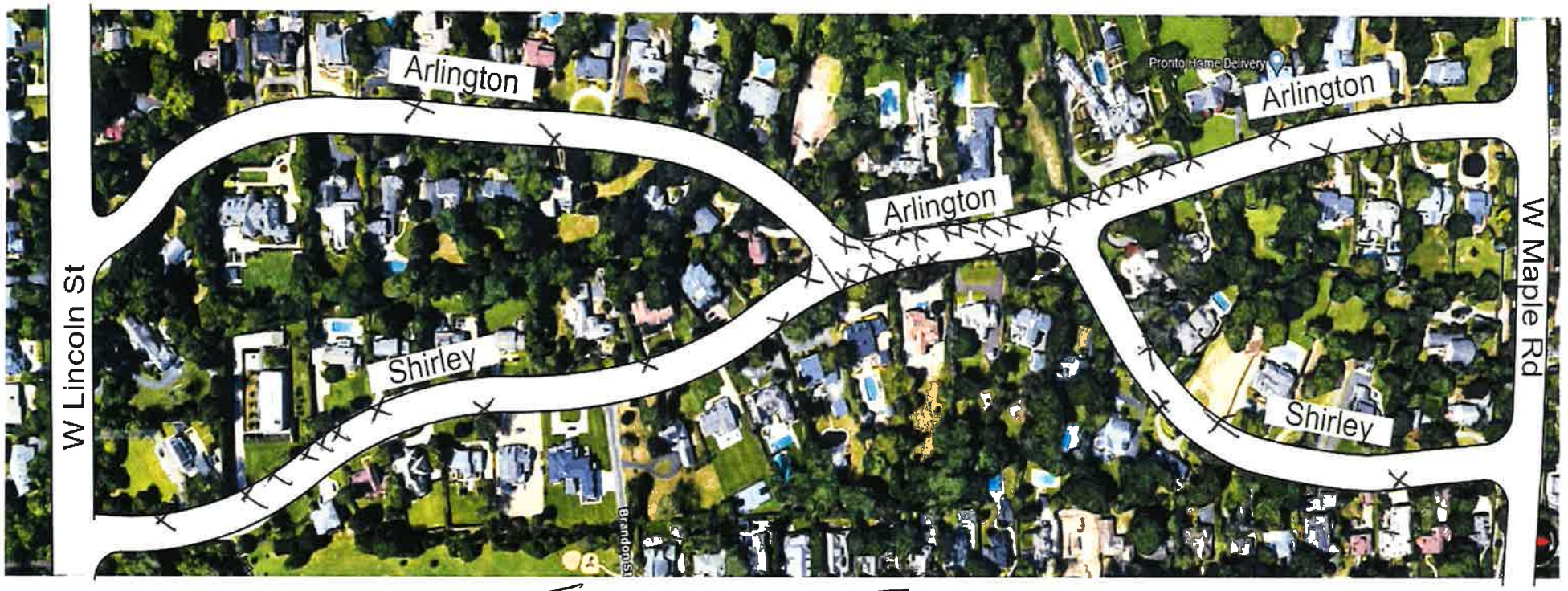
Date: Friday, 11/10/2023

Time: 10AM-11AM

Vehicles on Arlington: 39 **Vehicles on Shirley:** 21

Please mark parked vehicle locations on the map with a "X"

Arlington/Shirley Parking Count



TIME 14:35

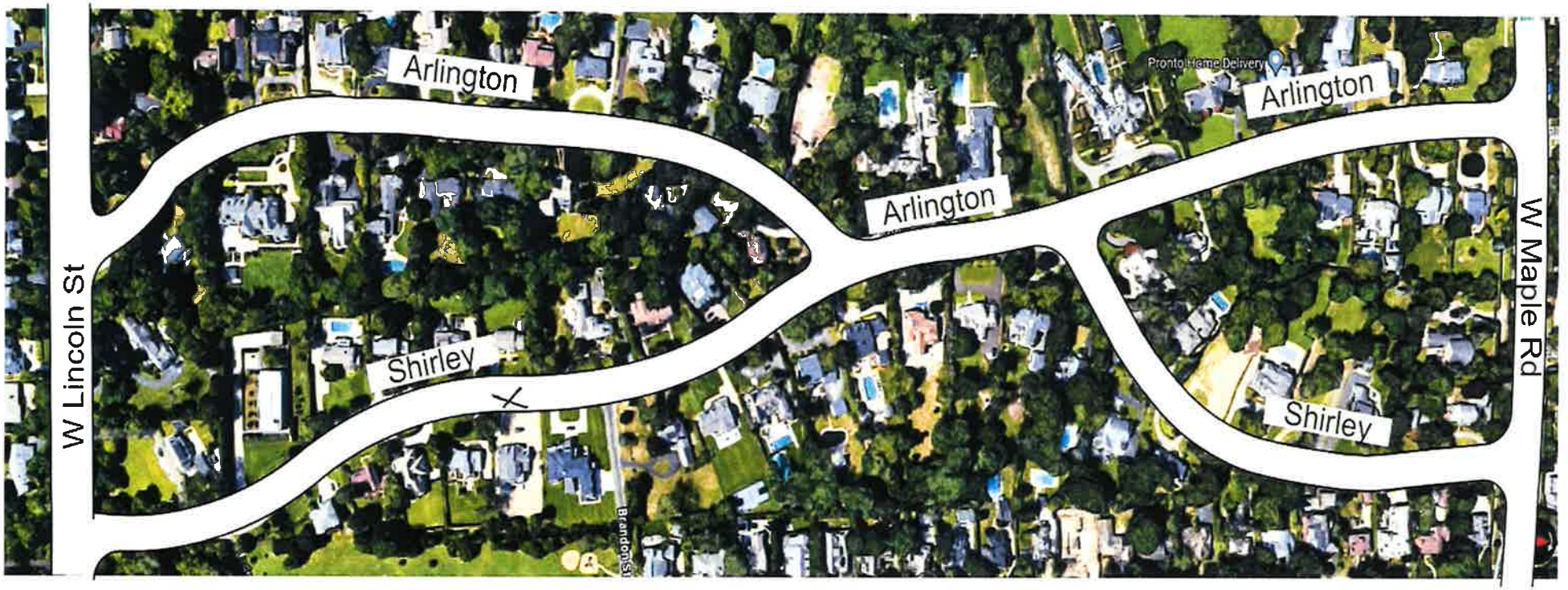
Date: Friday, 11/10/2023

Time: 2PM-3PM

Vehicles on Arlington: 30 **Vehicles on Shirley:** 15

Please mark parked vehicle locations on the map with a "X"

Arlington/Shirley Parking Count



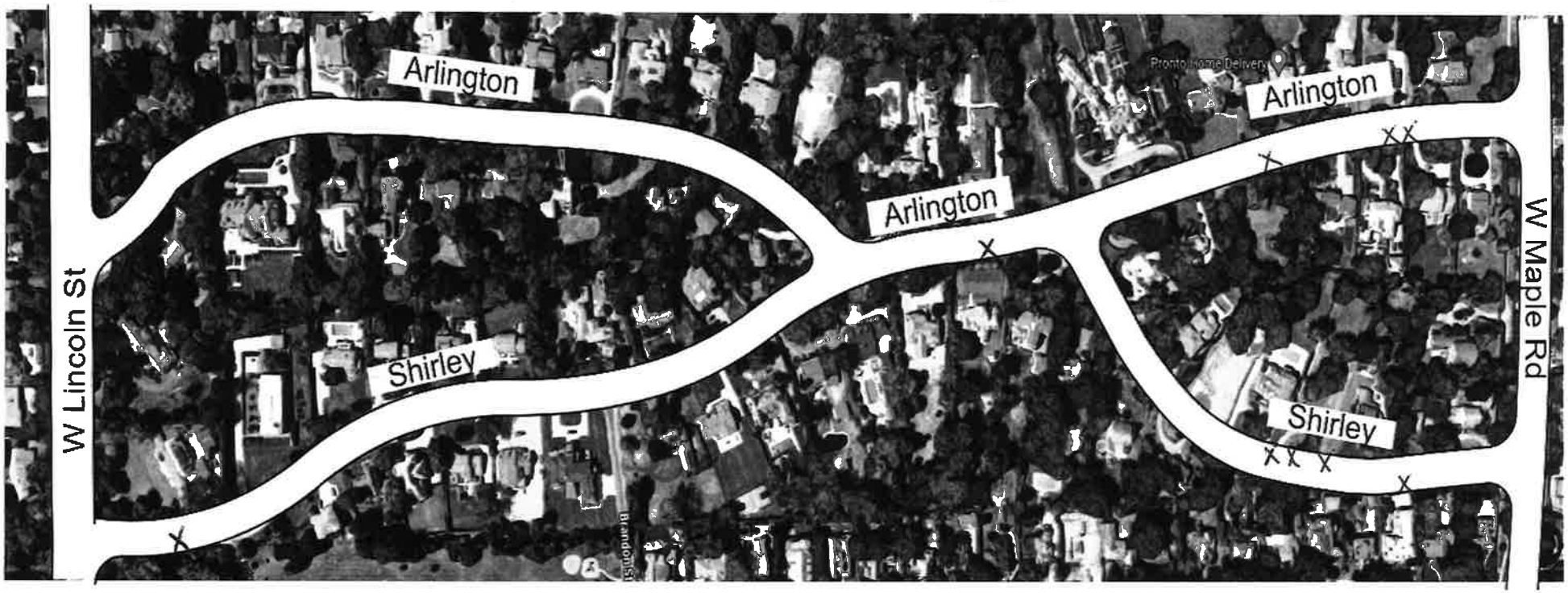
Date: Saturday, 11/11/2023

Time: 12AM-1AM

Vehicles on Arlington: ∅ at 12:30AM **Vehicles on Shirley:** 1 at 12:30AM

Please mark parked vehicle locations on the map with a "X"

Arlington/Shirley Parking Count



Date: Saturday, 11/11/2023

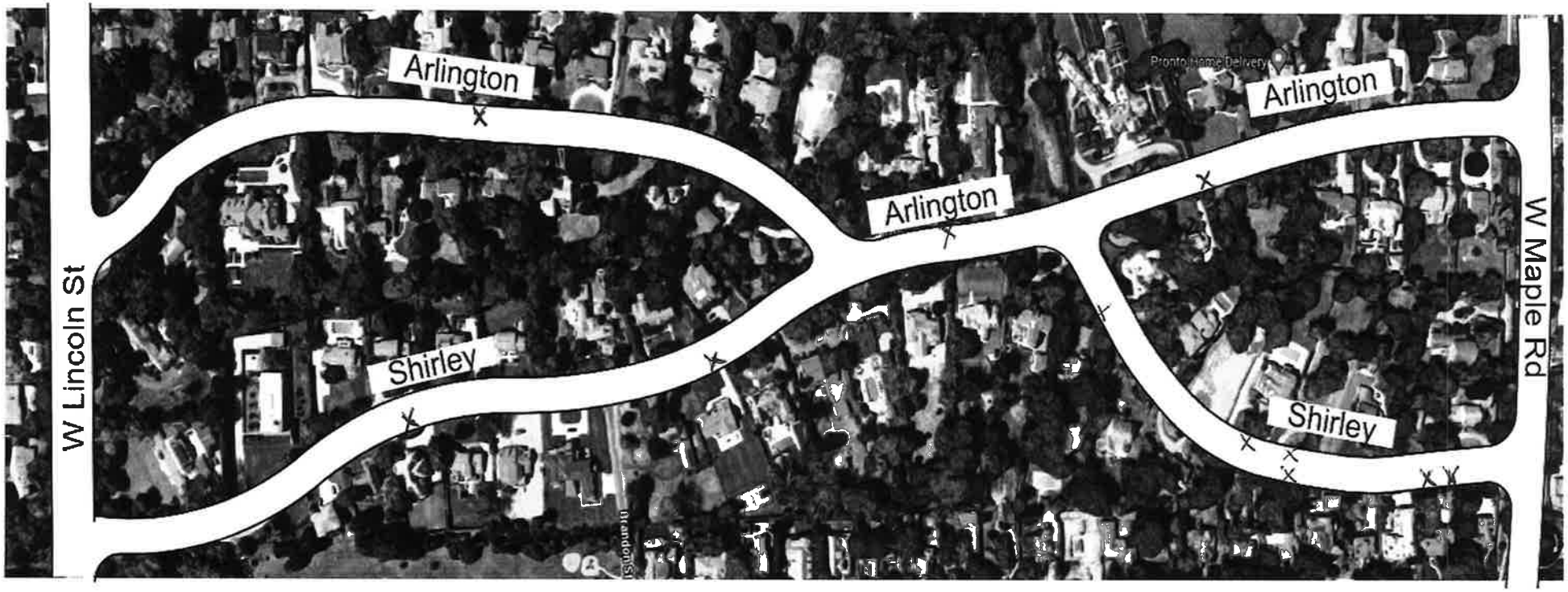
Time: 10AM-11AM 10:25am

Vehicles on Arlington: 3 **Vehicles on Shirley:** 4

Please mark parked vehicle locations on the map with a "X"

completed by A. Mahn

Arlington/Shirley Parking Count



Date: Saturday, 11/11/2023

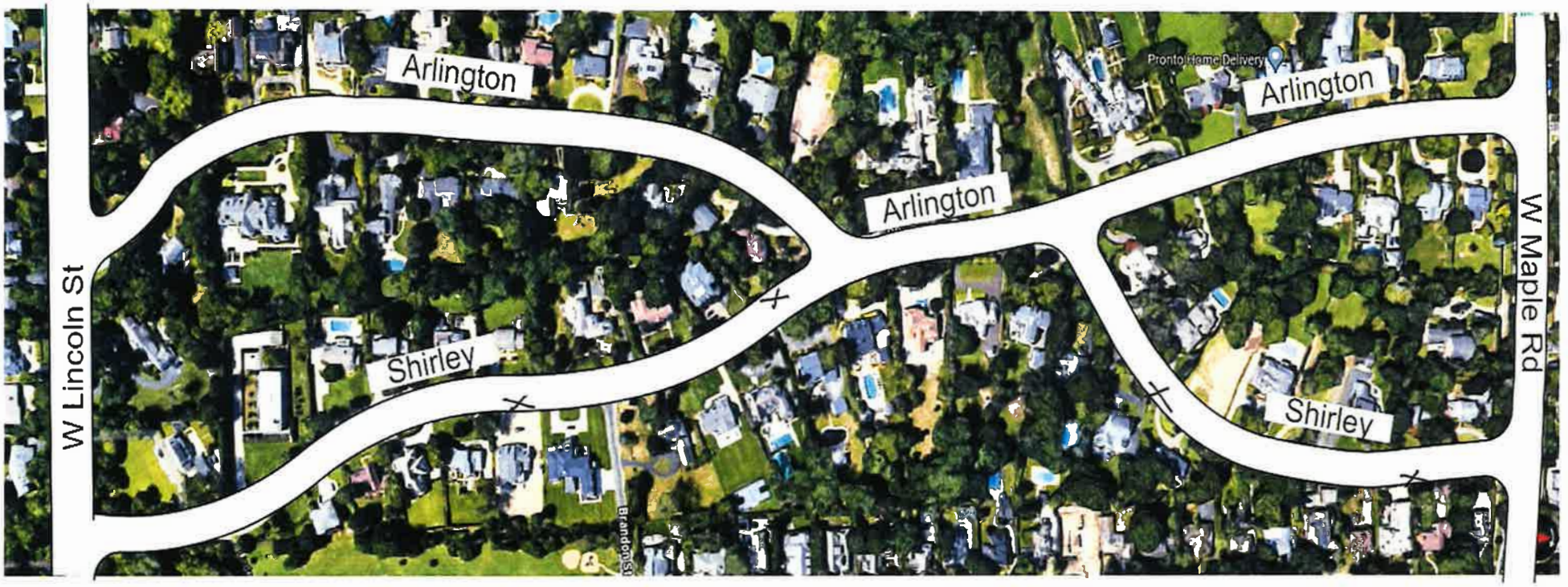
Time: 2PM-3PM 2:04pm

Vehicles on Arlington: 3 **Vehicles on Shirley:** 8

Please mark parked vehicle locations on the map with a "X"

Completed by A Mann

Arlington/Shirley Parking Count



Date: Sunday, 11/12/2023

Time: 12AM-1AM

Vehicles on Arlington: ∅ @ 12:45AM

Vehicles on Shirley: 4 @ 12:45 AM

Please mark parked vehicle locations on the map with a "X"

BIRMINGHAM
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NOTICE OF UPCOMING PROJECT AND
EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT
SHIRLEY RD, LINCOLN TO MAPLE
ARLINGTON ST, LINCOLN TO MAPLE

September 25, 2023

Dear Property Owner,

The City of Birmingham has selected Shirley Road and Arlington Street to improve the water main and relief sewer, and install sidewalk. Because these streets are currently considered to be unimproved, the cost related to either cape seal or reconstructing the street with an improved permanent surface (concrete or asphalt) will be subject to a special assessment to the adjoining property owners, as has been the policy of the City for many years. Costs related to the improvements to the water main and sewer systems (not including the sewer or water laterals) are covered by the City and not part of the street improvement special assessment. This project will take place in 2024.

Introduction:
The City Commission adopted a modified policy related to special assessments on October 25, 2021. Changes were made to Sections 94-4 through 94-8 of City Code that provide for the City to initiate a public improvement project that may result in a special assessment to the property owners that benefit from the project. The main purpose for making these modifications is to allow the City to better plan and budget for necessary infrastructure improvements on unimproved streets.

Your answers to the enclosed survey questions will help us ascertain the level of interest that the neighborhood has for completing the street improvement project. The answers you provide on this form are not binding in any way, and you will have another opportunity to express your official position on these or other issues related to the project at the Public Hearings that are required to be before any Special Assessment District (SAD) can be established by the City Commission.

Upcoming Meetings:
There will be several upcoming meetings for this project. Because the existing street width of 33' in the project areas do not match the adopted City standards for residential street widths, a street width public hearing will be scheduled by the MMTB and the required notices will be sent out by the City Clerk's office. Below is information for each meeting, which will be held in person in the City Commission Room at City Hall located at 151 Martin Street.

Thursday, October 5, 2023, 6 p.m.: Multi-Modal Transportation Board (MMTB) –Sidewalk Locations
Thursday, October 19, 2023, 5:30-7:00 p.m.: Resident Meeting

Thursday, November 2, 2023, 6 p.m.: Multi-Modal Transportation Board (MTTB) – Public Hearing Road Width

The MMTB meetings are also online via Zoom (www.zoom.us; meeting ID 824 7795 4435). The MMTB meetings will be recorded and can be watched afterward at your convenience.

The resident meeting will present more information about the project, including specific design details and updated schedule for finalizing the design and starting construction, and allow us to answer questions you may have before the project initiation process moves to City Commission for consideration. Attendance is not mandatory, regardless of your position on these issues. However, we encourage you to attend. At your discretion, it may be constructive to share this information with tenants if appropriate.

The final decision to proceed with the street improvement special assessment rests with the City Commission. It has been the Commission's preference to hear feedback from affected property owners when considering their decisions. If the City Commission elects to proceed with the street improvement, they will schedule a date for the Public Hearing of Necessity and Public Hearing of Confirmation, which are required by City Ordinance for all potential special assessment districts. The City Clerk's office will notify all property owners by mail of any public hearings that are scheduled.

Preliminary Estimated Improving Permanent Surface SAD Costs:
The costs associated with constructing the new, improved street section are considered to be subject to special assessment by City policy and precedence. Assessable costs include grading, street surfaces, driveway approaches, sidewalks, curb and gutter, drainage structures and final restoration. Typically, the City pays 15% of the paving costs, and the remaining 85% are included in the paving special assessment to the adjacent property owners. Based on recent similar paving projects, the preliminary estimated paving assessment cost is $290 to $400 per foot of frontage, depending on the width of the street, as measured along the side of the lot fronting the street being paved. Note that on corner properties, if the side street is being paved, the paving assessment will be charged for one-third of the lot length along the side street. Other special assessments may also apply for replacing the driveway approaches and sewer or water laterals that do not meet current City standards. The cost of these other special assessments will vary from property to property, and property owners usually cover 100% of the actual costs for the work.

Interest Survey Response:
The policy for a City-initiated street improvement project requires that the affected property owners be engaged early in the project design process so they have ample opportunity to express their opinions related to the project. This notice is the first in a series of engagement opportunities. Please fill out the attached "Expression of Interest Survey" and return by Wednesday October 4, 2023. The contact information you provide will also help assist us with future communication efforts.

If you have any questions relative to the meetings, or the project in general, please contact the Engineering Department by email provided below, or by phone at 248-530-1840.

Sincerely,

Melissa A. Coatta

Melissa A. Coatta, P.E.
City Engineer
mcoatta@bhamgov.org

151 Martin Street • P.O. Box 3001 • Birmingham, MI 48012-3001
(248) 530-1800 • Fax (248) 530-1080 • www.bhamgov.org

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

This example is provided to illustrate how the special assessment costs are calculated for a typical residential property. Assuming a 100-foot wide lot is used with a double-car drive approach (20-ft wide), and need to replace the sewer and water lateral (located 20-ft and 30-ft from the property line, respectively):

Paving Assessment:	100 ft @	$300.00 per ft =	$ 30,000
Drive Approach:	200 sq ft @	$10.00 per sq ft =	$ 2,000
Sewer Lateral Replacement:	20 ft @	$100.00 per ft =	$ 2,000
Water Service Replacement:	30 ft @	$90.00 per ft =	$ 2,700
		TOTAL =	$ 36,700

Note that special assessments related to the street improvements illustrated here are payable over a 10-year period (with interest rate to be set at time of special assessment roll being confirmed).

Questionnaire:

1. Are you supportive of the project to improve the water system along your street?_____

2. Are you supportive of the project to improve the sewer system along your street?_____

3. Are you supportive of constructing an improved street upon completion of the underground utility work?_____

4. Are you supportive of constructing sidewalk along the street?_____

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name:_____ Phone Number:_____

Address:_____ Email:_____

151 Martin Street • P.O. Box 3001 • Birmingham, MI 48012-3001
(248) 530-1800 • Fax (248) 530-1080 • www.bhamgov.org

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Shirley Road and Arlington Street

Resident Meeting

Engineering Department

Date: October 19, 2023

Shirley Road and Arlington Street

- Overview
  - Existing Utilities Information
  - Selecting City Projects
  - Future Utilities Improvements
  - General Construction Information
  - Unimproved vs. Improved Road Special Assessments
  - Sidewalk Assessments
  - Future Steps and Meetings

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Shirley Road and Arlington Street

Existing Utility Information

- Arlington Street:
  - Water: 6” Cast Iron Pipe, installed 1927
  - Sewer:
    - South of Shirley: 10”- 15” Sewer drains to Lincoln, installed 1927
    - North of Shirley: 10”- 12” Sewer drains to Shirley, installed 1927
      15” – 24” Relief sewer, installed 1968
- Shirley Road:
  - Water: 6” Cast Iron Pipe, installed 1927
  - Sewer:
    - 10” - 24” Sewer drains towards Lincoln, installed 1927
    - 18” - 27” Relief sewer, installed 1968

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Shirley Road and Arlington Street

Selecting City Projects

- Scoring Process
  - Road: 0-100 points
  - Sewer: 0-100 points
  - Water: 0-100 points

  - Higher points: Required Replacement
  - Max Point: 300 points

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Shirley Road and Arlington Street
Selecting City Projects

City of Birmingham
Unimproved Roads Block Ratings

9/10/2021

Street (GIS Block Name)	Begin	End	2021 Water Points (0-100)	2019 Sewer Points (0-100)	Road Points (0-100)	Total Block Rating (0-300)
BLOOMFIELD	OLDWOODWARD	DEAD END	100	89	70	262
WIMBLETON	OXFORD	POPLLETON	94	91	70	258
OXFORD	ABBEY	WIMBLETON	100	77	70	250
SHEPARDBUSH	WARWICK	WIMBLETON	100	77	70	250
TORRY	TAUNTON	SHEFFIELD	94	72	80	248
HENLEY	ABBEY	OXFORD	100	73	70	246
HENLEY	WARWICK	OXFORD	100	73	70	246
TAUNTON	WOODWARD	TORRY	100	71	70	244
BRADFORD	SHEFFIELD	TORRY	94	72	70	239
WARWICK	ABBEY	HENLEY	100	75	60	239
ABBEY	HENLEY	DEAD END	100	64	70	237
ABBEY	HENLEY	OXFORD	100	64	70	237
LARCHLEA	LINCOLN	MIDVALE	100	80	50	235
TOTTENHAM	HENLEY	SHEPARDBUSH	100	59	70	232
WARWICK	HENLEY	WIMBLETON	100	77	50	232
HENLEY	TOTTENHAM	PUTNEY	100	58	70	231
TOTTENHAM	HENLEY	WARWICK	100	58	70	231
HUMPHREY	ETON	TAUNTON	76	72	80	230
WESTWOOD	RAYNALE	OAK	100	75	50	230
STANLEY	WALLACE	LINCOLN	87	86	50	228
FAIRWAY	GREENLAWN	GOLFVIEW	83	79	60	226
GREENLAWN	HILLSIDE	FAIRWAY	83	79	60	226
WESTWOOD	OAK	PINE	76	86	60	226
FLOYD	GEORGE	LINCOLN	74	86	60	224
SOUTHLAWN	LATHAM	SOUTHFIELD	76	74	70	223
WIMBLETON	POPPLETON	ADAMS	59	89	70	221
YOSEMITE	YANKEE	COLUMBIA	83	74	60	221
ARLINGTON	SHIRLEY	LINCOLN	81	75	60	220
HENLEY	ABBEY	WARWICK	76	71	70	220
HUMPHREY	TORRY	TAUNTON	76	62	80	220
SHEFFIELD	TORRY	BRADFORD	94	79	40	219
TAUNTON	CROFT	TORRY	66	71	80	219
EDENBOROUGH	MAPLE	YORKSHIRE	81	73	60	218
PENISTONE	FOURTEENMILE	BRADFORD	66	70	80	218
KIMBERLEY	PINE	DEAD END	76	77	60	217
PENISTONE	SHEFFIELD	TAUNTON	76	59	80	217
PENISTONE	SHEFFIELD	BRADFORD	76	59	80	217
RAYNALE	GLENHURST	WESTWOOD	100	62	50	217
FAIRVIEW	CHESTERFIELD	DEAD END	53	88	70	214
HAZEL	ADAMS	ELM	73	68	70	214
FAIRWAY	ARDEN	GOLFVIEW	76	64	70	213
HILLSIDE	CRANBROOK	GREENLAWN	83	65	60	212
YOSEMITE	ADAMS	YANKEE	59	80	70	212
ABBEY	POPPLETON	HENLEY	76	80	50	211
WESTWOOD	REDDING	RAYNALE	100	56	50	211
POPPLETON	ABBEY	WIMBLETON	59	87	60	210
MELBOURNE	KIMBERLEY	CHESTERFIELD	68	77	60	209
SHIRLEY	ARLINGTON	LINCOLN	79	75	50	209
GOLFVIEW	ARGYLE	MIDVALE	76	68	60	208
MELTON	TAUNTON	ETON	66	60	80	208
MIDVALE	GOLFVIEW	ARGYLE	76	68	60	208
ABBEY	WARWICK	OXFORD	59	75	70	207
MIDVALE	LARCHLEA	WESTCHESTER	56	87	60	207
SHIRLEY	MAPLE	ARLINGTON	71	72	60	207
TAUNTON	CROFT	PENISTONE	94	40	70	207
ARLINGTON	SHIRLEY	SHIRLEY	76	75	50	206
BRADFORD	PENISTONE	CROFT	76	56	70	205
BRADFORD	ETON	PENISTONE	76	56	70	205

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HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

Utilities, Foundations, Underground Parking, and Building

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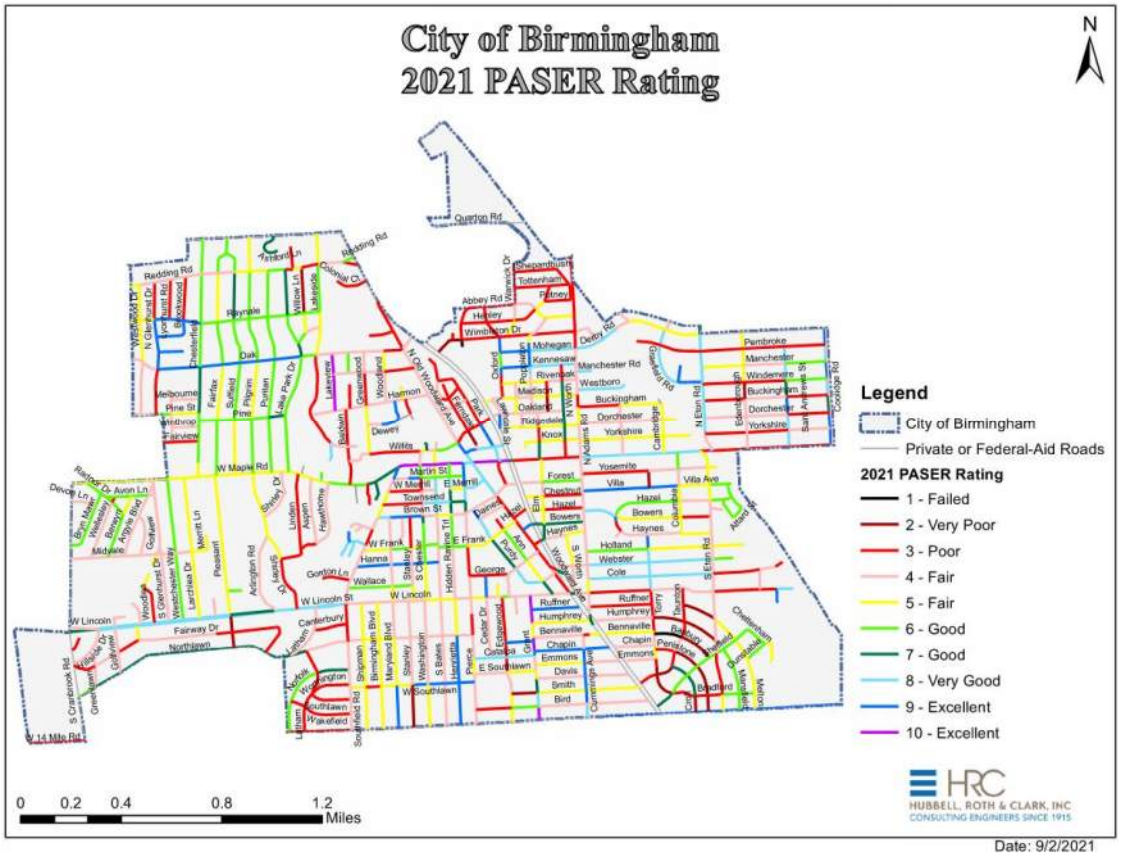
Shirley Road and Arlington Street
Selecting City Projects



BIRMINGHAM
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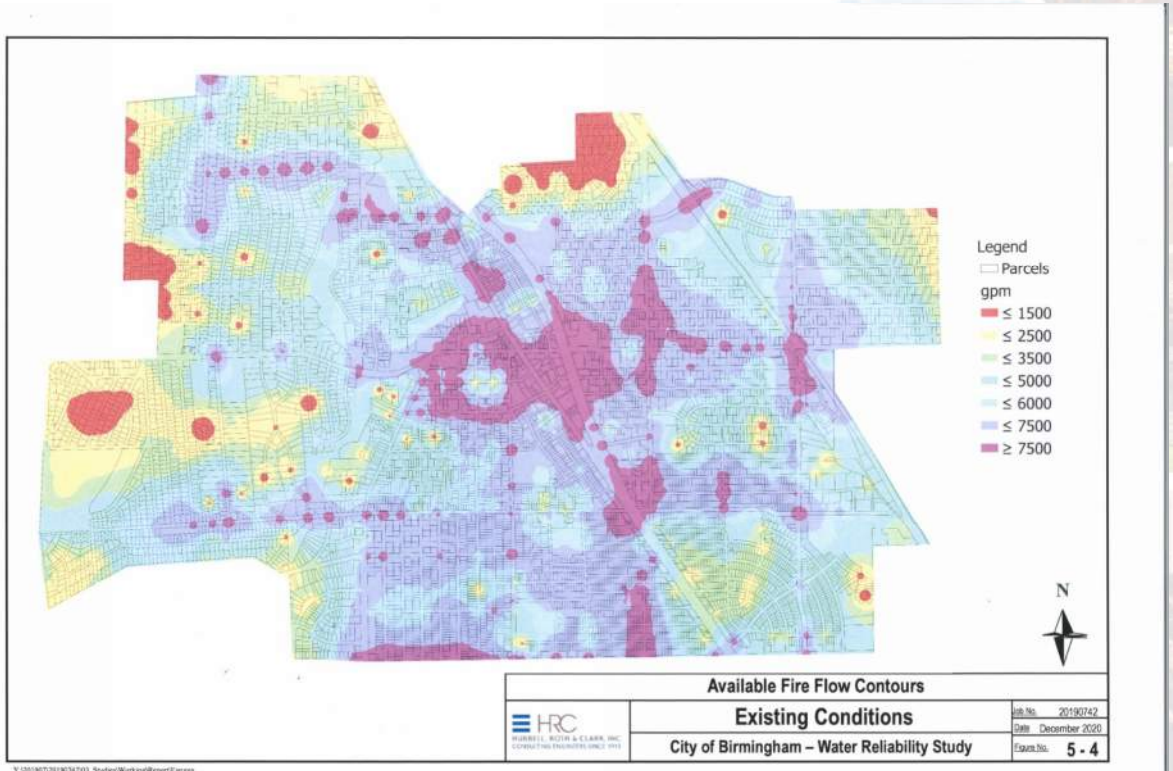
Shirley Road and Arlington Street
Selecting City Projects



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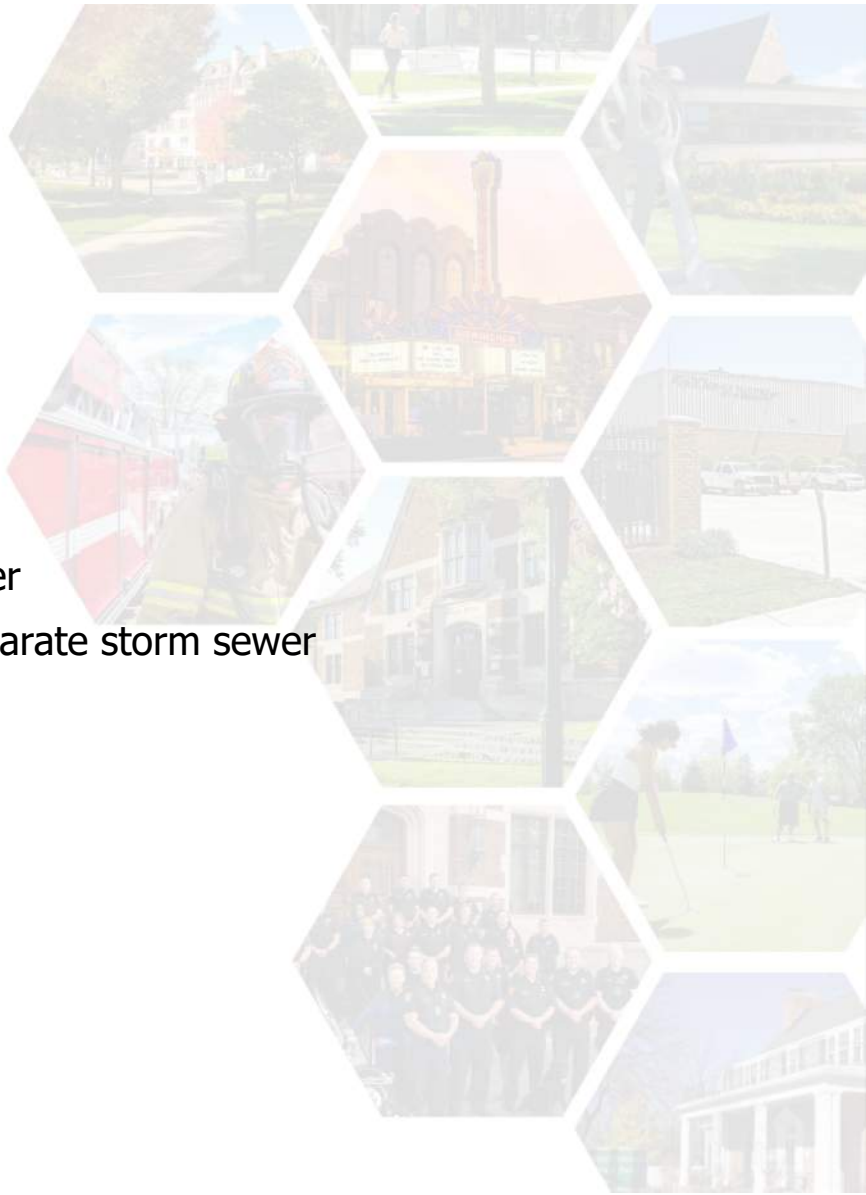
Shirley Road and Arlington Street

Future Utility Improvements

- Arlington Street:
  - Water: new 8” water main
  - Sewer:
    - South of Shirley: install separated storm sewer
    - North of Shirley: convert relief sewer into separate storm sewer
- Shirley Road:
  - Water: new 8” water main
  - Sewer:
    - Convert relief sewer into separate storm



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Shirley Road and Arlington Street

General Construction Information

- Construction Season 2024
- Special Features in Right of Way / Special Treatment Permit
  - Landscaping
  - Irrigation
  - Decorative driveway approaches
- Rear Yard Storm Drainage/System

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Shirley Road and Arlington Street

General Construction Information

- Water Lateral Replacement
  - 50 years of age or older
  - Less than 1” in size
  - Special Assement - 100% Property Owner: 20ft @ $100/ft = $2,000.00
- Sewer Lateral Replacement
  - 50 years of age or older
  - Material that are not acceptable for City standards (orangeburg, wedge-lok)
  - Less than 4” in size
  - Special Assement – 100% Property Owner: 30ft @ $90/ft = $2,700.00

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Shirley Road and Arlington Street
Unimproved vs. Improved Road

BIRMINGHAM

Understanding Improved and Unimproved Roads

Improved Road

Improved Road – An improved road is a road with curb and gutters which has a surface of concrete or asphalt.

Benefits:
- It is professionally engineered and constructed as a durable roadway.
- Provides for adequate drainage from the roadway.
- Once improved, an improved road is maintained by the City for any future road repairs.
- Improved streets with curbs are provided routine street sweeping and leaf pick-up each Fall, which allows residents to rake their leaves into the street at the curb.
- The average life span is 20 to 30 years.

Disadvantages:
- Initial one time higher cost for installation.

Unimproved Road

Unimproved Road – An unimproved road is a gravel road with or without curbs that has been treated with cape seal to provide a relatively smooth and dust free driving surface.

Benefits:
- Enhances rural neighborhood characteristics.

Disadvantages:
- The roadway is not professionally engineered and does not have a durable foundation.
- Unimproved roads without curbs do not provide adequate drainage from the roadway.
- Unimproved roads without curbs do not receive street sweeping and must bag their leaves.
- The average life span is 7 to 10 years and the need for repairs is more frequent.
- The cost for road repair and replacement is the responsibility of the homeowners on the street.

For specific details regarding your respective road, contact the Engineering Department at (248) 530-1840.

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Shirley Road and Arlington Street

Unimproved vs. Improved Road

- Cape Seal Special Assement:
  - 85% of the front-foot costs for improvement are assessed on all properties fronting on the improvement. City pays 15% of costs.
  - 25% of the side-foot costs for improvement are assessed on all residential properties siding on the improvement. City pays 75% of costs.
- Unimproved to Improved Road Special Assement:
  - 85% of the front-foot costs for improvement are assessed on all properties fronting on the improvement. City pays 15% of costs
  - For single family houses, if the longer side of a corner property faces the street being constructed, the City will pay two-thirds (2/3) of the cost of the assessment for that property. The property owner will be charged the remaining third (1/3). If the short side of a corner property faces the street to be constructed, the owner pays 100% of the assessment.
  - The preliminary estimated paving assessment cost is $290 to $400 per foot of frontage, and $10 per square foot for approaches

BIRMINGHAM
A WALKABLE CITY

Shirley Road and Arlington Street

Sidewalks

- Sidewalk Assement:
  - 85% of the front-foot costs for sidewalk improvement are assessed on all properties fronting on the improvement. City pays 15% of costs
  - 25% of the side-foot costs for improvement are assessed on all residential properties siding on the improvement. City pays 75% of costs.
  - The preliminary estimated sidewalk costs assessment cost is $45/lft
  - 100 Foot Lot: 100’ x $45 = $4,500

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A WALKABLE CITY

Shirley Road and Arlington Street

Future Steps and Meetings

- Return Expression of Interest Survey for Street Improvements
- Thursday, November 2, 2023, 6 p.m.: Multi-Modal Transportation Board (MTTB): Recommendation of Sidewalk Locations
- Thursday, December 7, 2023, 6 p.m.: Multi-Modal Transportation Board (MTTB): Public Hearing Road Width and Recommendation of Road Width
- Monday, January 8, 2024, 7:30 p.m.: City Commission: Direct Engineering Department to proceed with Final Design
- Spring 2024: Special Assement Process

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To: Multi-Modal Transportation Board
From: A concerned resident who prefers to remain anonymous
Re: Arlington/Shirley road improvements
Date: October 5, 2023

This project is special because it is a large improvement project, in both scope and expense, and one of the first unimproved streets to be improved since the commission adopted the Ad Hoc Unimproved Streets Committee recommendations.

It presents many opportunities:

- To show that the city can successfully execute on projects that require buy-in and significant investment by property owners.
- To innovate on design and recognize that one size can't fit all while also imposing some important standards such as street width and sidewalk installation.
- To develop a communications and engagement template that gains as much consensus as possible among property owners and decision makers.

It's very important that you get it right, and I urge everyone involved to take their time. No one is interested in a rush job, and it's better to do it right than do it on time.

So what will doing it right look like? What will achieve the greatest consensus?

Any design MUST:

- Retain the stately character of the neighborhood. Large lots. Big lawns. Deep setbacks. Sweeping curves.
- Calm traffic and reduce the appeal to cut-through traffic.
- Provide a safe pedestrian experience, measured not by accidents or number and speed of cars, but by pedestrian perception.
- Strictly limit the use of curb-adjacent sidewalks, which should be used only as last resort.
- Respect existing trees and other significant landscaping in the right-of-way.
- Dignify entrance(s) to park.

Please consider the following:

- Including Brandon in the project scope. This street is in terrible shape. At least cape seal it and improve the park entrance.
- A sidewalk on one side, possibly crossing from side to side as appropriate; wider than normal; designed as a "path" or "trail" that meanders, not necessarily following property lines.
- Speed humps or speed tables.
- Seeking easements where necessary to preserve existing landscaping. Though this may take time, it is worth it if necessary.
- Reducing the size of the two Shirley/Arlington intersections with bump-outs or small, landscaped roundabouts.
- A treatment of the east side of Shirley just south of Maple, a unique condition where the right-of-way is adjacent to rear lots and treatment varies according to property owner whim.
- Bio-swales and biodiverse plantings where appropriate.

thank you for this and moving all to bcc in my reply - clearly the city has no idea what is going on our two streets - given the number of construction trucks etc... anything the city would build would be destroyed in less than a year - when our kids were younger we would have loved to have have something like this considered but in our current living environment we are more of a construction zone than a neighborhood - my 2 cents

[Quoted text hidden]

--

Mike Minelli
Mobile (313) 303-4331

CORYELL PARK ASSOCIATION
(Arlington & Shirley Property Owners)

October 27, 2023

Dear MMT Board Members:

We thank the City of Birmingham for considering a number of changes to our streets for 2024-2025. Here are our property owners' positions on these considerations.

First, a tabulation of the Expression of Interest surveys obtained via a FOIA request shows that 88% of the property owners surveyed are not in favor of adding sidewalks to our streets. This is due to the environmental damage it would cause to many "heritage trees" (over 100 years old) in the city right-of-way space, damage to landscape/sprinkler systems down to the curb, the sloping/hilly nature of many front yards, the City's requirement to clear sidewalks of snow, a construction period of 4 to 6 months and the high assessment expense due to our many large, contiguous and corner lots. Our neighborhood already has one sidewalk on Shirley for city residents to reach Linden Park from West Lincoln and the majority of our 71 property owners believe that this is sufficient, especially since our streets are not the only ones in the city without sidewalks.

Second, without a need for sidewalks, the vast majority of our property owners also see no reason to downsize the streets from their existing 33-foot width or to replace our unimproved streets with improved streets. Most property owners (especially seniors) need maintenance help with grass mowing, lawn fertilization and leaf raking which often results in commercial trucks on both sides of our streets, not to speak of coping with new house construction which is intense. But, our wide streets still allow passage of vehicles in both directions at these times. Downsizing our streets to the city standard would not only eliminate this benefit, but create less safe conditions for bicyclists, children using the school bus, residents taking out trash and less space for leaf collection. While our unimproved streets are not perfect, they meet our needs and the few rough spots help reduce the speed of cut-through vehicles that an improved street would only make worse.

Third, while our sewer and water main pipes are old, they are meeting our needs due to the suburb quality of materials and workmanship used at the time of installation which cannot be said for today when most construction companies cannot find materials or workers, let alone ones with the needed expertise. While we believe in "planning for the future," we also believe in "not fixing something that is not broken." Finally, due to our large lots, we cannot afford the assessments in the $40,000 to $100,000 range if the City's plans are recommended by you and approved by the City Commission.

In summary, our property owners are requesting the status quo for our two streets. Please recommend use of the maintenance budget to handle street/sewer/water main repairs as required, but not change our unimproved streets and existing sewers/water mains.

Midge Moran

Midge Moran, President

Jim Mirro

Jim Mirro, Project Coordinator

CORYELL PARK ASSOCIATION
(Arlington & Shirley Property Owners)

October 30, 2023

Dear MMTB Members,

This is the reaction of the majority of property owners to the City's detailed street plan provided to us during the past weekend. It should be considered in addition to our letter of 10-27-23, which was written before knowledge of the plan's details had been received.

First, there is disappointment with the level of insensitivity in the City's proposed plan to destroy 107 mature living trees and nearly all landscaping in our right-of-way spaces. This is to make room for sidewalks that the vast majority of property owners do not want and will be rarely used by anyone since there is already a pedestrian path to Linden Park and Rouge Trail off Maple Road. This plan goes against the City's stated goals for sustainability/biodiversity and does not make economic or ecological sense. It calls for replacement of all 107 destroyed trees with new trees that will take years to reach the appearance/oxygen productivity we have today and that makes our streets so beautiful.

Second, to justify this plan by classifying most of these trees as "fair" or "poor" or "not recommended" and therefore worthy of destruction also shows a level of insensitivity and lack of respect for the historic tradition of our neighborhood that was founded in 1915 as the Coryell Nursery. John Coryell chose the layout of our streets to preserve many of these trees which can now be designated by the State of Michigan DNR as "Heritage Trees" by surpassing 100 years of age. Saving these trees will also help our neighborhood and Birmingham maintain its reputation of being environmentally friendly.

Third, the plan refers to two pedestrian deaths on Woodward Avenue in 2021 as a reason to propose sidewalks for Arlington and Shirley. We too want to avoid accidents and, to the best of our knowledge, there has never been even a near-accident event involving a pedestrian or biker and a vehicle on our streets. In fact, a narrowing of our streets for sidewalk space will actually INCREASE the likelihood of an accident for bicyclists and vehicles because it will reduce the viewing space and driving space for both. This would be a problem for the charity bike events on our streets approved by the City each year.

Fourth, we cannot support the plan for sidewalks on both sides of our streets or the "compromise plan" for sidewalks on one side only. Sidewalks on one side only would disfigure our neighborhood and clearly be an unfair assessment outcome to the sides chosen. This proposal represents an insensitivity to our neighborhood's spirit of fairness.

In summary, we ask MMTB to recommend to the Commissioners that no sidewalks or street narrowing be considered for Arlington/Shirley and we also be allowed to keep our present sewer/water mains and unimproved surfaces that are serving us well. Thank you.

Midge Moran, President

Jim Mirro, Project Coordinator

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CORYELL PARK ASSOCIATION
(Arlington & Shirley Home Owners)

Dear MMTB Members,

November 1, 2023

Arlington/Shirley home owners received information yesterday you should know about when meeting tomorrow to discuss the Arlington/Shirley sidewalk/street proposal.

A few days ago, the Michigan Department of Natural Resources was contacted about the City's plan and has expressed 5 different concerns. The first concern is the destruction of 107 mature living trees in the street right-of-way (ROW) spaces to make room for sidewalks when other alternatives are available. Second, the DNR warns that, besides direct destruction of trees in the ROW space, construction of new sidewalks and streets will likely lead to the mortality of many other trees on adjacent private property caused by root disturbance. Third, the destruction of so many trees for a cause not favored by a majority of property owners creates bad optics for a city that requested and was awarded on National Arbor Day just this year the designation of "Tree City USA." This was based on a recommendation by the Urban and Community Forestry Division of the DNR. Fourth, the optics become even worse when some of these trees may be categorized as "Heritage Trees" by having been planted in the Coryell Nursery property over 100 years ago. Fifth, if the City proceeds with its plan, it may decrease its chances to obtain a portion of the record level $4.5 million in 2024 grant funds that are available to Tree City USA designees. Because of these concerns, Program Director Lawrence Sobson, who holds a degree in Forestry and Environmental Engineering, said he is willing to meet with the MMTB to seek a better way forward than the present plan.

Also in the past few days, the City's Planning and Engineering Departments received a FOIA request that would provide our property owners with information on specific sewer and water main leaks/breaks or fire hydrant pressure problems and where on Arlington and Shirley streets these leaks/breaks/problems are located. The answer provided yesterday is that this information is not currently available and would require staff work to provide answers. It must be concluded from this answer that the information for home owners to agree to a replacement program does not now exist. If information exists about specific problems to justify replacement other than "old age," it would help to see it.

The Westwood Street repaving project last year replaced a street surface satisfactory to most users with one that is not holding up well to the demands of new home construction (attached photo). Arlington and Shirley currently have 10 new home construction and remodeling projects underway with more expected next year. Our existing pavement is holding up well to this and, based on the Westwood paving experience, we prefer to keep a proven surface rather than a new one that may be an on-going problem.

Midge Moran, President

Jim Mirro, Project Coordinator

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Nicholas Dupuis

To: Brad Host & Jana Ecker November 15, 2023

Cc: Other Commissioners, MMTB, Department Directors, Staff Members

Dear Brad & Jana,

I want to thank both of you for the outstanding support that both of you have given to the Coryell Park Association of Arlington and Shirley property owners regarding the proposal to add sidewalks and to narrow our streets. As the Project Coordinator appointed by the officers of Coryell Park to this project, I have needed information for our 71 property owners to arrive at a position and to file an appropriate petition to the MMTB and to the Board of Commissioners that reflects their best interest and the best interest of the rest of the City. Toward this end, your cooperation has been invaluable.

Brad, the assistance you have provided truly exemplifies what "representative government" means to all the City's residents. When we have asked questions about navigating the process with MMTB and the Board of Commissioners, you have been there to answer every question in an objective and unbiased manner. You have told us which other streets have gone through this process and who to talk to on those streets to obtain their opinion and what they would have done differently in retrospect. You have told us how to provide information and answers that are needed by the MMTB to arrive at their recommendation and to the Commissioners in arriving at their vote. You have always answered the phone when we have called. You are the perfect Commissioner and I think all of Birmingham knows this since you received the most votes of anyone running for office in this past election. Congratulations and keep up the good work.

Jana, the assistance you and your staff have provided has allowed us to analyze the data related to sidewalk benefits and disadvantages, street conditions, sewer/water main alternatives and street width benefits/disadvantages. When I asked your assistant, Ann, for a meeting with you on Monday, she said that you could meet with me a day earlier on Friday. And you asked all Department Directors to attend for an hour so that no question would go unanswered. When I had met earlier with your staff members and asked a question or for a presentation page from previous meetings, they stopped what they were doing and provided me with the best answer they had available at the time or emailed me the information/page the next day. You have a superbly responsive team of professionals which we citizens appreciate very much. Cherish each and every one of them.

Summary: I think that the secret to Birmingham's success is allowing its citizens to talk with everyone involved in the process all along the way. This is not only "freedom of speech" enshrined in our Constitution, but the secret to making all government work well for the people it represents. Please know how much we, the citizens, appreciate your protection of this secret ingredient for the well being of our City and never, ever lose it.

Sincerely,

Jim Mirro, CPA Project Coordinator

BIRMINGHAM
A WALKABLE CITY

Brooks Cowan <bcowan@bhamgov.org>

Multi-Modal Transportation Board

1 message

tony.trease@comcast.net <tony.trease@comcast.net> Tue, Dec 5, 2023 at 10:44 PM
To: BCowan@bhamgov.org
Cc: ndupuis@bhamgov.org, Lynn.Trease@comcast.net

Mr. Cowan,

Thank you very much for your very informative presentations at the past several Multi-Modal Transportation Board meetings. They were extremely thorough and well organized. And also a huge thanks for maintaining order and keeping the discussions on topic during the meetings while also demonstrating a professional demeanor. Your job performance reflects very well on the City of Birmingham staff.

Sincerely,

Tony Trease

905 Shirley Rd.

BIRMINGHAM
A WALKABLE CITY

Brooks Cowan <bcowan@bhamgov.org>

Shirley and Arlington perposal

1 message

Cheryl Pollack <cherbear1648@yahoo.com> Fri, Dec 8, 2023 at 12:32 PM
To: bcowan@bhamgov.org

my iPhone thankyou for taking the time out of your busy day to listen to my concerns. Live on linden and also have property on Shirley Street, I don't know how this will affect me. It will be a financial burden to me and many others. To have are streets torn up, construction trucks everywhere would create such havoc for the homeowners please take this into consideration when making your decision. Cheryl POLLACK

Douglas and Dorothy Friedel & Family
577 Arlington Rd., Birmingham MI 48009

Communication received
by the City Clerk on
12/18/23 at 7:25 p.m.

City of Birmingham
Office of Mayor Elaine McLain
151 Martin St.
Birmingham MI 48009

Wednesday, December 6, 2023

My name is Douglas Friedel and my family has a house at 577 Arlington Road. I have watched the discussion process of the proposed Arlington & Shirley Road construction from the beginning and I cannot believe the current level of fear-mongering, obfuscation, lying, and bad behavior by some of the residents of my neighborhood – especially by the Coryell Park Resident's Association of which I am a member. I would like to voice my opinion as a resident of the neighborhood.

The Multi Modal Transportation Board has done a really good job answering community concerns. The facts discussed during this process show that the aging infrastructure needs to be replaced, narrowing the roadway will reduce vehicle speeds, the installation of sidewalks will make walking safer for pedestrians, and removing the non-conforming and unhealthy trees and replacing them with new healthy trees will beautify the area. The arguments against these facts are an emotional plea to delay improvement solely for delay's sake.

Change, by its nature, is transformative. The proposed changes in the Arlington/Shirley area are a good thing if you want a better & safer neighborhood. In time, the residents will see that the construction made the area safer, more beautiful, and provided better services and future residents will appreciate the City's foresight.

There is every reason to proceed and no valid argument to delay this work.

People only sit in shade today because someone else planted a tree a long time ago.

Sincerely,

Douglas Friedel Jr.
Birmingham Resident

Communication received by the City Clerk on 12/18/23 at 7:25 p.m.

IntroMarketing

737 Arlington
Birmingham, MI 48009
Fax: 248-540-5000; EIN: 38-2398166

Loretta Mirro
248-420-8665
lmirro@intromarketing.com

Jim Mirro
248-420-5113
jmirro@intromarketing.com

CORYELL PARK ASSOCIATION
(Arlington & Shirley Property Owners)

Commissioner: Please vote "NO" to the street proposal for Arlington & Shirley because:

* 88% of our property owners do not want sidewalks & street narrowing due to:
  * The loss of 107 mature trees in the City ROW area.
  * An equal loss of mature trees on private property from construction root disturbance.
  * The heritage of our neighborhood as originally The Coryell Tree Nursery.
  * The substantial loss of historic & natural landscaping down to the curbs.
  * The practical problems of building sidewalks on sloping/hilly front yards.
  * The drastic change to the semi-rural character of our neighborhood.
* The need to keep our 33' wide streets for:
  * Efficient vehicle travel during new house construction (10 this year & 15 next year).
  * Safe school bus travel, fall leaf pickup & winter snow removal.
  * Unimpaired & safe field of sight for our numerous charity bike events.
* The need to keep great unimproved streets with curbs, gutters & durable pavement.
* The need to keep our older, but excellent sewers & water mains with low repair rates.
* The existence of Rouge Trail that already connects Maple and W. Lincoln pedestrians.
* The precedent of other Birmingham Streets opting out of sidewalks & narrowing.
* Our streets now meet all Master Plan/City Ordinance/Complete Streets guidelines.
* The proposed tree removal and sidewalk/street construction would violate:
  * Master Plan goals for tree canopy preservation & improvement.
  * City resolutions related to sustainability & climate change.
* The proposal would cost $40,000 to 60,000 in assessments for each 100-ft frontage.
* Petitions signed by 121 citizens request Arlington/Shirley property owners "opt out."

To: Birmingham Board of Commissioners December 14, 2023

From: Coryell Park Assn of Arlington & Shirley Property Owners

On January 8, you will be asked to vote for or against a City Staff proposal that a majority of property owners believe will ruin the character of Arlington and Shirley Streets forever. Before you cast your vote, we believe you should know the following.

Background: During October and November, Arlington & Shirley property owners attended all the meetings held in City Hall where the rationale was provided for a City Staff proposal to: 1) Add sidewalks; 2) Narrow the streets; 3) Replace the sewers and water mains; 4) Replace the pavement; 5) Destroy over 100 mature trees in the ROW and 6) Assess property owners $40,000 to $60,000 per 100' frontage for this work.

MMTB: Attached are 5 letters, including 121 petition signatures, sent to the MMTB explaining why this plan makes no civic, economic or environmental sense and none of these reasons have been refuted by either the MMTB or the City Staff. Despite this fact, the MMTB Board voted 4 to 2 on 12-5-23 to recommend the Board of Commissioners approve the City Staff proposal. Unfortunately, the Chairman of the MMTB unfairly influenced members by erroneously stating immediately before the vote was taken that one could not vote against the proposal because sidewalks on all streets is required under the Birmingham 2040 Master Plan. And City Staff did not correct this statement before the vote was taken. Not only is there no mention of a sidewalk requirement in the Master Plan, there is also no mention of a standard street width. But, there is a Master Plan requirement to: 1) Create a tree canopy improvement plan, 2) Retain the character of each neighborhood's distinctive canopy; 3) Create goals to expand tree canopy cover; and 4) Prevent existing, healthy trees from being removed due to new construction. There is also no Birmingham ordinance requiring sidewalks on streets or a specified street width. Based on these facts, the MMTB vote and recommendation must be considered invalid.

Other Considerations & Request: The Birmingham Master Plan requires the City to "lead by example" with all future decisions reflecting sustainability and climate goals. A proposal to destroy over 100 mature trees in the ROW and probably another 100 trees on adjacent private property through root disturbance from sidewalk construction does not do this. And cement production for sidewalks also produces needless carbon. The Master Plan encourages distinct neighborhood character with comparisons to Detroit's Corktown, Greektown and Bricktown. But this proposal, if approved, will most definitely ruin the character of a neighborhood now considered a unique, semi-rural location in Birmingham. With 88% of the "Expressions of Interest" forms answering "NO" to sidewalks and similar responses on street width and sewer/water main/street changes, there is an overwhelming majority opposed to this proposal. Based on these facts, we request your "NO" vote. We also invite you to meet with us before year end to tour and see first hand our streets. We will be contacting you soon for a date to do this.

Midge Moran

Midge Moran, President

Jim Mirro

Jim Mirro, Project Coordinator

7A

Date: December 3, 2023 Subject: Arlington & Shirley Petition

To: Multi Modal Transportation Board

From: Coryell Park Association of Arlington & Shirley Property Owners

This letter is in fulfillment of the Ordinance 94 provision wherein the City may initiate a street project, but implementation is dependant upon sufficient "expressions of interest" responses from property owners to justify design work and the creation of a Special Assessment District. The intent of the Ad Hoc Committee on Unimproved Streets was to provide a method to facilitate street improvements, but with a check and balance to let the City "opt out" of citizen initiatives and for the citizens to "op out" of City initiatives where good reasons and precedents exist on both sides of the equation. The following are good reasons and precedents for opting out of the City's Arlington & Shirley proposal.

First is the proposed destruction of over 100 mature trees in the ROW and additional trees on private property that the MI DNR believes will die due to root disturbance from sidewalk/street construction. No amount of tree segregation into quality categories will excuse this unnecessary loss of tree life and oxygen to our environment, especially since our subdivision was originally the Coryell Tree Nursery founded in 1915 and we should be allowed to honor this heritage. The unnecessary release of carbon dioxide from sidewalk cement production is also counter to our City's climate sustainability goals.

Second, Arlington & Shirley streets represent only 5% of the 19 miles of Birmingham streets without sidewalks, are not a "major road," not on a "Connector Route," not on the list of streets with "sidewalk gaps," and they have never experienced even a near accident between a pedestrian and a vehicle. But they are on many charity bicycle routes due to the inherent safety of a wide sight path that will be lost forever if the streets are narrowed.

Third, Arlington & Shirley represent only 4% of the 26 miles of unimproved streets in the City, but they are some of the best performing with gutters, curbs and tapered pavement for efficient water diversion, as well as a deep chip seal pavement that is more durable than the cape seal pavement used today. Because we have 10 houses under construction this year and possibly 5 more next year, we need to keep chip seal streets for durability. Despite having older sewers/water mains, a low problem rate is reason to keep them too and their composition of cast iron (water mains) and long-lasting vitrified clay (sewer pipes) is also better for our environment than the plastic pipes that would replace them.

Fourth, the City has a precedent of exempting streets from a sidewalk requirement if they border a park or have natural landscaping (Pembroke Park, N. Quarton Lake Park, Brookside Drive). Arlington & Shirley meet this requirement by bordering Linden Park, as well as having many properties with historic or natural landscaping down to the curbs. For all these reasons, we attach an 80-person petition to "op out" of the City's proposal.

Midge Moran, President

Jim Mirro, Project Coordinator

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Coryell Park Association of Arlington/Shirley Property Owners

We, the undersigned property owners on Arlington/Shirley Streets, petition the City of Birmingham: 1) Not to narrow our streets; 2) Not to install sidewalks on either side; 3) Not to replace our sewers/water mains; & 4) Not to replace our streets. But to make normal repairs as necessary to streets/sewers/water mains as in the past at City expense.

Name	Address	Date
Midge Moran	269 Arlington	11/14/23
Gregory Moran	269 Arlington	11/14/23
James Myers	645 & 737 Arlington	11-14-23
Loree Myers	645 & 737 Arlington	11/14/23
Edward L. Baughman	117 ARLINGTON	11/18/23
Joann Baughman	117 ARLINGTON	11/18/23
Jaki C Mallory	213 Arlington	11/18/23
	218 Arlington	11/18/23
Niharika Pandey	280 Arlington	11/18/23
SUMAN SARKAR	280 Arlington	11/18/23
Brooke Fisher	258 Shirley Rd	11/18/23
Jim Saltzgiver	188 Shirley Rd	11/18/23
	226 Shirley	11/18/23
Erik K. Gilbertson	345 Shirley Rd.	11/18/23
Kai Concannon	222 Arlington	11/18/23
VM Concannon	222 Arlington	11/18/23
Craig Milford	361 Shirley	11/18/23
Kathy Milford	361 Shirley	11/18/23
John Schwegman	700 Arlington	11/19/23
Jenny Schwegman	700 Arlington	11/19/23

Dan Concannon Hey

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Coryell Park Association of Arlington/Shirley Property Owners

We, the undersigned property owners on Arlington/Shirley Streets, petition the City of Birmingham: 1) Not to narrow our streets; 2) Not to install sidewalks on either side; 3) Not to replace our sewers/water mains; & 4) Not to replace our streets. But to make normal repairs as necessary to streets/sewers/water mains as in the past at City expense.

Name	Address	Date
Fremont Scott	776 Arlington	11/18/23
Mary P Scott	776 Arlington	11/18/23
[illegible]	945 Arlington	11-18-23
[illegible]	968 Arlington	11/18/23
[illegible]	968 Arlington	11/18/23
[illegible]	611 Shirley	11/19/23
[illegible]	811 Shirley	11/19/23
[illegible]	735 SHIRLEY RD	11/19/23
[illegible]	735 Shirley Rd	11/19/23
Ben Allred	735 Shirley Rd	11/19/23
Simon Leobold	1000 Shirley Ct	11/19/23
[illegible]	1000 SHIRLEY Ct.	11/19/23
[illegible]	981 Arlington	11/19/23
Lindsey VanSickle	981 Arlington	11/19/23
David VanSickle	619 Shirley	11/19/23
Samantha Chyette	619 Shirley	11/19/23
Douglas DeGrosso	487 Arlington	11/19/23
Paula DeGrosso	487 Arlington	11/19/23
[illegible]	381 SHIRLEY RD.	11/19/23
[illegible]	381 SHIRLEY RD.	11/19/23

Coryell Park Association of Arlington/Shirley Property Owners

We, the undersigned property owners on Arlington/Shirley Streets, petition the City of Birmingham: 1) Not to narrow our streets; 2) Not to install sidewalks on either side; 3) Not to replace our sewers/water mains; & 4) Not to replace our streets. But to make normal repairs as necessary to streets/sewers/water mains as in the past at City expense.

Name	Address	Date
Pamela Minelli	377 Arlington St	11/19/23
Mike Minelli	377 Arlington St.	11/19/23
MIKE WALSH	243 ARLINGTON	11/19/23
Liv Dorf	243 ARLINGTON	11/19/23
Sherry Sparrvola	503 Arlington	11/19/23
DAVE HENNING	503 ARLINGTON	11/19/23
JANET LANNEN	992 ARLINGTON	11/21/23
[signature]	992 ARLINGTON	11/21/23
Courtney A. Trivano	924 Arlington	11/21/23
Valerie Trevino	924 Arlington	11/21/23
Elaine Hazel	188 Shirley	11/21/23
Alex Simmons	175 Arlington	11/21/23
Karlee Novice	175 Arlington	11/21/23
Brian Connolly	843 Arlington	11/21/2023
Mary Connolly	843 Arlington	11/21/2023
Nick Shebb	226 Shirley	11/21/2023
Renee Billmeyer	252 Shirley	11/21/2023
Drew Billmeyer	252 Shirley	11/21/2023
Heidi Pinkert	730 Arlington	11/23/2023
Robert Myers	730 Arlington	11/23/2023

Coryell Park Association of Arlington/Shirley Property Owners

We, the undersigned property owners on Arlington/Shirley Streets, petition the City of Birmingham: 1) Not to narrow our streets; 2) Not to install sidewalks on either side; 3) Not to replace our sewers/water mains; & 4) Not to replace our streets. But to make normal repairs as necessary to streets/sewers/water mains as in the past at City expense.

Name	Address	Date
Kevin Marsh	860 Arlington	11/22/23
Cheryl A. Pollock	200 Linden *	11/25/23
Ryan Chayka	600 Arlington	11/26/2023
Eliza Nasmeh Chayka	600 Arlington	11/26/23
Sherry McCormick	550 Arlington Bham	11/24/23
David Madison	300 Shirley	11/26/23
Lorie Madison	300 Shirley	11-26-23
DEV SHAH	144 LINDEN *	11/26/23
COURTNEY SHAH	144 LINDEN *	11/26/23
	975 Arlington	11/27/23
	975 Arlington	11/27/23
John R. Smith	230 Linden Rd. *	11/28/2023
Joan M. Smith	230 Linden Rd *	11/28/2023
Richard Hall	176 Linden Rd *	11/28/2023
William Edmunds	1420 WEST LINCOLN	11/28/2023
Nana Edmunds	1420 West Lincoln	11/28/2023
David Todd	136 Linden Rd. *	11/28/2023
Mary VanHuffel	136 Linden Rd. *	11/28/2023
Peter Mitchell	663 SHIRLEY	11/30/23
Karen Mitchell	C/O 3 Shirley	11/30/23

* BACKS UP TO SHIRLEY

7A

Westwood Street Petition to the City of Birmingham

We, the undersigned property owners on Westwood Street, having experienced a change of our street in 2023, petition the City of Birmingham to permit the property owners of Arlington and Shirley Streets to "opt out" of the changes proposed for their streets if a majority of the property owners express that desire through their own petition to the City.

Name	Address	Date
	938 Westwood	12/2/23
	"	12/2/23
Andy Romanosky	980 Westwood	12/2/23
Kim Romanosky	980 Westwood	12/2/23
	1000 Westwood	12.2.23
Kim VanCleef		
	1036 Westwood	12/2/23
		12/2/23
	1064 Westwood	12/2/23
	1064 Westwood	12/2/23
	1043 Westwood	12/2/23
	1043 Westwood	12/2/23
	1071 WESTWOOD	12-2-23
	1011 WESTWOOD	12.2.23
JESSICA TOROK	533 OAK / 1011 Westwood	12.2.23
	533 OAK / 1011 Westwood	12.2.23
	947 Westwood	12-2-23
	947 Westwood	12-2-23
	915 Westwood	12-2-23
	885 Westwood	12-2-23

N. Glenhurst Petition to the City of Birmingham

We, the undersigned property owners on N. Glenhurst, having experienced a change of our street in 2019, petition the City of Birmingham to permit the property owners of Arlington and Shirley Streets to "opt out" of the changes proposed for their streets if a majority of the property owners express that desire through their own petition to the City.

Name	Address	Date
Sarah Caden	920 N. Glenhurst Dr	12/2/2023
Collins Caden	920 N. Glenhurst Dr.	12/2/2023
Victoria McCarthy	940 N. Glenhurst Dr.	12/2/23
Cassandra McCarthy	1025 N. Glenhurst Dr	12/2/23
James McCarthy	940 N. Glenhurst Dr.	12/2/23
[illegible]	1044 N Glenhurst Dr	12/2/23
[illegible]	1044 N Glenhurst Dr	12/2/23
[illegible]	1065 N. Glenhurst	12/21/23
[illegible]	1065 N. Glenhurst	12/21/23
Margaret Brunhuber	1043 N. Glenhurst	12/2/23
Charles Brunhuber	1043 N. Glenhurst	12/2/23
Jack Burdett	1011 N. Glenhurst	12/2/23
Linda L. Burdett	" "	12/2/23
Theresa Bennett	917 N Glenhurst Dr.	12-2-23
Scott Bennett	917 N Glenhurst Drive	12/2/23
Andrew Norman	986 N. Glenhurst	12/2/23
Mary Cullen	986 N. Glenhurst	12/2/23
CRAIG WILLIAMSON	1010 N. GLENHURST	12/2/23
Leora Holliday	1010 N. Glenhurst	12/2/23
Tony Pepe	1099 N. Glenhurst	12/2/23
Regina Pepe	1099 N. Glenhurst	12/2/23

CORYELL PARK ASSOCIATION
(Arlington & Shirley Home Owners)

Dear MMTB Members,

November 1, 2023

Arlington/Shirley home owners received information yesterday you should know about when meeting tomorrow to discuss the Arlington/Shirley sidewalk/street proposal.

A few days ago, the Michigan Department of Natural Resources was contacted about the City's plan and has expressed 5 different concerns. The first concern is the destruction of 107 mature living trees in the street right-of-way (ROW) spaces to make room for sidewalks when other alternatives are available. Second, the DNR warns that, besides direct destruction of trees in the ROW space, construction of new sidewalks and streets will likely lead to the mortality of many other trees on adjacent private property caused by root disturbance. Third, the destruction of so many trees for a cause not favored by a majority of property owners creates bad optics for a city that requested and was awarded on National Arbor Day just this year the designation of "Tree City USA." This was based on a recommendation by the Urban and Community Forestry Division of the DNR. Fourth, the optics become even worse when some of these trees may be categorized as "Heritage Trees" by having been planted in the Coryell Nursery property over 100 years ago. Fifth, if the City proceeds with its plan, it may decrease its chances to obtain a portion of the record level $4.5 million in 2024 grant funds that are available to Tree City USA designees. Because of these concerns, Program Director Lawrence Sobson, who holds a degree in Forestry and Environmental Engineering, said he is willing to meet with the MMTB to seek a better way forward than the present plan.

Also in the past few days, the City's Planning and Engineering Departments received a FOIA request that would provide our property owners with information on specific sewer and water main leaks/breaks or fire hydrant pressure problems and where on Arlington and Shirley streets these leaks/breaks/problems are located. The answer provided yesterday is that this information is not currently available and would require staff work to provide answers. It must be concluded from this answer that the information for home owners to agree to a replacement program does not now exist. If information exists about specific problems to justify replacement other than "old age," it would help to see it.

The Westwood Street repaving project last year replaced a street surface satisfactory to most users with one that is not holding up well to the demands of new home construction (attached photo). Arlington and Shirley currently have 10 new home construction and remodeling projects underway with more expected next year. Our existing pavement is holding up well to this and, based on the Westwood paving experience, we prefer to keep a proven surface rather than a new one that may be an on-going problem.

Midge Moran, President

Jim Mirro, Project Coordinator

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Date: December 3, 2023 Westwood & N Glenhurst Petitions

To: Multi Modal Transportation Board

From: Coryell Park Association of Arlington & Shirley Property Owners

Background: In evaluating the City's proposed street, sidewalk and sewer/water main proposal for Arlington & Shirley, our property owners' association interviewed property owners from two streets that have experienced similar street proposals from the City in the last 5 years. These streets are N Glenhurst with a concrete street installation in 2019 and Westwood Street with a cape seal installation in 2023. Both streets also received sewer and water main upgrades.

Sidewalks & Street Width: Since both streets had sidewalks already installed many years ago, there was no issue related to keeping them. But the City did request that both streets be narrowed during the street improvement project. To the City's credit, for both streets, the City agreed to honor the property owners' request to retain the original width of the two streets. This is an additional precedent for Arlington & Shirley property owners who are also requesting that their street width not be changed.

Other Property Owner Comments: In the case of both streets, the property owners believe that too many mature trees were lost both to direct destruction in the City ROW space, as well as trees on private property that ultimately succumbed to root disturbance caused by street construction and sewer/water main replacement that some believe was not really necessary due to low repair rates. Property owners on both streets believe that the City has not addressed the loss of trees with replacement ones and this can be clearly observed from long, treeless stretches of open spaces on both sides of both streets. Property owners on N Glenhurst believe that traffic speed has increased substantially with the new concrete surface and that the expansion joints between concrete sections have also increased vehicle noise. Some are disappointed with cracks in the concrete after only 5 years' use that they had not expected to see so soon. Property owners on Westwood are consistent in their belief that their new "cape seal" street is not as durable as their previous "chip seal" street. This is clearly evident from a pavement failure in front of the only new house construction project on the east side of Westwood (see attached photo).

Petitions: Property owners on both streets expressed regret at the outcome of some aspect of their street changes and also believe that there was not a good system to have their viewpoint heard AND ACTED UPON before the street decisions were made. In view of this, property owners on both streets have signed petitions to the City that, if the majority of Arlington and Shirley property owners choose to "opt out" of the City's proposal, they should be allowed to do so since they are more directly impacted by the outcome of any street changes than anyone else in the City. See two attached petitions.

Midge Moran, President

Jim Mirro, Project Coordinator

CORYELL PARK ASSOCIATION
(Arlington & Shirley Property Owners)

October 30, 2023

Dear MMTB Members,

This is the reaction of the majority of property owners to the City's detailed street plan provided to us during the past weekend. It should be considered in addition to our letter of 10-27-23, which was written before knowledge of the plan's details had been received.

First, there is disappointment with the level of insensitivity in the City's proposed plan to destroy 107 mature living trees and nearly all landscaping in our right-of-way spaces. This is to make room for sidewalks that the vast majority of property owners do not want and will be rarely used by anyone since there is already a pedestrian path to Linden Park and Rouge Trail off Maple Road. This plan goes against the City's stated goals for sustainability/biodiversity and does not make economic or ecological sense. It calls for replacement of all 107 destroyed trees with new trees that will take years to reach the appearance/oxygen productivity we have today and that makes our streets so beautiful.

Second, to justify this plan by classifying most of these trees as "fair" or "poor" or "not recommended" and therefore worthy of destruction also shows a level of insensitivity and lack of respect for the historic tradition of our neighborhood that was founded in 1915 as the Coryell Nursery. John Coryell chose the layout of our streets to preserve many of these trees which can now be designated by the State of Michigan DNR as "Heritage Trees" by surpassing 100 years of age. Saving these trees will also help our neighborhood and Birmingham maintain its reputation of being environmentally friendly.

Third, the plan refers to two pedestrian deaths on Woodward Avenue in 2021 as a reason to propose sidewalks for Arlington and Shirley. We too want to avoid accidents and, to the best of our knowledge, there has never been even a near-accident event involving a pedestrian or biker and a vehicle on our streets. In fact, a narrowing of our streets for sidewalk space will actually INCREASE the likelihood of an accident for bicyclists and vehicles because it will reduce the viewing space and driving space for both. This would be a problem for the charity bike events on our streets approved by the City each year.

Fourth, we cannot support the plan for sidewalks on both sides of our streets or the "compromise plan" for sidewalks on one side only. Sidewalks on one side only would disfigure our neighborhood and clearly be an unfair assessment outcome to the sides chosen. This proposal represents an insensitivity to our neighborhood's spirit of fairness.

In summary, we ask MMTB to recommend to the Commissioners that no sidewalks or street narrowing be considered for Arlington/Shirley and we also be allowed to keep our present sewer/water mains and unimproved surfaces that are serving us well. Thank you.

Midge Moran, President

Jim Mirro, Project Coordinator

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CORYELL PARK ASSOCIATION
(Arlington & Shirley Property Owners)

October 27, 2023

Dear MMT Board Members:

We thank the City of Birmingham for considering a number of changes to our streets for 2024-2025. Here are our property owners' positions on these considerations.

First, a tabulation of the Expression of Interest surveys obtained via a FOIA request shows that 88% of the property owners surveyed are not in favor of adding sidewalks to our streets. This is due to the environmental damage it would cause to many "heritage trees" (over 100 years old) in the city right-of-way space, damage to landscape/sprinkler systems down to the curb, the sloping/hilly nature of many front yards, the City's requirement to clear sidewalks of snow, a construction period of 4 to 6 months and the high assessment expense due to our many large, contiguous and corner lots. Our neighborhood already has one sidewalk on Shirley for city residents to reach Linden Park from West Lincoln and the majority of our 71 property owners believe that this is sufficient, especially since our streets are not the only ones in the city without sidewalks.

Second, without a need for sidewalks, the vast majority of our property owners also see no reason to downsize the streets from their existing 33-foot width or to replace our unimproved streets with improved streets. Most property owners (especially seniors) need maintenance help with grass mowing, lawn fertilization and leaf raking which often results in commercial trucks on both sides of our streets, not to speak of coping with new house construction which is intense. But, our wide streets still allow passage of vehicles in both directions at these times. Downsizing our streets to the city standard would not only eliminate this benefit, but create less safe conditions for bicyclists, children using the school bus, residents taking out trash and less space for leaf collection. While our unimproved streets are not perfect, they meet our needs and the few rough spots help reduce the speed of cut-through vehicles that an improved street would only make worse.

Third, while our sewer and water main pipes are old, they are meeting our needs due to the suburb quality of materials and workmanship used at the time of installation which cannot be said for today when most construction companies cannot find materials or workers, let alone ones with the needed expertise. While we believe in "planning for the future," we also believe in "not fixing something that is not broken." Finally, due to our large lots, we cannot afford the assessments in the $40,000 to $100,000 range if the City's plans are recommended by you and approved by the City Commission.

In summary, our property owners are requesting the status quo for our two streets. Please recommend use of the maintenance budget to handle street/sewer/water main repairs as required, but not change our unimproved streets and existing sewers/water mains.

Midge Moran

Midge Moran, President

Jim Mirro

Jim Mirro, Project Coordinator

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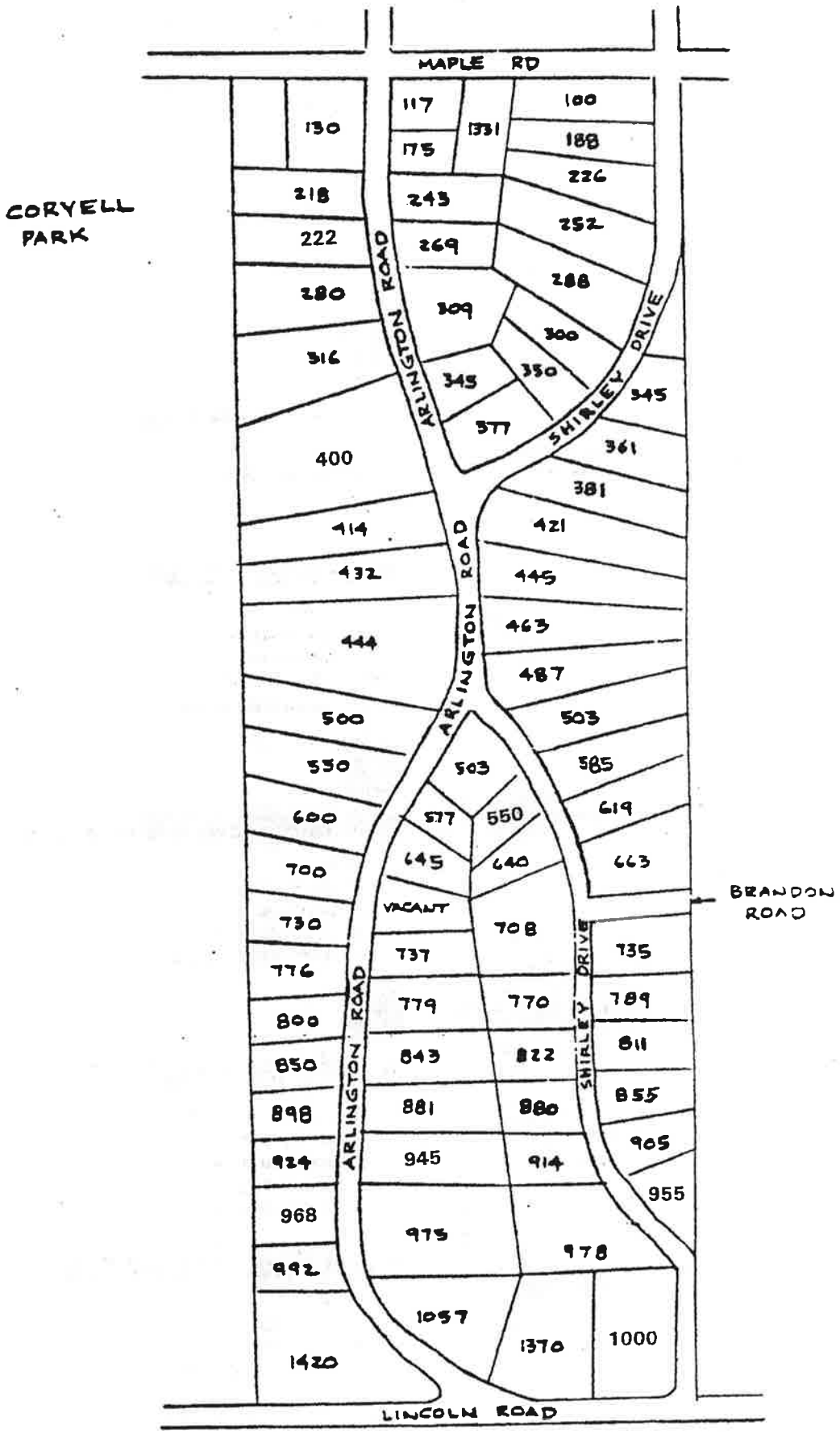

MAPLE RD
CORYELL PARK
ARLINGTON ROAD
SHIRLEY DRIVE
BRANDON ROAD
LINCOLN ROAD
130
117
1331
100
175
188
218
245
226
222
269
252
280
309
288
316
345
300
350
400
377
345
361
381
414
421
432
445
444
463
487
500
503
550
503
585
600
577
550
619
700
645
640
663
730
VACANT
708
737
735
776
779
770
789
800
843
822
811
850
881
880
855
898
945
914
905
924
968
975
978
955
992
1057
1370
1000
1420

10-11-12

7A

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: Arlington/Shirley Road improvement-We support the Multi-Modal Committee recommendation

1 message

Therese Longe <tlonge@bhamgov.org> Tue, Dec 19, 2023 at 12:05 AM
To: Alex Bingham <abingham@bhamgov.org>, Jana Ecker <Jecker@bhamgov.org>, Mary Kucharek <mkucharek@bhlaw.us.com>

---------- Forwarded message ---------
From: **Karen Gaudette** <kgaud@teladjust.com>
Date: Mon, Dec 18, 2023, 5:32 PM
Subject: Arlington/Shirley Road improvement-We support the Multi-Modal Committee recommendation
To: <emclain@bhamgov.org>, <kschafer@bhamgov.org>, <cballer@bhamgov.org>, <ahaig@bhamgov.org>, <bhost@bhamgov.org>, <along@bhamgov.org>, <tlonge@bhamgov.org>
Cc: Chris Gaudette <cgaudette@aigai.com>

Dear Commissioners,

My husband and I have lived at 880 Shirley for thirty years and we are in full support of the multi-modal committee's recommendation to improve the street and to add sidewalks.

Thank you for taking our viewpoint into consideration.

Respectfully,

Karen Gaudette

880 Shirley Road

Cell 248-705-6219

Gmail

Mike Minelli <mike@minellifamily.com>

submission for review by the City Commissioners prior to Jan 8th meeting

Mike Minelli <mike@minellifamily.com> Wed, Jan 3, 2024 at 10:31 AM
To: clerksoffice@bhamgov.org
Cc: Pam Minelli <pam@minellifamily.com>, Mike Clawson <msc@mikeclawsonlaw.com>

delivered at the city office and also via email:

Concerning the proposed changes to Shirley and Arlington Street prior to Jan 8th hearing - 377 Arlington St, Birmingham, MI 48009 is requesting an exemption to exclude the sidewalks encasing our property since our property is at the Northeast corner of both Shirley and Arlington and will be adversely affected more than any other property if this project goes through as planned - there are numerous examples throughout Birmingham where the city planners have made exceptions to their original plans proposed - Sincerely, Mike

--
Mike Minelli
Mobile (313) 303-4331

Letter to City of Birmingham Jan 3 2024.pdf
682K

7A

December 22, 2023

Dear Commissioner,

I'm reaching out to you as a Birmingham resident for the past 25+ years. We've raised our children here, attended Birmingham schools, I run a private practice in Birmingham, and we have loved living in Birmingham and love our street. We are very disappointed with the multimodal committee and city planning board regarding a proposed plan to put sidewalks and crosswalks along Arlington and Shirle and this overall theme of unwillingness to work with the residents to find an amicable and creative solution that works for most. I understand we can't please everybody, but we are pleasing nobody as it stands.

It should be noted that 85 percent of the residents have signed a petition against the plan. The residents have attended three city planning meetings with the multimodal board pleading our case against this plan and our voices have been ignored. At this point in the process, we as individual residents at 377 Arlington Street are asking for an exemption for multiple reasons listed below. However, the primary reason is that the city will literally be building a concrete mote around our home.

1. Our home sits at the point of Arlington/Shirley crossing which will have a concrete mote surrounding three quarters of the perimeter of our property.
2. We have three driveways being negatively impacted by the disruption of the proposed concrete mote around our home. Our horseshoe driveway which faces Arlington will be disrupted and the back driveway which faces Shirley will be disrupted as well.
3. Additionally, proposed crosswalks are slated at the front of our driveway and at the back driveway.
4. There is a precedent which exists for other residents in Birmingham where sidewalks are not enforced, and we are happy to cite the addresses of those Birmingham homes.
5. The cost of the plan is very expensive for the homeowners. For a good portion of the residents on fixed incomes which is a good portion of our neighbors will be forced to move, which is unfortunate to displace the elderly in such a way.
6. As a woman and a professional who runs a business in Birmingham, I found it unsettling that the multi modal committee who voted in favor existed of only white men!

Best Regards,

Pamela and Mike Minelli

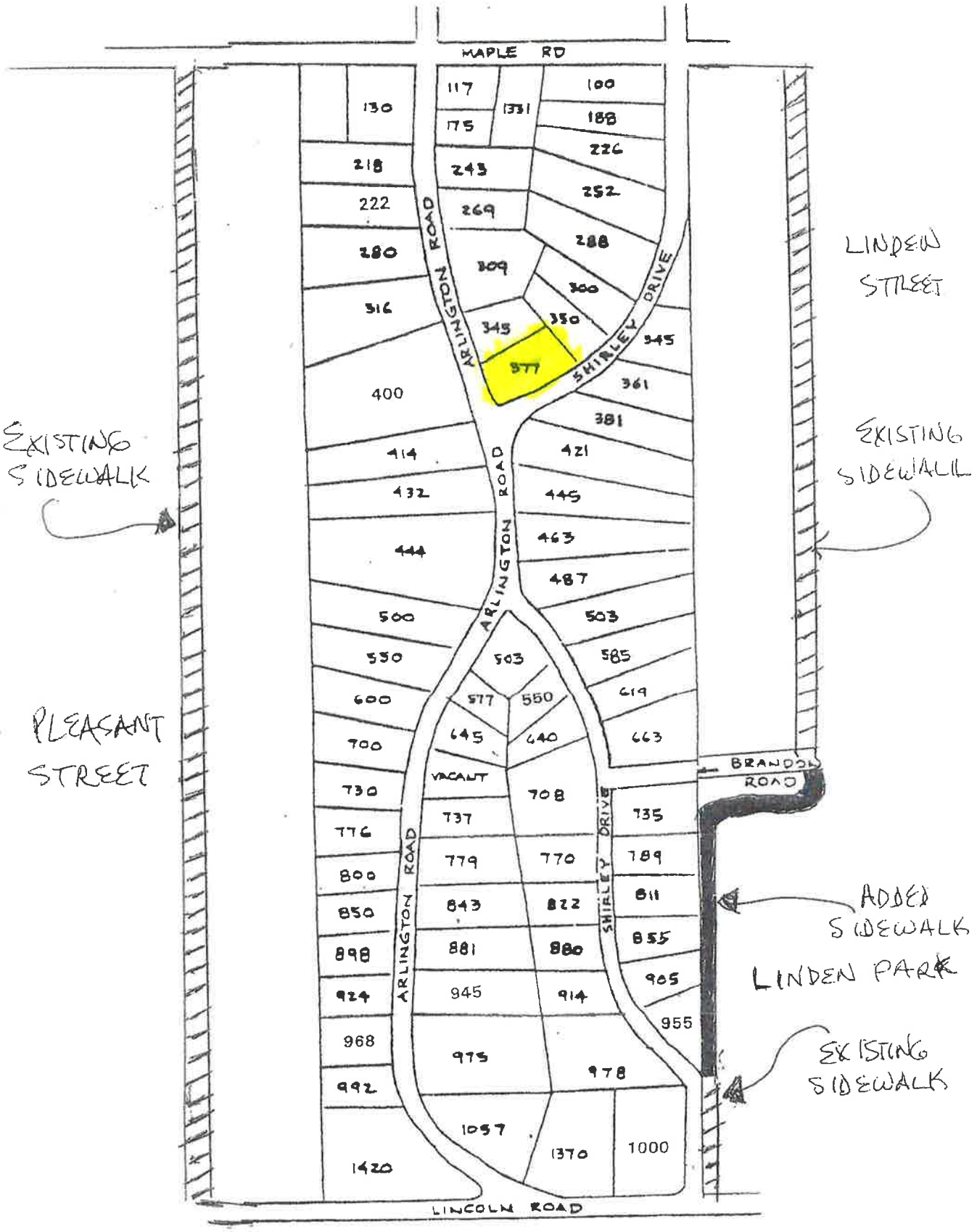
Video Links

https://www.dropbox.com/scl/fi/wza560lu2nrywaspajrqj/no-sidewalks-on-Hawthorne-and-Brandon.MOV?rlkey=hte83mshpx7sxsxd80ax12iyz&dl=0

https://www.dropbox.com/scl/fi/qln7ou7cyfdb8wqza441h/no-sidewalk-on-lincoln.MOV?rlkey=ccrfe9xmfxediyd72dsj10wps&dl=0

https://www.dropbox.com/scl/fi/6dfc3mk1lgq5m9xll04zb/IMG_8653.MOV?rlkey=kp8fl57hemzb3pq0l662mja6h&dl=0

ALTERNATIVE SIDEWALK PROPOSAL



DAWDA MANN
Dawda, Mann, Mulcahy & Sadler, PLC
COUNSELORS AT LAW

EDWARD C. DAWDA
(DIRECT DIAL) 248 642 8696
EMAIL EDAWDA@DAWDAMANN.COM

January 3, 2024

TO: BIRMINGHAM CITY COMMISSION

RE: Residents Opposed to the Street Narrowing and Sidewalk Installation Plan for Arlington and Shirley Streets

Dear Ladies and Gentlemen:

The City of Birmingham City Commission is considering whether to approve a plan to narrow Arlington and Shirley Streets, and to install sidewalks on both sides of each street (the "Sidewalk Plan"). The undersigned are counsel for Lisa Drake and Michael Walsh, 243 Arlington Street, who are expressing their views (and the views of other similarly situated homeowners) and strongly requesting that the City defer any decision on the Sidewalk Plan so that the issues generated by the Sidewalk Plan may be more carefully considered. As noted below, allowing Arlington and Shirley Streets to presently opt out is within the authority of the City Commission.

Over 85% of the residents on Arlington and Shirley Streets who responded to a survey circulated by the City of Birmingham have expressed their opposition to the Sidewalk Plan. This position statement was drafted on behalf of Lisa Drake and Michael Walsh and certain other residents opposed to such plan, collectively referred to herein as the "Opposing Residents", to help consolidate input and provide a succinct and well-developed point of view for the Commissioners to consider before such a critical and life-style altering decision is made for the residents. This communication is intended to help the residents provide input that only they can give, as their daily lives are transacted on these two streets.

The Opposing Residents request that the City Commission not approve the Sidewalk Plan for Arlington and Shirley Streets at the meeting scheduled for January 8, 2024. The deferral of such vote is requested, and is necessary, in order to ensure the City has a greater opportunity to more thoroughly evaluate the long-lasting impact and potential unintended consequences of the Sidewalk Plan on things such as property values, character of the neighborhood, loss of estate-sized old growth trees and tree canopies, parking, traffic flow, and damage to privately installed landscaping. Such additional time will also allow the Opposing Residents and the City's planners to meet and confer to consider whether an alternative approach can be worked out with fewer negative impacts.

The Opposing Residents believe that the Sidewalk Plan as currently presented for these two streets is a "one-size-fits-all" misinterpretation by the Multi-Modal Transportation Board (MMTB) and its planners of a walkability goal, being misapplied to a neighborhood and setting where a more tailored and less destructive approach, one that is more respectful of the unique

character and history of the Arlington and Shirley Street neighborhood and its residents, should be taken instead. The approved City's Residential Street Design Standards allow for the exclusion of these two streets. The narrowing of these streets and addition of sidewalks is not mandated by the Residential Street Design Standards. The residents who use these streets daily are simply requesting the discretion of the Commissioners be exercised to avoid lasting and irreparable damage to the Arlington/Shirley neighborhood that cannot be reversed once completed.

Some years ago, the City adopted the 2040 Master Plan and subsequent policies proposing an overall goal of the narrowing of streets and the installation of sidewalks in residential neighborhoods, on the premise of establishing a "walkable" city and to "build community". These goals are certainly laudatory and for the most part, seem to have fit well in the neighborhoods where implementation has occurred. However, we submit that narrower streets and sidewalks are not appropriate for Arlington and Shirley Steets. More than 85% of its residents agree—they simply do not want narrower roads or sidewalks. Why is this?

Simply stated, the Arlington and Shirley Street areas are historical in nature, have wonderfully landscaped areas, with many old, mature and estate-size trees providing a wonderful canopy, and most importantly, character. The homes along Arlington and Shirley Streets south of Maple Road are some of the most historic and beautiful homes in the City, and the neighborhood is one of the most unique and beautiful in all of Birmingham. Moreover, the wide streets provide better ease of access and less congestion than narrower nearby streets. These are characteristics of the neighborhood we want to see preserved.

The Opposing Residents urge the City to find ways to provide a degree of walkability that will respect the wishes of the vast majority of the neighborhood residents, who are opposed to the Sidewalk Plan, and not approve any plan that will drastically and permanently ruin the character of the neighborhood. It has been difficult to find compelling and adequate reason to have such large stately trees and the canopy they provide removed, and to have the beautifully landscaped beds with flowers and expensive plantings and retaining walls decimated, thereby drastically and permanently ruining the character of the neighborhood, which is exactly what is being proposed by the Sidewalk Plan.

Street Narrowing and Parking

The Sidewalk Plan calls for the narrowing of Arlington and Shirley Streets from the current 33' width to a much narrower 26' width. The apparent purpose for this narrowing is to make all streets the same, regardless of the residential needs that the streets service. The Opposing Residents enjoy the unique character of their neighborhood but more importantly the maneuverability and clear vision the wider street provides. Many residences on the streets are estate-sized homes and lots, with significant maintenance requirements to ensure they stay maintained to appropriate standards. The narrowing of Arlington and Shirley Streets will negatively affect parking and

maneuverability given the number of service vehicles for lawn and landscape maintenance, pool maintenance, house-keeping maintenance and other such services for these homes that need parking along the street. This is evidenced by evaluation of other streets in the area where significant residential parking situations exist.

Several nearby streets narrower than Arlington and Shirley Streets have horrible congestion and parking problems when residents have service workers or guests present, and their vehicles can make it extremely difficult for traffic from opposite directions to pass though the street. On several streets, homeowners have resorted to creating unsightly parking "pads" next to the street to accommodate vehicle parking. Lake Park Drive (which has a 23' width only slightly narrower than the 26' being proposed for Arlington and Shirley Streets) is one such example, where 8 of 13 homes on the west side between Maple and Pine installed such pads, as did 7 of 9 homes on the east side. (See photographs at Exhibit A). Where curbs are present, such as on Linden Street, residents park on or over the curbs, partially on the lawns next to the street. (See photographs at Exhibit B).

To the extent that the street narrowing is being contemplated to eliminate pedestrians walking along the edge of Arlington and Shirley Streets, the Opposing Residents note that this practice has been safely in place for decades. There is no history of complaints about pedestrian problems along Arlington and Shirley Streets. This is due to the fact that these streets are wide enough to accommodate walkers and bicyclists at a safe distance from vehicular traffic. Note also that several streets recently improved in Birmingham did not have sidewalks installed (example: Latham) because the width allows for pedestrians to move safely through the streets.

To the extent that the street narrowing is being contemplated to reduce traffic speed, the Opposing Residents note that the average speed on Arlington and Shirley Streets is 25 mph, the same as the 25-mph speed limit. There is no history of speeding complaints or problems. The Opposing Residents suspect that traffic data for the City, once made available for expert review, will show very few other streets where the average speed is equal to the speed limit. The need to narrow Arlington and Shirley Streets as a manner to control speed of traffic appears to be very small or non-existent, and therefore the drastic changes being proposed for Arlington and Shirley Streets are unnecessary and unjustified.

The Birmingham Residential Street Design Standards do not mandate the narrowing of Arlington and Shirley Streets to 26'. As the City's staff report noted, both Arlington and Shirley Streets are published school bus routes, qualifying them for the exception to be wider than 26' (Section 4(c)). Further, they qualify for the exception because more than two trees are being proposed to be removed. (Section 4(e)). Although the staff report makes an argument that the exception in Section 4(e) does not apply because the City could plant new trees, the Residential Street Design Standards themselves do not have any language that supports such analysis. Rather, the exception (allowing wider streets over 26') in Section 4(e) clearly applies simply if "rebuilding

the road as proposed would result in the removal of two or more trees on any given block". It is that simple. That exception, met here, does not become a nullity by the improper consideration of additional factors not contained in the Street Design Standards.

It should also be noted that several homes in the area are under construction or will be under construction in the next two years (based on construction permits that have been pulled). This means that heavy construction equipment will be present in the area. It would be an irresponsible use of City funds to make street alterations in the 2024 and 2025 calendar years while the road surface is subject to heavy industrial construction equipment and wear and tear.

Trees, Canopy and Landscaping

The Sidewalk Plan calls for the removal of more than 100 trees, many of them very old, large and mature. Those trees provide a natural and beautiful canopy which cannot be replicated by the planting of immature saplings. A comparable canopy would take decades to restore.

Moreover, it is believed that the vast majority of the trees at issue were not prohibited species when planted, and therefore should enjoy a grand-fathered status now.

The characterization of some of these trees as being in "poor" or "fair" condition is disputed by the Opposing Residents. Not only do these characterizations appear undefined and subjective, the categorization for each tree is not clearly supported with objective data for that tree. The Opposing Residents have not experienced significant tree loss, nor is there widespread evidence of dying trees. Before any decisions, and given the unprecedented severity of the tree removal, the Opposing Residents would like to have the City retain a second independent arborist evaluation of these trees and their anticipated lifespan.

Property Value and Cost Considerations

The Opposing Residents strongly believe that the Sidewalk Plan as currently proposed, with sidewalks on both sides of Arlington and Shirley Streets, the clear-cutting of many large historic trees on each side of the streets, the loss of the tree canopy above, and most importantly the loss of the clear vision and maneuverability given the unique parking needs along Arlington and Shirley Streets, will result in a significant negative effect on property values. The Opposing Residents respectfully request that the City Commissioners do not take steps that will reduce property values for the residents of Arlington and Shirley Streets.

Further, the assessment costs which would be imposed on the residents of Arlington and Shirley Streets, as high as $80,000 per home, are prohibitive. The Opposing Residents do not want higher taxes to pay for a project that will destroy the character of their neighborhood.

Conclusion

For the foregoing reasons, the Opposing Residents request that the City Commission NOT approve the Sidewalk Plan on January 8, 2024. We would like to see a multi-year moratorium on any narrowing or sidewalk installation on Arlington and Shirley Streets. As an additional or alternative outcome, the Opposing Residents ask that the City's planning staff be requested to engage in a series of discussions and collaborative exchange with the residents of Arlington and Shirley Streets to examine and explore alternatives to the current Sidewalk Plan. Please do not take steps that will cause the unique character, charm and appeal of the Arlington and Shirley Street area to be lost for decades.

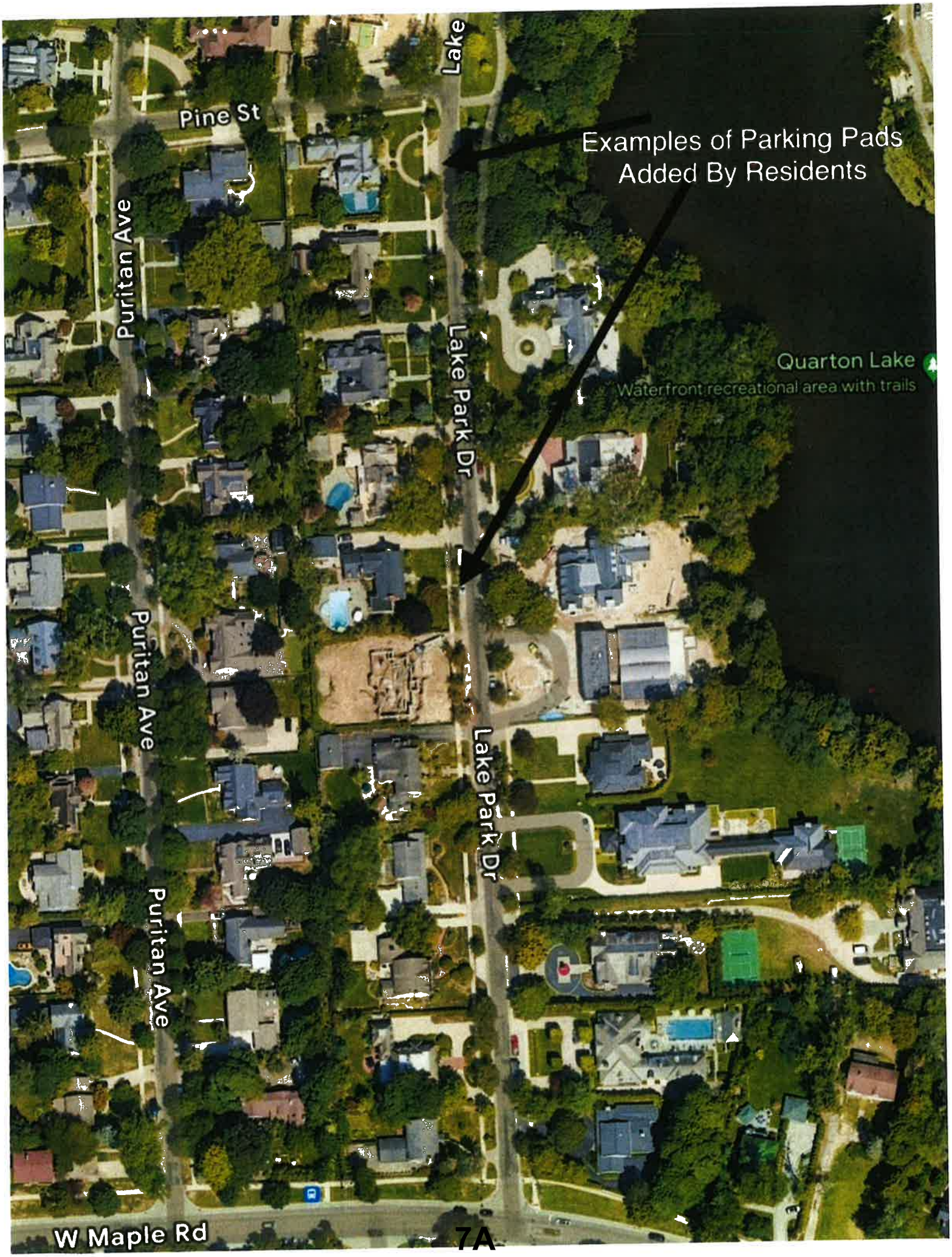
On behalf of the Opposing Residents:

DAWDA MANN, PLC

Edward C. Dawda

John Mucha III

EXHIBIT A


Examples of Parking Pads
Added By Residents
Pine St
Lake
Puritan Ave
Lake Park Dr
Quarton Lake
Waterfront recreational area with trails
Puritan Ave
Lake Park Dr
Puritan Ave
W Maple Rd

7A

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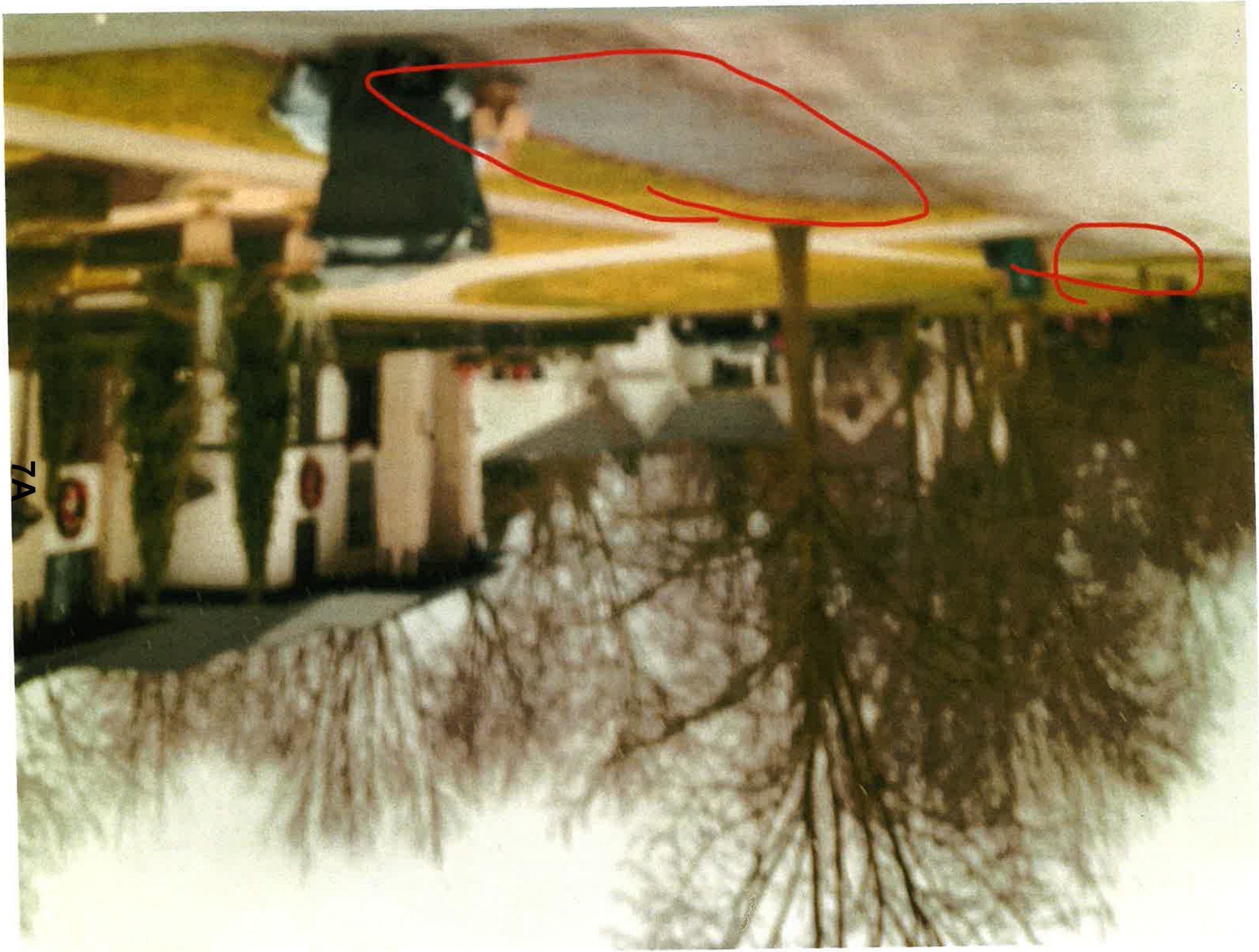

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EXHIBIT B

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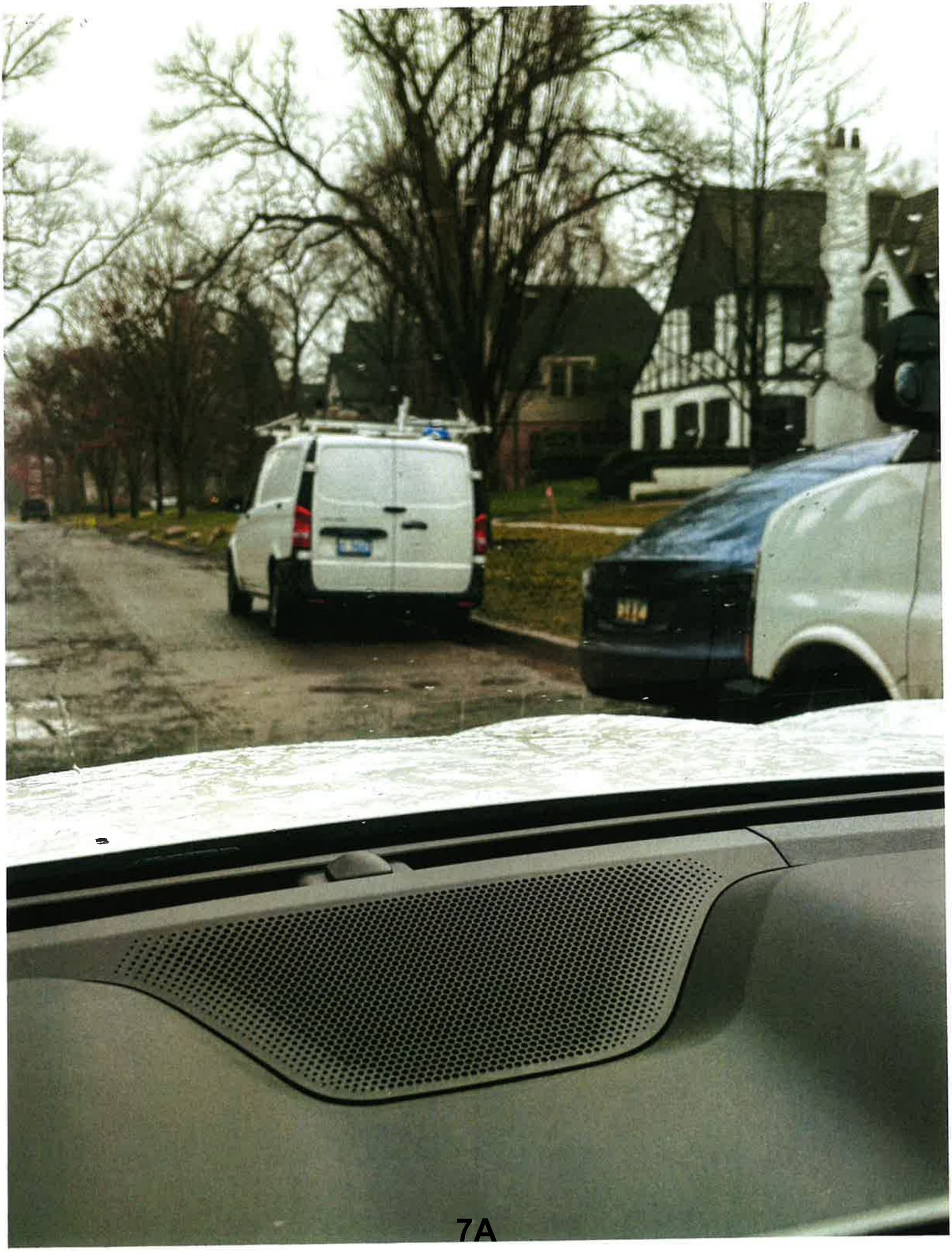


7A

From: **Dorothy Friedel** <dorothy@ddpdm.com>
Date: Tue, Jan 9, 2024 at 12:09 PM
Subject: Arlington Street & Shirley Road Project
To: <emclain@bhamgov.org>, <kschafer@bhamgov.org>, <cballer@bhamgov.org>, <ahaig@bhamgov.org>, <bhost@bhamgov.org>, <along@bhamgov.org>, <tlonge@bhamgov.org>
Cc: Douglas Friedel, Jr. <dougjr@ddpdm.com>

Good afternoon Mayor, Mayer Pro Tem, and Commissioners,

My name is Dorothy Friedel and my husband, Doug, and I own 577 Arlington. We have lived in Birmingham since 2019, when we relocated from Grosse Pointe Woods so our children could attend Eton Academy. Doug and I both grew up on the east side, so we had intended to move back to Grosse Pointe once our children graduated. After living in Birmingham and enjoying all its amenities, especially the walkability, we decided to put down roots here instead and purchased the property on Arlington in 2021.

Having sat through two previous MMTB meetings and last night's city commission meeting, I felt compelled to send this email regarding the Arlington Street and Shirley Road project. Members of the Coryell Park Association, of which Doug and I are currently members, have purported to represent all the members' opinions. They do not represent me or my opinion; I speak for myself and no one else. I am in support of the proposal (Plan A) the MMTB put forth, which was communicated in the survey Doug and I submitted several months ago. To answer Commissioner Haig's question at the end of the meeting, no, my opinion would not change regardless of how the survey was worded. The facts laid out by the city planning department show that the water main and sewers are nearly 100 years old and need to be replaced. Also, sidewalks are part of the city's master plan and would make the neighborhood safer for all residents of Birmingham. These are facts, not conjecture or anecdotal.

I appreciate the amount of thought, effort, and discussion the city has spent on this project. It is not a small undertaking, nor is it popular given the residents will be assessed and that the aesthetic of the neighborhood will change. Ironically, Doug and I considered not buying the property on Arlington due to the lack of sidewalks. Sidewalks seem to be a very polarizing topic and what the residents are most adamantly opposed to, which confounds me. Walking in the street, even if no one has been hit, seriously injured, or killed on Arlington or Shirley to this day, is not safer. As many other residents shared, I, too, walk down Arlington and Shirley nearly every day and do not feel safe in the street. If the city decides to move forward with installing sidewalks, those residents who feel the street is safer or prefer to walk or run in the street would still have the option to do so. Currently, I have no option to walk on a sidewalk, though; I must walk in the street.

As far as the aesthetic change, perhaps I am a rare individual who can visualize what the new street would look like. I do not feel that adding sidewalks on the city easement will impede my ability to enjoy our property or the neighborhood. When we bought 577 Arlington, I did not assume that our property extended all the way to the curb. I was aware that there is an easement and, regardless of whether I take care of or improve that portion of the property, the city owns that property. That is true of all residential properties we have ever owned. I would be surprised if the residents were unaware that there is a city-owned easement that abuts all the lots. Then again, many of the comments made in the three meetings I have watched surprised me.

Also, I have never walked, biked, or driven on a newly improved road and thought it looked better before it was improved. A freshly paved road, with or without sidewalks, is always better than aging roads with potholes, patches, and temporary repairs. While I am not thrilled about the assessment, I understand that, long-term, improving the infrastructure and the road will also improve our property value. At the end of the meeting, Commissioner Haig implied that improving the road may cause Arlington and Shirley residents to move en masse. Regardless of what certain residents may have threatened, I sincerely doubt that would happen, and, if it did, at least they would benefit from the boost to their property's value and new residents would get the benefit of the improved road.

Lastly, and most important, if the Commission decides to postpone or forgo the improvements on Arlington and Shirley, what happens when the water main or sewers fail and residents lose water or have back-ups in their basements? What happens when a house catches fire and the fire department does not have adequate water pressure to fight it? What happens if a pedestrian is walking down the street and is hit by a car? Will the city bear any responsibility for having put together a comprehensive proposal to remediate all the potential issues and declining to move forward because some of the residents thought it would change how their neighborhood looked? I can foresee a time when all the people most vocally opposing the MMTB's proposal will be the same people lining up to blame the city for having all the information and choosing not to move forward, if any of these issues come to pass.

Postponing or forgoing these improvements is not going to address any of the infrastructure concerns, safety concerns, nor will it be cheaper to address them in the future. The cost of construction is certainly not going down, as I can attest to.

Thank you for your time and consideration.

Sincerely,
Dorothy Friedel

BIRMINGHAM
A WALKABLE CITY

Brooks Cowan <bcowan@bhamgov.org>

Proposed Reconstruction of Arlington & Shirley Roads

1 message

Douglas Friedel, Jr. <dougjr@ddpdm.com> Wed, Jan 10, 2024 at 8:27 AM
To: emclain@bhamgov.org, kschafer@bhamgov.org, cballer@bhamgov.org, ahaig@bhamgov.org, bhost@bhamgov.org, along@bhamgov.org, tlonge@bhamgov.org, jecker@bhamgov.org, Dorothy Friedel <dorothy@ddpdm.com>, mfairbairn@bhamgov.org, clemencem@bhamgov.org, mgamboa@bhamgov.org, Brooks Cowan <bcowan@bhamgov.org>, Nicholas Dupuis <ndupuis@bhamgov.org>

Dear Birmingham Commission Members & City Officials,

My family owns 577 Arlington Rd. Here is one resident's opinion based on observable and verifiable facts:

- The infrastructure in the area is aging and needs repair.
- The road surfaces have deteriorated and need rebuilding.
- Adding sidewalks for pedestrians will not make the area less safe (as has been suggested).
- Walking in the street is not enjoyable and is not the best method for pedestrian travel (as has been suggested).
- Re-constructing the roads and adding sidewalks in this area will further Birmingham's goals of walkability and safe travels for all users of the roads.
- Installing sidewalks will not make the area less estate-like. The area has large residential properties and sidewalks won't eliminate this.
- Replacing the dying and non-conforming trees will enhance the aesthetic beauty of the area and further biodiversity.
- The opposing opinions being voiced regarding the reconstruction proposal(s) are drummed-up by a few 'squeaky wheels'. Their opinions do not represent the majority of residents.

Please stay strong and know this about the vast majority of Birmingham citizens:

- We are aware of how hard you work.
- We know that you listen to citizens.
- Many of us do not want to attend City meetings and voice our opinions verbally in front of our neighbors.
- We want the Birmingham Master Plan 2040 to continue.
- Approving this project will transform the area for the better and residents will appreciate the changes in the long-term.

Change is difficult for many people and the entire City will benefit from this work. Please make the correct decision based on the facts and keep up the great work!

--
Best regards,

Douglas Friedel, Jr.
D&D Planning Design Millwork LLC
8646 E. 9 Mile Road
Warren, MI 48089
586.754.6500/-6501-Fax
www.boothsandbars.com

Date: **January 15, 2024**

To: **Jana Ecker, City Manager**
Birmingham City Commissioners

Subject: Arlington/Shirley Alternative Proposal F

Dear City Manager Ecker and Birmingham City Commissioners,

The following pages include an alternative proposal ("Proposal F") developed by a group of Arlington/Shirley residents who would like to remain very collaborative with the City and show that we can be successful together in implementing projects significant in scope that enhance our community but that also require substantial investment by property owners.

Proposal F details are attached for your consideration in an effort to be supportive of the City's goals as presented, to provide consideration for both City budgets and the financial impacts to the citizens, and to provide a reasonable alternative seeking to satisfy the residential majority and minority.

PROPOSAL F

Sewers and Water Mains

This proposal supports the water main replacement and the proposed sewer upgrades as presented by the City. We appreciate the details that were provided and support having the appropriate water pressure for fire suppression as presented in the January 8th, 2024 Commission Meeting.

Road Surface

This proposal supports the original Capital Improvement Plan (CIP) included in the 23-24 FY budget for the replacement of an unimproved road with a new cape-seal pavement surface.

While we understand that concrete streets have a longer life span when not disturbed, the commercial look of concrete would give our streets the appearance of a new

subdivision and is not consistent with the overall character of our streets. In contrast, an asphalt street is much quieter, easier to repair and much more forgiving to occasional mishaps and disturbances from future home construction on the streets. We also support keeping the road as an unimproved road will maintain the City's expenditure within the budgeted levels.

Improving Perceived Safety

This proposal supports the use of limited 'bump-outs' or 'islands' at the two intersections or alternative design proposals that would help calm traffic and reduce average traffic speeds, improving pedestrian safety.

Walk-ability and Sidewalks

To support the City's desire to connect Lincoln with Maple with another sidewalk thoroughfare, this proposal accomplishes this with a proposed ADA-compliant, unconstrained-width sidewalk, running along the western boundary of Linden Park and connecting with the southern end of the Linden Street sidewalk. This proposal would require that a crosswalk be added across Brandon Street at that limited-use intersection (see attached Diagram.)

This proposal addresses the most concerning part of the Proposal A for the residents which was the removal of the 136 mature trees and narrowing of the street and the loss of the idyllic character and charm that compelled many to purchase or build homes on these two unique streets in Birmingham. In addition, this proposal avoids significant destruction of residential landscaping, sprinkler systems, lighting/security systems, driveways and natural features that exist today, much of which will need to be replaced or repaired at the homeowner's expense *in addition* to the special assessment being considered in Proposal A.

To make this new alternative walking path more evident to pedestrians as a choice of route, Proposal F would support enhancements to both entrances to Linden Park. We understand this is not in the scope of the current proposal, but this could be a creative approach to help signal to pedestrians of another beautiful route connecting Lincoln to Maple.

If there is not an available method by which to fund this sidewalk alternative and park entrance enhancement through assessments, the residents supporting Proposal F would like to work with the City to find ways to fund this much less expensive alternative for the City and citizens, including but not limited to fundraising or park donations.

Narrowing of Street & Mature Tree Removal

For avoidance of doubt, this proposal does not support removing the 136 trees to make way for narrowing the streets and adding sidewalks.

Timing

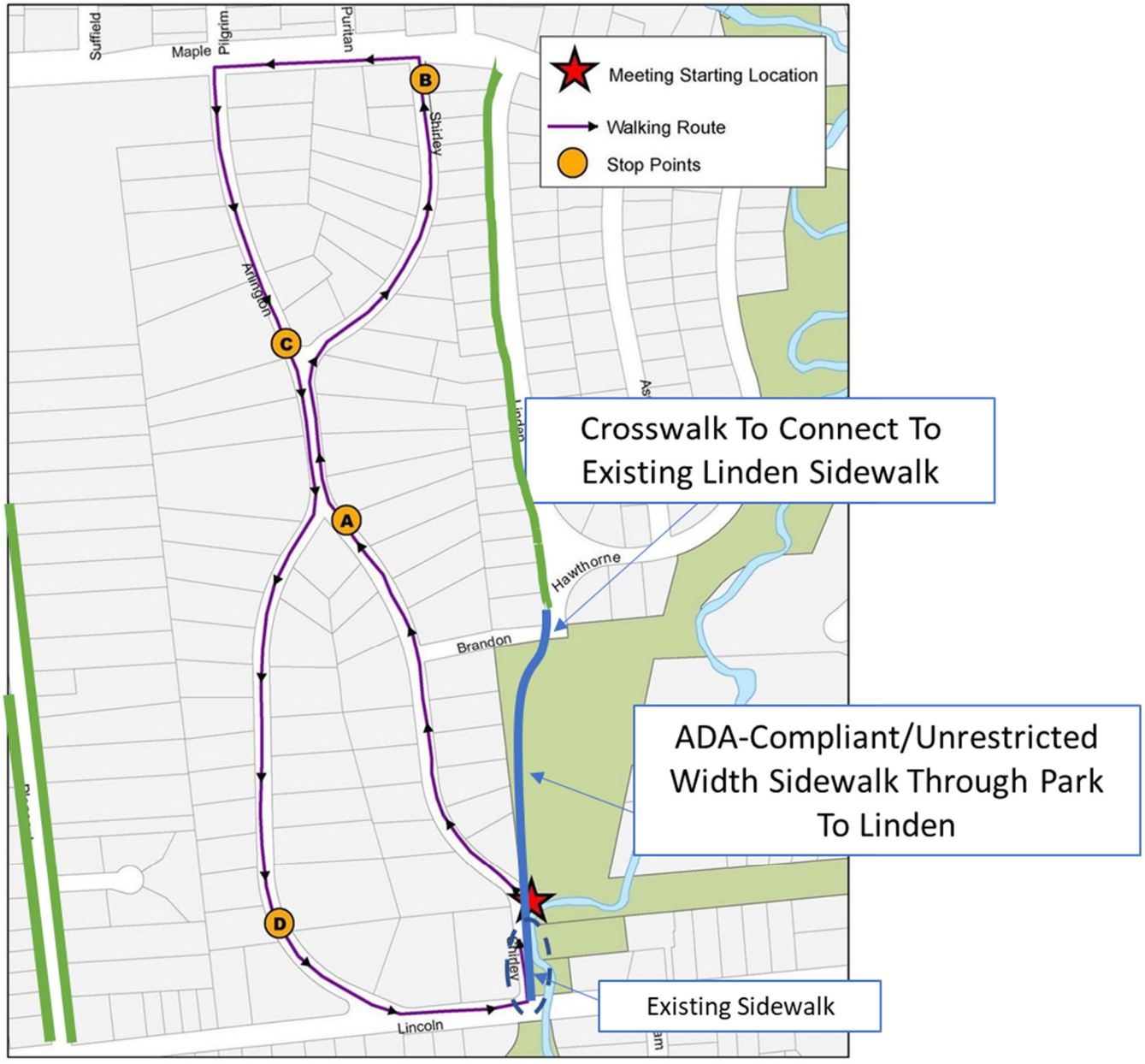
Arlington and Shirley streets had 10 new house projects start in 2023 and 5 more new house projects are expected to start in 2024. Because of this, we ask that our street changes be implemented after these 15 projects are completed or are close to completion to protect the new cape seal surface from construction traffic. We are very excited to finally see new street surfaces for our neighborhood, and a natural slow-down in construction is foreseeable and provides a timely opportunity to make the necessary changes. Given the size of this particular project, we feel it may take this time regardless to properly design, render, quote for cost, and evaluate all alternatives, even the one originally proposed by the City.

Thank you for considering Proposal F, and we look forward to seeing you for the tour on January 20th. We would love to show the community at-large how we can work together to execute very successful projects for the City and it's citizens!

Respectfully submitted,

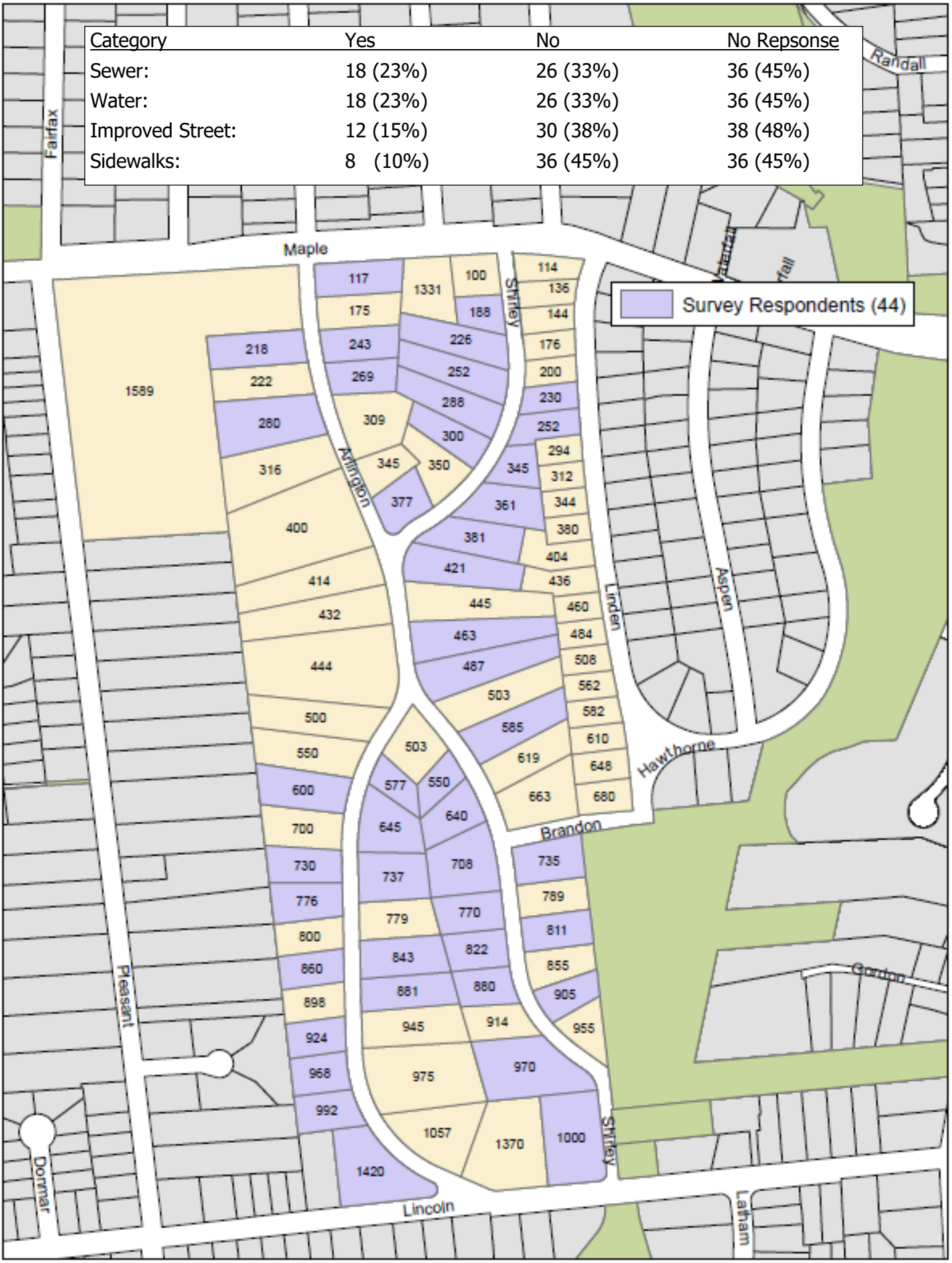
Arlington/Shirley Collaborative Residents Group

PROPOSAL F DIAGRAM



esident Survey esponses

Category	Yes	No	No Repsonse
Sewer:	18 (23%)	26 (33%)	36 (45%)
Water:	18 (23%)	26 (33%)	36 (45%)
Improved Street:	12 (15%)	30 (38%)	38 (48%)
Sidewalks:	8 (10%)	36 (45%)	36 (45%)



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EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

This example is provided to illustrate how the special assessment costs are calculated for a typical residential property. Assuming a 100-foot wide lot is used with a double-car drive approach (20-ft wide), and need to replace the sewer and water lateral (located 20-ft and 30-ft from the property line, respectively):

Paving Assessment:	100 ft @	$300.00 per ft =	$ 30,000
Drive Approach:	200 sq ft @	$10.00 per sq ft =	$ 2,000
Sewer Lateral Replacement:	20 ft @	$100.00 per ft =	$ 2,000
Water Service Replacement:	30 ft @	$90.00 per ft =	$ 2,700
		TOTAL =	$ 36,700

Note that special assessments related to the street improvements illustrated here are payable over a 10-year period (with interest rate to be set at time of special assessment roll being confirmed).

Questionnaire:

1. Are you supportive of the project to improve the water system along your street? We haven't experienced issues with our water supply, but assume its time to replace
2. Are you supportive of the project to improve the sewer system along your street? Yes, we have common issues with flooding and improper drainage that would presumably get fixed?
3. Are you supportive of constructing an improved street upon completion of the underground utility work? I'm not supportive of the improvement and do not want to create a street for easier Maple to Lincoln cutthroughs. We already have this issue and the only
4. Are you supportive of constructing sidewalk along the street? I STRONGLY OPPOSE adding a sidewalk. I walk my dogs everyday and have no issue having no sidewalks. It is unfair to change the layout as it was when we bought the property and

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: Kevin Marsh Phone Number: 248-808-8011

Address: 860 Arlington Email: kmarsh@angleadvisors.com

Sidewalks will only further narrow our street that is over taken nearly EVERY weekday with work trucks, contractors, and other vehicles lining both sides of the street. It is hard to drive down the street already with those vehicles and sidewalks make it worse!

way to keep the speed down is with a bumpy unimproved street

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Questionnaire:

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2. Are you supportive of the project to improve the sewer system along your street? No - We get our sewer on Linden Rd
3. Are you supportive of constructing an improved street upon completion of the underground utility work? No
4. Are you supportive of constructing sidewalk along the street? No - not needed - nor wanted

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: John R. Smith Phone Number: 248-496-1874

Address: 230 Linden Rd. Email: johnjrspop@aol.com

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

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Questionnaire:

1. Are you supportive of the project to improve the water system along your street? NO
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3. Are you supportive of constructing an improved street upon completion of the underground utility work? NO
4. Are you supportive of constructing sidewalk along the street? NO

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: EDWARD & JOANN L. BALLGHMAN Phone Number: 248-642-8720

Address: 117 ARLINGTON Bhm 48009 Email: JOLOBMAN@SBCGLOBAL.NET

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Questionnaire:

1. Are you supportive of the project to improve the water system along your street? ~~NO!~~
2. Are you supportive of the project to improve the sewer system along your street? NO!
3. Are you supportive of constructing an improved street upon completion of the underground utility work? NO!
4. Are you supportive of constructing sidewalk along the street? NO! Too expensive; damaging to environment; destructive of plants & trees; spoiling natural beauty of street; snow shoveling

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: Elaine Hazel

Phone Number: 248 647-4588

Address: 188 Shirley Rd

Email: echazel2@yahoo.com

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Questionnaire:

1. Are you supportive of the project to improve the water system along your street? NO
2. Are you supportive of the project to improve the sewer system along your street? NO

Seem fine. Why waste taxpayer $

3. Are you supportive of constructing an improved street upon completion of the underground utility work? NO - too $$$
4. Are you supportive of constructing sidewalk along the street? NO - too destructive of existing landscaping

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: Gary Saltzgiver
Elaine C. Hanzel

Phone Number: (248) 647-4588

Address: 188 Shirley

Email: gsaltzgiver@yahoo.com
echazel2@yahoo.com

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

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Questionnaire

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2. Are you supportive of the project to improve the sewer system along your street? NO

3. Are you supportive of constructing an improved street upon completion of the underground utility work? NO

4. Are you supportive of constructing sidewalk along the street? NO!

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO [illegible] BY WEDNESDAY, OCTOBER [illegible], 2023.

Contact Information

Name: Kerry Milliron

Phone Number: [illegible]

Address: 218 [illegible]

Email: kerrymilliron@gmail.com

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Contact Information:

Name: Nick Shebib Phone Number: 248703-6929

Address: 226 Shirley Email: NShebib@yahoo.com.

151 Martin Street • P.O. Box 3001 • Birmingham, MI 48012-3001
(248) 530-1800 • Fax (248) 530-1080 • www.bhamgov.org

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Contact Information:

Name: John R. Smith Phone Number: 248-496-1874

Address: 230 Linden Rd. Email: johnjrspop@aol.com

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Questionnaire:

1. Are you supportive of the project to improve the water system along your street? No - it appears to be fine
2. Are you supportive of the project to improve the sewer system along your street? No - it appears to be fine
3. Are you supportive of constructing an improved street upon completion of the underground utility work? Yes - the street surface is an embarrassment in it's current condition; friends and family routinely comment how terrible the surface has become
4. Are you supportive of constructing sidewalk along the street? no

We picked this street for it's charm and privacy with no sidewalks.

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: Lisa Drake & Mike Walsh Phone Number: 248.761.1167

Address: 243 Arlington Email: LDRAKE@foud.com

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4. Are you supportive of constructing sidewalk along the street? No.

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: Robert Drew Billmeyer Phone Number: 248-854-0926

Address: 262 Shirley, Birmingham MI Email: rbillmey@gmail.com

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

This example is provided to illustrate how the special assessment costs are calculated for a typical residential property. Assuming a 100-foot wide lot is used with a double-car drive approach (20-ft wide), and need to replace the sewer and water lateral (located 20-ft and 30-ft from the property line, respectively):

Paving Assessment:	100 ft @	$300.00 per ft =	$ 30,000
Drive Approach:	200 sq ft @	$10.00 per sq ft =	$ 2,000
Sewer Lateral Replacement:	20 ft @	$100.00 per ft =	$ 2,000
Water Service Replacement:	30 ft @	$90.00 per ft =	$ 2,700
		TOTAL =	$ 36,700

Note that special assessments related to the street improvements illustrated here are payable over a 10-year period (with interest rate to be set at time of special assessment roll being confirmed).

Questionnaire:

1. Are you supportive of the project to improve the water system along your street? yes
2. Are you supportive of the project to improve the sewer system along your street? yes
3. Are you supportive of constructing an improved street upon completion of the underground utility work? ~~NO~~ yes
4. Are you supportive of constructing sidewalk along the street? NO

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: Midge Moran

Phone Number: 248-514-4084

Address: 269 Arlington

Email: midgemoran@me.com

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

This example is provided to illustrate how the special assessment costs are calculated for a typical residential property. Assuming a 100-foot wide lot is used with a double-car drive approach (20-ft wide), and need to replace the sewer and water lateral (located 20-ft and 30-ft from the property line, respectively):

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Questionnaire:

1. Are you supportive of the project to improve the water system along your street? NO
2. Are you supportive of the project to improve the sewer system along your street? NO
3. Are you supportive of constructing an improved street upon completion of the underground utility work? NO
4. Are you supportive of constructing sidewalk along the street? NO

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: K. Sherrill Phone Number: 248 752-1305

Address: 252 Linden Road Email: kitsherrill252@gmail.com

This is the most arrogant thing I have ever received.

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

This example is provided to illustrate how the special assessment costs are calculated for a typical residential property. Assuming a 100-foot wide lot is used with a double-car drive approach (20-ft wide), and need to replace the sewer and water lateral (located 20-ft and 30-ft from the property line, respectively):

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2. Are you supportive of the project to improve the sewer system along your street? yes
3. Are you supportive of constructing an improved street upon completion of the underground utility work? ~~NO~~ yes
4. Are you supportive of constructing sidewalk along the street? NO

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: Midge Moran

Phone Number: 248-514-4084

Address: 269 Arlington

Email: midgemoran@me.com

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

This example is provided to illustrate how the special assessment costs are calculated for a typical residential property. Assuming a 100-foot wide lot is used with a double-car drive approach (20-ft wide), and need to replace the sewer and water lateral (located 20-ft and 30-ft from the property line, respectively):

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Questionnaire:

1. Are you supportive of the project to improve the water system along your street? NO
2. Are you supportive of the project to improve the sewer system along your street? NO
3. Are you supportive of constructing an improved street upon completion of the underground utility work? NO
4. Are you supportive of constructing sidewalk along the street? NO

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: Midge Moran Phone Number: 248-514-4084

Address: 269 Arlington Email: midgemoran@kw.com

10/30/2023 final

151 Martin Street • P.O. Box 3001 Birmingham, MI 48012-3001
(248) 530-1800 • Fax (248) 530-1080 • www.bhamgov.org

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

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Note that special assessments related to the street improvements illustrated here are payable over a 10-year period (with interest rate to be set at time of special assessment roll being confirmed).

Questionnaire:

1. Are you supportive of the project to improve the water system along your street? No
2. Are you supportive of the project to improve the sewer system along your street? No
3. Are you supportive of constructing an improved street upon completion of the underground utility work? I assume there will be a rule as current. No
4. Are you supportive of constructing sidewalk along the street? No.

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: NIHARIKA RAMDEV Phone Number: (347) 429-4438

Address: 280 ARLINGTON ST Email: n.ramdev@yahoo.com

Birmingham, MI

Updated based on most recent information.
Please disregard prior survey.
City should be responsible to maintain water & sewer systems - we should not have to pay for it.

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

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Questionnaire:

1. Are you supportive of the project to improve the water system along your street? NO
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3. Are you supportive of constructing an improved street upon completion of the underground utility work? NO
4. Are you supportive of constructing sidewalk along the street? NO

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: ALFRED FISHER

Phone Number: 248-515-5705

Address: 288 SHIRLEY
BIRMINGHAM, MI 48009

Email: AJFISHER4@FISHERCO.COM

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EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

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Questionnaire:

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2. Are you supportive of the project to improve the sewer system along your street? No
3. Are you supportive of constructing an improved street upon completion of the underground utility work? No
4. Are you supportive of constructing sidewalk along the street? No

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: David Mendelson Phone Number: 248-453-1248

Address: 300 Shirley, Bham Email: dm@mendelsonlaw.net

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

This example is provided to illustrate how the special assessment costs are calculated for a typical residential property. Assuming a 100-foot wide lot is used with a double-car drive approach (20-ft wide), and need to replace the sewer and water lateral (located 20-ft and 30-ft from the property line, respectively):

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Questionnaire:

1. Are you supportive of the project to improve the water system along your street? NO
2. Are you supportive of the project to improve the sewer system along your street? NO
3. Are you supportive of constructing an improved street upon completion of the underground utility work? NO
4. Are you supportive of constructing sidewalk along the street? NO

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: Alice & Richard Silbergleit Phone Number: 313-671-5133

Address: 345 Shirley Road Email: asilbergleit@gmail.com

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

This example is provided to illustrate how the special assessment costs are calculated for a typical residential property. Assuming a 100-foot wide lot is used with a double-car drive approach (20-ft wide), and need to replace the sewer and water lateral (located 20-ft and 30-ft from the property line, respectively):

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		TOTAL =	$ 36,700

Note that special assessments related to the street improvements illustrated here are payable over a 10-year period (with interest rate to be set at time of special assessment roll being confirmed).

Questionnaire:

1. Are you supportive of the project to improve the water system along your street? NO!
2. Are you supportive of the project to improve the sewer system along your street? NO!
3. Are you supportive of constructing an improved street upon completion of the underground utility work? NO!
4. Are you supportive of constructing sidewalk along the street? ABSOLUTELY NOT!!
   WE HAVE BEEN HERE 40 YEARS, raised 4 young children without sidewalks!

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: DR CREAGH MILFORD Phone Number: 248 330-4817 / 248 318 618

Address: 361 SHIRLEY RD Email: Kmilford47@ad.com

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

This example is provided to illustrate how the special assessment costs are calculated for a typical residential property. Assuming a 100-foot wide lot is used with a double-car drive approach (20-ft wide), and need to replace the sewer and water lateral (located 20-ft and 30-ft from the property line, respectively):

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Questionnaire:

1. Are you supportive of the project to improve the water system along your street? NO!
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3. Are you supportive of constructing an improved street upon completion of the underground utility work? NO!
4. Are you supportive of constructing sidewalk along the street? NO! NO! NO!

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: Minelli Family

Address: 377 Arlington St
Birmingham, MI 48009

Phone Number: 248 593 9868

Email: mike@minellifamily.com

151 Martin Street • P.O. Box 3001 • Birmingham, MI 48012-3001
(248) 530-1800 • Fax (248) 530-1080 • www.bhamgov.org

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT
SPECIAL ASSESSMENT COST EXAMPLE

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Note that special assessments related to the street improvements illustrated here are payable over a 10-year period (with interest rate to be set at time of special assessment roll being confirmed).

Questionnaire:

1. Are you supportive of the project to improve the water system along your street? YES
2. Are you supportive of the project to improve the sewer system along your street? YES
3. Are you supportive of constructing an improved street upon completion of the underground utility work? NO - NOT AT OUR EXPENSE !!!
4. Are you supportive of constructing sidewalk along the street? NO
   Absolutely NOT! We have been here 27 years - sidewalks not needed!

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: ERIC HEAD Phone Number: 248-229-0692

Address: 381 SHIRLEY RD. Email: KALEY328@AOL.COM

Karyn Davis - co owner

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

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Questionnaire:

1. Are you supportive of the project to improve the water system along your street? YES
2. Are you supportive of the project to improve the sewer system along your street? YES
3. Are you supportive of constructing an improved street upon completion of the underground utility work? YES
4. Are you supportive of constructing sidewalk along the street? YES - WE REALLY WANT/NEED SIDEWALKS - FOR SAFETY - LOTS OF LITTLE KIDS -

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: Vanessa & JOE DURHAM Phone Number: 248-977-9500

Address: 421 ARLINGTON ST. Email: Vanessar626@yahoo.com
BIRMINGHAM, MI 48009 Joemdurham@gmail.com

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

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3. Are you supportive of constructing an improved street upon completion of the underground utility work? YES
4. Are you supportive of constructing sidewalk along the street? YES

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: Calvin + Sarah Ford

Phone Number: 313-961-0500

Address: 463 Arlington Street

Email: HF17CRFD@gmail.com

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

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1. Are you supportive of the project to improve the water system along your street? yes
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3. Are you supportive of constructing an improved street upon completion of the underground utility work? yes
4. Are you supportive of constructing sidewalk along the street? yes

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: Douglas DelGrosso

Phone Number: 248 719 1038

Address: 487 Arlington

Email: dgdelgrosso@comcast.net

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

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Questionnaire:

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3. Are you supportive of constructing an improved street upon completion of the underground utility work? NO
4. Are you supportive of constructing sidewalk along the street? NO

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: JOHN GRAHAM

Phone Number: 248 613 2286

Address: 550 SHIRLEY RD

Email: JOHNYG411@GMAIL.COM

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

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Questionnaire:

1. Are you supportive of the project to improve the water system along your street? YES
2. Are you supportive of the project to improve the sewer system along your street? YES
3. Are you supportive of constructing an improved street upon completion of the underground utility work? YES - 100%!!!
4. Are you supportive of constructing sidewalk along the street? YES

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: Douglas & Dorothy Friedel

Phone Number: 313.701.3321

Address: 577 Arlington Birmingham MI 48009

Email: DougJR@DDPDM.com

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

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Questionnaire:

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3. Are you supportive of constructing an improved street upon completion of the underground utility work? Yes
4. Are you supportive of constructing sidewalk along the street? NO

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: Andrea Brown

Phone Number: 248-417-9701

Address: 585 Shirley Rd.

Email: Andrea@AndreaBrown interiors.com

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

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Questionnaire:

1. Are you supportive of the project to improve the water system along your street? Yes.
2. Are you supportive of the project to improve the sewer system along your street? Yes.
3. Are you supportive of constructing an improved street upon completion of the underground utility work? Undecided, interested in hearing more details on the project and the opinions of our neighbors.
4. Are you supportive of constructing sidewalk along the street? Definite no, we love the wider street and would not want to see trees and plants removed and replaced with sidewalks.

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: Ryan Chayka Phone Number: (248) 330-3375

Address: 600 Arlington St., Birmingham, MI 48009 Email: ryanchayka@mac.com

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

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~~$30,000~~ 38,400

Paving Assessment:	100 ft @	$300.00 per ft =	$ 30,000
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Questionnaire:

1. Are you supportive of the project to improve the water system along your street? No
2. Are you supportive of the project to improve the sewer system along your street? No
3. Are you supportive of constructing an improved street upon completion of the underground utility work? NO - Our neighborhood is constantly under construction the trucks will ruin a new road
4. Are you supportive of constructing sidewalk along the street? No

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: Joseph Carter

Address: 640 Shirley

Phone Number: 586-876-9166

Email: joseph-carter@live.com

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

This example is provided to illustrate how the special assessment costs are calculated for a typical residential property. Assuming a 100-foot wide lot is used with a double-car drive approach (20-ft wide), and need to replace the sewer and water lateral (located 20-ft and 30-ft from the property line, respectively):

Paving Assessment:	100 ft @	$300.00 per ft =	$ 30,000
Drive Approach:	200 sq ft @	$10.00 per sq ft =	$ 2,000
Sewer Lateral Replacement:	20 ft @	$100.00 per ft =	$ 2,000
Water Service Replacement:	30 ft @	$90.00 per ft =	$ 2,700
		TOTAL =	$ 36,700

Note that special assessments related to the street improvements illustrated here are payable over a 10-year period (with interest rate to be set at time of special assessment roll being confirmed).

Questionnaire:

1. Are you supportive of the project to improve the water system along your street? NO
2. Are you supportive of the project to improve the sewer system along your street? NO
3. Are you supportive of constructing an improved street upon completion of the underground utility work? NO
4. Are you supportive of constructing sidewalk along the street? NO

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER 3, 2023.

Contact Information:

Name: Y Imro

Phone Number: 248-420-8665

Address: 645 Arlington

Email: Imiro@intromarketing.com

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

This example is provided to illustrate how the special assessment costs are calculated for a typical residential property. Assuming a 100-foot wide lot is used with a double-car drive approach (20-ft wide), and need to replace the sewer and water lateral (located 20-ft and 30-ft from the property line, respectively):

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Note that special assessments related to the street improvements illustrated here are payable over a 10-year period (with interest rate to be set at time of special assessment roll being confirmed).

Questionnaire:

1. Are you supportive of the project to improve the water system along your street? Yes
2. Are you supportive of the project to improve the sewer system along your street? Yes
3. Are you supportive of constructing an improved street upon completion of the underground utility work? Yes
4. Are you supportive of constructing sidewalk along the street? Yes

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: SAFI HAMID

Address: 708 Shirley Rd

Phone Number: 248 760 1218

Email: sbh_999@yahoo.com
safi.hamid248@gmail.com

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

This example is provided to illustrate how the special assessment costs are calculated for a typical residential property. Assuming a 100-foot wide lot is used with a double-car drive approach (20-ft wide), and need to replace the sewer and water lateral (located 20-ft and 30-ft from the property line, respectively):

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Questionnaire:

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2. Are you supportive of the project to improve the sewer system along your street? NO
3. Are you supportive of constructing an improved street upon completion of the underground utility work? NO
4. Are you supportive of constructing sidewalk along the street? NO

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER 3, 2023.

Contact Information:

Name: Bob & Heidi Meyers Phone Number: 201-562-0323

Address: 730 Arlington Email: gtbmidr@gmail.com

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

This example is provided to illustrate how the special assessment costs are calculated for a typical residential property. Assuming a 100-foot wide lot is used with a double-car drive approach (20-ft wide), and need to replace the sewer and water lateral (located 20-ft and 30-ft from the property line, respectively):

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Questionnaire:

1. Are you supportive of the project to improve the water system along your street? YES
2. Are you supportive of the project to improve the sewer system along your street? YES
3. Are you supportive of constructing an improved street upon completion of the underground utility work? NO
4. Are you supportive of constructing sidewalk along the street? NO

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: DUNCAN ALDRED

Address: 735 SHIRLEY ROAD
BIRMINGHAM, MI
48009

Phone Number: 313 910 0283

Email: duncan.aldred@gmail.com

Melissa

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

This example is provided to illustrate how the special assessment costs are calculated for a typical residential property. Assuming a 100-foot wide lot is used with a double-car drive approach (20-ft wide), and need to replace the sewer and water lateral (located 20-ft and 30-ft from the property line, respectively):

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Questionnaire:

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2. Are you supportive of the project to improve the sewer system along your street? No
3. Are you supportive of constructing an improved street upon completion of the underground utility work? No
4. Are you supportive of constructing sidewalk along the street? NO

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: _____ Phone Number: _____

Address: _____ Email: _____

will these "NO" answers just affect lateral sewer & water lines? Please call me Tues AM 248.420.5117 Jim Mino

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

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		TOTAL =	$ 36,700

Note that special assessments related to the street improvements illustrated here are payable over a 10-year period (with interest rate to be set at time of special assessment roll being confirmed).

Questionnaire:

1. Are you supportive of the project to improve the water system along your street? NO
2. Are you supportive of the project to improve the sewer system along your street? NO
3. Are you supportive of constructing an improved street upon completion of the underground utility work? NO
4. Are you supportive of constructing sidewalk along the street? NO

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER 3, 2023.

Contact Information:

Name: JAMES MIRRO

Phone Number: 248-420-5113

Address: 737 ARLINGTON

Email: jmirro@intromarketing.com

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

This example is provided to illustrate how the special assessment costs are calculated for a typical residential property. Assuming a 100-foot wide lot is used with a double-car drive approach (20-ft wide), and need to replace the sewer and water lateral (located 20-ft and 30-ft from the property line, respectively):

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Note that special assessments related to the street improvements illustrated here are payable over a 10-year period (with interest rate to be set at time of special assessment roll being confirmed).

Questionnaire:

1. *Are you supportive of the project to improve the water system along your street?* YES
2. Are you supportive of the project to improve the sewer system along your street? YES
3. Are you supportive of constructing an improved street upon completion of the underground utility work? YES
4. Are you supportive of constructing sidewalk along the street? DEFINITELY NO

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: MARK ROGERS

Phone Number: 248 229 7977

Address: 770 Shirley

Email: TeamR5@comcast.net

BIRMINGHAM
A WALKABLE CITY

Melissa Coatta <mcoatta@bhamgov.org>

Arlington/Shirley plans

1 message

Fremont Scott <sawbone@comcast.net> Thu, Oct 5, 2023 at 9:00 AM
To: "mcoatta@bhamgov.org" <mcoatta@bhamgov.org>

Disagree with all proposal re Water/Sewers/Resurfacing and Sidewalks

Scott

776 Arlington

Sent from Mail for Windows

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

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		TOTAL =	$ 36,700

Note that special assessments related to the street improvements illustrated here are payable over a 10-year period (with interest rate to be set at time of special assessment roll being confirmed).

Questionnaire:

1. Are you supportive of the project to improve the water system along your street? no
2. Are you supportive of the project to improve the sewer system along your street? no
3. Are you supportive of constructing an improved street upon completion of the underground utility work? no
4. Are you supportive of constructing sidewalk along the street? no

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: STUART BORMAN Phone Number: 248-420-2600

Address: 811 Shirley Email: SB@Borman.net

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

This example is provided to illustrate how the special assessment costs are calculated for a typical residential property. Assuming a 100-foot wide lot is used with a double-car drive approach (20-ft wide), and need to replace the sewer and water lateral (located 20-ft and 30-ft from the property line, respectively):

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		TOTAL =	$ 36,700

Note that special assessments related to the street improvements illustrated here are payable over a 10-year period (with interest rate to be set at time of special assessment roll being confirmed).

Questionnaire:

1. Are you supportive of the project to improve the water system along your street? YES
2. Are you supportive of the project to improve the sewer system along your street? YES
3. Are you supportive of constructing an improved street upon completion of the underground utility work? DEPENDS ON DESIGN. BUT YES, GENERALLY
4. Are you supportive of constructing sidewalk along the street? YES, ON ONE SIDE, DEPENDING ON DESIGN. NO CURB ADJACENT = SIDEWALK

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: BALLER

Address: 822 SHIRLEY

Phone Number: 248-703-8365

Email: cmballer@avidpays.com
judy.baller@gmail.com

EXPRESSION OF INTEREST SURVEY FOR STREET I

SPECIAL ASSESSMENT COST EXAMPLE

is example is provided to illustrate how the special assessment costs are calculated for a typical residential operty. Assuming a 100-foot wide lot is used with a double-car drive approach (20-ft wide), and need to place the sewer and water lateral (located 20-ft and 30-ft from the property line, respectively):

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Drive Approach:	200 sq ft @	$10.00 per sq ft =	$ 2,000
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		TOTAL =	$ 36,700

ote that special assessments related to the street improvements illustrated here are payable over a 10-year eriod (with interest rate to be set at time of special assessment roll being confirmed).

uestionnaire:

Are you supportive of the project to improve the water system along your street? Yes

Are you supportive of the project to improve the sewer system along your street? Yes

Are you supportive of constructing an improved street upon completion of the underground utility work? No

Are you supportive of constructing sidewalk along the street? Strongly opposed

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: Brian Connolly Phone Number: 2486468919

Address: 843 Arlington Email: bconnolly1@aol.com

bconnolly1@aol.com

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

This example is provided to illustrate how the special assessment costs are calculated for a typical residential property. Assuming a 100-foot wide lot is used with a double-car drive approach (20-ft wide), and need to replace the sewer and water lateral (located 20-ft and 30-ft from the property line, respectively):

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		TOTAL =	$ 36,700

Note that special assessments related to the street improvements illustrated here are payable over a 10-year period (with interest rate to be set at time of special assessment roll being confirmed).

Questionnaire:

1. Are you supportive of the project to improve the water system along your street? We haven't experienced issues with our water supply, but assume its time to replace
2. Are you supportive of the project to improve the sewer system along your street? Yes, we have common issues with flooding and improper drainage that would presumably get fixed?
3. Are you supportive of constructing an improved street upon completion of the underground utility work? I'm not supportive of the improvement and do not want to create a street for easier Maple to Lincoln cutthroughs. We already have this issue and the only
4. Are you supportive of constructing sidewalk along the street? I STRONGLY OPPOSE adding a sidewalk. I walk my dogs everyday and have no issue having no sidewalks. It is unfair to change the layout as it was when we bought the property and

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Contact Information:

Name: Kevin Marsh Phone Number: 248-808-8011

Address: 860 Arlington Email: kmarsh@angleadvisors.com

Sidewalks will only further narrow our street that is over taken nearly EVERY weekday with work trucks, contractors, and other vehicles lining both sides of the street. It is hard to drive down the street already with those vehicles and sidewalks make it worse!

way to keep the speed down is with a bumpy unimproved street

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

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Questionnaire:

1. Are you supportive of the project to improve the water system along your street? WE ARE SUPPORTIVE
2. Are you supportive of the project to improve the sewer system along your street? WE ARE SUPPORTIVE
3. Are you supportive of constructing an improved street upon completion of the underground utility work? WE ARE SUPPORTIVE
4. Are you supportive of constructing sidewalk along the street? WE ARE SUPPORTIVE

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: CHRISTOPHER & KAREN GAUDETTE Phone Number: 248-705-0492

Address: 880 SHIRLEY RD Email: cgaudette@aegai.com

151 Martin Street • P.O. Box 3001 • Birmingham, MI 48012-3001
(248) 530-1800 • Fax (248) 530-1080 • www.bhamgov.org

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

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Note that special assessments related to the street improvements illustrated here are payable over a 10-year period (with interest rate to be set at time of special assessment roll being confirmed).

Questionnaire:

1. Are you supportive of the project to improve the water system along your street? No

2. Are you supportive of the project to improve the sewer system along your street? NO

3. Are you supportive of constructing an improved street upon completion of the underground utility work? NO

4. Are you supportive of constructing sidewalk along the street? NO

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: Mike & Lindsay VanSyckle Phone Number: 415-602-9343

Address: 881 Arlington St Email: lindsay.lee.vansyckle@gmail.com

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

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Note that special assessments related to the street improvements illustrated here are payable over a 10-year period (with interest rate to be set at time of special assessment roll being confirmed).

Questionnaire:

1. Are you supportive of the project to improve the water system along your street? Yes
2. Are you supportive of the project to improve the sewer system along your street? Yes
3. Are you supportive of constructing an improved street upon completion of the underground utility work? Yes but interested to know more about it. have questions
4. Are you supportive of constructing sidewalk along the street? Yes

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: Tony + Lynn Trense
Phone Number: 248.731.7740
Address: 905 Shirley
Email: lynn.trense@comcast.net

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

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Questionnaire:

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3. Are you supportive of constructing an improved street upon completion of the underground utility work? No
4. Are you supportive of constructing sidewalk along the street? No

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Contact Information:

Name: G. TRIVAX

Phone Number: 248.417.7093

Address: 924 ARLINGTON BHAM

Email: GATREE@AOL.COM.

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

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Questionnaire:

1. Are you supportive of the project to improve the water system along your street? YES
2. Are you supportive of the project to improve the sewer system along your street? YES
3. Are you supportive of constructing an improved street upon completion of the underground utility work? YES
4. Are you supportive of constructing sidewalk along the street? ABSOLUTELY NOT

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: SAWYER

Phone Number: 704-904-9250

Address: 968 ARLINGTON

Email: RSAWYER824@AOL.COM

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

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Questionnaire:

1. Are you supportive of the project to improve the water system along your street? YES
2. Are you supportive of the project to improve the sewer system along your street? YES
3. Are you supportive of constructing an improved street upon completion of the underground utility work? ???
4. Are you supportive of constructing sidewalk along the street? NO

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: Ed Levy, Jr. (for Linda Diener) Phone Number: 313-849-9225

Address: 970 Shirley Rd. Email: elevy@edwlevy.net

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

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Questionnaire:

1. Are you supportive of the project to improve the water system along your street? NO
2. Are you supportive of the project to improve the sewer system along your street? NO
3. Are you supportive of constructing an improved street upon completion of the underground utility work? NO
4. Are you supportive of constructing sidewalk along the street? NO

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: Janet/Jean Lannen Phone Number: 650-580-7271

Address: 992 ARLINGTON Email: jeanlannen@mac.com

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

This example is provided to illustrate how the special assessment costs are calculated for a typical residential property. Assuming a 100-foot wide lot is used with a double-car drive approach (20-ft wide), and need to replace the sewer and water lateral (located 20-ft and 30-ft from the property line, respectively):

Paving Assessment:	100 ft @	$300.00 per ft =	$ 30,000
Drive Approach:	200 sq ft @	$10.00 per sq ft =	$ 2,000
Sewer Lateral Replacement:	20 ft @	$100.00 per ft =	$ 2,000
Water Service Replacement:	30 ft @	$90.00 per ft =	$ 2,700
		TOTAL =	$ 36,700

Note that special assessments related to the street improvements illustrated here are payable over a 10-year period (with interest rate to be set at time of special assessment roll being confirmed).

Questionnaire:

1. Are you supportive of the project to improve the water system along your street? No

2. Are you supportive of the project to improve the sewer system along your street? No

3. Are you supportive of constructing an improved street upon completion of the underground utility work? No

4. Are you supportive of constructing sidewalk along the street? No

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: Simon Leopold and Sarah Winkler Phone Number: 917-687-1165

Address: 1000 Shirley Rd Email: SarahWinkler@detroitpublictheatre.org
Birmingham, MI 48009

EXPRESSION OF INTEREST SURVEY FOR STREET IMPROVEMENT

SPECIAL ASSESSMENT COST EXAMPLE

This example is provided to illustrate how the special assessment costs are calculated for a typical residential property. Assuming a 100-foot wide lot is used with a double-car drive approach (20-ft wide), and need to replace the sewer and water lateral (located 20-ft and 30-ft from the property line, respectively):

Paving Assessment:	100 ft @	$300.00 per ft =	$ 30,000
Drive Approach:	200 sq ft @	$10.00 per sq ft =	$ 2,000
Sewer Lateral Replacement:	20 ft @	$100.00 per ft =	$ 2,000
Water Service Replacement:	30 ft @	$90.00 per ft =	$ 2,700
		TOTAL =	$ 36,700

Note that special assessments related to the street improvements illustrated here are payable over a 10-year period (with interest rate to be set at time of special assessment roll being confirmed).

Questionnaire:

1. Are you supportive of the project to improve the water system along your street? NO – OUR PROPERTY RECEIVES WATER FROM WEST LINCOLN, NOT ARLINGTON. WE SHOULD NOT HAVE TO PAY FOR WATER SYSTEM IMPROVEMENTS ALONG ARLINGTON.
2. Are you supportive of the project to improve the sewer system along your street? NO – THE SEWER AND DRAINAGE SYSTEMS ON ARLINGTON APPEAR TO BE PERFORMING ADEQUATELY WITH NO SIGNIFICANT BACK-UPS OR FLOODING. ALSO WE PREVIOUSLY REPLACED OUR SEWER LINE TO THE STREET (ARLINGTON) AT OUR OWN EXPENSE.
3. Are you supportive of constructing an improved street upon completion of the underground utility work? NO – VEHICLES ARE CURRENTLY DRIVEN AT EXCESSIVE SPEEDS ON ARLINGTON (OFTEN MORE THAN 35 MPH). IF THE STREET IS IMPROVED, CARS WILL BE DRIVEN EVEN FASTER, AND PUBLIC SAFETY WILL BE ENDANGERED.
4. Are you supportive of constructing sidewalk along the street? NO – THIS WOULD RESULT IN THE DESTRUCTION OF MANY TREES AND NEGATIVELY AFFECT THE AESTHETICS OF THE BEAUTIFUL LOTS ON ARLINGTON AND SHIRLEY.

PLEASE SUBMIT A SCAN OR PHOTO OF THIS FORM TO MCOATTA@BHAMGOV.ORG BY WEDNESDAY, OCTOBER, 2023.

Contact Information:

Name: WILLIAM AND NANCY EDMUNDS Phone Number: 248-763-9741 (WILLIAM – CELL #)

Address: 1420 WEST LINCOLN BIRMINGHAM, MI 48009 Email: Williamcedmunds@gmail.com


EXHIBIT B - EAST
6.5' WIDE INTEGRAL WALK/CURB ("CARRIAGE WALK") ON EAST SIDES OF ARLINGTON & SHIRLEY (EXCEPT ON WEST SIDE OF SHIRLEY NORTH OF ARLINGTON). HOLD EXISTING OPPOSITE CURB LINES TO ALLOW FOR POSSIBLE RE-SURFACING AND TO MINIMIZE R.O.W. DISRUPTION OUTSIDE EX. ROAD LIMITS (TOTAL PROPOSED ROAD & WALK WIDTH ~ EX. 33' B-B TYPICAL ROAD WIDTH). NARROW BOTH TRAVEL LANES TO 13' (+/-) TO ACCOMMODATE CARRIAGE WALK.
NF ENGINEERS
civil Engineers
Land Surveyors
Land Planners
1" = 20'
MATCH-LINE WEST
REVISED ROAD C/L & CROWN ALIGNMENT (TYP.)
ROAD IMPROVEMENTS SHOWN EXTENDED IN BRANDON ST. R.O.W. FOR POSSIBLE FUTURE EXTENSION
BRANDON ST.
50' WD. R.O.W.
MATCH INTO EX. CARRIAGE WALK DEAD-END ON EAST SIDE OF SHIRLEY OR POSSIBLY REVIEW NARROWING EX. ROADWAY TO LINCOLN AVE.
19-35-227-015
19-35-227-016
19-35-227-017
19-35-227-018
19-35-227-037
19-35-227-038
19-35-227-039
19-35-227-004
19-35-227-005
19-35-227-006
19-35-227-008
19-35-227-009
19-35-227-010
19-35-227-011
19-35-227-012
19-35-227-013
19-35-227-030
19-35-276-014
19-35-276-015
19-35-276-016
19-35-276-017
19-35-276-018
19-35-276-024
19-35-276-021
19-35-276-022
19-35-277-001
19-35-277-002
19-35-277-003
19-35-277-004
19-35-277-048
19-35-277-049


NF
ENGINEERS
Civil Engineering
Land Development
Land Planning
EXHIBIT B - WEST
8'6" WIDE INTEGRAL WALK/CURB ("CARRIAGE WALK") ON EAST SIDES OF ARCHITECTURAL SHIRLEY (EXCEPT ON WEST SIDE OF SHIRLEY NORTH OF ARCHITECTURAL HOLD EXISTING CURB AND GUTTER ON EAST SIDE) TO MINIMIZE EARTH SURFACING AND TO MINIMIZE R.O.W. DISRUPTION OUTSIDE (EX. ROAD LIMITS (TOTAL PROPOSED ROAD & WALK WIDTH – EX. 33' B-B TYPICAL ROAD WIDTH). NARROW BOTH TRAVEL LANES TO 13 (+/-) TO ACCOMMODATE CARRIAGE WALK.
MATCH LINE EAST
MATCH LINE EAST
MATCH LINE EAST


MATCH-LINE WEST
MATCH-LINE WEST
MATCH-LINE WEST
EXHIBIT C - EAST
5' WIDE
SIDEWALK ON EAST SIDES OF ARLINGTON AND SHIRLEY CIRCUIT ON SHIRLEY NORTH OF ARLINGTON, WHERE 5' WIDE WALK IS SHOWN ON WEST SIDE OF SHIRLEY'S TYPICAL SIDEWALK ALIGNMENT 1' OFF R.O.W. BRIDGE ROAD WIDTH TO 27' (9-6). INCLUDE ROAD GEOMETRY AND SIDEWALK ALIGNMENT AT CORNER OF SHIRLEY AND WEST ST. SEE "CONNECT AT FOR DETAILED LOCATIONS WHERE CONCERT SIDEWALK ALIGNMENT CREATES CONFLICTS W TREES, LANDSCAPING, UTILITY POLES, ETC.
NF ENGINEERS
Land Engineers
Land Surveyors
Land Planners
NOTE: CONCRETE PAVING LAYOUT PROV. WITH 2 WEEK TO BE REVIEWED WITH CONCRETE CONTRACTOR PRIOR TO PAVING TO MINIMIZE THE NUMBER OF CONTROL JOINTS


NF ENGINEERS
EXHIBIT C - WEST
5' WIDE SIDEWALK ON EAST SIDE OF MR. NED DRIVE AND SHIRLEY (EXCEPT ON SHIRLEY NORTH OF ARLINGTON, WHERE 5' WIDE WALK IS SHOWN ON WEST SIDE OF SHIRLEY). TYPICAL BACKWALK ALIGNMENT 1' OFF R.O.W. REDUCE ROAD WIDTH TO 27' (E.B.). INCLUDE ROAD GEOMETRY AND PEDESTRIAN CROSSING LOCATIONS SIMILAR TO "EXHIBIT B". SEE "EXHIBIT B" FOR: 08 FAILED LOCATIONS WHERE, DUE TO SEVERE OVERHEAD UTILITY CONFLICTS W/ TREES, LANDSCAPING, UTILITY POLES, ETC.
MATCH LINE EAST
MATCH LINE EAST
MATCH LINE EAST

The following includes the summary tables of speed data and vehicle counts taken from Shirley and Arlington December 19, 2023 to Dec 22, 2023. Additional speed data was requested from a 3rd party reviewer by the Police Department following the December 5, 2023 hearing with the Multi-Modal Transportation Board. The final report is 160+ pages and is available upon request from the Police Department.

Type of report: Tube Count - Speed Data

SUMMARY - Tube Count - Speed Data

LOCATION: Arlington St Btwn Shirley Rd (North) and Shirley Rd (South)
SPECIFIC LOCATION:
CITY/STATE: Birmingham, MI

QC JOB #: 16432801
DIRECTION: NB
DATE: Dec 19 2023 - Dec 22 2023

Speed Range	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	251	453	609	341	66	6	0	0	0	0	0	0	0	0	1726	16-25	1062
Percent	14.5%	26.2%	35.3%	19.8%	3.8%	0.3%	0%	0%	0%	0%	0%	0%	0%	0%			
Cumulative Percent	14.5%	40.8%	76.1%	95.8%	99.7%	100%	100%	100%	100%	100%	100%	100%	100%	100%			

ADT 431

85th Percentile: 27 MPH
Mean Speed(Average): 21 MPH
Median: 21 MPH
Mode: 23 MPH

Comments:

Report generated on 12/22/2023 12:27 PM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net)

Type of report: Tube Count - Speed Data

SUMMARY - Tube Count - Speed Data

LOCATION: Arlington St Btwn Shirley Rd (North) and Shirley Rd (South)
SPECIFIC LOCATION:
CITY/STATE: Birmingham, MI

QC JOB #: 16432801
DIRECTION: NB, SB
DATE: Dec 19 2023 - Dec 22 2023

Speed Range	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	531	1015	1426	781	163	19	0	0	0	0	0	0	0	0	3935	16-25	2441
Percent	13.5%	25.8%	36.2%	19.8%	4.1%	0.5%	0%	0%	0%	0%	0%	0%	0%	0%			
Cumulative Percent	13.5%	39.3%	75.5%	95.4%	99.5%	100%	100%	100%	100%	100%	100%	100%	100%	100%			

ADT 983

85th Percentile: 27 MPH
Mean Speed(Average): 21 MPH
Median: 21 MPH
Mode: 23 MPH

Comments:

Report generated on 12/22/2023 12:27 PM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net)

Type of report: Tube Count - Speed Data

SUMMARY - Tube Count - Speed Data

LOCATION: Arlington St Btwn Shirley Rd (North) and Shirley Rd (South)
SPECIFIC LOCATION:
CITY/STATE: Birmingham, MI

QC JOB #: 16432801
DIRECTION: SB
DATE: Dec 19 2023 - Dec 22 2023

Speed Range	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	280	562	817	440	97	13	0	0	0	0	0	0	0	0	2209	16-25	1379
Percent	12.7%	25.4%	37%	19.9%	4.4%	0.6%	0%	0%	0%	0%	0%	0%	0%	0%			
Cumulative Percent	12.7%	38.1%	75.1%	95%	99.4%	100%	100%	100%	100%	100%	100%	100%	100%	100%			

ADT 552

85th Percentile: 27 MPH
Mean Speed(Average): 21 MPH
Median: 21 MPH
Mode: 23 MPH

Comments:

Report generated on 12/22/2023 12:27 PM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net)

Type of report: Tube Count - Speed Data

SUMMARY - Tube Count - Speed Data

LOCATION: Arlington St Btwn Lincoln St and Shirley Rd (South)
SPECIFIC LOCATION:
CITY/STATE: Birmingham, MI
QC JOB #: 16432802
DIRECTION: NB
DATE: Dec 19 2023 - Dec 22 2023

Speed Range	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	51	108	135	39	5	0	0	0	0	0	0	0	0	0	338	16-25	243
Percent	15.1%	32%	39.9%	11.5%	1.5%	0%	0%	0%	0%	0%	0%	0%	0%	0%			
Cumulative Percent	15.1%	47%	87%	98.5%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%			

ADT 84

85th Percentile: 24 MPH
Mean Speed(Average): 20 MPH
Median: 20 MPH
Mode: 23 MPH

Comments:

Report generated on 12/22/2023 12:27 PM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net)

Type of report: Tube Count - Speed Data

SUMMARY - Tube Count - Speed Data

LOCATION: Arlington St Btwn Lincoln St and Shirley Rd (South)
SPECIFIC LOCATION:
CITY/STATE: Birmingham, MI
QC JOB #: 16432802
DIRECTION: NB, SB
DATE: Dec 19 2023 - Dec 22 2023

Speed Range	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	80	232	318	96	9	0	0	0	0	0	0	0	0	0	735	16-25	550
Percent	10.9%	31.6%	43.3%	13.1%	1.2%	0%	0%	0%	0%	0%	0%	0%	0%	0%			
Cumulative Percent	10.9%	42.4%	85.7%	98.8%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%			

ADT 183

85th Percentile: 24 MPH
Mean Speed(Average): 20 MPH
Median: 20 MPH
Mode: 23 MPH

Comments:

Report generated on 12/22/2023 12:27 PM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net)

Type of report: Tube Count - Speed Data

SUMMARY - Tube Count - Speed Data

LOCATION: Arlington St Btwn Lincoln St and Shirley Rd (South)
SPECIFIC LOCATION:
CITY/STATE: Birmingham, MI
QC JOB #: 16432802
DIRECTION: SB
DATE: Dec 19 2023 - Dec 22 2023

Speed Range	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	29	124	183	57	4	0	0	0	0	0	0	0	0	0	397	16-25	307
Percent	7.3%	31.2%	46.1%	14.4%	1%	0%	0%	0%	0%	0%	0%	0%	0%	0%			
Cumulative Percent	7.3%	38.5%	84.6%	99%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%			

ADT 99

85th Percentile: 25 MPH
Mean Speed(Average): 21 MPH
Median: 21 MPH
Mode: 23 MPH

Comments:

Report generated on 12/22/2023 12:27 PM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net)

Type of report: Tube Count - Speed Data

SUMMARY - Tube Count - Speed Data

LOCATION: Shirley Rd Btwn Brandon St and Lincoln St
SPECIFIC LOCATION:
CITY/STATE: Birmingham, MI
QC JOB #: 16432803
DIRECTION: NB
DATE: Dec 19 2023 - Dec 22 2023

Speed Range	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	90	409	819	324	28	0	0	0	0	0	0	0	0	0	1670	16-25	1228
Percent	5.4%	24.5%	49%	19.4%	1.7%	0%	0%	0%	0%	0%	0%	0%	0%	0%			
Cumulative Percent	5.4%	29.9%	78.9%	98.3%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%			

ADT 417

85th Percentile: 26 MPH
Mean Speed(Average): 22 MPH
Median: 22 MPH
Mode: 23 MPH

Comments:

Report generated on 12/22/2023 12:27 PM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net)

Type of report: Tube Count - Speed Data

SUMMARY - Tube Count - Speed Data

LOCATION: Shirley Rd Btwn Brandon St and Lincoln St
SPECIFIC LOCATION:
CITY/STATE: Birmingham, MI
QC JOB #: 16432803
DIRECTION: NB, SB
DATE: Dec 19 2023 - Dec 22 2023

Speed Range	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	204	785	1765	924	141	8	0	0	0	0	0	0	0	0	3827	21-30	2689
Percent	5.3%	20.5%	46.1%	24.1%	3.7%	0.2%	0%	0%	0%	0%	0%	0%	0%	0%			
Cumulative Percent	5.3%	25.8%	72%	96.1%	99.8%	100%	100%	100%	100%	100%	100%	100%	100%	100%			

ADT 956

85th Percentile: 27 MPH
Mean Speed(Average): 22 MPH
Median: 22 MPH
Mode: 23 MPH

Comments:

Report generated on 12/22/2023 12:27 PM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net)

Type of report: Tube Count - Speed Data

SUMMARY - Tube Count - Speed Data

LOCATION: Shirley Rd Btwn Brandon St and Lincoln St
SPECIFIC LOCATION:
CITY/STATE: Birmingham, MI
QC JOB #: 16432803
DIRECTION: SB
DATE: Dec 19 2023 - Dec 22 2023

Speed Range	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	114	376	946	600	113	8	0	0	0	0	0	0	0	0	2157	21-30	1546
Percent	5.3%	17.4%	43.9%	27.8%	5.2%	0.4%	0%	0%	0%	0%	0%	0%	0%	0%			
Cumulative Percent	5.3%	22.7%	66.6%	94.4%	99.6%	100%	100%	100%	100%	100%	100%	100%	100%	100%			

ADT 539

85th Percentile: 28 MPH
Mean Speed(Average): 23 MPH
Median: 23 MPH
Mode: 23 MPH

Comments:

Report generated on 12/22/2023 12:27 PM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net)

Type of report: Tube Count - Speed Data

SUMMARY - Tube Count - Speed Data

LOCATION: Arlington St Btwn Maple Rd and Shirley Rd
SPECIFIC LOCATION:
CITY/STATE: Birmingham, MI
QC JOB #: 16432804
DIRECTION: NB
DATE: Dec 19 2023 - Dec 22 2023

Speed Range	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	134	256	576	499	109	15	0	0	0	0	0	0	0	0	1589	21-30	1075
Percent	8.4%	16.1%	36.2%	31.4%	6.9%	0.9%	0%	0%	0%	0%	0%	0%	0%	0%			
Cumulative Percent	8.4%	24.5%	60.8%	92.2%	99.1%	100%	100%	100%	100%	100%	100%	100%	100%	100%			

ADT 397

85th Percentile: 28 MPH
Mean Speed(Average): 23 MPH
Median: 23 MPH
Mode: 23 MPH

Comments:

Report generated on 12/22/2023 12:27 PM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net)

Type of report: Tube Count - Speed Data

SUMMARY - Tube Count - Speed Data

LOCATION: Arlington St Btwn Maple Rd and Shirley Rd
SPECIFIC LOCATION:
CITY/STATE: Birmingham, MI
QC JOB #: 16432804
DIRECTION: NB, SB
DATE: Dec 19 2023 - Dec 22 2023

Speed Range	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	245	485	1266	1246	300	35	4	0	0	0	0	0	0	0	3581	21-30	2512
Percent	6.8%	13.5%	35.4%	34.8%	8.4%	1%	0.1%	0%	0%	0%	0%	0%	0%	0%			
Cumulative Percent	6.8%	20.4%	55.7%	90.5%	98.9%	99.9%	100%	100%	100%	100%	100%	100%	100%	100%			

ADT 895

85th Percentile: 29 MPH
Mean Speed(Average): 24 MPH
Median: 24 MPH
Mode: 23 MPH

Comments:

Report generated on 12/22/2023 12:27 PM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net)

Type of report: Tube Count - Speed Data

SUMMARY - Tube Count - Speed Data

LOCATION: Arlington St Btwn Maple Rd and Shirley Rd
QC JOB #: 16432804
SPECIFIC LOCATION:
DIRECTION: SB
CITY/STATE: Birmingham, MI
DATE: Dec 19 2023 - Dec 22 2023

Speed Range	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	111	229	690	747	191	20	4	0	0	0	0	0	0	0	1992	21-30	1437
Percent	5.6%	11.5%	34.6%	37.5%	9.6%	1%	0.2%	0%	0%	0%	0%	0%	0%	0%			
Cumulative Percent	5.6%	17.1%	51.7%	89.2%	98.8%	99.8%	100%	100%	100%	100%	100%	100%	100%	100%			

ADT 498

85th Percentile: 29 MPH
Mean Speed(Average): 24 MPH
Median: 24 MPH
Mode: 28 MPH

Comments:

Report generated on 12/22/2023 12:27 PM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net)

Type of report: Tube Count - Speed Data

SUMMARY - Tube Count - Speed Data

LOCATION: Shirley Rd Btwn Maple Rd and Arlington St
QC JOB #: 16432805
SPECIFIC LOCATION:
DIRECTION: NB
CITY/STATE: Birmingham, MI
DATE: Dec 19 2023 - Dec 22 2023

Speed Range	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	67	96	122	63	10	0	0	0	0	0	0	0	0	0	358	16-25	218
Percent	18.7%	26.8%	34.1%	17.6%	2.8%	0%	0%	0%	0%	0%	0%	0%	0%	0%			
Cumulative Percent	18.7%	45.5%	79.6%	97.2%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%			

ADT 89

85th Percentile: 26 MPH
Mean Speed(Average): 20 MPH
Median: 20 MPH
Mode: 23 MPH

Comments:

Report generated on 12/22/2023 12:27 PM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net)

Type of report: Tube Count - Speed Data

SUMMARY - Tube Count - Speed Data

LOCATION: Shirley Rd Btwn Maple Rd and Arlington St
QC JOB #: 16432805
SPECIFIC LOCATION:
DIRECTION: NB, SB
CITY/STATE: Birmingham, MI
DATE: Dec 19 2023 - Dec 22 2023

Speed Range	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	139	178	276	137	31	0	1	0	0	0	0	0	0	0	762	16-25	454
Percent	18.2%	23.4%	36.2%	18%	4.1%	0%	0.1%	0%	0%	0%	0%	0%	0%	0%			
Cumulative Percent	18.2%	41.6%	77.8%	95.8%	99.9%	99.9%	100%	100%	100%	100%	100%	100%	100%	100%			

ADT 190

85th Percentile: 26 MPH
Mean Speed(Average): 21 MPH
Median: 21 MPH
Mode: 23 MPH

Comments:

Report generated on 12/22/2023 12:27 PM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net)

Type of report: Tube Count - Speed Data

SUMMARY - Tube Count - Speed Data

LOCATION: Shirley Rd Btwn Maple Rd and Arlington St
QC JOB #: 16432805
SPECIFIC LOCATION:
DIRECTION: SB
CITY/STATE: Birmingham, MI
DATE: Dec 19 2023 - Dec 22 2023

Speed Range	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total Percent	72 17.8%	82 20.3%	154 38.1%	74 18.3%	21 5.2%	0 0%	1 0.2%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	404	16-25	236
Cumulative Percent	17.8%	38.1%	76.2%	94.6%	99.8%	99.8%	100%	100%	100%	100%	100%	100%	100%	100%			

ADT
101

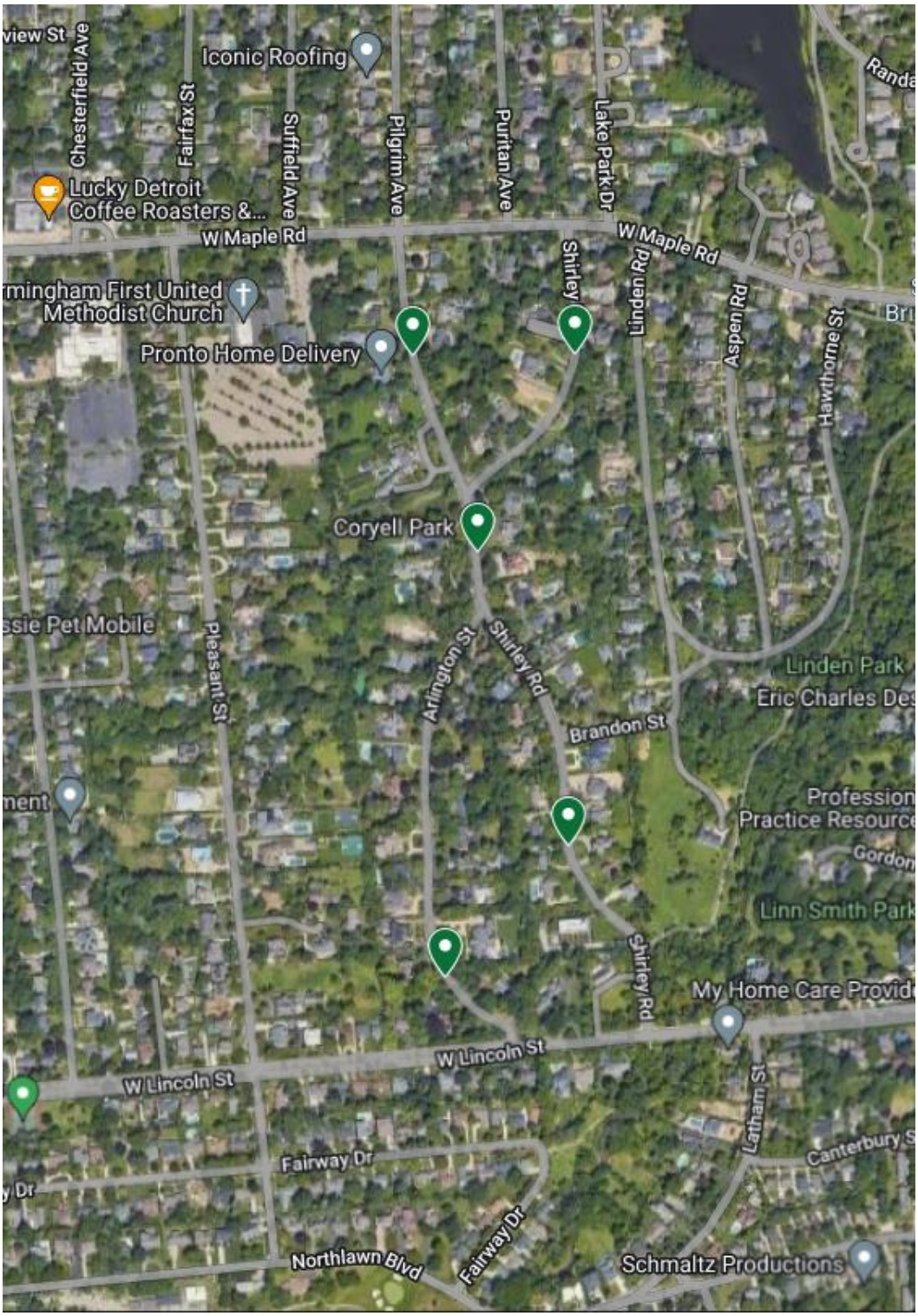
85th Percentile: 27 MPH
Mean Speed(Average): 21 MPH
Median: 21 MPH
Mode: 23 MPH

Comments:

Report generated on 12/22/2023 12:27 PM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net)

Shirley & Arlington Recorded Speed Locations – December, 2023



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Shirley Rd. & Arlington St.

Interim Report for City Initiated Unimproved Street Project

Planning & Engineering Division

Presented by: Brooks Cowan
Melissa Coatta

Date: January 8, 2024

Meeting Schedule Summary

Arlington Rd. & Shirley Drive

- January 21, 2023 – Long Range Planning and Capital Improvements presentation with City Commission (Since 2017/2018)
- April 29, 2023 - Budget hearing and approval with City Commission
- September 7, 2023 MMTB - Preliminary review and discussion
- October 5, 2023 MMTB - Preliminary review and discussion
- October 16, 2023 - Sewer and water resident discussion with staff (informal discussion, not a formal meeting)
- November 2, 2023 MMTB – Preliminary review and discussion. Set a public hearing for road width.
- December 5, 2023 MMTB - Public Hearing with recommendation on street width and street design to City Commission
- January 8, 2024 – (Today) Interim Report for City Initiated Unimproved Street Project on utilities and street design with City Commission
- Hearing of necessity for Special Assessment (TBD)
- Special Assessment Approval of Roll (TBD)

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Existing Conditions: Shirley & Arlington

- Shirley and Arlington are unimproved streets, meaning they were originally constructed as a gravel surface and then later treated with chip seal surfacing
- Sewer and Water mains were installed in 1927
- 50’ public right-of-way (City property)
- 33’ wide roads, with 8’-9’ of city property on each side

Existing Conditions: Shirley & Arlington

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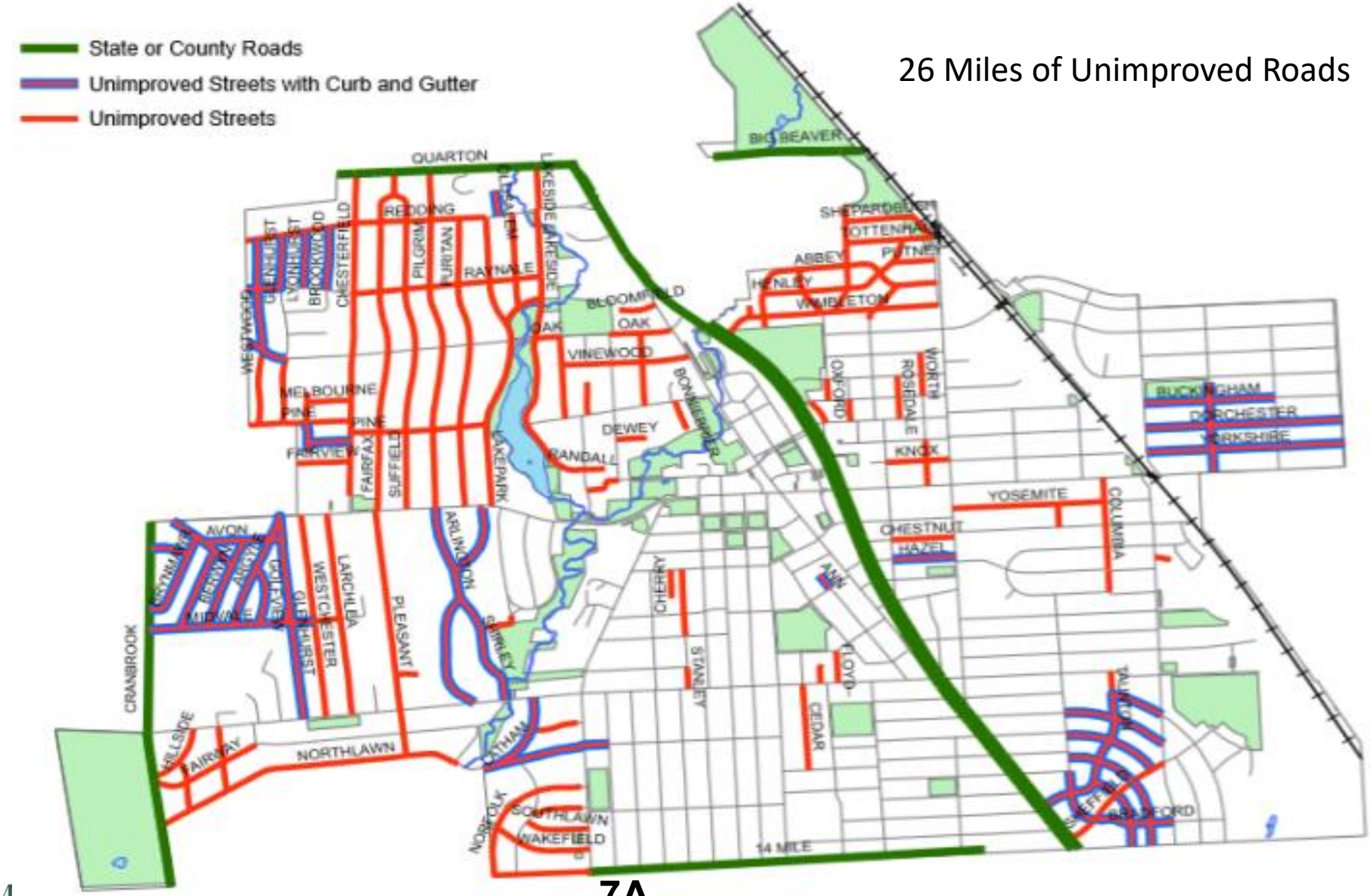
Unimproved Streets Committee: 2018-2020



26 Miles of Unimproved Roads

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Unimproved Streets Committee: 2018-2020

- The committee was composed of seven total members with two elected City Commissioners, three residents living on an unimproved street from different areas of the City, one resident living on an improved street, and one member with a background in road design.

- The Committee held 15 public meetings between 2018 to 2020 for policy review and recommendations.

- Created a Final Report with recommendations which was accepted by City Commission on December 21, 2020.

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Unimproved Streets Committee - 3 Key Recommendations

1. Change the initiation process so that project initiation begins with the City and not the homeowners.

2. Use concrete for new improved streets and allow for the consideration of asphalt as an alternative road surface material at the determination of the City Engineer when reviewing such factors as long term costs, maintenance requirements, limited use areas such as courts and dead end streets that experience considerably less traffic counts.

3. Use General Fund transfers to fund just the road component of the improvement with bonds providing the funding for the water and sewer improvements.

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Procedure for City Street Improvements - October 25, 2021

Muni-Code Section 94-4: Initiation of improvement by Commission.

a.) Proceedings for making public improvements within the city may be commenced by resolution of the city commission, on its own initiative, making the improvement and special assessment mandatory.

b.) In order to ascertain what level of support exists among property owners to be assessed for a special improvement, the city commission may choose to direct staff to circulate an expression of interest form.

c.) The commission shall carefully consider any petition or expression of interest forms received, but both petitions and expression of interest forms shall be advisory only. Petitions or expression of interest forms shall in no event be mandatory upon the commission.

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Procedure for City Street Improvements - October 25, 2021

Muni-Code Section 94-6: City Engineer's Report

(a) Before the commission shall decide on making any public improvements, whether initiated by commission or property owners through the petition process, the city engineer shall prepare and submit a preliminary report to the city commission …

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City of Birmingham
A Walkable Community

ENGINEERING DEPT. POLICY STATEMENT

PROCEDURE FOR CITY STREET IMPROVEMENTS

(proposed 2021 version)

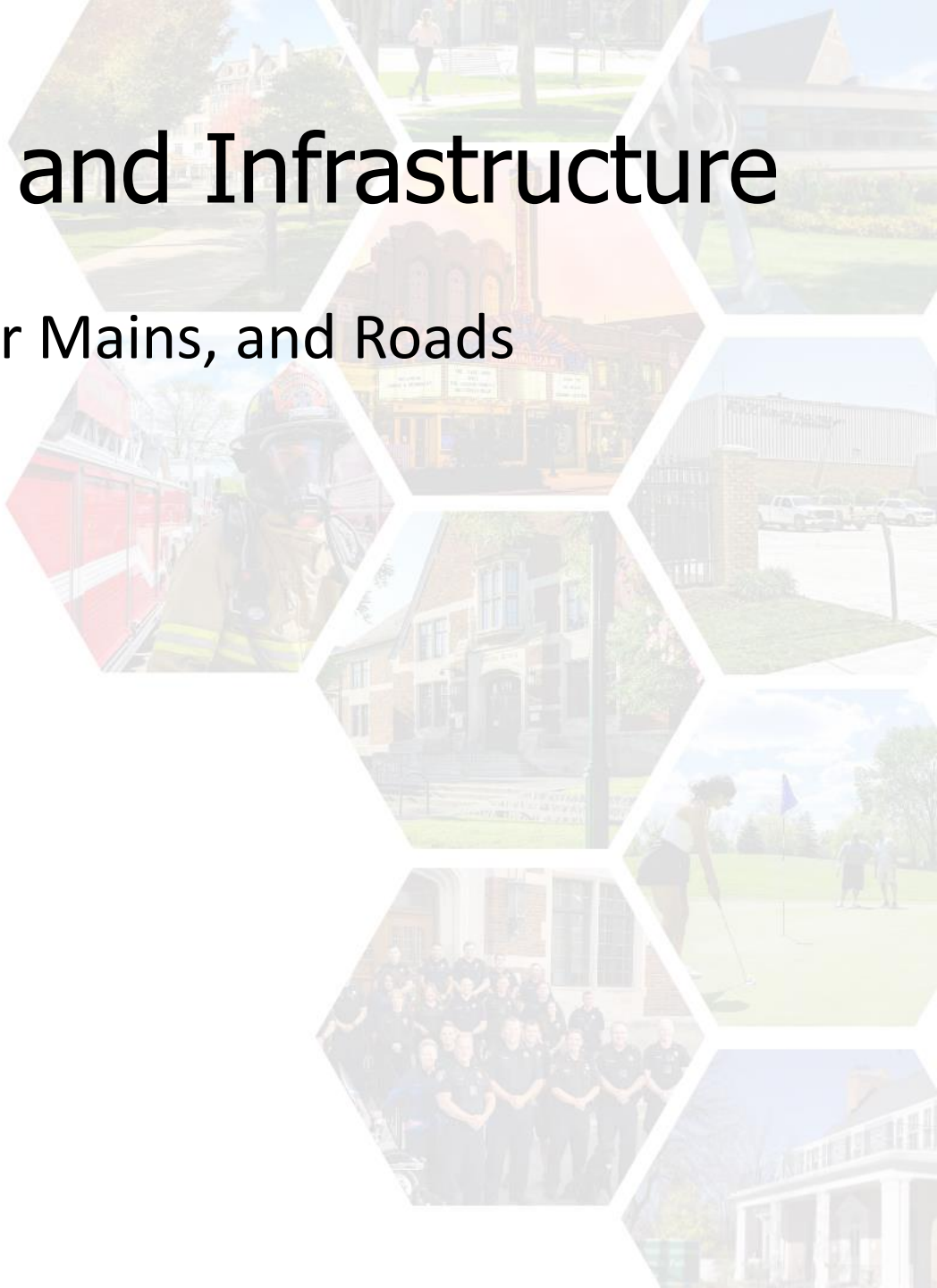
B. City-Initiated Project:

From time to time, the City Engineering Department may determine that construction of a project on an unimproved street should be initiated by the City. The main factors for making this determination would be where public sewer and/or water system improvements are needed, and construction of those utilities would necessitate removal of a portion of the existing roadway. Instead of simply restoring the cape-seal road surface after the utility construction, the City may start the process by engaging the property owners on the street about constructing an improved road. The City-initiated process would include the following steps:

1. The Engineering Department will identify project areas as part of the usual Capital Improvement Planning (CIP) process, where projects are planned over the upcoming 5 year time period. Occasionally, the need for a project is more unexpected by nature, and may not be part of the 5-year CIP.

Engineering Report: Utilities and Infrastructure

- Existing Conditions of Sewer Mains, Water Mains, and Roads
- Infrastructure Scoring Process
- Proposed Enhancements



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Existing Utility Information

- Arlington Street:
  - Water: 6” Cast Iron Pipe, installed 1927
  - Sewer:
    - South of Shirley: 10”- 15” Sewer drains to Lincoln, installed 1927
    - North of Shirley: 10”- 12” Sewer drains to Shirley, installed 1927
      15” – 24” Relief sewer, installed 1968

- Shirley Road:
  - Water: 6” Cast Iron Pipe, installed 1927
  - Sewer:
    - 10” - 24” Sewer drains towards Lincoln, installed 1927
    - 18” - 27” Relief sewer, installed 1968

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Existing Utility Information

- Water pipes from 2023 Pierce Street Project (Installed 1920s)

Selecting City Projects

Scoring Process

- Road: 0-100 points
- Sewer: 0-100 points
- Water: 0-100 points

- Higher points: Required Replacement

- Max Point: 300 points

- Proximity, staging, and traffic management taken into account

- Majority of streets in red are scheduled in CIP within next 5-7 years

City of Birmingham
Unimproved Roads Block Ratings

9/10/2021

Street (GIS Block Name)	Begin	End	2021 Water Points (0-100)	2019 Sewer Points (0-100)	Road Points (0-100)	Total Block Rating (0-300)
BLOOMFIELD	OLDWOODWARD	DEAD END	100	89	70	262
WIMBLETON	OXFORD	POPLLETON	94	91	70	258
OXFORD	ABBEY	WIMBLETON	100	77	70	250
SHEPARDBUSH	WARWICK	WIMBLETON	100	77	70	250
TORRY	TAUNTON	SHEFFIELD	94	72	80	248
HENLEY	ABBEY	OXFORD	100	73	70	246
HENLEY	WARWICK	OXFORD	100	73	70	246
TAUNTON	WOODWARD	TORRY	100	71	70	244
BRADFORD	SHEFFIELD	TORRY	94	72	70	239
WARWICK	ABBEY	HENLEY	100	75	60	239
ABBEY	HENLEY	DEAD END	100	64	70	237
ABBEY	HENLEY	OXFORD	100	64	70	237
LARCHLEA	LINCOLN	MIDVALE	100	80	50	235
TOTTENHAM	HENLEY	SHEPARDBUSH	100	59	70	232
WARWICK	HENLEY	WIMBLETON	100	77	50	232
HENLEY	TOTTENHAM	PUTNEY	100	58	70	231
TOTTENHAM	HENLEY	WARWICK	100	58	70	231
HUMPHREY	ETON	TAUNTON	76	72	80	230
WESTWOOD	RAYNALE	OAK	100	75	50	230
STANLEY	WALLACE	LINCOLN	87	86	50	228
FAIRWAY	GREENLAWN	GOLFVIEW	83	79	60	226
GREENLAWN	HILLSIDE	FAIRWAY	83	79	60	226
WESTWOOD	OAK	PINE	76	86	60	226
FLOYD	GEORGE	LINCOLN	74	86	60	224
SOUTHLAWN	LATHAM	SOUTHFIELD	76	74	70	223
WIMBLETON	POPPLETON	ADAMS	59	89	70	221
YOSEMITE	YANKEE	COLUMBIA	83	74	60	221
ARLINGTON	SHIRLEY	LINCOLN	81	75	60	220
HENLEY	ABBEY	WARWICK	76	71	70	220
HUMPHREY	TORRY	TAUNTON	76	62	80	220
SHEFFIELD	TORRY	BRADFORD	94	79	40	219
TAUNTON	CROFT	TORRY	66	71	80	219
EDENBOROUGH	MAPLE	YORKSHIRE	81	73	60	218
PENISTONE	FOURTEENMILE	BRADFORD	66	70	80	218
KIMBERLEY	PINE	DEAD END	76	77	60	217
PENISTONE	SHEFFIELD	TAUNTON	76	59	80	217
PENISTONE	SHEFFIELD	BRADFORD	76	59	80	217
RAYNALE	GLENHURST	WESTWOOD	100	62	50	217
FAIRVIEW	CHESTERFIELD	DEAD END	53	88	70	214
HAZEL	ADAMS	ELM	73	68	70	214
FAIRWAY	ARDEN	GOLFVIEW	76	64	70	213
HILLSIDE	CRANBROOK	GREENLAWN	83	65	60	212
YOSEMITE	ADAMS	YANKEE	59	80	70	212
ABBEY	POPPLETON	HENLEY	76	80	50	211
WESTWOOD	REDDING	RAYNALE	100	56	50	211
POPPLETON	ABBEY	WIMBLETON	59	87	60	210
MELBOURNE	KIMBERLEY	CHESTERFIELD	68	77	60	209
SHIRLEY	ARLINGTON	LINCOLN	79	75	50	209
GOLFVIEW	ARGYLE	MIDVALE	76	68	60	208
MELTON	TAUNTON	ETON	66	60	80	208
MIDVALE	GOLFVIEW	ARGYLE	76	68	60	208
ABBEY	WARWICK	OXFORD	59	75	70	207
MIDVALE	LARCHLEA	WESTCHESTER	56	87	60	207
SHIRLEY	MAPLE	ARLINGTON	71	72	60	207
TAUNTON	CROFT	PENISTONE	94	40	70	207
ARLINGTON	SHIRLEY	SHIRLEY	76	75	50	206
BRADFORD	PENISTONE	CROFT	76	56	70	205
BRADFORD	ETON	PENISTONE	76	56	70	205

P:\Unimproved_Streets\20210913_CCworkshop\20210830_Block_Combined_Points

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HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

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Selecting City Projects

Infrastructure Ratings (300 = Max Total Block Rating)

Roadsoft Block Name	Street (GIS Block Name)	Begin	End	Road Type	2021 Water Points (0-100)	2019 Sewer Points (0-100)	Road Points (0-100)	Total Block Rating (0-300)
ARLINGTON SHIRLEY LINCOLN	ARLINGTON	SHIRLEY	LINCOLN	Unimproved	81	75	60	**220**
SHIRLEY ARLINGTON LINCOLN	SHIRLEY	ARLINGTON	LINCOLN	Unimproved	79	75	50	**209**
SHIRLEY MAPLE ARLINGTON	SHIRLEY	MAPLE	ARLINGTON	Unimproved	71	72	60	**207**
ARLINGTON SHIRLEY	ARLINGTON	SHIRLEY	SHIRLEY	Unimproved	76	75	50	**206**
ARLINGTON SHIRLEY MAPLE	ARLINGTON	SHIRLEY	MAPLE	Unimproved	40	72	50	**167**

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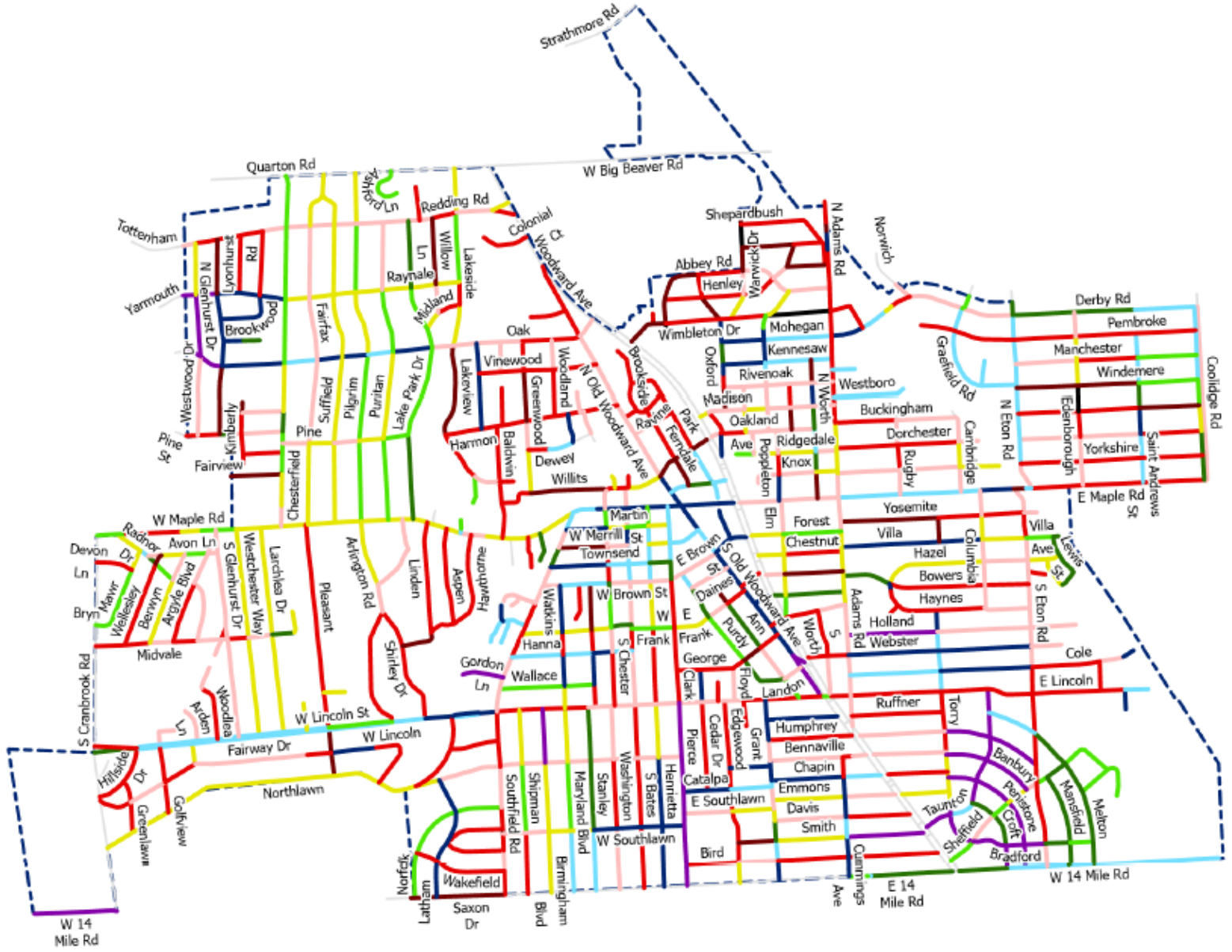
Selecting City Projects -Pavement Surface Evaluation and Rating (PASER)



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Selecting City Projects
- Road Conditions

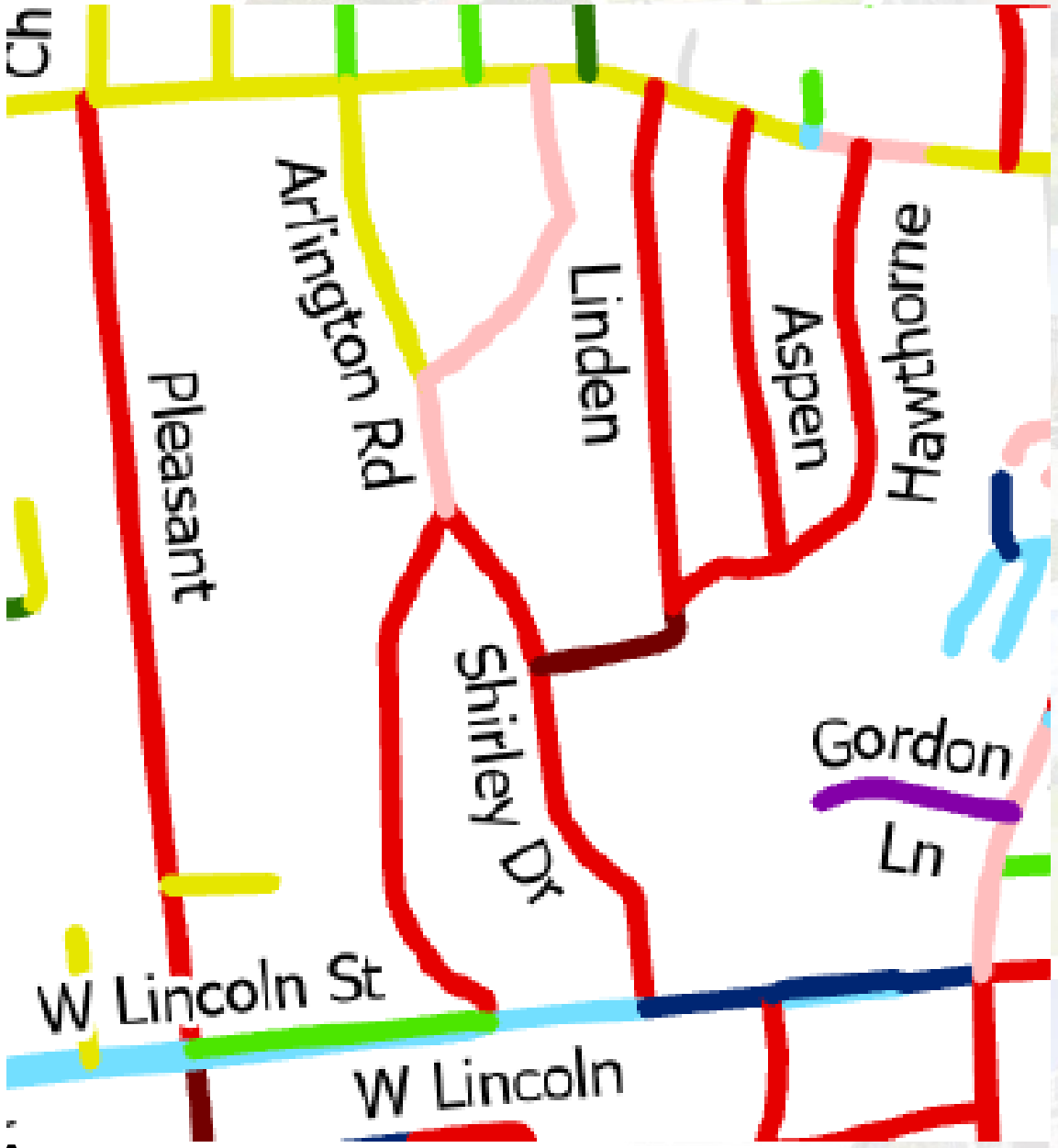
Legend

City Boundary

Non-City or Unrated Roads

2023 PASER Ratings

- 1 - Poor
- 2 - Poor
- 3 - Poor
- 4 - Poor
- 5 - Fair
- 6 - Fair
- 7 - Fair
- 8 - Good
- 9 - Good
- 10 - Good



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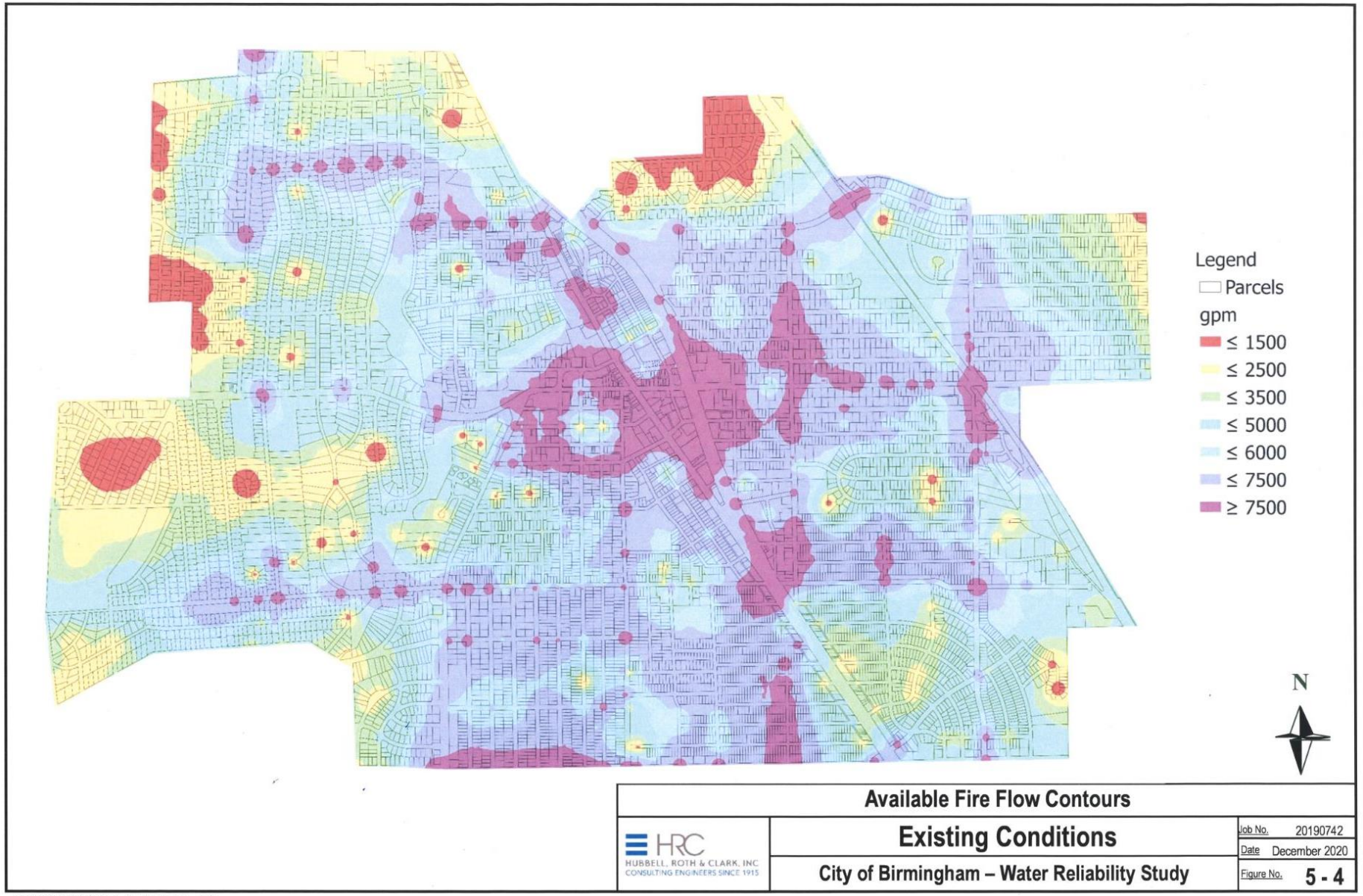
Selecting City Projects – Water Pressure



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Selecting City Projects – Water Pressure

Legend

Parcels

gpm

- ≤ 1500
- ≤ 2500
- ≤ 3500
- ≤ 5000
- ≤ 6000
- ≤ 7500
- ≥ 7500

7A

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Selecting City Projects – Sewer Flow

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Shirley Road and Arlington Street

Utility Improvement Recommendations

- Arlington Street:
  - Water: new 8” water main
  - Sewer:
    - South of Shirley: install separated storm sewer
    - North of Shirley: convert relief sewer into separate storm sewer
- Shirley Road:
  - Water: new 8” water main
  - Sewer:
    - Convert relief sewer into separate storm

Shirley Road and Arlington Street

Infrastructure Improvements

- Arlington Street & Shirley Road :
  - Convert Unimproved Street to Improved Street with the following enhancements:
    - Concrete surface with aggregate base
    - Curbs
    - 26’ road width
    - New 5’ ADA compliant sidewalks on each side of the road
    - *Road dimensions and sidewalks reviewed and recommended by the Multi-Modal Transportation Board

Framework for Staff Recommendations

- Complete Streets Resolution (July 2011)
  - "NOW, THEREFORE, BE IT RESOLVED, that the City of Birmingham City Commission hereby declares its support of Complete Streets policies and further directs City staff to develop a set of proposed policies and procedures to implement Complete Streets practices to make the City more accommodating to all modes of travel, including walkers, bicyclists and transit riders, of all ages and abilities.
- Multi-Modal Transportation Plan (2013)
  - Inclusive right-of-way for all ages and modes of transportation.
- 2040 Master Plan (2023)
  - Connect the Neighborhoods – Chapter 3
- Residential Street Width Standards (2018)
  - The purpose of this standard is to provide consistent street widths throughout the city but with flexibility for very specific situations.

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Multi-Modal Transportation Plan (2013)

Section 3.2 – Sidewalks (Pg. 48)

- Sidewalks are the unsung heroes of a multi-modal system. They are usually the first facilities to be constructed and provide a backbone to a complete multi-modal network.

- A community's long term goal should be to provide sidewalks on both sides of the roadway along all roads. Sidewalks are proven to reduce pedestrian crashes and are critical to children safely walking to school, especially in dark conditions. Providing a complete sidewalk network along all roadways is important from a safety and connectivity standpoint and the city should work towards completing its network.

- In general, sidewalks should be installed by developers when constructing or reconstructing buildings or homes and by local city, county or state agencies during a roadway improvement project.

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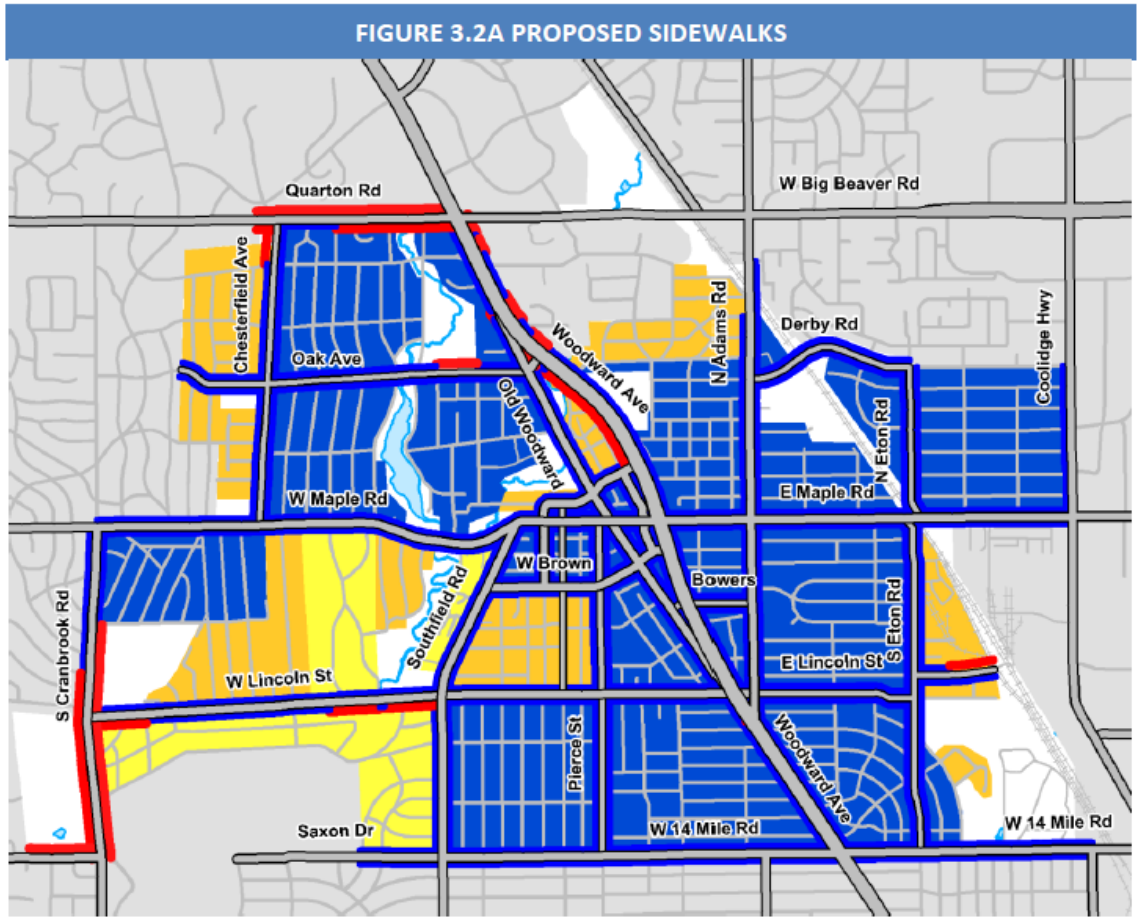
Multi-Modal Transportation Plan (2013)



Proposed Sidewalks:

- Existing Sidewalks
- Prioirty 1: Complete Sidewalks along Major Roads
- Prioirty 2: Complete Sidewalk Gaps in Neighborhood
- Priority 3: Add Sidewalks to Neighborhood

APPROXIMATELY 2.5 MILES OF SIDEWALK ARE PROPOSED ALONG PRIMARY ROADS IN THE CITY OF BIRMINGHAM

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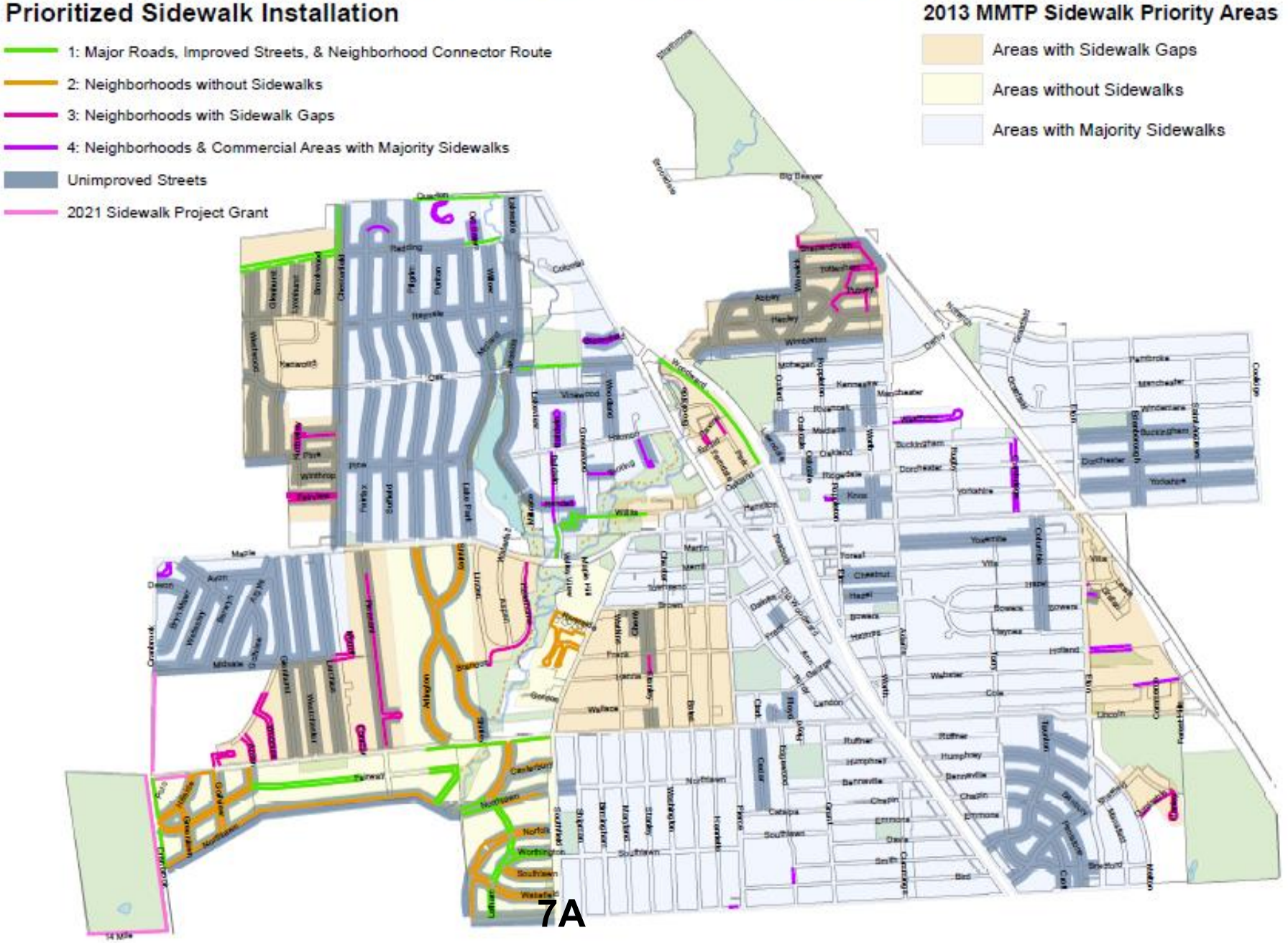
Future Sidewalk Construction Recomendations



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2040 Master Plan "The Birmingham Plan" (2023)

Chapter 3: Retain Neighborhood Quality, Keep Streets Pedestrian-Oriented (Pg. 56)

- Beyond the space to accommodate automobiles, street design must consider pedestrian comfort and safety, bicyclist comfort and safety, and street trees for public health.

- Today, sidewalks are missing in numerous places, which should be surveyed and remedied. Similarly, street intersections which do not have accessible ramps to crossings should be remedied. These changes may cause trees to be removed, which should be replaced nearby to maintain the street tree canopy.

- The tree lawn is critical to street trees; sufficient root area results in greater canopy. Canopy health is very closely related with the health of residents, mental and physical, the ease of walking or biking along streets, and the success of children in school.

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2040 Master Plan "The Birmingham Plan" (2023)

Chapter 3: Retain Neighborhood Quality, Keep Streets Pedestrian-Oriented (Pg. 56)

Figure 37. A pleasant, right-sized street in the Quarton district.

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2040 Master Plan "The Birmingham Plan" (2023)

Chapter 3: Retain Neighborhood Quality, Replace Unimproved Streets (Pg. 58)

- Establish a yearly budget to remedy unimproved streets, considering the general fund plus bond strategy and repayment timelines recommended by the AHUSC.

- Survey the current condition of unimproved streets, categorized by the current quality such that streets in the most extreme states of disrepair can be prioritized for improvement. Stormwater issues should receive special priority.

- Remedy unimproved streets according to the repair priority and budget, ensuring improvements occur in multiple Planning Districts each year.

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2040 Master Plan "The Birmingham Plan" (2023)

Chapter 3: Retain Neighborhood Quality, Replace Unimproved Streets (Pg. 58)

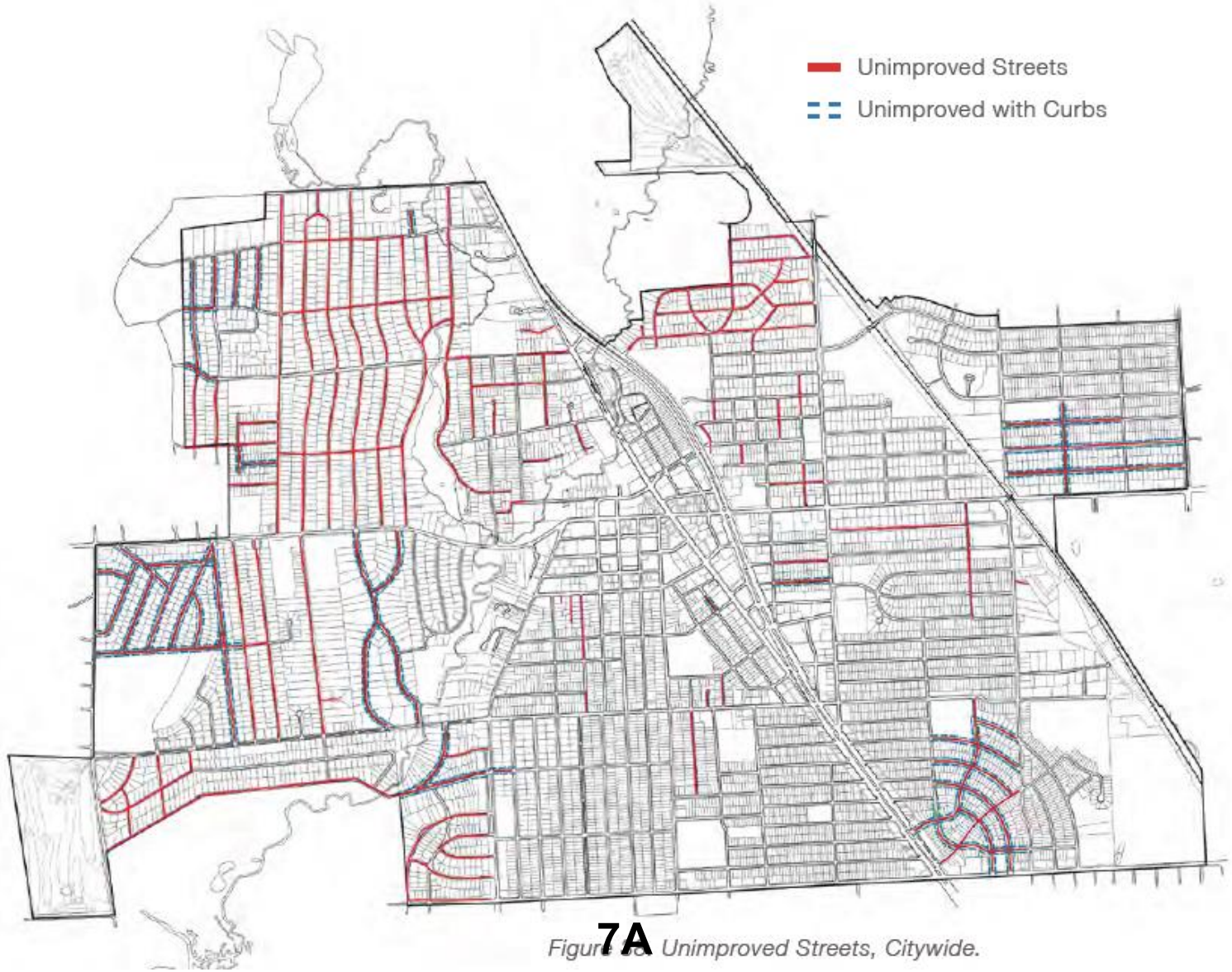

Figure 3.6 Unimproved Streets, Citywide.

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2040 Master Plan "The Birmingham Plan" (2023)

Chapter 3: Retain Neighborhood Quality, Retain Street Tree Canopy (Pg. 59)

- Birmingham's downtown and neighborhoods benefit from a rich tree canopy, increasing house values, public health, and sustainability.

- Establish comprehensive policies for trees in streets and open spaces.
  - Select large canopy species for streets and parks, native to the region and resilient for its' future climate, retaining the character of each neighborhood's distinctive canopy.

  - Minimize overly-used or exotic species, such as Crab Apple, Honey Locust and Pear Trees.

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Residential Street Width Standards

- The City of Birmingham approved a residential street standard in October 2018
  - Staff coordinated with professional traffic consultants and reviewed best practices for residential roads from the Transportation Research Board, the Institute of Transportation Engineers, the Urban Land Institute, the National Association of City Transportation Officials (NACTO), and the American Association of State Highway and Transportation Officials (AASHTO).

- Residential street standard is 26’ wide (28’ back-of-curb to back-of-curb)

- Includes list of factors for evaluation to consider for possible exceptions to the standard (Developed 2018)

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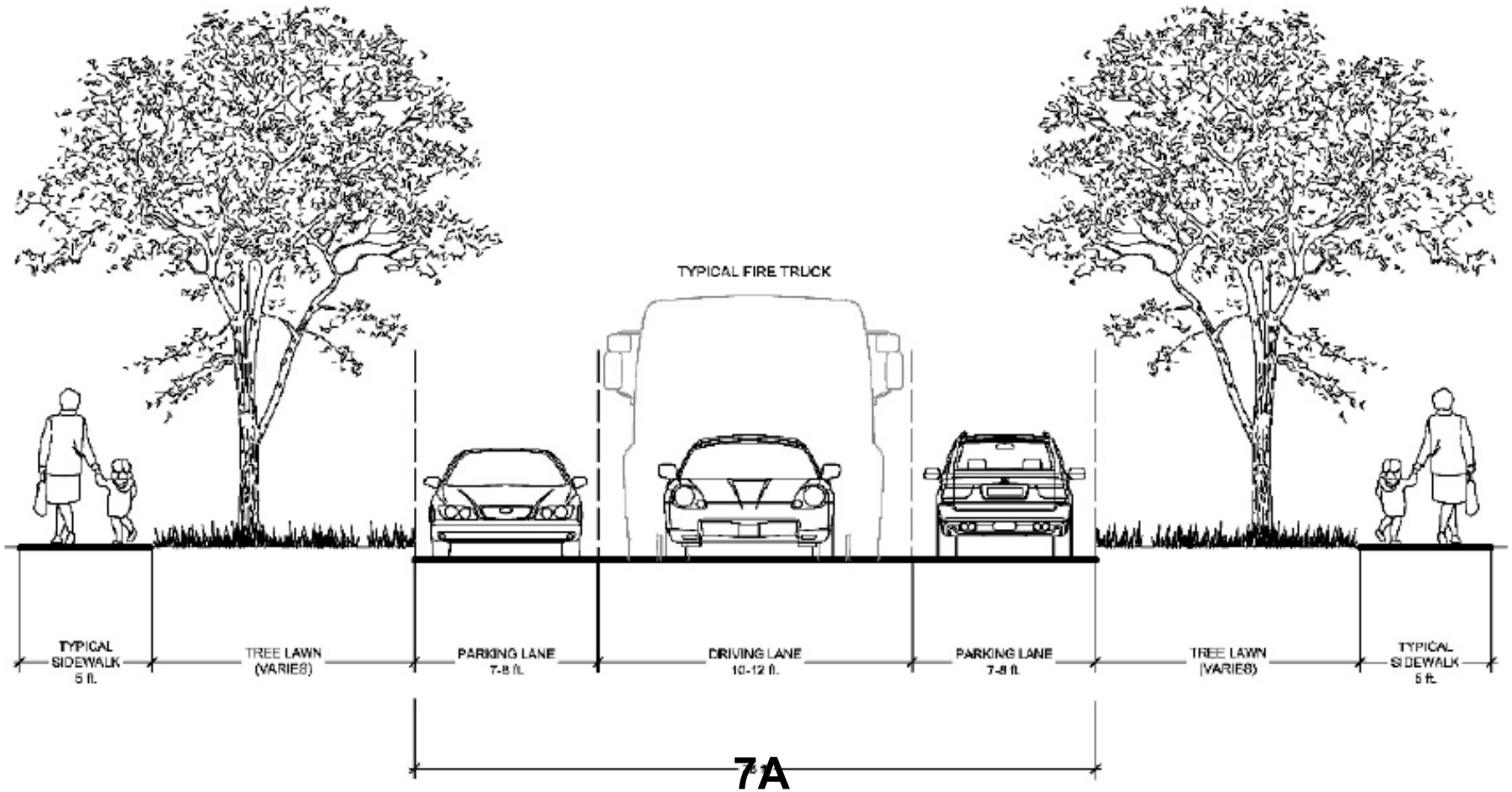
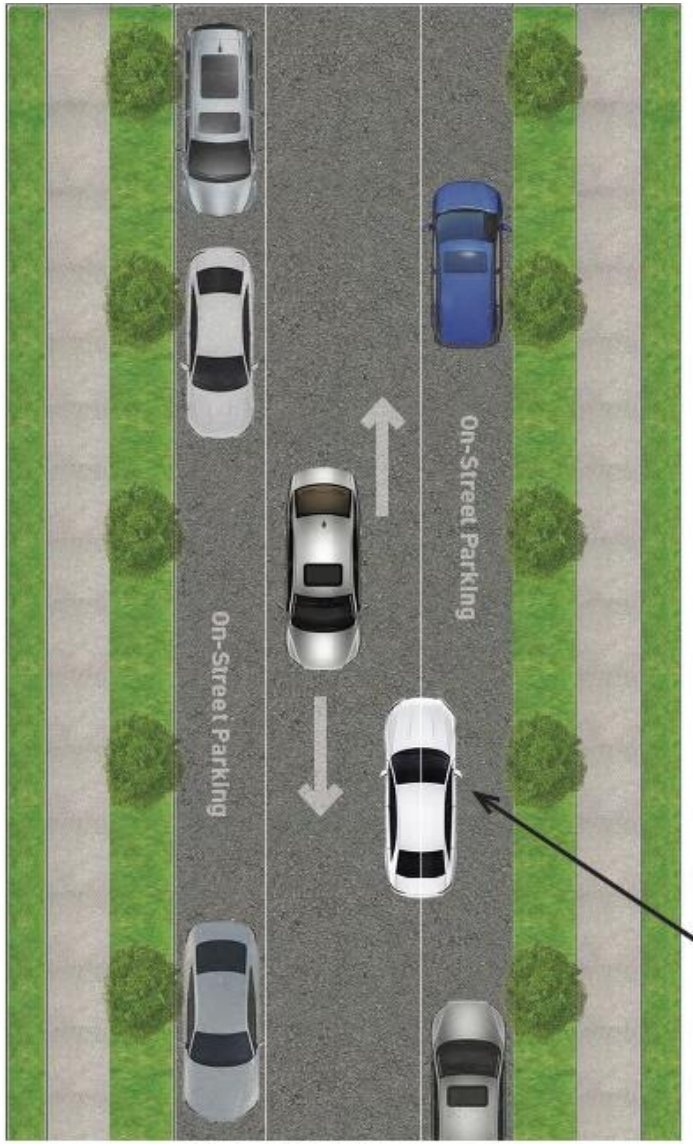
Birmingham's Residential Street Standards





- A more narrow street could help reduce speeds
- If cars are parked on both sides, a car must wait for a car in the opposite direction to pass
- Less room for bikes to share the road
- Room for street trees (aesthetics, could reduce speeds)
- Meets current City Design Standard

Vehicle must wait for on-coming car to pass

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Example of 26’ Wide Improved Street – Mohegan Ave (50’ R.O.W.)

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Example of 26’ Wide Improved Street – Smith Ave (50’ R.O.W.)

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Example of 26’ Wide Improved Street – Villa Rd (50’ R.O.W.)

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Example of 26’ Wide Improved Street – Ridgedale Ave (50’ R.O.W.)

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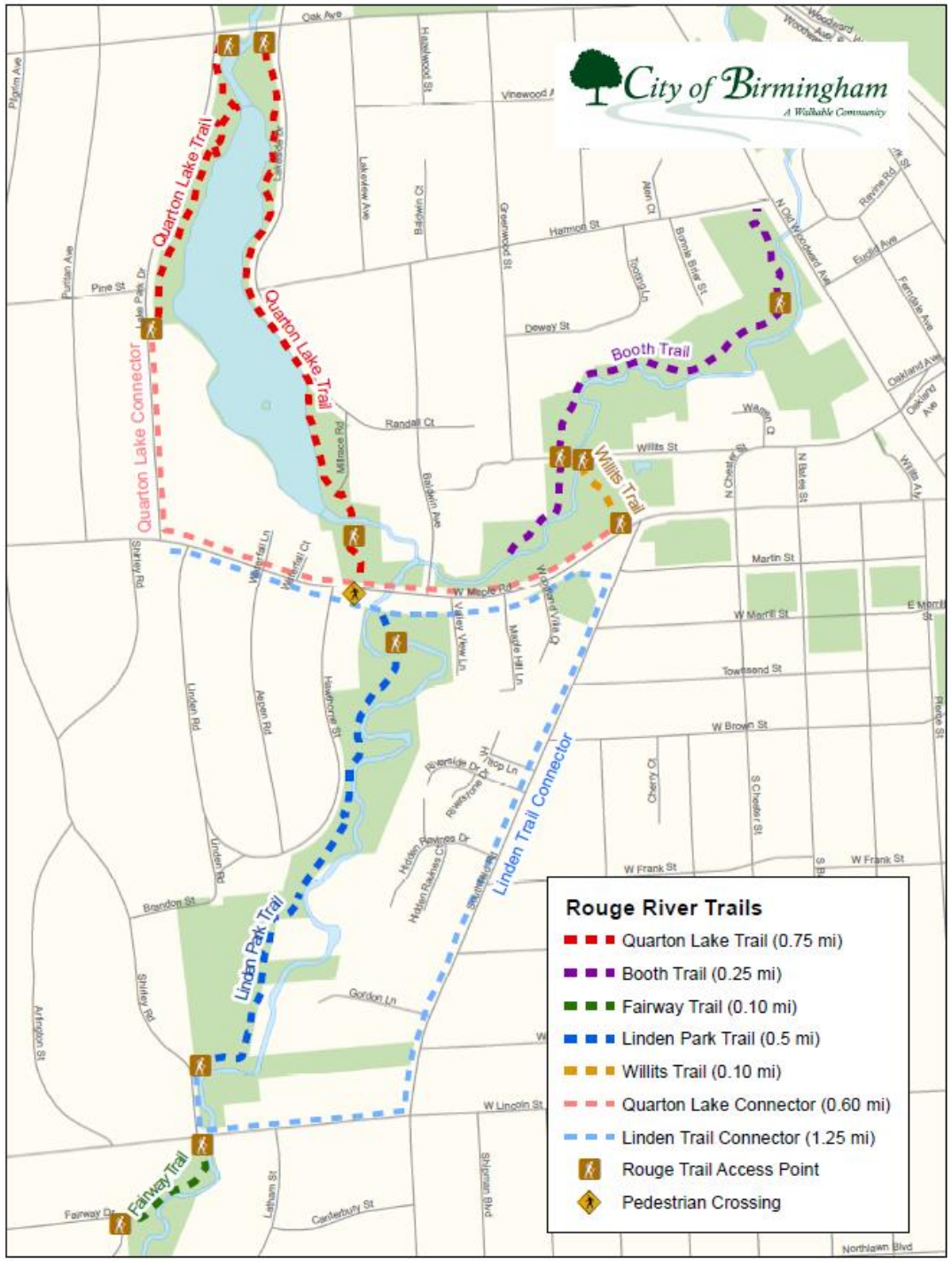

Surrounding Area

- Fairway Park
- Rouge Trail
- Quarton Lake
- Crosswalk at Lakeview & Maple
- Crosswalk at Lincoln & Shirley

MMTB Review: Existing Conditions

- 33’ street width
- No sidewalks
- 50’ public right-of-way
- Wide pavement at intersections of Shirley of Arlington
- No crosswalks at stop sign intersections of Shirley & Arlington
- Trees and landscaping in the public right-of-way

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Sidewalk Issues – Natural Features in the R.O.W.

APPLICATION AND PERMIT TO INSTALL SPECIAL TREATMENTS IN PUBLIC RIGHT OF WAY

Will trees be affected? If yes, Signature of City Forester Required _____ _____
City Forester Date

Attached to Application: Plans _____

Other _____

If a permit is granted, the above named owner (and tenant, if any) shall do the following:

1. Conform with all City Ordinances, standards, and regulations relating thereto.
2. Install and maintain the improvement at no expense to the City of Birmingham.
3. Defend and hold the City harmless from any and all liability incidental to the construction, use, and maintenance of the improvement.
4. Remove the improvement and make necessary restoration to the right-of-way, upon revocation of the permit by the City.
5. **WAIVE AND RELEASE ANY AND ALL CLAIMS OF ANY NATURE AGAINST THE CITY OF BIRMINGHAM AND ANY PUBLIC UTILITY COMPANY FOR DAMAGES TO SUCH IMPROVEMENT CAUSED BY OR ARISING FROM THE USE OF THE RIGHT-OF-WAY.**

A permit, as requested in the foregoing application subject to the conditions to which applicant therein agrees, is hereby granted.

CITY OF BIRMINGHAM

By _____
Engineering Department

THIS PERMIT IS SUBJECT TO REVOCATION AT ANY TIME BY THE CITY OF BIRMINGHAM.

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Sidewalk Issues – Natural Features in the R.O.W. (Central Discussion Point of MMTB)

- Birmingham's Department of Public Services (DPS) forestry staff coordinates with Davey Environmental on managing all City trees in the public right-of-way

- Davey Environmental's professional Arborists have provided the City an inventory of all street trees on public property and manages all of the data in Treekeeper for the City to use

- An expedited review of all trees on Shirley and Arlington was conducted in early November 2023 for analysis.

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Sidewalk Issues – Trees in the R.O.W

- Zoning Ordinance Article 4, Section 4.20, Landscaping Standards
  - (D)(4) Prohibited Species:

The following plants and tree materials are specifically prohibited due to their brittleness, susceptibility to disease and insects, excessive root structure, excessive litter, susceptibility to road salt damage or other undesirable traits. Any existing prohibited species may not be replaced. A representative list of prohibited species is provided below.

*The Staff Arborist maintains a complete list of all of the prohibited species.

- Following proper Special Treatment Permit process prevents such species from being planted in public right-of-way

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Sidewalk Issues – Trees in the R.O.W

- Species recommendations align with the State's Department of Natural Resources recommendations (DNR)
- See Michigan DNR's webinar "Not MI Species" titled "Where the Sidewalk Ends: Choosing Resilient Trees for Tomorrow's Urban Environment"
- Staff toured Shirley and Arlington with Michigan DNR Arborist
- Removing prohibited species and trees in poor to fair condition and replacing them with permitted species does not jeopardize Birmingham's status with "Tree City USA"

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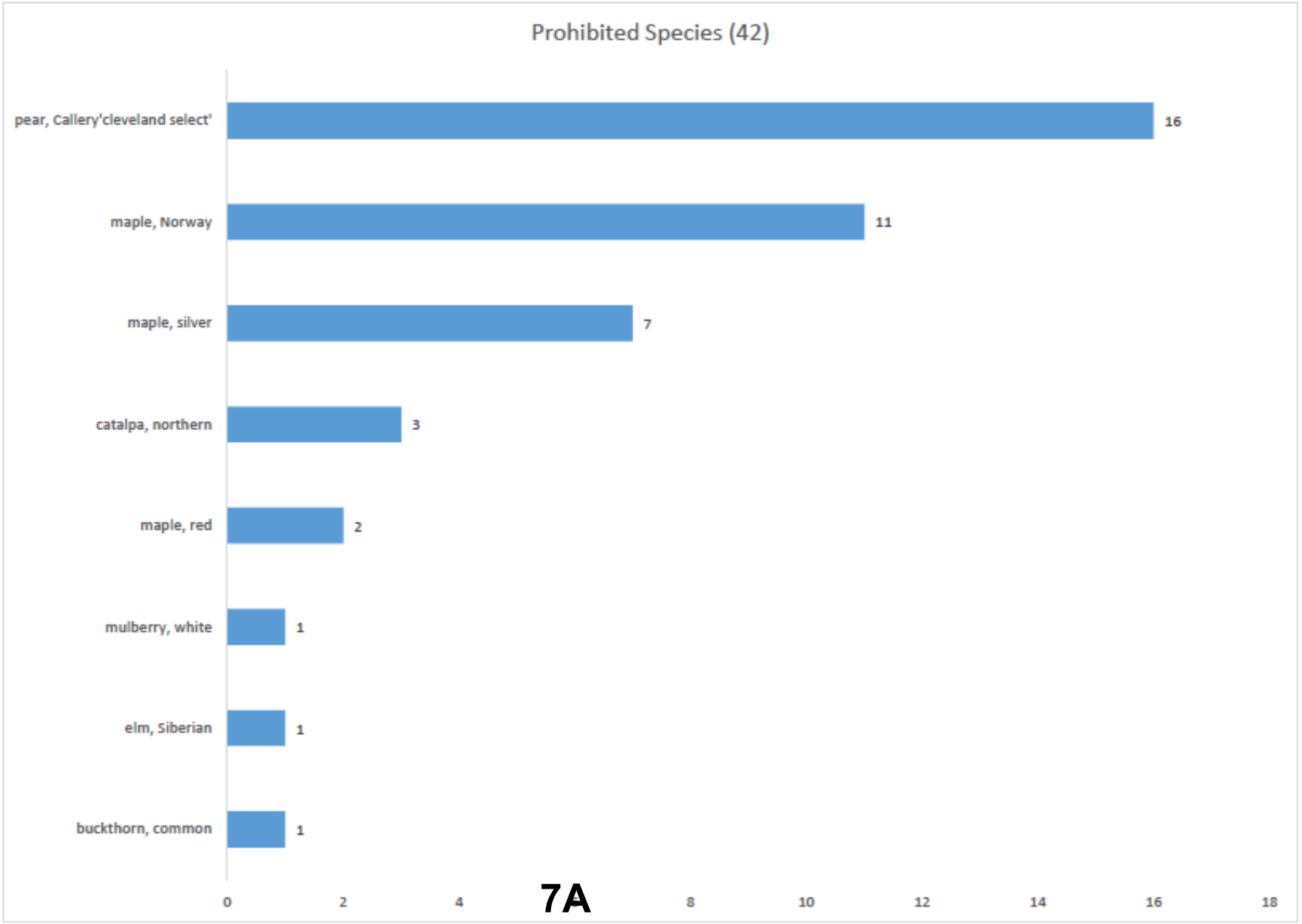
APPENDIX B
PROHIBITED SPECIES LIST

Common Name	Scientific Name
Ash	*Fraxinus* spp.
Boxelder	*Acer negundo*
Catalpa	*Catalpa* spp.
Common Buckthorn	*Rhamnus cathartica*
Common Privet	*Ligustrum vulgare*
Cottonwood	*Populus deltoides*
Dame's Rocket	*Hesperis matronalis*
Elm (except disease-resistant varieties)	*Ulmus* spp.
English Ivy	*Hedera helix*
Euonymus	*Euonymus* spp.
Garlic Mustard	*Alliaria petiolata*
Honeysuckle	*Lonicera* spp.
Horse Chestnut (nut bearing)	*Aesculus hippocastanum*
Japanese Barberry	*Berberis thunbergii*
Kentucky Bluegrass	*Poa pratensis*
Mulberry Trees	*Morus* spp.
Multiflora Rose	*Rosa multiflora*
Norway Maple	*Acer platanoides*
Orchard Grass	*Dactylis glomerata*
Oriental Bittersweet	*Celastrus orbiculatus*
Periwinkle	*Vinca* spp.
Poison Ivy	*Toxicodendron radicans*
Poplar	*Populus* spp.
Purple Loosestrife	*Lythrum salicaria*
Quack Grass	*Elymus repens*
Ribes (Gooseberry)	*Ribes* spp.
Siberian Elm	*Ulmus pumila*
Soft Maple (Red, Silver)	*Acer rubrum, Acer saccharinum, Acer freemanii*
Succulent fruit bearing trees	
Tree of Heaven	*Ailanthus altissima*
White Clover	*Trifolium repens*
Willow	*Salix* spp.
Winged Wahoo	*Euonymus alatus*

APPENDIX A
RECOMMENDED TREE SPECIES

Deciduous Trees						
Large Deciduous Trees: Greater than 45 Feet in Height at Maturity						
Common Name	**Scientific Name**	**Growth shape**	**Native to Michigan**	**Additional Information**	**Species Abundance in Birmingham**	**Recommended Use**
baldcypress	*Taxodium distichum*	Pyramidal	Native to adjacent states	Drought and flood tolerant, tolerant of salt spray, prefers acidic soil, no serious pests	Currently very few	Commercial street tree, Residential street tree, Parks, Yard tree
beech, American	*Fagus grandifolia*	Round	Native	May be difficult to find in nurseries, prefers acidic soil	Currently very few	Parks, Yard tree
beech, European	*Fagus sylvatica*	Pyramidal, Round	Non-native	Drought and flood intolerant, salt intolerant	Currently very few	Residential street tree, Parks, Yard tree
birch, river	*Betula nigra*	Pyramidal, Round	Native	Flood tolerant, intolerant of alkaline soil, ALB host, recommended cultivars 'Dura-Heat' and 'Heritage'	Currently very few	Residential street tree, Parks, Yard tree
corktree, Amur	*Phellodendron amurense*	Open, Round	Non-native	Plant male cultivars only (male trees are fruitless, female trees have invasive potential), moderately tolerant of drought and salt, flood intolerant	Currently very few	Residential street tree, Parks, Yard tree
cucumbertree	*Magnolia acuminata*	Oval, Pyramidal	Native to Ohio and Indiana	Showy flowers, salt intolerant, drought and flood intolerant, no serious pests	Currently very few	Residential street tree, Parks, Yard tree
elm, American	*Ulmus americana*	Vase	Native	Drought and flood tolerant, salt tolerant, highly tolerant of urban conditions, ALB host, plant Dutch elm disease resistant cultivars, recommended cultivars: Jefferson, New Harmony, Princeton, Valley Forge	Currently few	Commercial street tree, Residential street tree, Parks, Yard tree
elm, Chinese	*Ulmus parvifolia*	Round	Non-native	Drought and flood tolerant, salt tolerant, ALB host	Currently very few	Commercial street tree, Residential street tree, Parks, Yard tree
elms, hybrid	*Ulmus* x	Vase, Arching, Oval, Upright	Non-native, various hybrids between native American elms and European and Asian elm species	Drought and flood tolerant, salt tolerant, highly tolerant of urban conditions, ALB host, resistant to Dutch elm disease, recommended varieties: Accolade, Frontier, Homestead, Patriot, Pioneer, Regal	Currently few	Commercial street tree, Residential street tree, Parks, Yard tree
ginkgo	*Ginkgo biloba*	Broad, Pyramidal, Upright	Non-native	Drought tolerant, no serious pests, plant male trees only, columnar cultivars are available for sites with restricted aboveground space	Currently very few	Commercial street tree, Residential street tree, Parks, Yard tree
hackberry	*Celtis occidentalis*	Oval, Round, Vase	Native	ALB host, drought and flood tolerant	Currently very few	Commercial street tree, Residential street tree, Parks, Yard tree
hazel, Turkish	*Corylus colurna*	Oval, Pyramidal	Non-native	Drought tolerant, salt intolerant, no serious pests	Currently very few	Commercial street tree (use sparingly), Residential street tree, Parks, Yard tree

Sidewalk Issues – Trees in the R.O.W.



7A

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Sidewalk Issues – Trees in the R.O.W.

Silver Maple Stump
– rots from the inside

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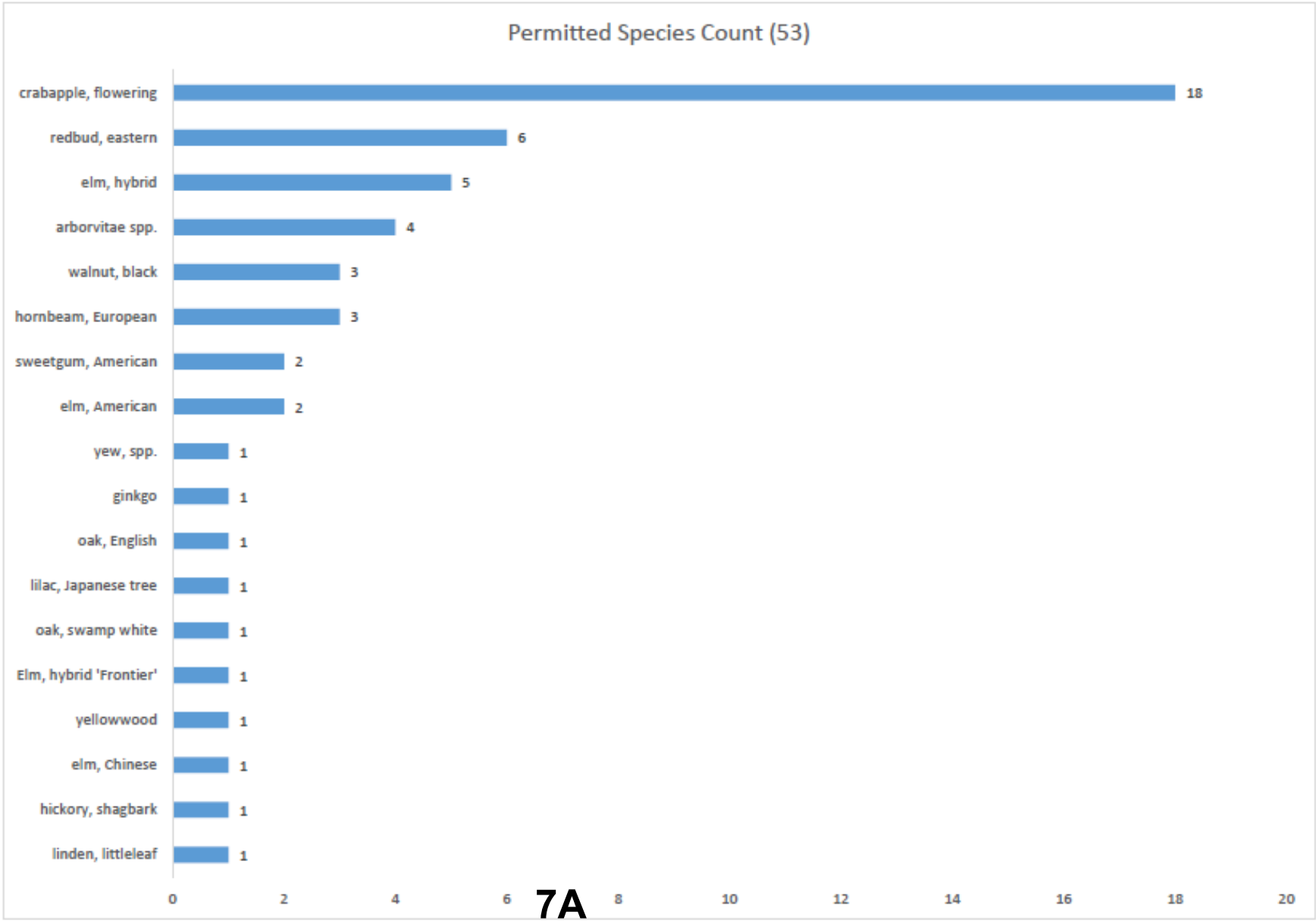
Sidewalk Issues – Trees in the R.O.W.



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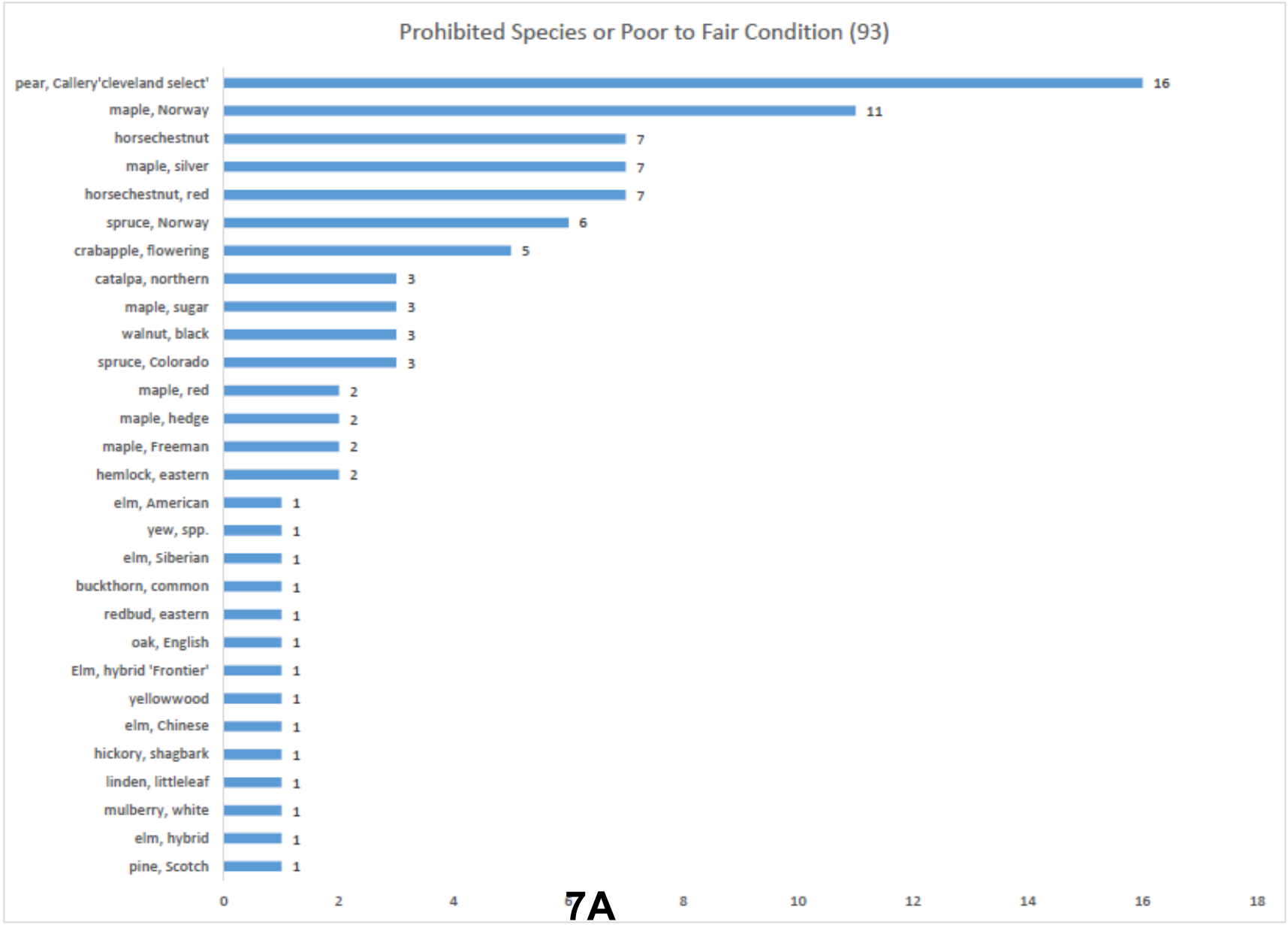
Sidewalk Issues – Trees in the R.O.W.



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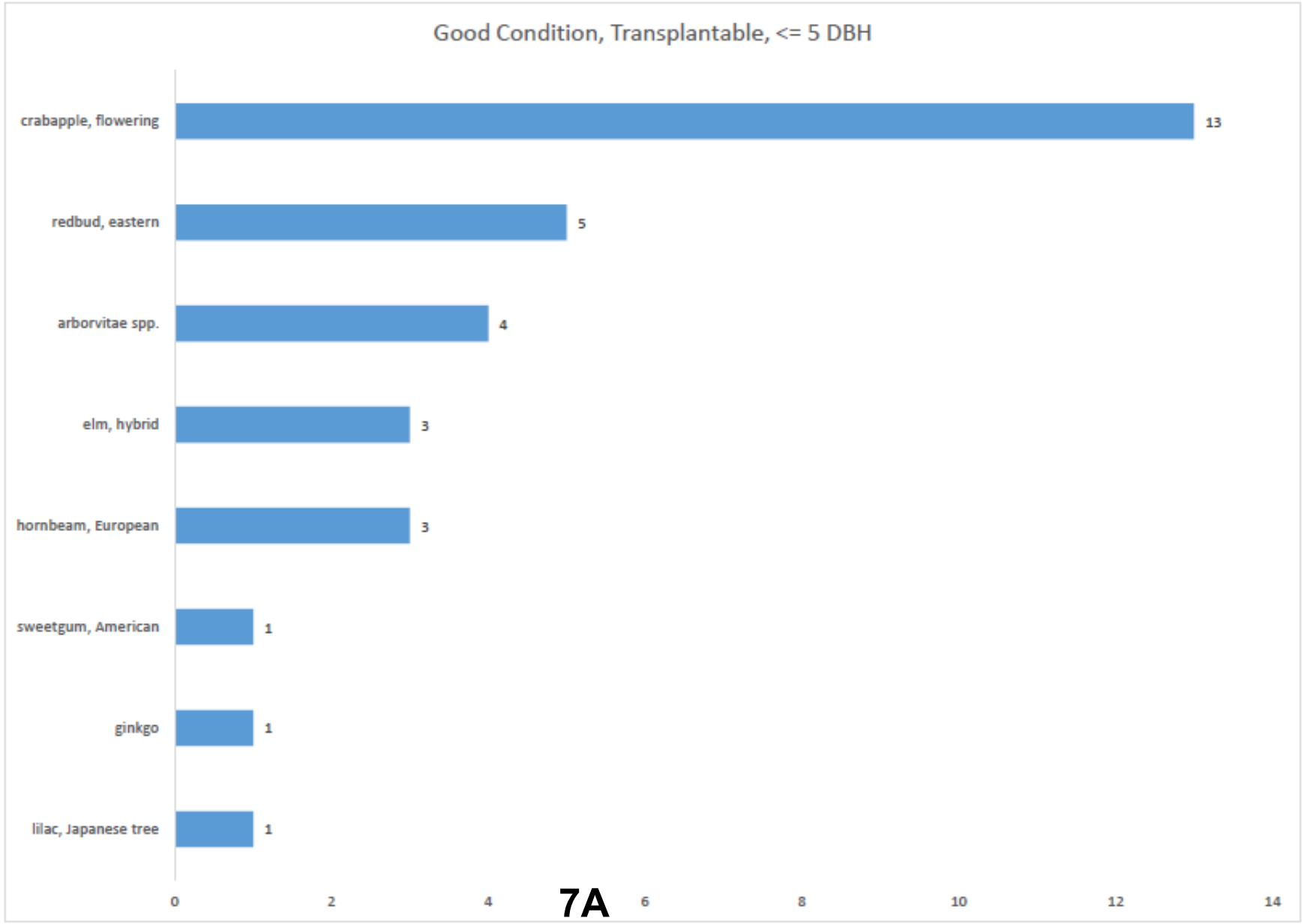
Sidewalk Issues – Trees in the R.O.W.



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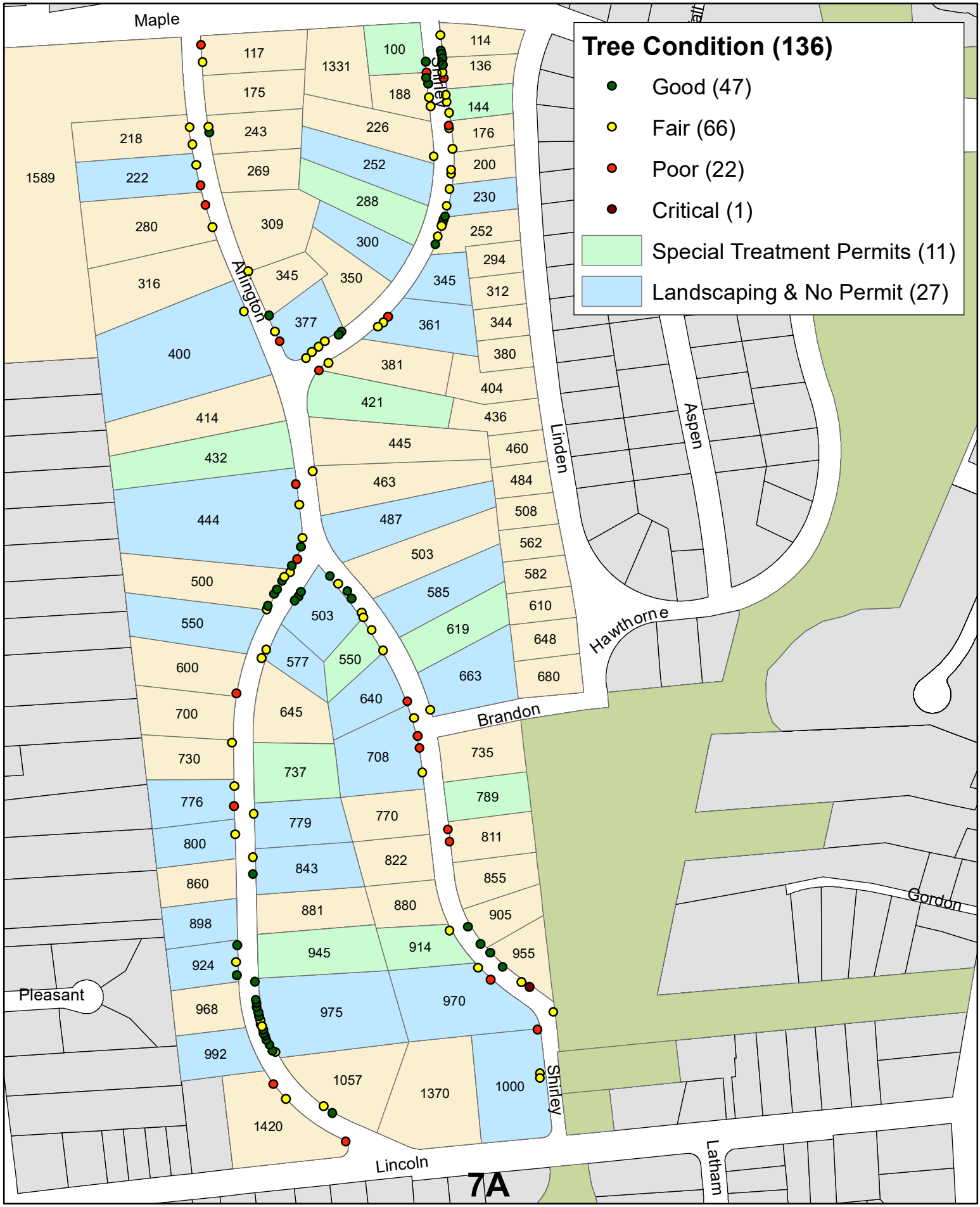
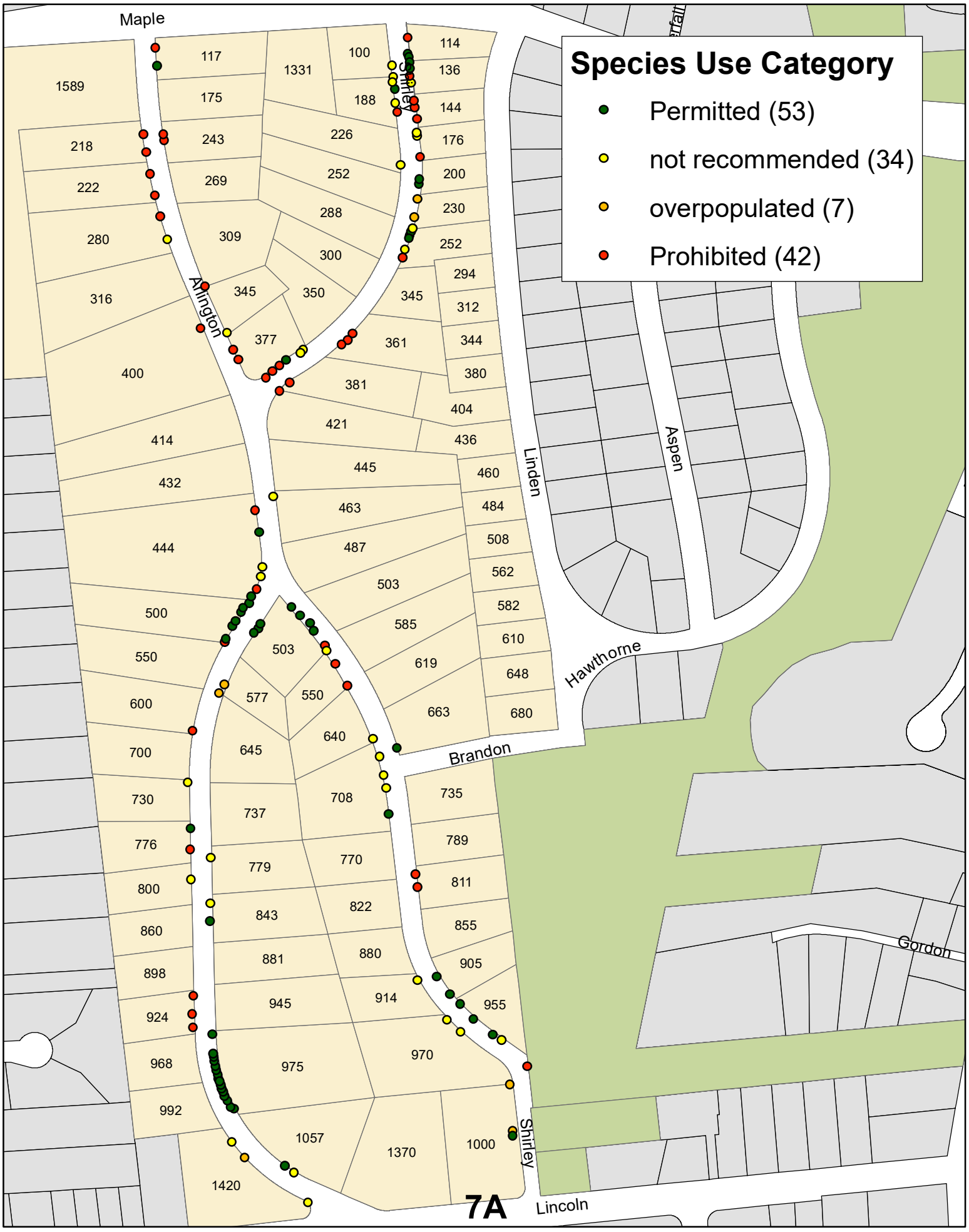
Existing Tree Conditions & R.O.W. Landscaping Conflicts



Tree Species Use Category

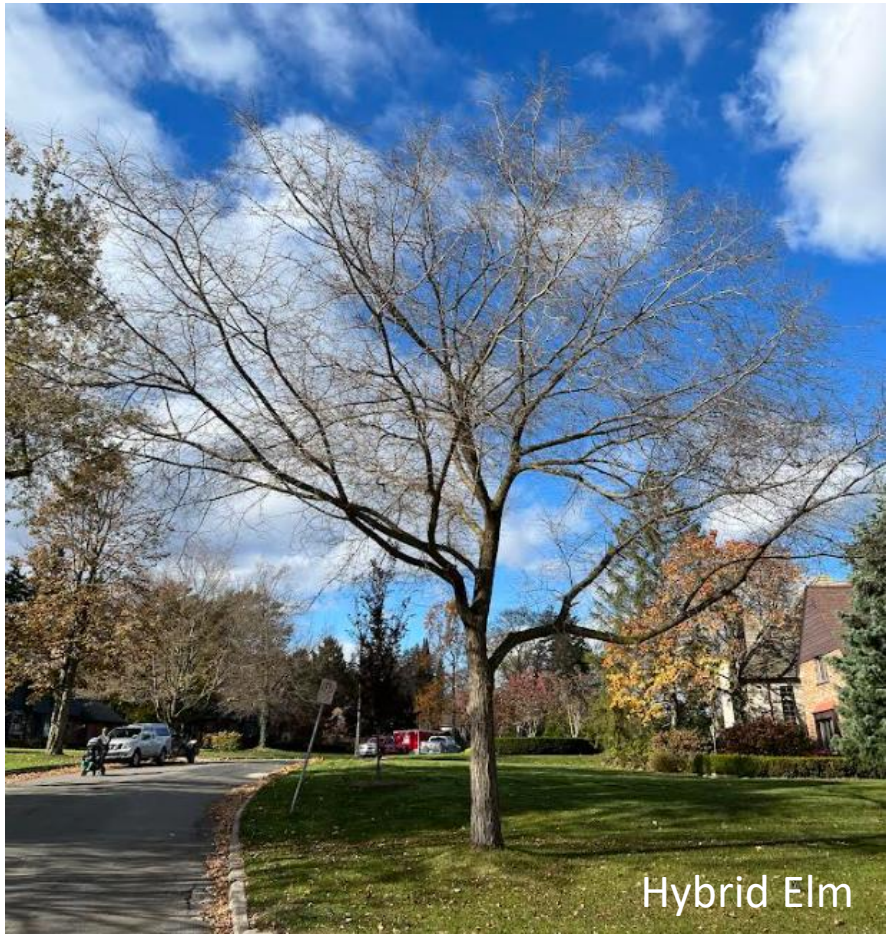


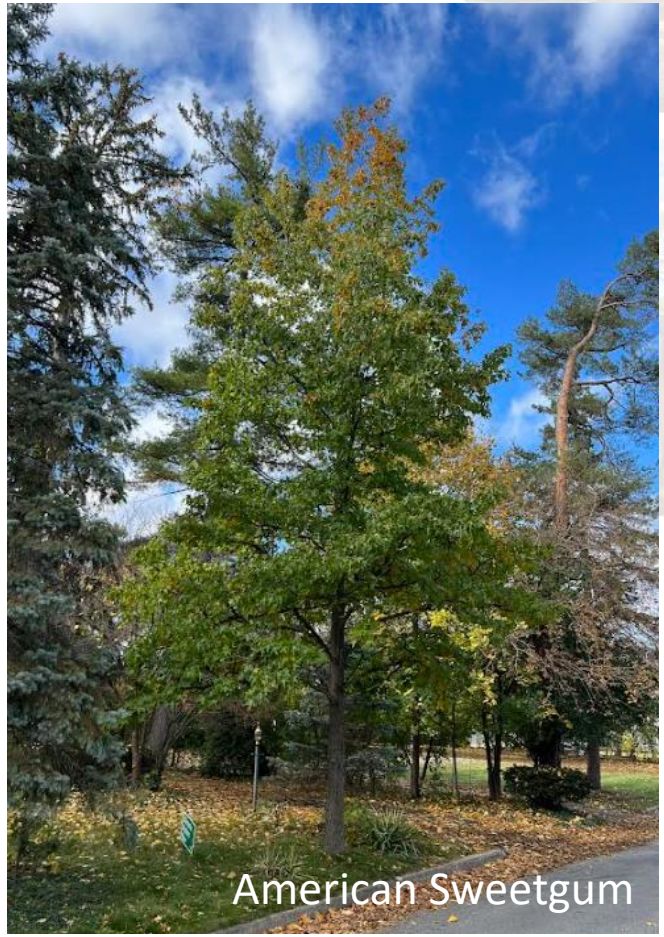
Poor, Fair, Critical Condition or Prohibited Species

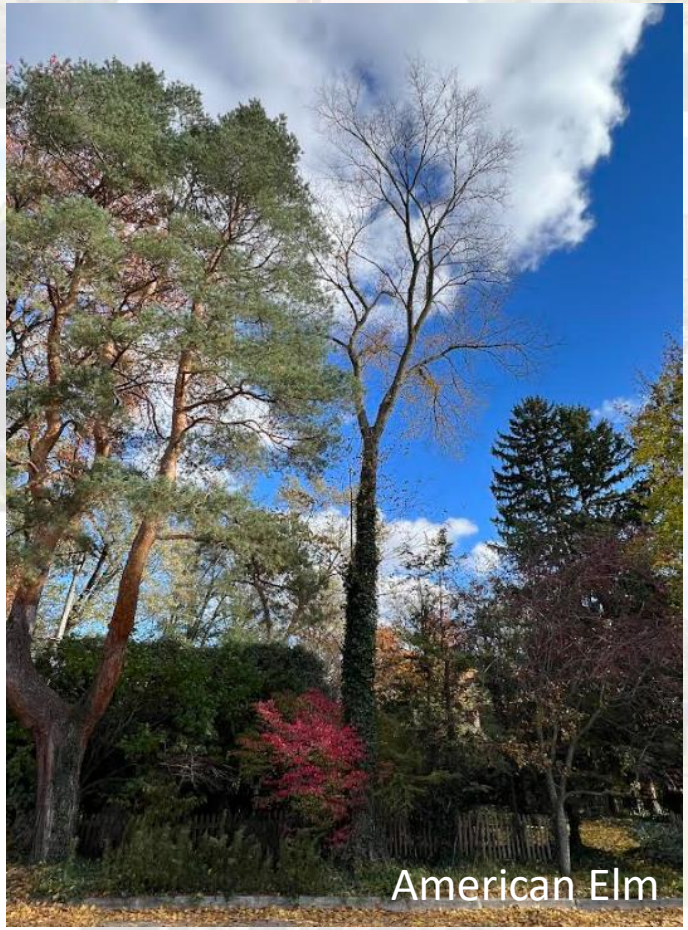
Good Condition, Permitted, and DBH <= 5 Inches

Good Condition, Permitted, and DBH >= 10 Inches

Mature Trees in Good Condition


Hybrid Elm


American Sweetgum


American Elm

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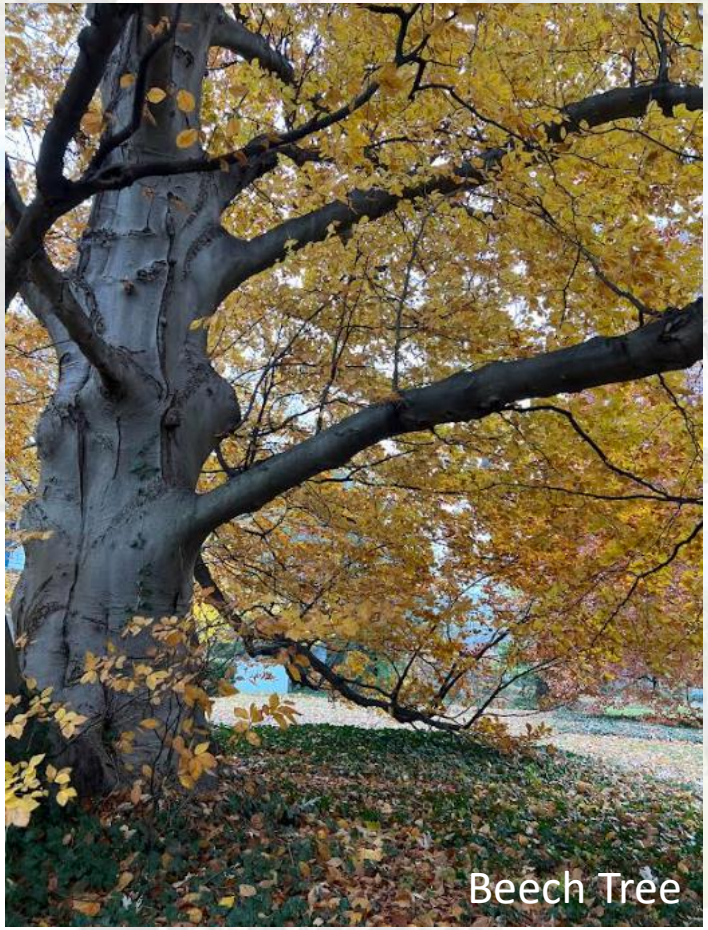
Mature Trees in Good Condition Near Property Line


Beech Tree


Beech Tree


Beech Tree

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Mature Trees in Good Condition Near Property Line

River Birch

Hickory Shagbark

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Exceptions to Residential Street Width Standards

- Any modification must be consistent with the Intent of these standards and the engineering publications upon which they are based. Street width exceptions may only be approved to a minimum of 20 ft. and a maximum of 30ft. If residents express a desire for a non-standard street width at a public meeting or through a public survey of street residents, those preferences shall be considered (either wider or narrower) Modifications to street widths may only be considered if one or more of the following conditions exist:
  - High or low frequency of use of on-street parking. When surveyed on-street parking is utilized 15% or less overnight, the width may be reduced. When parking density is classified as highly utilized, defined as over 25% occupancy throughout the day or more than 50% of the available curb space used overnight, the width may be increased. For calculation of parking, a minimum length of 22 ft. shall be used and not include driveways, spaces adjacent to fire hydrants, or other locations where parking is not allowed.
  - Daily traffic volumes exceed 1500 vehicles.
  - The street is a published school bus route used by the Birmingham Public Schools or is a frequent emergency response route.
  - Street is adjacent to a school, religious institution, City park, multiple-family residential development, or other use with access that generates higher traffic volumes.
  - Presence of street trees, especially healthy, mature trees, such that rebuilding the road as proposed would result in the removal of two or more trees on any given block.
  - A speed study confirms that the 85th percentile speed is more than 5 miles per hour over the posted speed limit and/or city police or engineering departments have documented operational or safety concerns related to traffic patterns along the street.
  - Street may be as narrow as 20 ft. with parking on one side only if right-of-way is less than 50 ft.

Review of modifications to street width requirements:

- High or low frequency of use of on-street parking. When surveyed on-street parking is utilized 15% or less overnight, the width may be reduced. When parking density is classified as highly utilized, defined as over 25%occupancy throughout the day or more than 50% of the available curb space used overnight, the width may be increased. For calculation of parking, a minimum length of 22 ft. shall be used and not include driveways, spaces adjacent to fire hydrants, or other locations where parking is not allowed.
  - Thursday November 9 to Saturday November 11, 2023 = 11% daytime to 0% nighttime, therefore NO

Arlington

Parking Counts	10am	2pm	12am
Thursday 11.09.23	32	36	0
Friday 11.10.23	39	30	0
Saturday 11.11.23	3	3	0

Arlington

Parking Occupancy	10am	2pm	12am
Thursday 11.09.23	9%	10%	0%
Friday 11.10.23	11%	8%	0%
Saturday 11.11.23	1%	1%	0%

Shirley

Parking Counts	10am	2pm	12am
Thursday 11.09.23	23	17	2
Friday 11.10.23	21	15	1
Saturday 11.11.23	6	8	4

Shirley

Parking Occupancy	10am	2pm	12am
Thursday 11.09.23	6%	5%	1%
Friday 11.10.23	6%	4%	0%
Saturday 11.11.23	2%	2%	1%

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Review of modifications to street width requirements:

- Daily traffic volumes exceed 1500 vehicles.
  - Vehicle counts taken November 14th, 2023 to November 17th, 2023
    - Shirley: range of 291-1,522 daily traffic volume, therefore YES
    - Arlington: range of 263-1,420 daily traffic volume, therefore NO

November 2023	Tue 14	Wed 15	Thur 16	Fri 17
Arlington	854	1,349	1,420	263
Shirley	1,145	1,522	1,563	291

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Review of modifications to street width requirements:

- The street is a published school bus route used by the Birmingham Public Schools or is a frequent emergency response route.
  - Shirley and Arlington are used as public school bus routes, therefore YES

- Street is adjacent to a school, religious institution, City park, multiple-family residential development, or other use with access that generates higher traffic volumes.
  - Shirley is adjacent to a City park, but there is no parking lot generating vehicle traffic, therefore NO

- Presence of street trees, especially healthy, mature trees, such that rebuilding the road as proposed would result in the removal of two or more trees on any given block.
  - Narrowing the road from 33’ to 26’ wide would not impact existing trees, therefore NO

    (This standard does not consider sidewalks)

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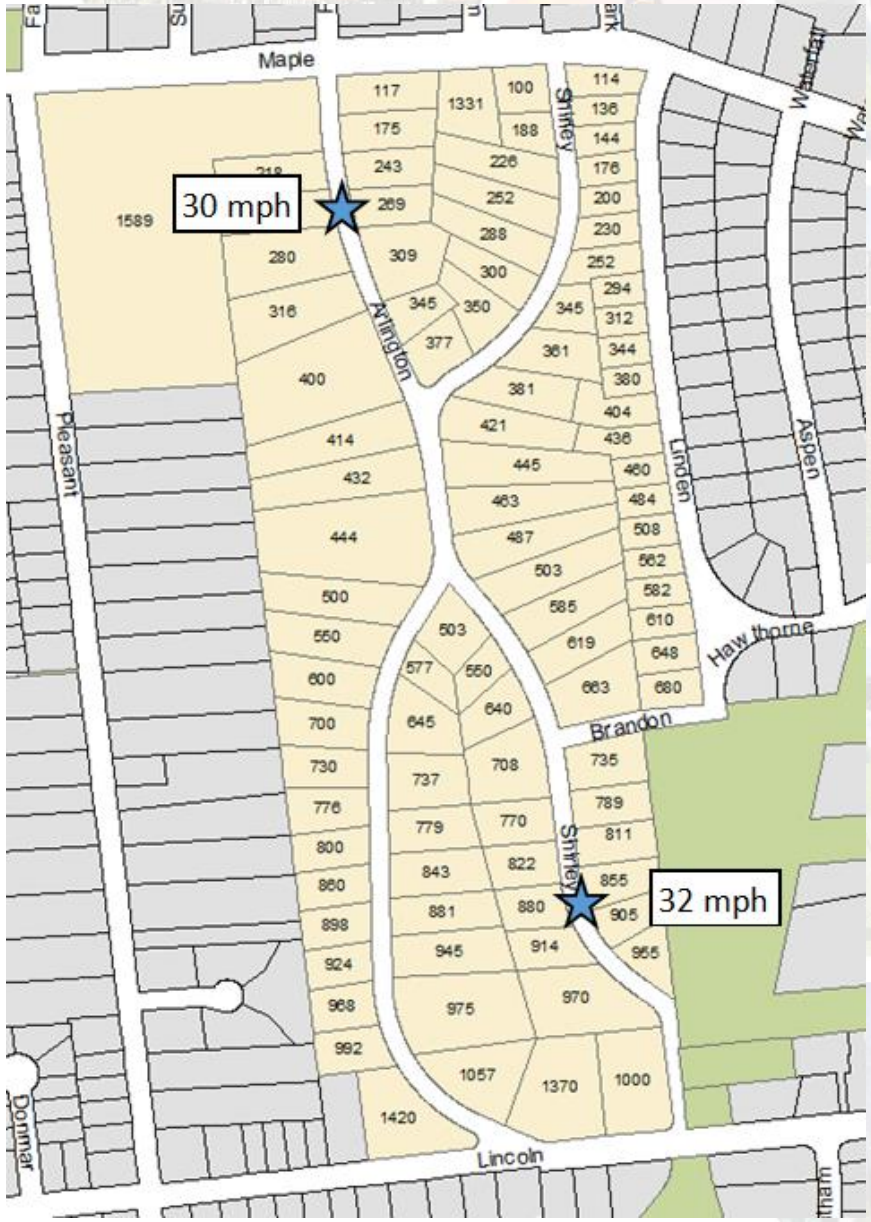
Review of modifications to street width requirements:

- A speed study confirms that the 85th percentile speed is more than 5 miles per hour over the posted speed limit and/or city police or engineering departments have documented operational or safety concerns related to traffic patterns along the street.
  - Shirley: 85th Percentile November 2023 = 30 mph, therefore YES
  - Arlington: 85th Percentile November 2023 = 32 mph, therefore YES
    - 85th Percentile speeds of 5-7 mph makes City Police & Engineering MORE inclined to narrow the road
    - Cannot put speed bumps on an unimproved road

- Street may be as narrow as 20 ft. with parking on one side only if right-of-way is less than 50 ft.
  - Right-of-way = 50ft, therefore NO



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Another Speed Study mid December 2023

Type of report: Tube Count - Speed Data

SUMMARY - Tube Count - Speed Data

LOCATION: Shirley Rd Btwn Maple Rd and Arlington St
QC JOB #: 16432805
SPECIFIC LOCATION:
DIRECTION: NB, SB
CITY/STATE: Birmingham, MI
DATE: Dec 19 2023 - Dec 22 2023

Speed Range	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	139	178	276	137	31	0	1	0	0	0	0	0	0	0	762	16-25	454
Percent	18.2%	23.4%	36.2%	18%	4.1%	0%	0.1%	0%	0%	0%	0%	0%	0%	0%			
Cumulative Percent	18.2%	41.6%	77.8%	95.8%	99.9%	99.9%	100%	100%	100%	100%	100%	100%	100%	100%			

ADT 190

85th Percentile: 26 MPH
Mean Speed(Average): 21 MPH
Median: 21 MPH
Mode: 23 MPH

Comments:

Report generated on 12/22/2023 12:27 PM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net)

Type of report: Tube Count - Speed Data

SUMMARY - Tube Count - Speed Data

LOCATION: Arlington St Btwn Lincoln St and Shirley Rd (South)
QC JOB #: 16432802
SPECIFIC LOCATION:
DIRECTION: NB, SB
CITY/STATE: Birmingham, MI
DATE: Dec 19 2023 - Dec 22 2023

Speed Range	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	80	232	318	96	9	0	0	0	0	0	0	0	0	0	735	16-25	550
Percent	10.9%	31.6%	43.3%	13.1%	1.2%	0%	0%	0%	0%	0%	0%	0%	0%	0%			
Cumulative Percent	10.9%	42.4%	85.7%	98.8%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%			

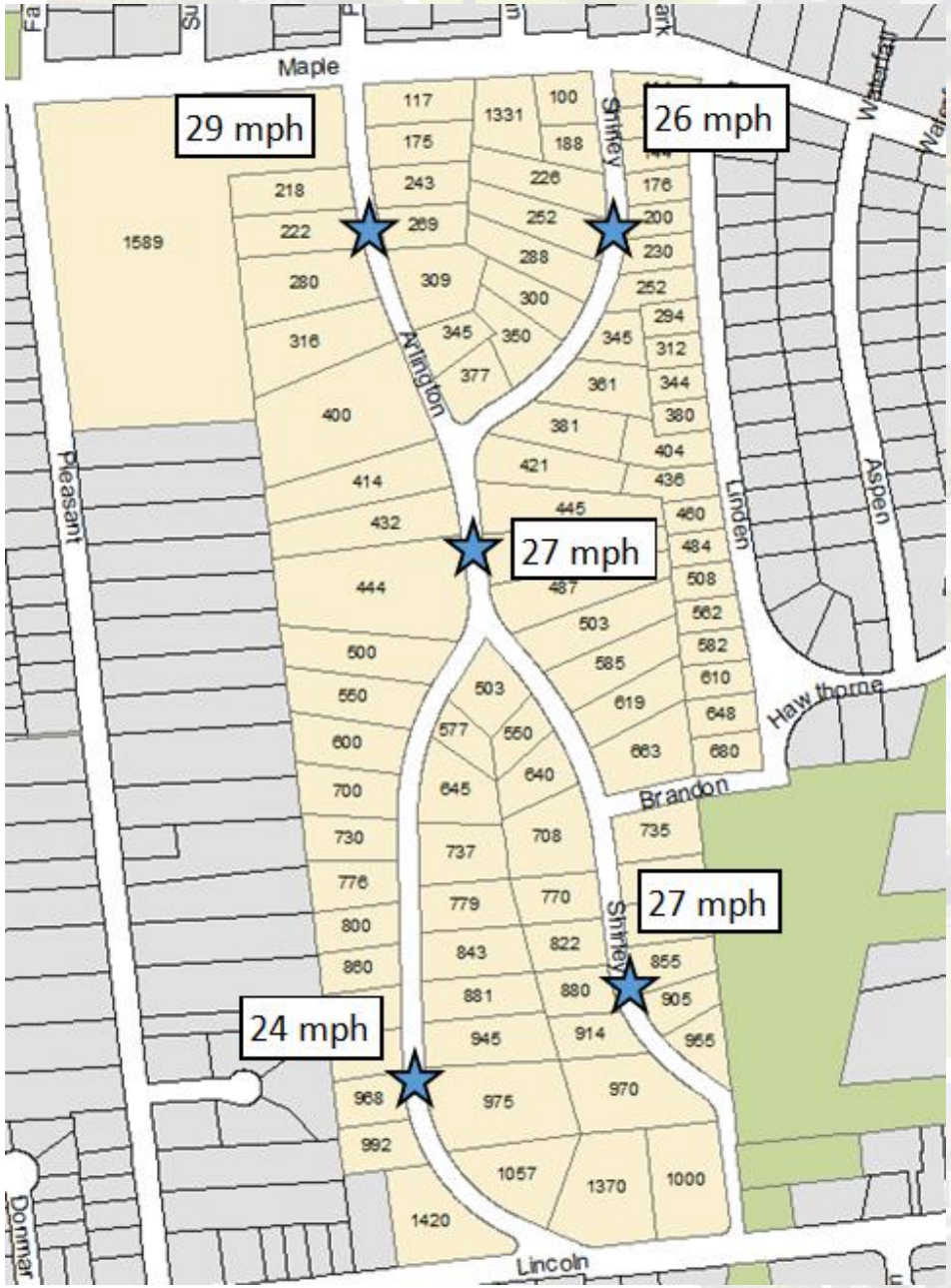
ADT 183

85th Percentile: 24 MPH
Mean Speed(Average): 20 MPH
Median: 20 MPH
Mode: 23 MPH

Comments:

Report generated on 12/22/2023 12:27 PM

SOURCE: Quality Counts, LLC (http://www.qualitycounts.net)



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Survey Responses

- 80 Total properties
- 44 Survey responses – 55% (Some multiple)

Category	Yes	No	No Repsonse
Sewer:	18 (23%)	26 (33%)	36 (45%)
Water:	18 (23%)	26 (33%)	36 (45%)
Improved Street:	12 (15%)	30 (38%)	38 (48%)
Sidewalks:	8 (10%)	36 (45%)	36 (45%)

- Sec. 94-4. - Initiation of improvement.
  - (1) The commission, in order to ascertain whether or not a satisfactory number of property owners to be *assessed* desire any particular improvement to be made, may request and receive a petition therefore, or may receive a petition voluntarily presented.
  - (2) The commission shall carefully consider any petition received, but petitions shall be advisory only and shall not be jurisdictional. Petitions shall in no event be mandatory upon the commission.

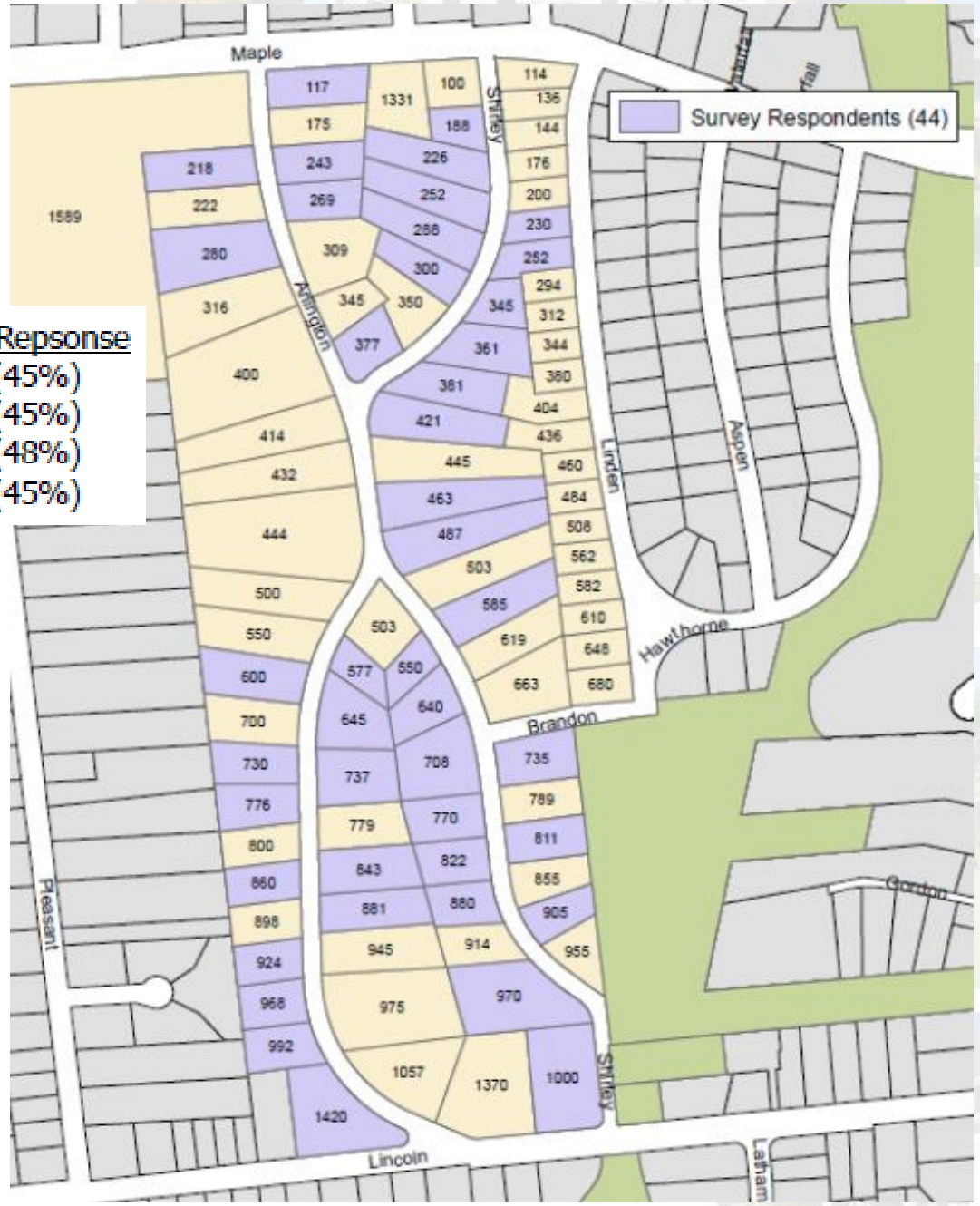

Exhibit A

- City Standard
- Maximizes 50’ R.O.W.
- Complete Streets Design
  - 26’ street width (28’ total)
  - 6’ greenbelt for trees
  - 5’ sidewalk along property line
- Potentially transplant 31-38 trees
- 200-250 new trees would be planted

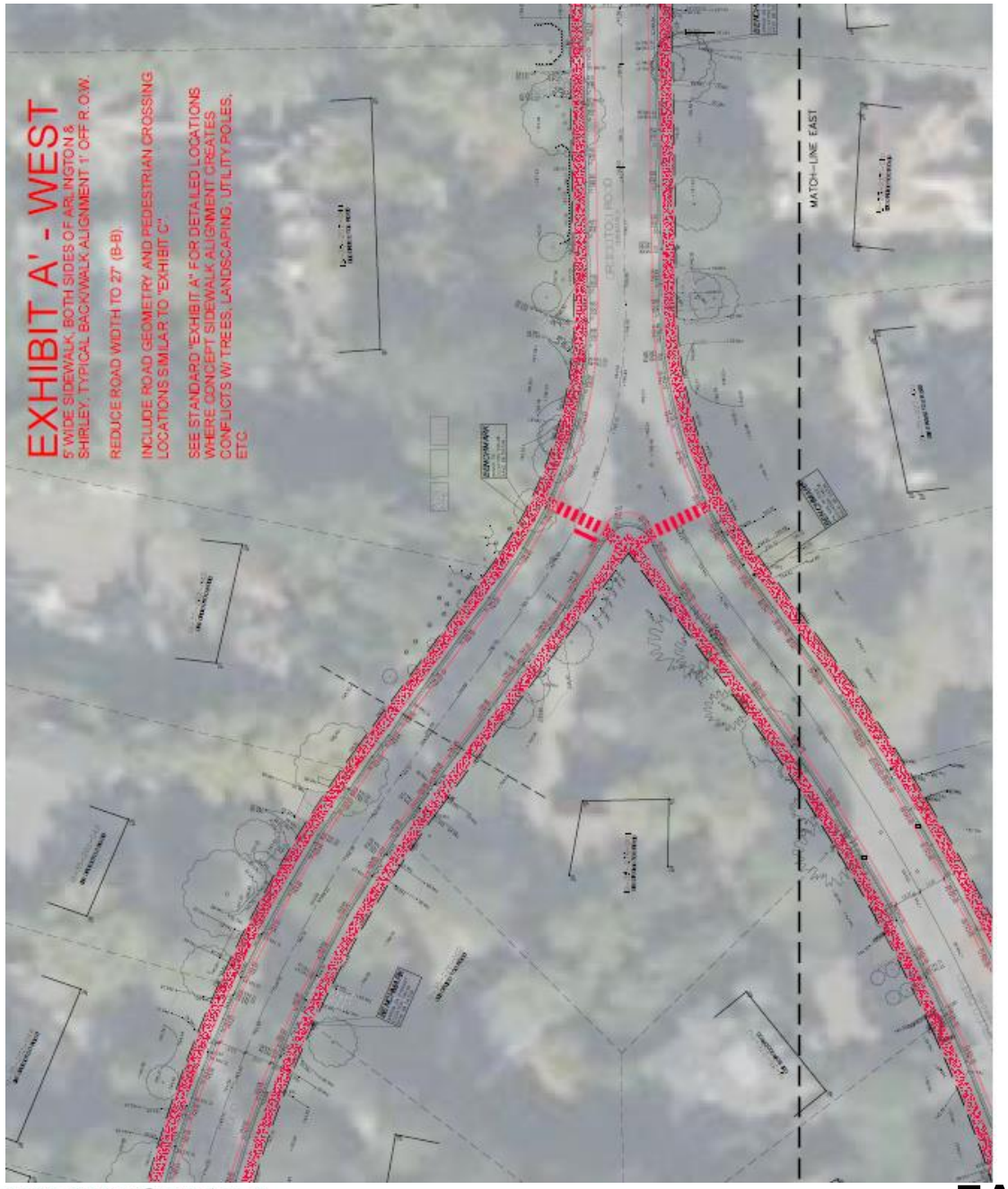

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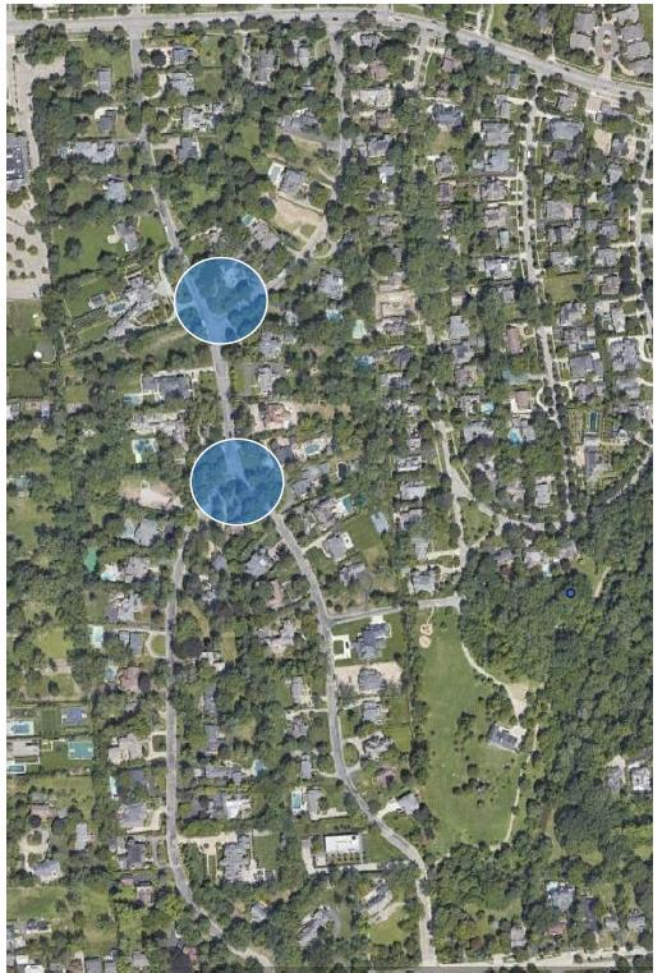
Exhibit A



- Reduces the wide expanse of unnecessary pavement
- Reduces stormwater and drainage issues
- Eases Pedestrian Crossings
- Reduces traffic Speeds
- Actual design is dependent on sidewalk alternative

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Exhibit A Example – Mohegan Ave

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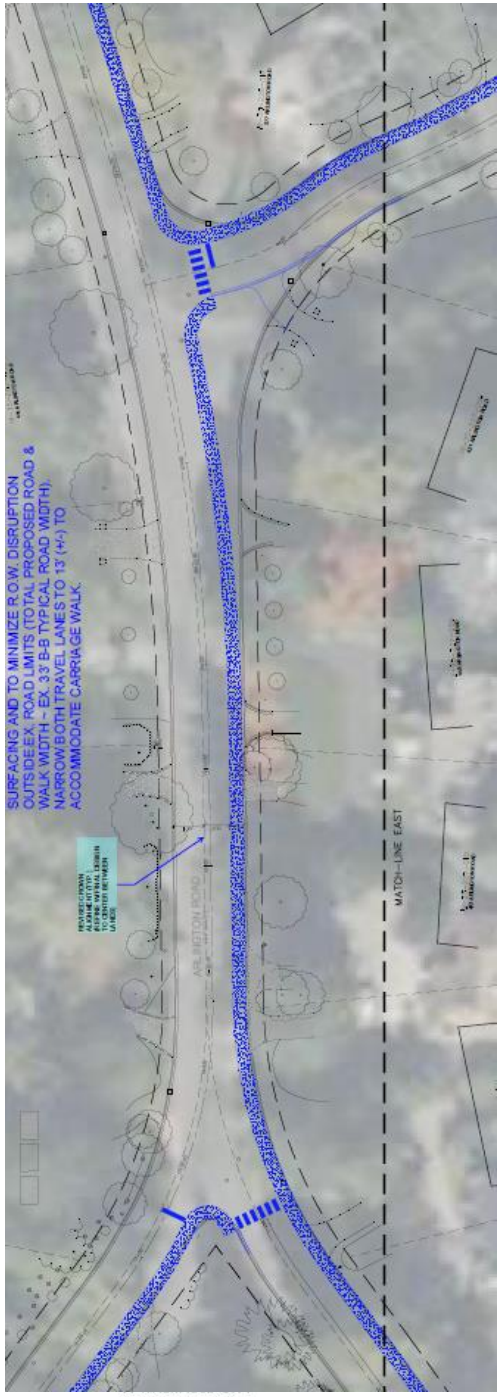

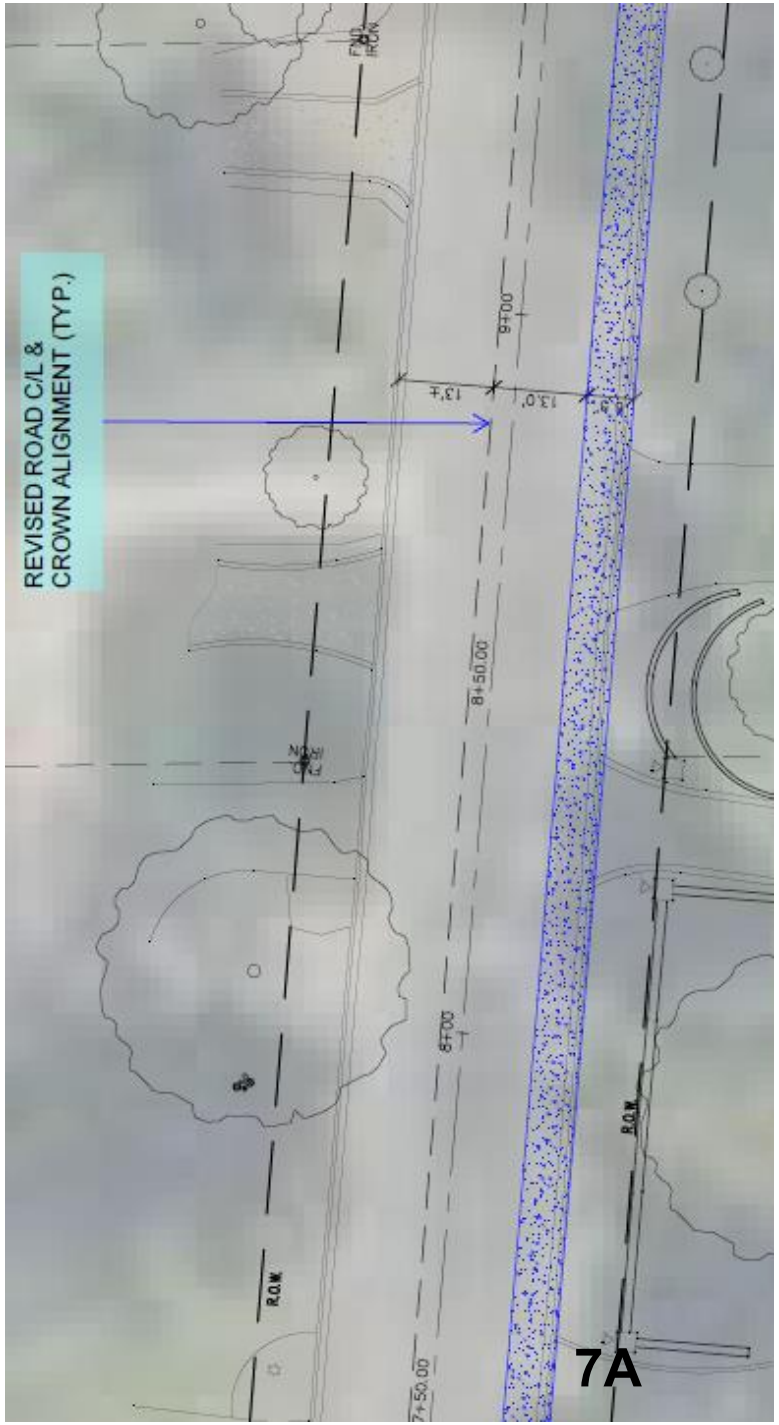

Exhibit B

- Within existing 33’ wide street
- 6.5’ wide “carriage sidewalk” along street
- City standard 26’ wide street
- Saves existing landscape

Exhibit B Example – Shirley at Lincoln

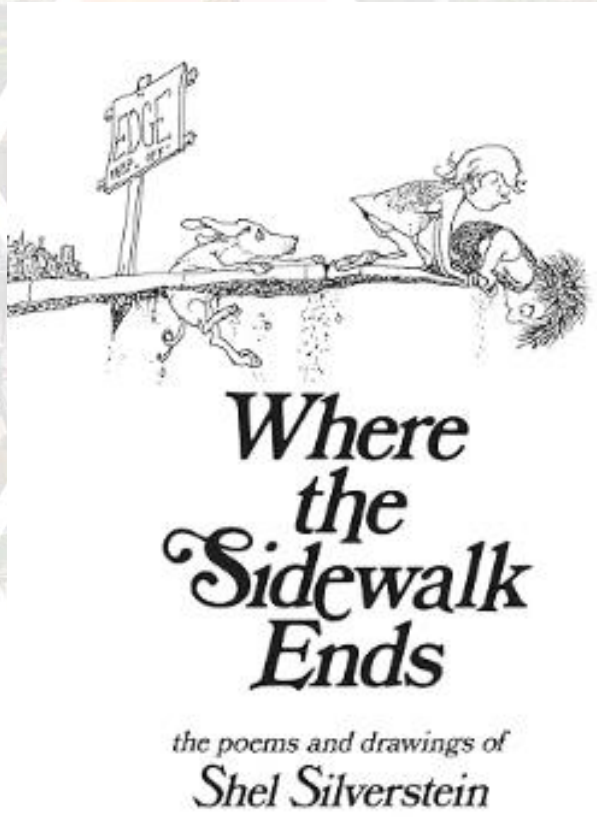

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Exhibit C

- 39’ -40’ width total
- 5’ sidewalk on one side of the street
- City standard 26’ wide street
- Some existing landscape removed
- Curb lawn and new trees on side with new sidewalk

Exhibit C Example – Hawthorne

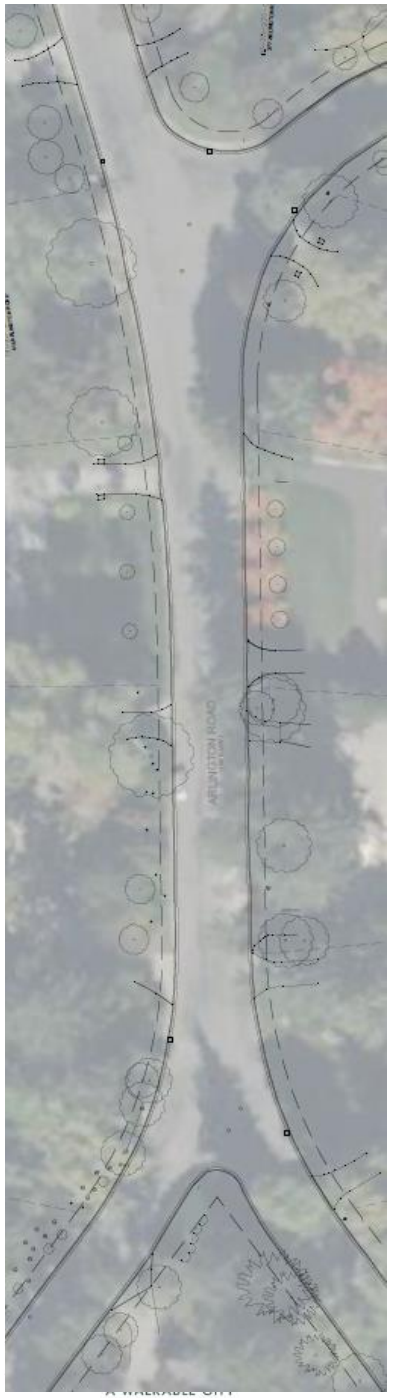

Exhibit D

- No changes to existing 33’ road dimensions

Exhibit D Example – Shirley

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Finance & Budgeting

Ad-Hoc Unimproved Streets Study Committee Recommendations

- (#3) Use General Fund transfers to fund just the road component of the improvement with bonds providing the funding for the water and sewer improvements.
  - The Committee agrees that the billing process should remain unchanged.
  - To recommend that all street improvements shall be charged to residents in the same percentages as the City currently uses.
  - Because the policy for funding the conversion of unimproved streets to improved streets has been done through special assessment dating back to the 1940's, **a change in the policy to eliminate special assessment and share costs among all residents now would charge many properties twice; once for the improvement on their own street when it was completed and again for improvements to other streets now. As a result, the committee did not support eliminating the special assessment process.**

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Finance & Budgeting

Projected Costs

- Concrete improved road - $3,300,000
- Sewer – $390,000
- Water – $1,700,000
- Sidewalks - $500,000

- Amend budget to move money from General Fund to Local Streets Fund and follow standard Special Assessment process
  - Special Assessment will reimburse City over time for a portion of the cost
  - Aligns with recommendation by the Unimproved Streets Study Committee Final Report

Concerns Considered During Review

- On-street parking
- Home construction
- Private landscaping on public property
- Street Trees
- Character of the area
- Sidewalks are more dangerous than the street
- Sustainability
- Cost

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Summary of City Plans and Policy for Recommendation Guidelines

- Ad-Hoc Unimproved Streets Committee – 15 meetings 2018-2020
- Procedure for Street Improvements amendment – October 25, 2021
- Residential Street Width Policy – 4 meetings 2018
- Multi-Modal Transportation Plan – 21 meetings 2012-2013
- The Birmingham Plan 2040 – 45 meetings 2019-2023
- Birmingham Prohibited and Permitted Tree Species List
- Multi-Modal Transportation Board Review and Recommendation – 4 meetings 2023
- Political willpower

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City Staff Recommendations

- Be PROACTIVE, not reactive, and follow goals of City policy
- Think long-term for future generations
- Pursue Complete Streets Policy within the City's 50' R.O.W.
- Pursue Exhibit A as an improved street
  - Concrete surface
  - 26' street width
  - 5' Sidewalks along property line
  - Curblawn for trees
- Coordinate with residents on mature trees and transplantable trees
- Plant 200-250 new permitted trees expected to last for generations
- Provide safe space that is separated from the vehicular lanes for all ages and abilities

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Alex Bingham <abingham@bhamgov.org>

Re: Shirley/Arlington Proposal F

2 messages

Elaine McLain <emclain@bhamgov.org> Sun, Jan 21, 2024 at 7:44 AM
To: "Silbergleit, Alice" <ASILBER1@hfhs.org>
Cc: Jana Ecker <jecker@bhamgov.org>, Alexandria/Bham Bingham <abingham@bhamgov.org>

Good morning, Mrs Silbergleit: I recall speaking with your husband after the last Commission meeting.

The Commission and staff were in Long Range planning all day yesterday, at City Hall.

As I have shared with others, please know that all communications that are time date stamped through the clerk are considered by the full Commission and staff in any analysis of agenda items.

Thank you for following up,

Elaine McLain
Mayor, City of Birmingham MI
248-225-9903

> On Jan 20, 2024, at 12:14 PM, Silbergleit, Alice <ASILBER1@hfhs.org> wrote:
>
> Dear Mayor McLain, City Commissioners and Ms. Ecker,
>
> We have lived at 345 Shirley Road for 30 years. We are so grateful to reside in such a beautiful, tree abundant, walkable neighborhood and in a beautiful, caring, community such as Birmingham. I am writing to you now in support of the attached Proposal (Proposal F) for the addition of an ADA compliant path connecting Lincoln to Linden and Maple along with other safety improvements to the neighborhood.
>
> At the last MMTB meeting, one of the members commented that he is the cross country coach at Seaholm and would like his team to be able to run on Lincoln and turn onto a hill at Shirley/Arlington for further exercise in a safe manner. This new proposal accommodates his request while providing the team with a peaceful park atmosphere in which to run.
>
> Several years ago I had the honor of participating in the first Birmingham Citizen's Academy which gave me an ever greater appreciation for our city government. So thank you very much for all of the time, attention, and consideration of resident opinions regarding this project that you have provided.
>
> Sincerely,
>
> Alice
>
> Alice K. Silbergleit, Ph.D., CCC-SLP (She/Her/Hers)
>
> Director, Speech-Language Sciences and Disorders
>
> Speech-Language Pathologist

Senior Bio-Scientific Staff

Department of Neurology

Henry Ford Health

248-661-7241 (West Bloomfield)

313-972-4089 (Detroit)

313-671-5133 (Mobile)

Associate Professor (Clinical Educator) FTA

Department of Neurology

Wayne State University School of Medicine

Associate Professor-Research

Department of Neurology

College of Human Medicine

Michigan State University

Clinical Associate Professor

Department of Neurology

College of Osteopathic Medicine

Michigan State University

Asilber1@hfhs.org

www.henryford.com/speech

---

2 attachments

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: Shirley and Arlington - NO SIDEWALKS!

1 message

Jana Ecker <Jecker@bhamgov.org> Thu, Feb 1, 2024 at 3:49 PM
To: Alex Bingham <abingham@bhamgov.org>

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **Therese Longe** <tlonge@bhamgov.org>
Date: Thu, Feb 1, 2024 at 2:02 PM
Subject: Fwd: Shirley and Arlington - NO SIDEWALKS!
To: Jana Ecker <Jecker@bhamgov.org>

---------- Forwarded message ---------
From: **Molly Borman** <mollyborman@gmail.com>
Date: Thu, Feb 1, 2024 at 1:36 PM
Subject: Shirley and Arlington - NO SIDEWALKS!
To: <emclain@bhamgov.org>, <kschafer@bhamgov.org>, <along@bhamgov.org>, <tlonge@bhamgov.org>, <ahaig@bhamgov.org>, <bhost@bhamgov.org>

To whom it may concern,

I do not support the sidewalk proposal on Shirley and Arlington streets.

This is an absolute waste of time and I have not met one person who lives on either street who is in favor of this.

Instead, I suggest adding stop signs to Brown Street, as I have seen many accidents and even more near accidents as a result of every other surrounding street having stop signs EXCEPT Brown.

Thank you,

Molly Borman

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: Proposal F for Shirley and Arlington

1 message

Jana Ecker <Jecker@bhamgov.org> Mon, Jan 22, 2024 at 10:59 AM
To: Alex Bingham <abingham@bhamgov.org>

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **Stuart Borman** <sb@borman.net>
Date: Mon, Jan 22, 2024 at 9:20 AM
Subject: Proposal F for Shirley and Arlington
To: <emclain@bhamgov.org>, <kschafer@bhamgov.org>, <along@bhamgov.org>, <tlonge@bhamgov.org>, <ahaig@bhamgov.org>, Host Brad <bhost@bhamgov.org>, <jecker@bhamgov.org>

As a long term Birmingham resident of 811 Shirley, I am writing in support of the collaborative proposal submitted to the city called Proposal F.

This proposal supports the sewer and water upgrades, supports some improvements at the intersections to calm the traffic flow and slow it down (small islands, bump-outs, etc), and offers another sidewalk alternative through the park and connecting to Linden Road's sidewalks. It also puts some skin in the game from our community to possibly fundraise or find another method to improve the entrances to Linden Park to help pedestrians know that such a beautiful path exists. Most importantly it saves the character of our neighborhood.

Sincerely,

Stuart and Hilary Borman

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Letter for CC packed for 2/5 meeting

1 message

Janelle Boyce <jlwboyce@gmail.com> Wed, Jan 31, 2024 at 8:22 AM
To: Clerks Office <clerksoffice@bhamgov.org>

Some simple facts:

1. These two streets are the property of the City of Birmingham.
2. All of the city's taxpayers pay for these two streets.
3. Every homeowner is responsible for paying for the improvements of the public right of way abutting their private property. This has always been the case and hundreds if not thousands of people before this proposed project have been assessed for like improvements in front of their homes.
4. Sidewalks = pedestrian safety.
5. Narrower streets = less traffic collisions and slower driving speeds.
6. The water and sewer lines beneath these streets are over 100 years old and require frequent costly emergency repairs.
7. 100 trees will be cut down and 35 trees will be relocated.
8. 200 new trees will be planted.
9. The trees being removed are prohibited species, species prone to hollowing from the inside out and unhealthy trees as determined by arborists. These are the kinds of trees that break and fall during storms (silver maple, elm, ash for example).

All of what I stated above is indisputable fact.

Now for the emotions:

1. The people who live on this street fear the improvements won't look good.
2. The people on the street aren't happy about paying for the part they will be assessed for.

These improvements are necessary for the safety and well being of the entire city population.
These improvements will allow all people including people with mobility challenges to safely navigate these streets. These improvements will allow for kids to walk to school or wait for the school bus safely.
These improvements will allow for caregivers to push strollers and people to walk dogs without fear of being hit by a car.
This isn't about the city coming along and trying to mess up a couple of beautiful streets, this is about making these beautiful streets safe for all of the residents of the city.
Some residents have asked the city to listen to them, please residents - listen to the city and the safety experts, the traffic experts, the arborists, the police, the fire department, people with mobility challenges, children, dog walkers.
Read the Americans with Disabilities Act and consider why accessibility for all is vital.
Lastly, try and have some faith in the city planners. These are the same planners who gave you the improved Maple Road down from 4 lanes to 3 lanes despite the vehement pushback at the time.
This city doesn't make decisions in a vacuum.
This city does listen to its residents concerns.
Think about what's best for all of the people who live here.
Thank you.
Janelle Boyce
Sent from my iPhone

"*Design is not just what it looks like and feels like. Design is how it works.*" - ***Steve Jobs***

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: Arlington/Shirley Alternative Proposal F

1 message

Jana Ecker <Jecker@bhamgov.org> Mon, Jan 22, 2024 at 10:59 AM
To: Alex Bingham <abingham@bhamgov.org>

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **David Brethen** <brethencapital@gmail.com>
Date: Mon, Jan 22, 2024 at 9:13 AM
Subject: Arlington/Shirley Alternative Proposal F
To: <emclain@bhamgov.org>, <kschafer@bhamgov.org>, <cballer@bhamgov.org>, <along@bhamgov.org>, <bhost@bhamgov.org>, <ahaig@bhamgov.org>, <tlonge@bhamgov.org>, <jecker@bhamgov.org>

Hello Neighbors,

Please take this email as a confirmation of support from the Brethen family. Should any of you need anything please feel free to contact me via email.

Kindly,

David Brethen

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Tonight's Jan 22 meeting re Arlington & Shirley streets; I will read at tonight's meeting

2 messages

Lauren Buttazzoni <lmbuttazzoni@comcast.net> Mon, Jan 22, 2024 at 5:20 PM
To: "emclain@bhamgov.org" <emclain@bhamgov.org>, "kschaefer@bhamgov.org" <kschaefer@bhamgov.org>, "ahaig@bhamgov.org" <ahaig@bhamgov.org>, "bhost@bhamgov.org" <bhost@bhamgov.org>, "along@bhamgov.org" <along@bhamgov.org>, "tlonge@bhamgov.org" <tlonge@bhamgov.org>, "cballer@bhamgov.org" <cballer@bhamgov.org>
Cc: "jecker@bhamgov.org" <jecker@bhamgov.org>, "mkucharek@bhlaw.us.com" <mkucharek@bhlaw.us.com>, "abingham@bhamgov.org" <abingham@bhamgov.org>

Dear City Commissioners:

My name is Lauren Mirro Buttazzoni. My parents are Loretta and Jim Mirro (737 Arlington), and I have lived on Arlington for many years. First as a kid from about age 10 until I was a young adult; I lived with my parents while I was finishing law school at Wayne State University in Detroit. And then about ten years later I moved next door to them (at 645 Arlington) with my husband and 4 small kids while my parents' mothers, my grandmothers, lived with them; we had four generations between the two homes. Below I will share my personal experiences about the safety of living on Arlington (and Shirley), which streets I will hereafter refer to as "Our" streets.

I have attended several of the public meetings and I am informed about what has transpired. By way of summary: The city proposed a plan to do three major things: replace water/sewer lines, replace the streets/surfaces, and add sidewalks. When the plan was met with overwhelming resistance and outrage by the affected homeowners--which was almost entirely resistance to adding sidewalks--the city introduced new reasons for adding the sidewalks including: (1) that sidewalks are for the benefit of the city and *not* for the benefit of Arlington and Shirley, and (2) that the streets are *unsafe* without sidewalks. I strongly suggest that you take a close look at these purported reasons.

First: Sidewalks on are for the benefit of the City:
At the end of the last meeting when the commissioners gave their closing remarks, it seemed that the focus was to drive home the idea that sidewalks are for the benefit of THE CITY. Quite a few times, it was stated that the sidewalks are for **"the benefit of the 21,000 other citizens of Birmingham,"** with added language and emphasis that it is "**NOT about the 80 homeowners on Arlington and Shirley**." (As an aside, I could not respectfully disagree more. It is absolutely and 1000% about the 80 homeowners who are being *told* that their homes, yards, finances, property values, part of the reason why they purchased their homes here, and the unique character of *their neighborhood* are about to be irrevocably destroyed, and against their will. Not to mention the destruction of faith and reliance on their local government. But I digress.) Back to the commissioners' and city's position that sidewalks on Our streets are for the city. How exactly? And if that is the city's position, then why did the city present the plan as an assessment on Arlington and Shirley homeowners only? Why was a survey sent to only those homeowners and not the entire city? While I can appreciate that these things were said in the context of summarizing remarks, there are serious, troubling inconsistencies here.

Secondly: Sidewalks are necessary because the streets are unsafe:
First, If safety was/is a reason for sidewalks, why was it not presented by the city at the beginning and introduced only after resistance? I would posit because it is not a reason, or at least not the

driving reason for the city's plan. However, even if it is a concern, where is ANY proof or evidence that the streets are UNsafe? There is none. We have not been shown any evidence that Our streets are unsafe. When the city tried to present support for sidewalks under the guise of safety at the last meeting, it was quick, scant, and exceptions glossed over. There was some data showing speeds on Our streets of slightly over the 25 mph limit, but this alone does not show either that Our streets are unsafe nor that sidewalks will reduce those speeds or that sidewalks will make Our streets safe. No other data was shown about any other comparable street, to see if these speeds are similar on streets with sidewalks, and even if it we had this information -- where is the correlation, evidence, proof? It is a stretch to make such conclusions from that. Thirdly, again if safety really is a concern-- read: those slightly higher mph speeds-- then address THAT concern. And do it with better, smarter, less expensive solutions such as speed bumps, or the lighted signs showing an oncoming vehicle's speed. At the very least we must see information about what makes a street safe. Lastly, exceptions were presented including that sidewalks may not be safe if there is a bus route on the street, which there are on Our streets! This is an important exception, and it was glossed over. The issue of safety that was added to this matter seems to be an afterthought, not thought out well, with scant/incomplete analysis with serious holes in all of it --the assertion, studies and conclusions-- which is again troubling regarding a topic as serious as safety.

On the topic of safety, I would like to suggest that you look to the homeowners on Our streets for their opinion of whether Our streets are safe. (And the fact that their have been no accidents on our roads, ever.) We chose to live here. You have heard from many, if not most of us. You have heard from people of all ages, with children of all ages, including the very elderly, and whose families include those with physical and mental disabilities. Everyone feels safe. We live here, and we know. As for me, I lived here from age 10 to my early 20s. My brother and I walked/ran/rode our bikes and moped all over Arlington and Shirley playing kick the can, pool hopping, you name it, with all of our best friends who lived on these streets with us -- there were about two dozen of us kids all over Our streets all year long. When I lived here with my own four children (ages 1 to 10), they likewise had friends on Our streets and they also walked/ran and rode their bikes all over the place to their friends' homes here and the park. It is safe. Ask anyone who lives here.

Thirdly: Lack of transparency/information:
It is becoming increasingly disheartening the longer this goes on the way the homeowners keep uncovering things as they continue to try to stop what they do not want to happen to their neighborhood. Since the last meeting, it has been discovered that Latham Road was repaved WITHOUT adding sidewalks and AT NO COST TO THE HOMEOWNERS. Latham is the same as Our streets. Same width/size, same sloping landscape, same with bus route, and same infringement on homeowners' properties. And there is a letter from four city department managers, one of whom is the present city manager, (in 2021) advising that adding sidewalks would not be good; that doing so "...would pose a number of significant challenges" which challenges must have been significant enough that they were **not** added to Latham. Why the different treatment/plan for Arlington and Shirley? Without any explanation, this is really wrong. And also wrong is why has this not been talked about by any commissioner or anyone during the numerous meetings and discussions about the cost of the project and other streets? This is HIGHLY RELEVANT. It seems like there were myriad opportunities for someone to share this information. So many times it should have been discussed. Did any of you know about this? And if you did, did you not think it was relevant?

Lastly, BIRMINGHAM IS A WALKABLE CITY ALREADY:
The most important point is last. If there is anything you take away from this letter, please have it be this. The thing I lie awake thinking about is WHY the city wants these sidewalks. I have really tried to understand. I figured if we could just understand why it means so much to the city, then we could work together to find a solution for all. And the only thing I can come up with is what was said sometime around the beginning -- to make Birmingham a "walkable city." Well, it is. And we

always knew that. But perhaps you need more and the best I can do it offer the following: **Please see Redfin article published just last week (Jan 16, 2024) ranking Birmingham the 4th* most walkable city in Michigan**.
https://www.redfin.com/blog/most-walkable-cities-in-michigan/
*Even though the article ranks Birmingham #6, because the cities which are ranked 4th 5th and 6th all have the same Walkscore of 60, Birmingham could have been ranked 4th (not sure how the order of these three cities were decided). Note that of all the cities, Birmingham has the highest median sale price of $700,000. The other cities' median sale prices range from $150,000 (Eastpointe) to $323,000 (Royal Oak). If someone were moving to Michigan and wanted a walkable city, Birmingham really stands out. I also have some unique perspective on this given my position as the Principal Broker of Zillow for the state of Michigan (and other states), and before that I had the same position with Redfin. When I was the market manager for Redfin in Michigan, *more than half of our buyer customers came to us from out of state, and significantly most of them wanted to live in a walkable city.* Most of these out of state buyers were not familiar with Michigan. Many were transferees. And the 3 most popular, walkable cities these buyers wanted to be in, in no particular order were: downtown Detroit, Royal Oak and Birmingham. The point is: BIRMINGHAM IS ALREADY AN AMAZING, WONDERFUL, WALKABLE CITY. And we absolutely do not need to ruin our two uniquely wonderful streets with sidewalks to make it so.

I implore you to please not vote to put sidewalks on our streets. And I thank you very much for your consideration of my letter.

(From a procedural standpoint, I think it quite prudent to implement Commissioner Andrew Haig's smart idea to separate the three issues of the original proposal for another survey because the responses were likely inaccurate given how much was being proposed and the varying possible responses to each. Thank you.)

Sincerely,
Lauren M Buttazzoni
and family
Angelo L Buttazzoni
Giovanna, Francesca, Aldo and Angelo
248.866.2830

The 10 Most Walkable Cities in Michigan _ Redfin.Published16Jan2024.pdf
4162K

Jana Ecker <Jecker@bhamgov.org> Mon, Jan 22, 2024 at 6:07 PM
To: Alex Bingham <abingham@bhamgov.org>

For tonight if possible, otherwise for next meeting.

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811
[Quoted text hidden]

The 10 Most Walkable Cities in Michigan _ Redfin.Published16Jan2024.pdf
4162K

The 10 Most Walkable Cities in Michigan

Published on January 16, 2024 by Jamie Forbes

Reading Time: 3 minutes

Michigan, a state known for its Great Lakes and vibrant cities, offers a variety of walkable communities. From the bustling streets of Hamtramck to the quiet neighborhoods of Madison Heights, each city has its unique charm.

In this Redfin article, we delve into the top ten most walkable cities in Michigan, exploring their walk scores and housing market trends. So, if you're considering a move within the state, this guide will help you find a city that suits your pedestrian-friendly lifestyle.

1. Hamtramck, MI

Walk Score: 82
Median Sale Price: $175,000
Median Rent Price: $1,075

With a walk score of 82, Hamtramck is the most walkable city in Michigan. As a suburb of Detroit, the region boasts several pedestrian-friendly neighborhoods like Downtown Hamtramck and Campau/Banglatown. These areas contain a variety of shops, restaurants, and attractions easily accessible on foot.

Discover Hamtramck, MI homes for sale and apartments for rent.

2. Ferndale, MI

Walk Score: 67
Median Sale Price: $251,500
Median Rent Price: $1,550

Ferndale has a walk score of 67, making it the second most walkable city in the state. There are numerous walkable areas and neighborhoods throughout Ferndale, like Downtown Ferndale and Woodward Heights, helping make the city explorable without a car.

Search for Ferndale, MI homes for sale or apartments for rent.

3. Ypsilanti, MI

Walk Score: 62
Median Sale Price: $230,000
Median Rent Price: $1,166

Ypsilanti is the third most walkable city in the state. Particularly walkable areas in Ypsilanti include Depot Town, Downtown Ypsilanti, and Normal Park. These places are home to amenities like Riverside Park, Sidetrack Bar & Grill, and Ypsilanti Automotive Heritage Museum.

Find Ypsilanti, MI homes for sale and apartments for rent.

4. Lincoln Park, MI

Walk Score: 60
Median Sale Price: $150,000
Median Rent Price: $1,331

Lincoln Park has plenty of amenities a resident might need well within walking distance. From Fort Street to Dix Highway, there's something for every lifestyle. The downtown area is particularly walkable, with numerous restaurants, shops, and attractions.

See Lincoln Park, MI homes for sale and apartments for rent.

5. Wyandotte, MI

Walk Score: 60
Median Sale Price: $190,000
Median Rent Price: $1,288

As the fifth most walkable city in the state, Wyandotte is known for its Downtown Wyandotte and Ford City. Consider exploring Bishop Park or getting a bite to eat at Portofino Restaurant with friends. Or if you're in the mood for an adventure, visit Wyandotte Shores Golf Course.

Browse Wyandotte, MI homes for sale and apartments for rent.

6. Birmingham, MI

Walk Score: 60
Median Sale Price: $700,000
Median Rent Price: $2,508

Birmingham is the sixth most walkable city in Michigan. The region boasts several pedestrian-friendly neighborhoods like Downtown Birmingham and Quarton Lake. These areas contain a variety of shops, restaurants, and attractions easily accessible on foot.

Look for Birmingham, MI homes for sale or apartments for rent.

7. Dearborn, MI

Walk Score: 58
Median Sale Price: $240,000
Median Rent Price: $1,616

Dearborn has a walk score of 58, making it the seventh most walkable city in the state. There are numerous walkable areas and neighborhoods throughout Dearborn, like West Downtown Dearborn and East Downtown Dearborn, helping make the city explorable without a car.

Find Dearborn, MI homes for sale and apartments for rent.

8. Royal Oak, MI

Walk Score: 57
Median Sale Price: $323,000
Median Rent Price: $1,955

Royal Oak is the eighth most walkable city in the state. Particularly walkable areas in Royal Oak include Downtown Royal Oak, Vinsetta Park, and Northwood. These places are home to amenities like Royal Oak Music Theatre, Vinsetta Garage, and Starr Jaycee Park.

Peruse Royal Oak, MI homes for sale or apartments for rent.

9. Eastpointe, MI

Walk Score: 57
Median Sale Price: $150,000
Median Rent Price: $1,325

Eastpointe has plenty of amenities a resident might need well within walking distance. From 8 Mile Road to Gratiot Avenue, there's something for every lifestyle. The downtown area is particularly walkable, with numerous restaurants, shops, and attractions.

Search for Eastpointe, MI homes for sale or apartments for rent.

10. Madison Heights, MI

Walk Score: 57
Median Sale Price: $207,500
Median Rent Price: $1,508

As the tenth most walkable city in the state, Madison Heights is known for its downtown area and the John R Corridor. Consider exploring Civic Center Park or getting a bite to eat at Green Lantern Pizzeria with friends. Or if you're in the mood for an adventure, visit Red Oaks Nature Center.

Discover Madison Heights, MI homes for sale or apartments for rent.

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Arlington - Shirley sidewalks project.

2 messages

'bconnolly1@aol.com' via City Commission <city-commission@bhamgov.org> Wed, Jan 24, 2024 at 3:53 PM
Reply-To: "bconnolly1@aol.com" <bconnolly1@aol.com>
To: "city-commission@bhamgov.org" <city-commission@bhamgov.org>

Dear Commissioners -

I have been a Birmingham resident for almost 50 years and have lived on Arlington for over 40 years. I also had a medical practice in the downtown area for 50 years. I have a deep attachment to this city. I also have great respect and appreciation for all the citizens such as yourselves who have served in city government roles over the years. You have all made many good decisions that have helped maintain the quality of life of our hometown. Because of this I am perplexed by the apparent willingness of the commissioners to proceed with a plan that will disrupt and disfigure our neighborhood in spite of overwhelming opposition from our residents. Many of them have contacted you to voice serious and legitimate reservations about this plan. At one of the meetings I attended, several of you said that you were hearing our concerns but that you had to consider the concerns of the other 20,000 residents and act for the overall common good. I am deeply skeptical that the other residents care enough about this issue to support overriding our wishes. I believe that they would more likely be alarmed at seeing the city proceed with such an intrusive plan in spite of residents' opposition with the implication that this could happen to their neighborhood too. The issue of what the overall good is very subjective. In this case you have heard many thoughtful reflections as to why this would not be well served by this plan.

I do not know where the pressure to proceed with this is coming from, but my impression is that it is being strongly promoted by city management. It was obviously well intended to begin with, and a great deal of time and effort has been put into developing it. However, there are many issues that do not appear to have been taken into consideration including the strong opposition of so many of the residents. These have now been raised at meetings and by submissions and I am not aware of any response that adequately acknowledges and addresses these. Fortunately, city management cannot proceed without the approval of the City Commissioner who are elected to represent the wishes of the community. I urge you to not proceed with this project. It should, at the very least, be deferred for further ongoing consideration. Perhaps, in time a new cadre of residents will see it more favorably. In the interim most of us are strongly against it and we will continue to oppose it through whatever appropriate and legitimate means are available if the decision is made to proceed.

Thank you for your consideration.

Respectfully,

Brian Connolly MD

843 Arlington.

Jana Ecker <Jecker@bhamgov.org> Wed, Jan 24, 2024 at 4:11 PM
To: Alex Bingham <abingham@bhamgov.org>

In case you didn't get this...

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: Opinion on Proposal F - Shirley/Arlington Street Improvements

1 message

Jana Ecker <Jecker@bhamgov.org> Mon, Jan 22, 2024 at 3:14 PM
To: Alex Bingham <abingham@bhamgov.org>

Please share copies with the Commission tonight...

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **Therese Longe** <tlonge@bhamgov.org>
Date: Mon, Jan 22, 2024 at 2:37 PM
Subject: Fwd: Opinion on Proposal F - Shirley/Arlington Street Improvements
To: Elaine McLain <emclain@bhamgov.org>, Jana Ecker <Jecker@bhamgov.org>

---------- Forwarded message ---------
From: **Alex Davis** <kalex328@aol.com>
Date: Mon, Jan 22, 2024, 1:46 PM
Subject: Opinion on Proposal F - Shirley/Arlington Street Improvements
To: em@bhamgov.org <em@bhamgov.org>, kschafer@bhamgov.org <kschafer@bhamgov.org>, along@bhamgov.org <along@bhamgov.org>, tlonge@bhamgov.org <tlonge@bhamgov.org>, ahaig@bhamgov.org <ahaig@bhamgov.org>, bhost@bhamgov.org <bhost@bhamgov.org>

Dear Mayor McClain and Birmingham City Commissioners,

We have reviewed **Proposal F** submitted by the Arlington/Shirley Collaborative Residents Group, and we believe it offers an outstanding compromise that speaks to the concerns of both the city at large, and our community of neighbors.

We ask that you please take Proposal F into consideration, as we have worked tirelessly over the last few months to plead our case and make our voices heard on this matter.

Attached you'll also find a video I've put together of footage, collected over the last six months, of our street and its average day-to-day state: filled on either side with trucks, construction crews, guest parking, garbage materials, and more. I hope it conveys that it is already difficult to drive down our street as it is, and that this issue will only be exacerbated by an even narrower street and another overwhelming construction project (on top of the 5 new home builds slated for construction in the near future).

Link to video: https://youtu.be/rFZcuschvtc

Thanks in advance for your attention and consideration.
Best,

Alex Davis & Eric Head
381 Shirley Rd
Birmingham MI

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: FW: Arlington/Shirley Proposal F -- Submitted to City Last Week

1 message

Jana Ecker <Jecker@bhamgov.org> Mon, Jan 22, 2024 at 10:56 AM
To: Alex Bingham <abingham@bhamgov.org>

Ditto...

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **Therese Longe** <tlonge@bhamgov.org>
Date: Sat, Jan 20, 2024 at 7:31 AM
Subject: Fwd: FW: Arlington/Shirley Proposal F -- Submitted to City Last Week
To: Jana Ecker <Jecker@bhamgov.org>

---------- Forwarded message ---------
From: <dgdelgrosso@comcast.net>
Date: Sat, Jan 20, 2024, 7:03 AM
Subject: FW: Arlington/Shirley Proposal F -- Submitted to City Last Week
To: <:cballer@bhamgov.org>, <ahaig@bhamgov.org>, <bhost@bhamgov.org>, <along@bhamgov.org>, <tlonge@bhamgov.org>
Cc: <paula_delgrosso@comcast.net>

Dear Birmingham Commissioners

My wife Paula and I fully endorse Proposal F (attached) for the Arlington/Shirley project.

Thank you for considering this when voting.

Regards

Douglas DelGrosso

From: Lisa Drake <carnegied@msn.com>
Sent: Friday, January 19, 2024 6:12 PM
To: Alice Silbergleit <asilbergleit@gmail.com>; jmirro <jmirro@intromarketing.com>
Cc: lou Baughman <jolobman@sbcglobal.net>; karleenovice@gmail.com; asimmons@boon-health.com; Kerry Milliron <kerrymilliron@gmail.com>; loribconway@comcast.com; Mike Walsh <mike_walsh_4@yahoo.com>; Midge Moran <midgemoran@kw.com>; georgenemoran@gmail.com; n.ramdev@yahoo.com; Mike Minelli <mike@minellifamily.com>; Pamela Minelli <pam@minellifamily.com>; christinetobiascolman@gmail.com; dgdelgrosso@comcast.net; Sherry McCormick <szmccorm789@aol.com>; elizanc@icloud.com; ryanchayka@mac.com; Lorry Schwegman <llschwegman18@gmail.com>; Heidi Pinkert <gtbmidr@gmail.com>;

shayspaniola@gmail.com; sawbone <sawbone@comcast.net>; Lisa Miller <lisa.katt.miller@gmail.com>; bconnolly1@aol.com; Mary Connolly <mlconnolly7@gmail.com>; Kevin Marsh <kmarsh@angleadvisors.com>; lindsay.lee.vansyckle@gmail.com; Gail Abraham <babydoc54@gmail.com>; gabraham@comcast.net; vtree@aol.com; Donna Gach <dgach@mhpdoctor.com>; dabloom2002@yahoo.com; antiquer62@aol.com; Yan S <poshrental@gmail.com>; jlannen57@aol.com; jeanlannen@mac.com; Elaine C Hazel <echazel2@yahoo.com>; Gary Saltzgiver <gsaltzgiver@yahoo.com>; Shebib, Nick and Jenny <jcshebib@yahoo.com>; Nick Shebib <nshebib@yahoo.com>; rbillmey@gmail.com; dbillmey@gmail.com; brookesfisher@me.com; drteetime@aol.com; Kathleen Milford <kmilford47@aol.com>; docmilford@aol.com; Alex Davis <kalex328@aol.com>; andrea@andreabrowninteriors.com; Lana Gmail <lshaffou@gmail.com>; tshaffou@gmail.com; davidfw8@gmail.com; dave.mitchell@trpfund.com; Stuart Borman <sb@borman.net>; hilaryborman@gmail.com; mosquetfamily@hotmail.com; sdodge2011@gmail.com; William Edmunds <williamcedmunds@gmail.com>; JOHN SMITH <johnjrspop@aol.com>; lightbodysmith@aol.com; cherbear1648@yahoo.com; kcdevereaux@yahoo.com
Subject: Arlington/Shirley Proposal F -- Submitted to City Last Week

Hello neighbors -

I am writing on behalf of a group of neighbors that got together to try and be as collaborative as possible with the city, and submitted the following proposal to them last week – 'Proposal F.'

We don't want to waste anyone's time, so if you are a supporter of sidewalks on both sides of the street and don't want to see any other proposals, you do not need to read any further.

This proposal supports the sewer and water upgrades, supports some improvements at the intersections to calm the traffic flow and slow it down (small islands, bump-outs, etc), and offers another sidewalk alternative through the park and connecting to Linden Road's sidewalks. It also puts some skin in the game from our community to possibly fundraise or find another method to improve the entrances to Linden Park to help pedestrians know that such a beautiful path exists. I always say, the price of disagreement is a better idea. And we have one. I also need to be clear that the specific part of the proposal to route the sidewalk through the park did arise from the proposal of Jim Mirro and the work must be attributed to him.

If you are so inclined to support such a proposal, feel free to take this and attach your own cover-letter or email to the City in support. Or help us by showing up on Monday at the City Council Meeting to continue to show our interest in being involved in such decisions that impact our lifestyles and property values.

Respectfully,

Arlington/Shirley Collaborative Residents Group (Shebib, Minelli, Moran, Drake-Walsh)

Arlington Shirley Proposal F.pdf
578K

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: Arlington/Shirley Proposal F -- Submitted To City Manager and City Commissioners

Jana Ecker <Jecker@bhamgov.org> Thu, Jan 18, 2024 at 1:35 PM
To: Alex Bingham <abingham@bhamgov.org>

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **Lisa Drake** <carnegied@msn.com>
Date: Thu, Jan 18, 2024 at 1:10 PM
Subject: Re: Arlington/Shirley Proposal F -- Submitted To City Manager and City Commissioners
To: Jana Ecker <Jecker@bhamgov.org>
Cc: clerksoffice@bhamgov.com <clerksoffice@bhamgov.com>, Midge Moran <midge.moran@comcast.net>

Hi Jana — can this be added for the January 20th walk-around if we are still having it?

With the freezing temps, we thought it might be best to move it to the following week when we will at least be up in the 40s again. It's just so cold still!

I think Midge Moran was going to make that request on behalf of the Coryell Park Association.

If we do still keep it, can our proposal go with it on the 20th?

Thank you!

Arlington/Shirley Collaborative Citizens Group

From: Jana Ecker <Jecker@bhamgov.org>
Sent: Wednesday, January 17, 2024 9:40 AM
To: Lisa Drake <carnegied@msn.com>
Cc: clerksoffice@bhamgov.com <clerksoffice@bhamgov.com>
Subject: Re: Arlington/Shirley Proposal F -- Submitted To City Manager and City Commissioners

Thank you for your submission. This will be added to the upcoming agenda packet for the January 22, 2024 City Commission meeting.

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

[Quoted text hidden]

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: PRO sidewalks for Arlington/Shirley

3 messages

Jana Ecker <Jecker@bhamgov.org> Tue, Jan 30, 2024 at 4:33 PM
To: Alex Bingham <abingham@bhamgov.org>

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **Therese Longe** <tlonge@bhamgov.org>
Date: Tue, Jan 30, 2024 at 3:12 PM
Subject: Fwd: PRO sidewalks for Arlington/Shirley
To: Jana Ecker <Jecker@bhamgov.org>

---------- Forwarded message ---------
From: **Vanessa Reda** <vanessar626@yahoo.com>
Date: Tue, Jan 30, 2024, 1:23 PM
Subject: PRO sidewalks for Arlington/Shirley
To: emclain@bhamgov.org <emclain@bhamgov.org>, kschafer@bhamgov.org <kschafer@bhamgov.org>, cballer@bhamgov.org <cballer@bhamgov.org>, ahaig@bhamgov.org <ahaig@bhamgov.org>, bhost@bhamgov.org <bhost@bhamgov.org>, along@bhamgov.org <along@bhamgov.org>, tlonge@bhamgov.org <tlonge@bhamgov.org>

Hi,

My name is Vanessa Durham. My family and I reside at 421 Arlington St. We bought this house in March so we are new to the neighborhood (but not Birmingham). I am writing because I am (very) pro sidewalks for our streets. We have three young girls (9,7, and 5) whose lives that this would impact, as well as the many other walkers I see on our street. I currently walk my youngest to preschool when the weather is nice and we have to jump on peoples lawns when cars go down the street... or to avoid the many blind spots. Selfishly, I want my girls to be able to ride their bikes to friends houses and walk to Holiday market when they are older without worrying that a car will hit them. This decision goes beyond just impacting my family to the many other community members that walk on these streets every day- including elderly people and people with disabilties. This is about the safety of the community as a whole and the mission to make Birmingham a true walkable city and not just having a trail that connects half the street.
I ask you "why is our neighborhood so special that sidewalks would ruin it?" I know the "against" side is talking about trees and "preserving the look" of our street, but that can be the excuse of many streets in

Birmingham. Is our neighborhood above other neighborhoods in Birmingham that a sidewalk would "ruin" the aesthetic?

Unfortunately, I was unable to attend the walk this morning to let my voice be heard. In full transparency, I wouldn't have felt comfortable walking the streets in the snow with no sidewalks and that the group was mainly comprised of people that vehemently disagree with me - all my new neighbors - which you can imagine is very uncomfortable.
However, I can not let the voice of one group be so loud and I know that they are loud.... that my voice is not heard. Sometimes the squeaky wheel gets the grease. I am hoping that is not the case in this decision. Personally, the option to not have sidewalks is very short sided and if we are in this for the long run sidewalks would only improve our streets, ease of living and safety for all community members.

Thanks for taking the time to read this.

Vanessa Durham
421 Arlington St.
Birmingham, MI 48009

Alex Bingham <abingham@bhamgov.org> Tue, Jan 30, 2024 at 4:55 PM
To: Jana Ecker <Jecker@bhamgov.org>

got it
[Quoted text hidden]
--
Alexandria D. Bingham, CMC, MiPMC
City Clerk
City of Birmingham
151 Martin Street
Birmingham, MI 48009
(248) 530-1802 Office Direct
(248) 530-1080 Fax
Important Note to Residents
Let's connect! Join the Citywide Email System to receive important City updates and critical information specific to your neighborhood at www.bhamgov.org/citywideemail.

Jana Ecker <Jecker@bhamgov.org> Thu, Feb 1, 2024 at 4:41 PM
To: Alex Bingham <abingham@bhamgov.org>

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **Elaine McLain** <emclain@bhamgov.org>
Date: Tue, Jan 30, 2024 at 6:32 PM
Subject: Fwd: PRO sidewalks for Arlington/Shirley
To: Jana Ecker <jecker@bhamgov.org>

FYI
Elaine McLain
Mayor, City of Birmingham MI
248-225-9903

Begin forwarded message:

From: Vanessa Reda <vanessar626@yahoo.com>
Date: January 30, 2024 at 1:23:17 PM EST
To: emclain@bhamgov.org, kschafer@bhamgov.org, cballer@bhamgov.org, ahaig@bhamgov.org, bhost@bhamgov.org, along@bhamgov.org, tlonge@bhamgov.org
Subject: PRO sidewalks for Arlington/Shirley

[Quoted text hidden]

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: FW: The fate of Shirley and Arlington

1 message

Jana Ecker <Jecker@bhamgov.org> Mon, Jan 22, 2024 at 10:59 AM
To: Alex Bingham <abingham@bhamgov.org>

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **Alfred Fisher IV** <AJFisher4@fisherco.com>
Date: Mon, Jan 22, 2024 at 10:24 AM
Subject: FW: The fate of Shirley and Arlington
To: emclain@bhamgov.org <emclain@bhamgov.org>, kschafer@bhamgov.org <kschafer@bhamgov.org>, cballer@bhamgov.org <cballer@bhamgov.org>, along@bhamgov.org <along@bhamgov.org>, bhost@bhamgov.org <bhost@bhamgov.org>, ahaig@bhamgov.org <ahaig@bhamgov.org>, tlonge@bhamgov.org <tlonge@bhamgov.org>, jecker@bhamgov.org <jecker@bhamgov.org>
Cc: jcshebib@yahoo.com <jcshebib@yahoo.com>

City Commissioners & City Manager,

I wanted to send you a note of my support for the attached alternate proposal for the Shirley/Arlington street project. I agree the streets, water & sewer need to be redone, I, and many of my neighbors, like the feel of the wider streets and no sidewalks. I believe the attached proposal to add a full sidewalk connection between Maple and Lincoln without narrowing and adding sidewalks to Shirley & Arlington is a good compromise to address the sidewalk concern. This also eliminates the need to cut down a significant number of mature trees and disrupt people's landscaping.

Thanks for your consideration,

ALFRED FISHER

288 Shirley Rd

Birmingham, MI 48009

Arlington Shirley Proposal F.pdf
578K

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: Arlington Street & Shirley Road Project

1 message

Clinton Baller <clinton@baller4bham.com> Tue, Jan 9, 2024 at 12:27 PM
To: Jana Ecker <Jecker@bhamgov.org>, Department Heads <departmentheads@bhamgov.org>

---------- Forwarded message ---------
From: **Dorothy Friedel** <dorothy@ddpdm.com>
Date: Tue, Jan 9, 2024 at 12:09 PM
Subject: Arlington Street & Shirley Road Project
To: <emclain@bhamgov.org>, <kschafer@bhamgov.org>, <cballer@bhamgov.org>, <ahaig@bhamgov.org>, <bhost@bhamgov.org>, <along@bhamgov.org>, <tlonge@bhamgov.org>
Cc: Douglas Friedel, Jr. <dougjr@ddpdm.com>

Good afternoon Mayor, Mayer Pro Tem, and Commissioners,

My name is Dorothy Friedel and my husband, Doug, and I own 577 Arlington. We have lived in Birmingham since 2019, when we relocated from Grosse Pointe Woods so our children could attend Eton Academy. Doug and I both grew up on the east side, so we had intended to move back to Grosse Pointe once our children graduated. After living in Birmingham and enjoying all its amenities, especially the walkability, we decided to put down roots here instead and purchased the property on Arlington in 2021.

Having sat through two previous MMTB meetings and last night's city commission meeting, I felt compelled to send this email regarding the Arlington Street and Shirley Road project. Members of the Coryell Park Association, of which Doug and I are currently members, have purported to represent all the members' opinions. They do not represent me or my opinion; I speak for myself and no one else. I am in support of the proposal (Plan A) the MMTB put forth, which was communicated in the survey Doug and I submitted several months ago. To answer Commissioner Haig's question at the end of the meeting, no, my opinion would not change regardless of how the survey was worded. The facts laid out by the city planning department show that the water main and sewers are nearly 100 years old and need to be replaced. Also, sidewalks are part of the city's master plan and would make the neighborhood safer for all residents of Birmingham. These are facts, not conjecture or anecdotal.

I appreciate the amount of thought, effort, and discussion the city has spent on this project. It is not a small undertaking, nor is it popular given the residents will be assessed and that the aesthetic of the neighborhood will change. Ironically, Doug and I considered not buying the property on Arlington due to the lack of sidewalks. Sidewalks seem to be a very polarizing topic and what the residents are most adamantly opposed to, which confounds me. Walking in the street, even if no one has been hit, seriously injured, or killed on Arlington or Shirley to this day, is not safer. As many other residents shared, I, too, walk down Arlington and Shirley nearly every day and do not feel safe in the street. If the city decides to move forward with installing sidewalks, those residents who feel the street is safer or prefer to walk or run in the street would still have the option to do so. Currently, I have no option to walk on a sidewalk, though; I must walk in the street.

As far as the aesthetic change, perhaps I am a rare individual who can visualize what the new street would look like. I do not feel that adding sidewalks on the city easement will impede my ability to enjoy our property or the neighborhood. When we bought 577 Arlington, I did not assume that our property extended all the way to the curb. I was aware that there is an easement and, regardless of whether I take care of or improve that portion of the property, the city owns that property. That is true of all residential properties we have ever owned. I would be surprised if the residents were unaware that there is a city-owned easement that abuts all the lots. Then again, many of the comments made in the three meetings I have watched surprised me.

Also, I have never walked, biked, or driven on a newly improved road and thought it looked better before it was improved. A freshly paved road, with or without sidewalks, is always better than aging roads with potholes, patches, and temporary repairs. While I am not thrilled about the assessment, I understand that, long-term, improving the infrastructure and the road will also improve our property value. At the end of the meeting, Commissioner Haig implied that improving the road may cause Arlington and Shirley residents to move en masse. Regardless of what

certain residents may have threatened, I sincerely doubt that would happen, and, if it did, at least they would benefit from the boost to their property's value and new residents would get the benefit of the improved road.

Lastly, and most important, if the Commission decides to postpone or forgo the improvements on Arlington and Shirley, what happens when the water main or sewers fail and residents lose water or have back-ups in their basements? What happens when a house catches fire and the fire department does not have adequate water pressure to fight it? What happens if a pedestrian is walking down the street and is hit by a car? Will the city bear any responsibility for having put together a comprehensive proposal to remediate all the potential issues and declining to move forward because some of the residents thought it would change how their neighborhood looked? I can foresee a time when all the people most vocally opposing the MMTB's proposal will be the same people lining up to blame the city for having all the information and choosing not to move forward, if any of these issues come to pass.

Postponing or forgoing these improvements is not going to address any of the infrastructure concerns, safety concerns, nor will it be cheaper to address them in the future. The cost of construction is certainly not going down, as I can attest to.

Thank you for your time and consideration.

Sincerely,
Dorothy Friedel

--

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: Tree Removal

1 message

Jana Ecker <Jecker@bhamgov.org> Thu, Feb 1, 2024 at 3:50 PM
To: Alex Bingham <abingham@bhamgov.org>

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **Therese Longe** <tlonge@bhamgov.org>
Date: Thu, Feb 1, 2024 at 8:08 AM
Subject: Fwd: Tree Removal
To: Jana Ecker <Jecker@bhamgov.org>

---------- Forwarded message ---------
From: **Jeffrey Grabiel** <grabieldds@gmail.com>
Date: Thu, Feb 1, 2024, 7:50 AM
Subject: Tree Removal
To: <emclain@bhamgov.org>, <kschafer@bhamgov.org>, <tlonge@bhamgov.org>, <along@bhamgov.org>, <ahaig@bhamgov.org>, bhost@bhamgov.org <bhost@bhamgov.org>

To Birmingham City Council

I would like to urge you to reject the proposal to remove the trees on Arlington and replace them with sidewalks. Part of the charm of Birmingham is the variety of neighborhoods in the city. Your attempt to make cookie cutter consistency of all the neighborhoods will detract from the character of Birmingham.

If your attempt to narrow the streets like you did in Downtown on Maple, it is even more reason not to do it. As an aside, how many people have had their doors hit while parking on Maple and attempting to get out of their car.

Regards,

Jeffrey Grabiel
Birmingham Resident since 1980

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: Shirley/Arlington

1 message

Jana Ecker <Jecker@bhamgov.org> Thu, Feb 1, 2024 at 4:42 PM
To: Alex Bingham <abingham@bhamgov.org>

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **Katie Schafer** <kschafer@bhamgov.org>
Date: Mon, Jan 29, 2024 at 9:00 PM
Subject: Fwd: Shirley/Arlington
To: Jana Ecker <jecker@bhamgov.org>, Mary Kucharek <mkucharek@bhlaw.us.com>

Sent to me alone.

For the record.

Katie

Begin forwarded message:

> **From:** Fran Gross <frosting911@aol.com>
> **Date:** January 29, 2024 at 8:07:15 PM EST
> **To:** kschafer@bhamgov.org
> **Subject: Shirley/Arlington**
>
> Forget your plan to tear down trees
> And destroy yet ANOTHER neighborhood in Birmingham. The people in this area do not want this.
>
> Fran Gross
> c 248.535.0524

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Re: proposed sidewalks on Shirley & Arlington

1 message

Clinton Baller <cmballer@avidpays.com> Wed, Jan 31, 2024 at 2:53 PM
To: Ann Jurkovich <annjurkovich@comcast.net>, City Commission <city-commission@bhamgov.org>, Department Heads <departmentheads@bhamgov.org>

Ann,

I must recuse from this matter since I live on Shirley, but I will forward your email to the rest of the commission.

Clinton

On Wed, Jan 31, 2024 at 2:13 PM Ann Jurkovich <annjurkovich@comcast.net> wrote:

> Dear City commissioner:
>
> My name is Ann Jurkovich. I live at 1562 Fairway Drive, Birmingham (across Lincoln from Arlington & Shirley.)
> (As side note, I grew up on Linden and have lived in the city of Birmingham for my entire life - I am 56.)
> I am all too familiar with these streets as my childhood friends lived there and I now have current friends living on both Arlington & Shirley.
> Growing up on Linden we lost beautiful old giant trees to dutch elm disease and it sadly changed the landscape of the street. 50 years later the new trees that were planted aren't even close to what the original were.
>
> I have lived on Chester, Pierce, Linden, Westchester Way, Westwood & now Fairway. Most of my streets have had sidewalks. My current street Fairway is mixed… there is a portion leading down by the river and park that do not have sidewalks. I have two sons and a golden retriever so I have enjoyed the sidewalks that were on my streets. But to me what makes Birmingham special are the trees and the beautiful homes rich in history. To remove hundreds of trees to (as you say) make the streets more walkable just does not make sense. Having the wider street pavement makes it easier for cars to maneuver around pedestrians. Buy the way on my current street more people walk in the streets than on the sidewalks. Rarely do I see runners using sidewalks either.
>
> If 98% of the current property owners do not want this I feel they should be heard.
> I certainly do not think it is fair to assess these homeowners $45,000 per home to put in something they do not want or need. These street are beautiful as they are. I don't find them less walkable at all… I never have. As a matter of fact as a child riding my bike I found them more desirable and I felt safer with the wider street pavement. To illustrate my point take Aspen and Linden…. these streets are so narrow that it is difficult for two cars to pass each other, especially in serious weather. These two streets also have curbs which means the residents can curb their leaves… making them even less safe. I guess the point I'm making is that if you put in sidewalks on both sides - it is at the expense of other things - like safe driving.
>
> Birmingham is a beautiful city, but there are so many more needed improvements over this.
> If there is a someone who feels strongly about using a sidewalk in this area - they can travel on Linden or the west side of Pleasant.
> I am opposed to this proposal of sidewalks on Arlington & Shirley.
>
> Sincerely,

> Ann Huthwaite Jurkovich

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: City Staff Proposal for Arlington and Shirley Streets

1 message

Jana Ecker <Jecker@bhamgov.org> Mon, Jan 29, 2024 at 9:52 AM
To: Alex Bingham <abingham@bhamgov.org>

For CC agenda packet...

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **Elaine McLain** <emclain@bhamgov.org>
Date: Mon, Jan 29, 2024 at 9:18 AM
Subject: Fwd: City Staff Proposal for Arlington and Shirley Streets
To: Jana Ecker <jecker@bhamgov.org>

Good morning: Note the order of cc,

Elaine McLain
Mayor, City of Birmingham MI
248-225-9903

Begin forwarded message:

From: EDWARD KULNIS <ekulnis@comcast.net>
Date: January 29, 2024 at 9:04:43 AM EST
To: bhost@bhamgov.org, ahaig@bhamgov.org, tlonge@bhamgov.org, along@bhamgov.org, kschafer@bhamgov.org, emclain@bhamgov.org
Subject: City Staff Proposal for Arlington and Shirley Streets

All:
I am writing this email to you to express concern regarding the City Staff Proposal regarding the plan to narrow the above-named streets, add sidewalks and cut down over 100 mature trees in the process.
As a long-time Birmingham resident who lives within close proximity to these streets I have had many opportunities to enjoy their scenic beauty while on my regular walks and drives through the area. The proposed changes will forever destroy this rare and historical environment.
I am also aware that the vast majority of residents on these streets have voiced their opposition to such changes.
I would like to be on record as being opposed to the passage of this proposal and urge all of you to listen to these citizens and vote no at the scheduled February 5, 2024 meeting.

Sincerely,

Edward Kulnis
768 Southfield Road

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Re: Arlington/shirley

1 message

Elaine McLain <emclain@bhamgov.org> Sun, Jan 21, 2024 at 7:36 AM
To: Kathleen Milford <kmilford47@aol.com>
Cc: Jana Ecker <jecker@bhamgov.org>, Alexandria/Bham Bingham <abingham@bhamgov.org>

Good morning, Mrs Milford: As you may know, yesterday was our annual, day long, Long Range Planning meeting at City Hall.

Rest assured that all communications sent to the Clerk for time and date stamp will be reviewed fully in the course of Commission and staff preparation. This is our consistent and compliant process.

We appreciate and respect feedback from all interested parties in everything we do for the community.

Stay warm and safe,

Elaine McLain
Mayor, City of Birmingham MI
248-225-9903

> On Jan 20, 2024, at 10:50 AM, Kathleen Milford <kmilford47@aol.com> wrote:
>
> Dear commissioners
> As you know our neighborhood is a tight knit community that loves our neighborhood.
> We have been disappointed in the “feedback” from most of you.
> My husband & I understand that we have spoken to the Mayor - offered a prosition “F” and we are REALLY hoping you will take this under great consideration . To see our beautiful streets & nature trees destroyed is beyond comprehension!
> I am attaching the letter in hopes that ALL of you really listen to what we have to offer as a wonderful compromise.
> Sincerely
> Creagh & Kathy Milford

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Arlington & Shirley Street Compromise Proposal

2 messages

jmirro <jmirro@intromarketing.com> Fri, Jan 19, 2024 at 12:33 PM
To: emclain@bhamgov.org, kschafer@bhamgov.org, cballer@bhamgov.org, ahaig@bhamgov.org, bhost@bhamgov.org, along@bhamgov.org, tlonge@bhamgov.org
Cc: jecker@bhamgov.org, mkucharek@bhlaw.us.com, abingham@bhamgov.org

Dear Commissioners,

Attached is a compromise proposal for Arlington and Shirley Streets we ask you to consider as you tour our streets tomorrow, Saturday, at 3:00 pm. This would be in place of the City Staff proposal you are being asked to approve at the regular Commission meeting on Monday, 1-22-24.. All facts and references to City precedents on Latham and Westwood Streets have been reviewed by their respective HOA officers and deemed to be accurate. Please let me know if you have any questions before, during or after the tour/public meeting that will help you arrive at a fair decision on this subject. Thank you.

Jim Mirro, Resident Agent

Save Our Streets & Trees

248-420-5113

4 attachments

Westwood Street Pavement Failure, 10-30-23..jpeg
142K

Arlington-Shirley Compromise Proposal, 1-19-24..pdf
643K

Alternative Sidewalk Proposal, 1-2-24..pdf
599K

Alternative Sidewalk Proposal Diagram..pdf
415K

Jana Ecker <Jecker@bhamgov.org> Mon, Jan 22, 2024 at 10:56 AM
To: Alex Bingham <abingham@bhamgov.org>

Please make copies of these and place them at each commissioner's seat. This is the first of several emails I will send you to copy and distribute to the Commission.

Thanks,

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811
[Quoted text hidden]

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4 attachments

Westwood Street Pavement Failure, 10-30-23..jpeg
142K

Arlington-Shirley Compromise Proposal, 1-19-24..pdf
643K

Alternative Sidewalk Proposal, 1-2-24..pdf
599K

Alternative Sidewalk Proposal Diagram..pdf
415K

Date: **January 15, 2024**

To: **Jana Ecker, City Manager**
Birmingham City Commissioners

Subject: Arlington/Shirley Alternative Proposal F

Dear City Manager Ecker and Birmingham City Commissioners,

The following pages include an alternative proposal ("Proposal F") developed by a group of Arlington/Shirley residents who would like to remain very collaborative with the City and show that we can be successful together in implementing projects significant in scope that enhance our community but that also require substantial investment by property owners.

Proposal F details are attached for your consideration in an effort to be supportive of the City's goals as presented, to provide consideration for both City budgets and the financial impacts to the citizens, and to provide a reasonable alternative seeking to satisfy the residential majority and minority.

PROPOSAL F

Sewers and Water Mains

This proposal supports the water main replacement and the proposed sewer upgrades as presented by the City. We appreciate the details that were provided and support having the appropriate water pressure for fire suppression as presented in the January 8th, 2024 Commission Meeting.

Road Surface

This proposal supports the original Capital Improvement Plan (CIP) included in the 23-24 FY budget for the replacement of an unimproved road with a new cape-seal pavement surface.

While we understand that concrete streets have a longer life span when not disturbed, the commercial look of concrete would give our streets the appearance of a new

subdivision and is not consistent with the overall character of our streets. In contrast, an asphalt street is much quieter, easier to repair and much more forgiving to occasional mishaps and disturbances from future home construction on the streets. We also support keeping the road as an unimproved road will maintain the City's expenditure within the budgeted levels.

Improving Perceived Safety

This proposal supports the use of limited 'bump-outs' or 'islands' at the two intersections or alternative design proposals that would help calm traffic and reduce average traffic speeds, improving pedestrian safety.

Walk-ability and Sidewalks

To support the City's desire to connect Lincoln with Maple with another sidewalk thoroughfare, this proposal accomplishes this with a proposed ADA-compliant, unconstrained-width sidewalk, running along the western boundary of Linden Park and connecting with the southern end of the Linden Street sidewalk. This proposal would require that a crosswalk be added across Brandon Street at that limited-use intersection (see attached Diagram.)

This proposal addresses the most concerning part of the Proposal A for the residents which was the removal of the 136 mature trees and narrowing of the street and the loss of the idyllic character and charm that compelled many to purchase or build homes on these two unique streets in Birmingham. In addition, this proposal avoids significant destruction of residential landscaping, sprinkler systems, lighting/security systems, driveways and natural features that exist today, much of which will need to be replaced or repaired at the homeowner's expense *in addition* to the special assessment being considered in Proposal A.

To make this new alternative walking path more evident to pedestrians as a choice of route, Proposal F would support enhancements to both entrances to Linden Park. We understand this is not in the scope of the current proposal, but this could be a creative approach to help signal to pedestrians of another beautiful route connecting Lincoln to Maple.

If there is not an available method by which to fund this sidewalk alternative and park entrance enhancement through assessments, the residents supporting Proposal F would like to work with the City to find ways to fund this much less expensive alternative for the City and citizens, including but not limited to fundraising or park donations.

Narrowing of Street & Mature Tree Removal

For avoidance of doubt, this proposal does not support removing the 136 trees to make way for narrowing the streets and adding sidewalks.

Timing

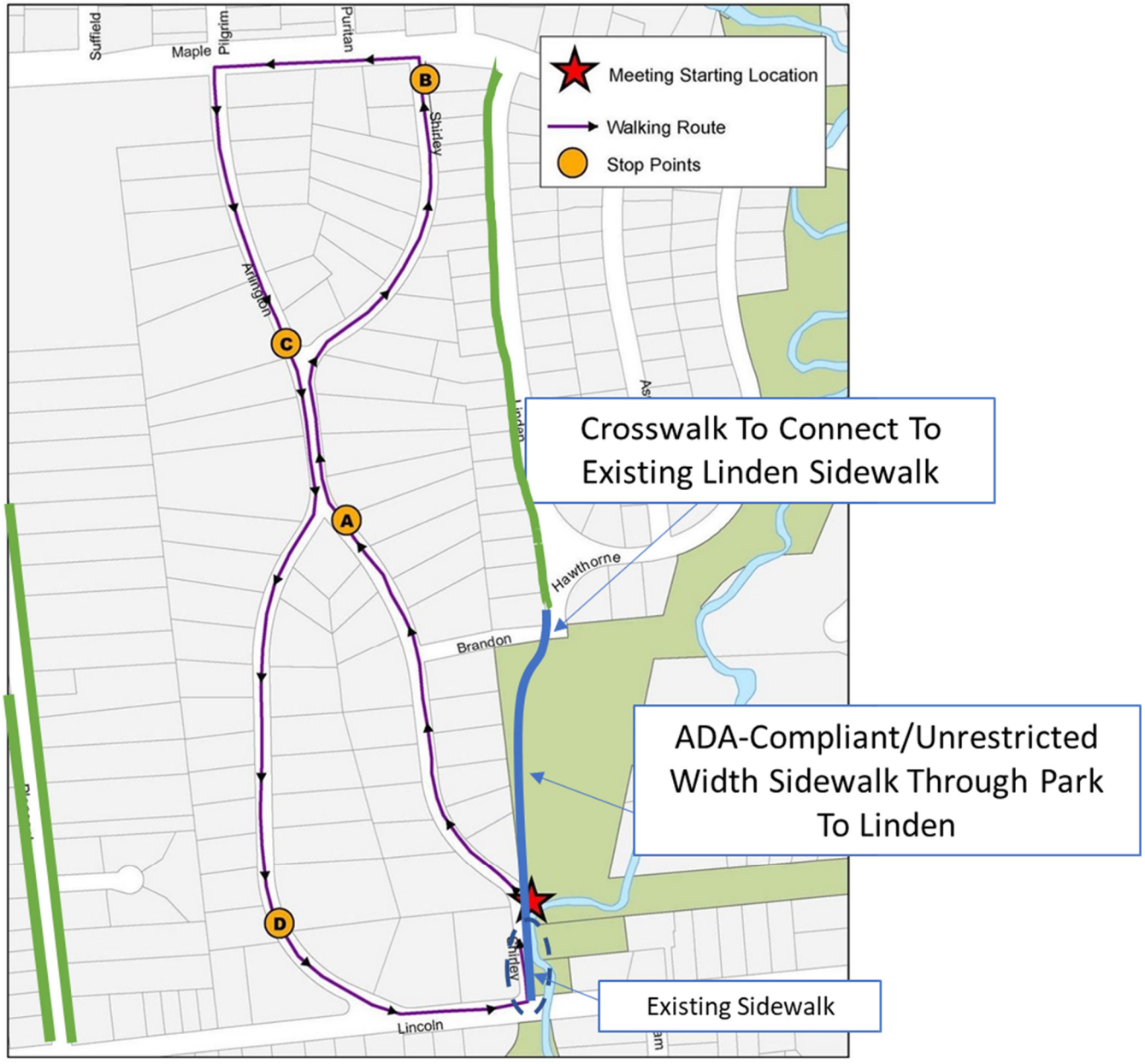
Arlington and Shirley streets had 10 new house projects start in 2023 and 5 more new house projects are expected to start in 2024. Because of this, we ask that our street changes be implemented after these 15 projects are completed or are close to completion to protect the new cape seal surface from construction traffic. We are very excited to finally see new street surfaces for our neighborhood, and a natural slow-down in construction is foreseeable and provides a timely opportunity to make the necessary changes. Given the size of this particular project, we feel it may take this time regardless to properly design, render, quote for cost, and evaluate all alternatives, even the one originally proposed by the City.

Thank you for considering Proposal F, and we look forward to seeing you for the tour on January 20th. We would love to show the community at-large how we can work together to execute very successful projects for the City and it's citizens!

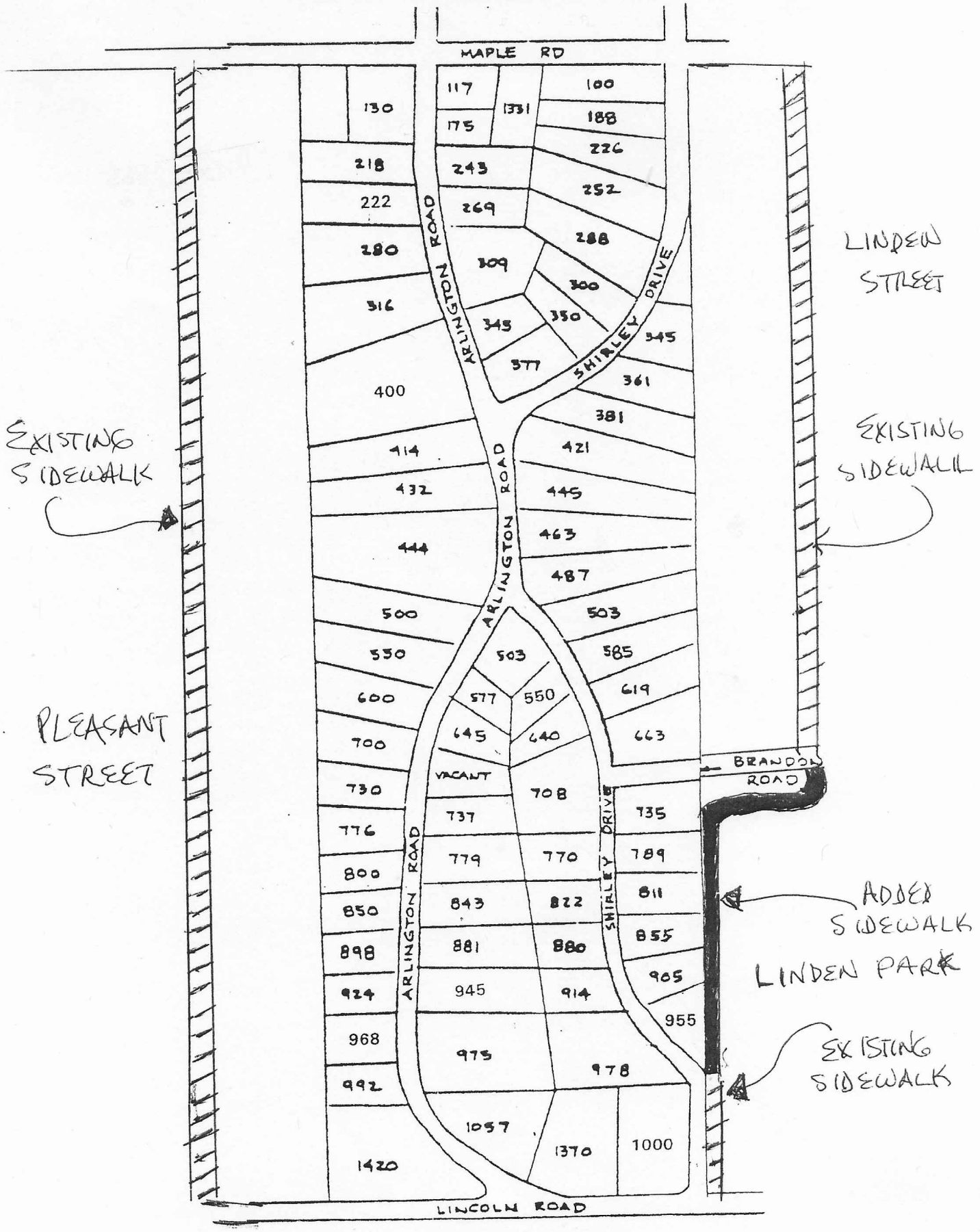
Respectfully submitted,

Arlington/Shirley Collaborative Residents Group

PROPOSAL F DIAGRAM



ALTERNATIVE SIDEWALK PROPOSAL



7A - SHIRLEY/ARLINGTON COMMUNICATIONS

SAVE OUR STREETS & TREES
(A Michigan Nonprofit Foundation)

Date: 1-2-24

To: Birmingham City Commissioners Re: Alternative Sidewalk Proposal

In letters I sent to you during 12/23, you were given many reasons why Arlington and Shirley property owners wish to opt out of the City Staff Plan to add sidewalks, cut down 107 ROW trees, narrow their streets and destroy their historic/extensive landscaping.

While Arlington/Shirley property owners understand that opting out of the City Staff Plan eliminates many concerns, they also understand that it does not address the City's goal to create a sidewalk between Maple and Lincoln Roads. This would be for the benefit of other city residents who wish to walk between these two roads and who prefer not to use the more rustic Rouge Trail along the Rouge River that exists now for this purpose.

To meet this goal, Save Our Streets & Trees offers an alternative sidewalk proposal. At present there exists a short sidewalk on the east side of Shirley (near Lincoln) that runs west of the Rouge River to the entrance of Linden Park where the Rouge Trail exits onto Shirley Road. At this location, a concrete sidewalk could be constructed on the western boundary of Linden Park that connects with the southern terminus of the west Linden Street sidewalk after also adding a crosswalk across Brandon Street (see diagram).

The advantages of this sidewalk versus one or two that span the entire length of Arlington and Shirley Streets are many. First, we know that cement production is one of the greatest pollutants of carbon dioxide to our atmosphere. This proposed sidewalk route would use approximately 14% of the cement required for one sidewalk running the entire length of Arlington and Shirley and 7% of the cement for sidewalks on both street sides.

Second, there are no trees that would need removal along the Linden Park route vs. an identified 107 trees in the Arlington and Shirley ROW space and approximately an equal number of trees on private property due to root disturbance from sidewalk construction. This proposal maintains existing tree canopy for oxygen production/sustainability goals of the City and avoids the release of carbon dioxide if cut-down trees were incinerated.

This Linden Park sidewalk also eliminates the destruction of Arlington/Shirley resident landscaping, sprinkler systems, driveways and existing sidewalks from house to the curbs that exist there today. Because Linden Park is relatively level, this proposal has less construction cost than would occur with sloping/hilly front yards of many Arlington and Shirley lots. With this sidewalk in place, pedestrians would have the choice of walking between Maple and Lincoln either on this proposed Linden sidewalk just east of Shirley or on the existing Pleasant Street sidewalk just west of Arlington—a win/win for all.

Jim Mirro

Jim Mirro, Resident Agent for Save Our Streets & Trees See Attached Diagram

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Arlington/Shirley/Brandon Walking Tour

jmirro <jmirro@intromarketing.com> Mon, Jan 29, 2024 at 4:51 PM
To: emclain@bhamgov.org, kschafer@bhamgov.org, along@bhamgov.org, tlonge@bhamgov.org, ahaig@bhamgov.org, bhost@bhamgov.org, cballer@bhamgov.org
Cc: jecker@bhamgov.org, abingham@bhamgov.org, mkucharek@bhlaw.us.com

Dear Commissioners,

As of 4:50 pm today, the Walking Tour is posted on the City website as a “go” for tomorrow morning at 9:00 am. While the weather forecast calls for some precipitation in the morning, Jana Ecker tells me that the temperature forecast above 32 degrees should not force a cancellation.

Please note that the walking map does not presently show the meeting participants walking a few hundred steps east on Brandon which I brought up at the last Commission Meeting should be changed for important reasons. Jana informed me today that, although the video transcript of the meeting does show that I requested this, because no Commissioner made a motion to do it, this portion of the walking tour could not be changed on the map. I promised Jana that I would bring up this subject with you before the end of today and cc City Staff.

We are asking that, at the beginning of the walking tour/meeting at 9:00 am tomorrow, one of the Commissioners makes a motion that Brandon be added to the tour for the following two reasons. First, by walking on Brandon, the Commissioners will see the difference between an “unimproved asphalt road” which is Brandon and an “improved asphalt road” which are Arlington/Shirley, as well as the streets east of Shirley that converge at the end of Brandon.

The second reason that the tour should include Brandon is that it will give the Commissioners a chance to see the north end of the proposed alternative sidewalk through Linden Park after having seen the south end where the tour begins. This is important because opting for this sidewalk instead of sidewalks on Arlington/Shirley will save Birmingham taxpayers approximately $1 million and avoid the destruction of 200 mature trees along Arlington and Shirley Streets.

I will plan to meet all of you tomorrow at 9:00 am and have with me an 8 ½ foot extension pole so that anyone can easily measure which trees, utility poles, fire hydrants, street signs, driveways, stone walls, landscaping, etc. will be lost if the Commission votes to approve the City Staff proposal to ruin our neighborhood instead of treating it exactly like Latham which is also an improved asphalt street and was never forced to have sidewalks. Thank you.

Jim Mirro, Resident Agent

Save Our Streets & Trees

A MI Nonprofit Foundation

RCVD 1/30/24 at 10/50am
@ Special Meeting
from Jim Mirro

CORYELL PARK ASSOCIATION
(Arlington & Shirley Property Owners)

Commissioner: Please vote "NO" to the street proposal for Arlington & Shirley because:

* 88% of our property owners do not want sidewalks & street narrowing due to:
  * The loss of 107 mature trees in the City ROW area.
  * An equal loss of mature trees on private property from construction root disturbance.
  * The heritage of our neighborhood as originally The Coryell Tree Nursery.
  * The substantial loss of historic & natural landscaping down to the curbs.
  * The practical problems of building sidewalks on sloping/hilly front yards.
  * The drastic change to the semi-rural character of our neighborhood.
* The need to keep our 33' wide streets for:
  * Efficient vehicle travel during new house construction (10 this year & 15 next year).
  * Safe school bus travel, fall leaf pickup & winter snow removal.
  * Unimpaired & safe field of sight for our numerous charity bike events.
* The need to keep great unimproved streets with curbs, gutters & durable pavement.
* The need to keep our older, but excellent sewers & water mains with low repair rates.
* The existence of Rouge Trail that already connects Maple and W. Lincoln pedestrians.
* The precedent of other Birmingham Streets opting out of sidewalks & narrowing.
* Our streets now meet all Master Plan/City Ordinance/Complete Streets guidelines.
* The proposed tree removal and sidewalk/street construction would violate:
  * Master Plan goals for tree canopy preservation & improvement.
  * City resolutions related to sustainability & climate change.
* The proposal would cost $40,000 to 60,000 in assessments for each 100-ft frontage.
* Petitions signed by 121 citizens request Arlington/Shirley property owners "opt out."

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: Proposal F

1 message

Jana Ecker <Jecker@bhamgov.org> Mon, Jan 22, 2024 at 4:24 PM
To: Alex Bingham <abingham@bhamgov.org>

Copies for tonight please...

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **Midge Moran** <midgemoran@kw.com>
Date: Mon, Jan 22, 2024 at 4:11 PM
Subject: Proposal F
To: <emclain@bhamgov.org>, <kschafer@bhamgov.org>, <cballer@bhamgov.org>, <along@bhamgov.org>, <bhost@bhamgov.org>, <ahaig@bhamgov.org>, <tlonge@bhamgov.org>, Jana Ecker <jecker@bhamgov.org>

Dear commissioners,

There is a proposal F that has been submitted for your consideration. I'm in complete support of the proposal. I support the new sewers and water as well as the new cap seal streets. I am asking that you do not narrow the streets, remove our trees or install sidewalks in our yards.

Respectfully,
Midge Moran

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: PRO sidewalks for Arlington/Shirley

1 message

Jana Ecker <Jecker@bhamgov.org> Tue, Jan 30, 2024 at 4:33 PM
To: Alex Bingham <abingham@bhamgov.org>

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **Therese Longe** <tlonge@bhamgov.org>
Date: Tue, Jan 30, 2024 at 3:12 PM
Subject: Fwd: PRO sidewalks for Arlington/Shirley
To: Jana Ecker <Jecker@bhamgov.org>

---------- Forwarded message ---------
From: **Vanessa Reda** <vanessar626@yahoo.com>
Date: Tue, Jan 30, 2024, 1:23 PM
Subject: PRO sidewalks for Arlington/Shirley
To: emclain@bhamgov.org <emclain@bhamgov.org>, kschafer@bhamgov.org <kschafer@bhamgov.org>, cballer@bhamgov.org <cballer@bhamgov.org>, ahaig@bhamgov.org <ahaig@bhamgov.org>, bhost@bhamgov.org <bhost@bhamgov.org>, along@bhamgov.org <along@bhamgov.org>, tlonge@bhamgov.org <tlonge@bhamgov.org>

Hi,

My name is Vanessa Durham. My family and I reside at 421 Arlington St. We bought this house in March so we are new to the neighborhood (but not Birmingham). I am writing because I am (very) pro sidewalks for our streets. We have three young girls (9,7, and 5) whose lives that this would impact, as well as the many other walkers I see on our street. I currently walk my youngest to preschool when the weather is nice and we have to jump on peoples lawns when cars go down the street... or to avoid the many blind spots. Selfishly, I want my girls to be able to ride their bikes to friends houses and walk to Holiday market when they are older without worrying that a car will hit them. This decision goes beyond just impacting my family to the many other community members that walk on these streets every day- including elderly people and people with disabilties. This is about the safety of the community as a whole and the mission to make Birmingham a true walkable city and not just having a trail that connects half the street.
I ask you "why is our neighborhood so special that sidewalks would ruin it?" I know the "against" side is talking about trees and "preserving the look" of our street, but that can be the excuse of many streets in

Birmingham. Is our neighborhood above other neighborhoods in Birmingham that a sidewalk would "ruin" the aesthetic?

Unfortunately, I was unable to attend the walk this morning to let my voice be heard. In full transparency, I wouldn't have felt comfortable walking the streets in the snow with no sidewalks and that the group was mainly comprised of people that vehemently disagree with me - all my new neighbors - which you can imagine is very uncomfortable.
However, I can not let the voice of one group be so loud and I know that they are loud.... that my voice is not heard. Sometimes the squeaky wheel gets the grease. I am hoping that is not the case in this decision. Personally, the option to not have sidewalks is very short sided and if we are in this for the long run sidewalks would only improve our streets, ease of living and safety for all community members.

Thanks for taking the time to read this.

Vanessa Durham
421 Arlington St.
Birmingham, MI 48009

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: Fw: Shirley/Arlington proposal

1 message

Jana Ecker <Jecker@bhamgov.org> Tue, Jan 30, 2024 at 4:33 PM
To: Alex Bingham <abingham@bhamgov.org>

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **Therese Longe** <tlonge@bhamgov.org>
Date: Tue, Jan 30, 2024 at 3:11 PM
Subject: Fwd: Fw: Shirley/Arlington proposal
To: Jana Ecker <Jecker@bhamgov.org>

---------- Forwarded message ---------
From: **suzanne reinhart** <sjreinhart22@att.net>
Date: Tue, Jan 30, 2024, 12:32 PM
Subject: Fw: Shirley/Arlington proposal
To: <emclain@bhamgov.org>, <kschafer@bhamgov.org>, <along@bhamgov.org>, <tlonge@bhamgov.org>, <ahaig@bhamgov.org>, <bhost@bhamgov.org>

Comissioners:
I am writing to voice my opposition to the proposal to narrow Shirley and Arlington streets.I live on Linden Road and walk on these streets all the time. The proposal to cut down 200 plus trees and narrow the road will, in my opinion, ruin the aesthetic of the neighborhood not to mention the impact on the environment. Birmingham has always been a charming city with a lot of neighborhood character. In the past 10 years many of the charming homes have been torn down, and the city has allowed the new homes being built to grossly expand their footprint resulting in quite a few issues with neighbors including water problems. These trees absorb the rainwater so it doesn't end up in basements.
I'm sure you can find a more responsible way to spend our tax dollars on projects that are truly needed like repaving some roads.

Suzanne Reinhart

Sent from AT&T Yahoo Mail for iPad

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: Shirley-Arlington compromise proposals

1 message

Jana Ecker <Jecker@bhamgov.org> Mon, Jan 22, 2024 at 4:25 PM
To: Alex Bingham <abingham@bhamgov.org>

This one too please...

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **Gary Saltzgiver** <gsaltzgiver@yahoo.com>
Date: Mon, Jan 22, 2024 at 4:12 PM
Subject: Shirley-Arlington compromise proposals
To: emclain@bhamgov.org <emclain@bhamgov.org>, along@bhamgov.org <along@bhamgov.org>, bhost@bhamgov.org <bhost@bhamgov.org>, ahaig@bhamgov.org <ahaig@bhamgov.org>, jecker@bhamgov.org <jecker@bhamgov.org>, kschafer@bhamgov.org <kschafer@bhamgov.org>, tlonge@bhamgov.org <tlonge@bhamgov.org>
Cc: cballer@bhamgov.org <cballer@bhamgov.org>

I continue to object to the City's proposed Plan A for all the reasons stated by others, especially the environmental impact and cost.

I support any cost-benefit compromise proposal that avoids destruction of healthy, mature trees, landscaping and character of the Arlington-Shirley neighborhood. I have lived on Shirley more than 30 years, and many of the trees the City would remove were growing when I arrived.

I oppose the destructive sidewalks, but very much support the concept of a designated bike / pedestrian path created in the road on Shirley.

According to the City's memos regarding this proposed project, the Birmingham Residential Street Design Standards Section 4, “Exceptions and Modifications to the Width Standards” supports an exception for a wider street for Shirley based on daily traffic volumes exceeding 1500 vehicles on two of the three full days tested in November 2023 (1,145 on Tues. 11/14; 1,522 on Wed. 11/15; and 1,563 on Thurs. 11/16). It is also a published school bus route, another exception. Creating a designated bike path in the wider Shirley street is a good compromise solution.

Finally, although I have limited knowledge of municipal law, I question the recent change in the City ordinance / practice of the City (as I understand it) that allows the City to exercise absolute control over its easement to impose road narrowing and sidewalks, despite majority neighborhood opposition, and then shift the burdensome cost entirely to the residents, as if it were their private road. It doesn't seem that the City can have it both ways. Absent cost-sharing, it is fundamentally unfair, if not legally deficient.

Respectfully,
Gary Saltzgiver
188 Shirley

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: Tree Removal

1 message

Jana Ecker <Jecker@bhamgov.org> Thu, Feb 1, 2024 at 3:48 PM
To: Alex Bingham <abingham@bhamgov.org>

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **Sean Brady** <seanbradyusa@gmail.com>
Date: Wed, Jan 31, 2024 at 7:48 PM
Subject: Tree Removal
To: <jecker@bhamgov.org>

Hello Jana Ecker,

Tell me how destroying a small section of old historic tress, walls, and putting down side walks will improve walking traffic. Perhaps this is just me but and many others do not just walk about random neighborhoods, nor are their young people in the area that would benefit from this. All you are doing is removing the charm an rational that made people wish to live in this area. Only to make the community look more generic, a solution to a problem that did not need to be solved. I use to shop at whole foods their in the city but will no longer.

I about doubtless that this will proceed, so no need to reply to me, nor do I need to be placated towards justification.

Sean.

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: Thank you

1 message

Jana Ecker <Jecker@bhamgov.org> Thu, Feb 1, 2024 at 4:41 PM
To: Alex Bingham <abingham@bhamgov.org>

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **Elaine McLain** <emclain@bhamgov.org>
Date: Tue, Jan 30, 2024 at 6:33 PM
Subject: Fwd: Thank you
To: Jana Ecker <jecker@bhamgov.org>

FYI—
Elaine McLain
Mayor, City of Birmingham MI
248-225-9903

Begin forwarded message:

From: Jenny Shebib <jcshebib@yahoo.com>
Date: January 30, 2024 at 10:49:39 AM EST
To: emclain@bhamgov.org, kschafer@bhamgov.org, along@bhamgov.org, tlonge@bhamgov.org, ahaig@bhamgov.org, Brad Host <bhost@bhamgov.org>, cballer@bhamgov.org
Subject: Thank you
Reply-To: Jenny Shebib <jcshebib@yahoo.com>

First off I would like to thank you for the the special meeting today on Shirley Arlington and Brandon. It turned out to be a bit of a treatruous day on the weather front. So again thank you for being there

I just want to reiterate our belief that Proposal A is not the answer and we can come up with an alternative that is creative and can satisfy all. i am so sorry we weren't there in person I had a business meeting in Cinicinnati and could not participate. I always love a snowy walk. Thank you for your time you were very generous with that today!
best
Nick and Jenny Shebib
226 Shirley

Jenny Shebib

(248)925-8464 cell

jcshebib@yahoo.com

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Proposed Tree Removals on Arlington and Shirley

2 messages

'friedrex@aol.com' via City Commission <city-commission@bhamgov.org> Wed, Jan 31, 2024 at 12:41 PM
Reply-To: "friedrex@aol.com" <friedrex@aol.com>
To: "city-commission@bhamgov.org" <city-commission@bhamgov.org>

Ladies and Gentlemen:

I write in support of the concerns expressed by some residents on Arlington and Shirley as depicted here:

Birmingham residents rally to stop proposed neighborhood construction that would kill historic trees

Birmingham residents rally to stop proposed neighborhood construction th...

Tuesday morning, through heavy snowfall, Birmingham resident Jim Mirro was able to show the Birmingham City Comm...

Overall, this appears to be a vast project involving streets, sidewalks, sewers and trees. A Nextdoor Network post in support of the sidewalks offered: "These improvements will allow all people including people with mobility challenges to safely navigate these streets. These improvements will allow for kids to walk to school or wait for the school bus safely. These improvements will allow for caregivers to push strollers and people to walk dogs without fear of being hit by a car."

That's an entirely valid point, but the residents' focus was, very specifically, on the trees. Maybe some of them are not approved species, but I rather suspect the approvals/disapprovals originated after the offending trees were planted and grew to full height over decades. The judgment whether certain trees may already be compromised seems to be flexible, as in the case of the silver maples on my street: in one instance a couple years ago, my neighbor asked the city to trim a concerning silver maple in the median, but they removed only a few inconsequential branches and left tons of maple overhead. Surely a discerning arborist would be able to prioritize the compromised trees for a phased removal, obviating the need to take them all out at once.

Birmingham prides itself in being a "walkable city," but that meme involves aesthetics, too. I think it not a stretch that some of the Arlington and Shirley residents bought their homes in part because of

the surrounding trees, preferring that setting to a barren landscape. It may have been a harbinger that the city omitted a tree from its logo in the recent redesign. As I write this, there's a lively Nextdoor Network exchange in progress that involves 126 comments so far, most of them in opposition but this one, at least, constructive: "It is important to note that the City did ask, as they are obligated to do through Public Notice, for public input. And many citizens who transact their daily lives on these streets and raised generational families here, did take the time to provide input — which was overwhelmingly opposed to narrowing streets, removing trees, and adding sidewalks. Reasonable alternative proposals were put forward by the residents in an attempt to be collaborative and help calm traffic and provide another pedestrian route that was not as destructive, and we hope these proposals are under consideration by our City. It would be a great moment to demonstrate the power when residents and city government work together to deliver great things for the community. But that requires open-mindedness and leadership from everyone involved. I remain hopeful that this will be the case at the next council meeting."

I could go on about a wise and well-intentioned government imposing its will on the peasantry, but I'll let it go -- for now -- with the above quote.

Paul Seibold
921 Knox

Jana Ecker <Jecker@bhamgov.org> Wed, Jan 31, 2024 at 2:20 PM
To: Alex Bingham <abingham@bhamgov.org>

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811
[Quoted text hidden]

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: Arlington Shirley Proposal

1 message

Jana Ecker <Jecker@bhamgov.org> Mon, Jan 22, 2024 at 10:58 AM
To: Alex Bingham <abingham@bhamgov.org>

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **Alex Simmons** <asimmons@boon-health.com>
Date: Sun, Jan 21, 2024 at 8:45 PM
Subject: Arlington Shirley Proposal
To: <jecker@bhamgov.org>
Cc: Karlee Novice <karleenovice@gmail.com>, <kschafer@bhamgov.org>, <cballer@bhamgov.org>, <emclain@bhamgov.org>, <ahaig@bhamgov.org>, <bhost@bhamgov.org>, <along@bhamgov.org>, <tlonge@bhamgov.org>

Hi Jenna,

This is Alex Simmons and Karlee Novice on 175 Arlington Street. We are unfortunately unable to attend the committee meeting tomorrow night, but we want to send a note in to **strongly support Proposal F** — attached for reference.

Thank you for your consideration on this collaborative effort.

Best,
Alex and Karlee

--
BOON

Boon Health
Alex Simmons | Co-Founder + CEO

Arlington Shirley Proposal F.pdf
578K

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: Please don't kill the trees on Arlington and Shirley streets

1 message

Jana Ecker <Jecker@bhamgov.org> Thu, Feb 1, 2024 at 4:40 PM
To: Alex Bingham <abingham@bhamgov.org>

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **Elaine McLain** <emclain@bhamgov.org>
Date: Wed, Jan 31, 2024 at 1:34 AM
Subject: Fwd: Please don't kill the trees on Arlington and Shirley streets
To: Jana Ecker <jecker@bhamgov.org>

FYI - the inaccuracy spreads.

Elaine McLain
Mayor, City of Birmingham MI
248-225-9903

Begin forwarded message:

From: Monika <moonbirdm@gmail.com>
Date: January 30, 2024 at 9:42:30 PM EST
To: emclain@bhamgov.org, kschafer@bhamgov.org, cballer@bhamgov.org, ahaig@bhamgov.org, bhost@bhamgov.org, along@bhamgov.org, tlonge@bhamgov.org
Subject: Please don't kill the trees on Arlington and Shirley streets

Dear Mayor McLain and City Commissioners,

I always thought the City of Birmingham cared about their residents. However, seeing that Birmingham is planning on killing 138+ old growth trees on Arlington and Shirley streets seems to throw doubt on that thought.

Why this sudden assault on the trees? Old growth trees - no matter if someone deems them 'undesirable' - serve such critical importance in everyday lives. Their roots absorb stormwater. This is especially critical with the odd climate we are all experiencing in recent years 2014, 2018 which overwhelm storm/sewer systems. Killing these trees will only exacerbate the flooding problems you have in Birmingham.

Old growth trees not only absorb the stormwater, they also act as an all-natural water treatment system. They purify waterways by absorbing pollution that is in the soil.

When you kill the trees, you will be also killing wildlife - young and old. These trees are the shelter, protection, homes, and food sources for songbirds such as cardinals, blue jays, sparrows, mourning doves, robins, goldfinches, catbirds, woodpeckers, bluebirds. And also for wildlife such as squirrels, opossums (which help control mice), raccoons. They live in the hollow cavities of older trees. And then there's the pollinators who benefit from trees and leaves. Pollinators are already on the decline.

When you kill the trees, you will be hurting the property values of your residents. Studies show that mature trees can increase the value of a house by 3.5 to 15 percent.(1) Replacing old growth trees with young 8 foot trees will take 50 plus years to reach the maturity of the trees you're killing. And how do you know those young trees will even survive for more than a couple years? An established tree has a better chance of survival in this climate.

When you kill the trees, the energy costs for your residents will increase. The mature trees shelter the houses and neighborhoods from the hot sun in the summer (stand under a tree on a 90 degree day and it feels 10 degrees cooler) and they break the wind and cold during the winters.

I think arborists have the knowledge and tools on how to maintain and trim mature trees as they grow older. Trees can be maintained for safety and for the health of the trees. They don't need to be cut down just because.

Please reconsider the mass killing of the trees in these neighborhoods. There are a multitude of reasons to keep the old growth trees rather than not.

Thank you,
Monika Sipe
Royal Oak, MI

"Spending time around trees and looking at trees reduces stress, lowers blood pressure and improves mood. Numerous studies show that both exercising in forests and simply sitting looking at trees reduce blood pressure as well as the stress-related hormones cortisol and adrenaline."
https://dec.ny.gov/nature/forests-trees/immerse-yourself-for-better-health#:~:text=Spending%20time%20around%20trees%20and,related%20hormones%20cortisol%20and%20adrenaline.

(1) https://money.com/boost-value-of-home-with-trees/

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: Arlington/Shirley Project

1 message

Jana Ecker <Jecker@bhamgov.org> Wed, Jan 31, 2024 at 2:22 PM
To: Alex Bingham <abingham@bhamgov.org>

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **Neil Skaar** <ncskaar@gmail.com>
Date: Wed, Jan 31, 2024 at 1:34 PM
Subject: Arlington/Shirley Project
To: <emclain@bhamgov.org>, <kschafer@bhamgov.org>, <cballer@bhamgov.org>, <along@bhamgov.org>, <bhost@bhamgov.org>, <ahaig@bhamgov.org>, <tlonge@bhamgov.org>, <jecker@bhamgov.org>

In my opinion this plan is a huge waste of money that is mostly intended to satisfy some urban planner's vision for Birmingham. I support the repair/replacement of underground infrastructure when necessary, and I'm OK with removing private structures that are on public property. Beyond those items, it seems you're looking to fix something that isn't broken.
My wife and I have walked Shirley, Arlington, and that entire area for the 26+ years we've lived here (on West Lincoln), and never had anything approaching a close call with traffic. Shirley and Arlington are wide streets that allow plenty of room for traffic AND pedestrians. Their current width allows for on-street parking for residents, contractors, and landscape servicers that does not impede traffic flow.
It seems you're pushing a sidewalk, road-narrowing, and tree removal/replacement project that the majority of the Shirley/Arlington residents do NOT want, and that will be of little or no benefit to most, if not all, Birmingham taxpayers.
Even though I don't live on Arlington or Shirley, I will always oppose what I see as wasteful government spending of MY taxpayer dollars.
--
Neil Skaar
1756 W. Lincoln St.
Birmingham, MI 48009-1833
248-727-8130 (cell)

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: Road safety and cost savings of the Save Our Trees And Streets Plan

1 message

Jana Ecker <Jecker@bhamgov.org> Wed, Jan 24, 2024 at 11:52 AM
To: Alex Bingham <abingham@bhamgov.org>, Brooks Cowan <bcowan@bhamgov.org>

For Shirley and Arlington discussion at next meeting...

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **Therese Longe** <tlonge@bhamgov.org>
Date: Wed, Jan 24, 2024 at 11:06 AM
Subject: Fwd: Road safety and cost savings of the Save Our Trees And Streets Plan
To: Jana Ecker <Jecker@bhamgov.org>

---------- Forwarded message ---------
From: **JOHN SMITH** <johnjrspop@aol.com>
Date: Wed, Jan 24, 2024 at 9:28 AM
Subject: Road safety and cost savings of the Save Our Trees And Streets Plan
To: <emclain@bhamgov.org>, <kschafer@bhamgov.org>, <along@bhamgov.org>, <tlonge@bhamgov.org>, <ahaig@bhamgov.org>, <bhost@bhamgov.org>
Cc: Jim Mirro <jmirro@intromarketing.com>

Good Morning All,

I've been reading about the effect of road width and auto collision frequency. For speed limits of 30 and above, there is a benefit to lowering road width.
Narrowing road width by painting bicycle/pedestrian lanes as opposed to adding sidewalks has a number of benefits. First, it increases safety for cyclists and walkers/joggers. Secondly, it saves our trees and landscaping. This is an enormous benefit to our environment. It also eliminates the expense of cutting down about 200 large trees. Third, it eliminates the large cost of sidewalks. Fourth, we might make use of our existing concrete curbs and gutters, another cost savings.
As I noted in my previous note, these taxpayer savings are likely over $1M.
Please consider these cost and environmental benefits.

All the best,
John and Joan Smith

Sent from my iPhone

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: Birmingham plans

2 messages

Jana Ecker <Jecker@bhamgov.org> Mon, Jan 22, 2024 at 10:57 AM
To: Alex Bingham <abingham@bhamgov.org>

Ditto...

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **Therese Longe** <tlonge@bhamgov.org>
Date: Sun, Jan 21, 2024 at 11:04 AM
Subject: Fwd: Birmingham plans
To: Jana Ecker <Jecker@bhamgov.org>

---------- Forwarded message ---------
From: **JOHN SMITH** <johnjrspop@aol.com>
Date: Sun, Jan 21, 2024, 10:41 AM
Subject: Birmingham plans
To: <emclain@bhamgov.org>, <kschaefer@bhamgov.org>, <cballer@bhambgov.org>, <ahaig@bhamgov.org>, <bhost@bhamgov.org>, <along@bhamgov.org>, <tlonge@bhamgov.org>

This is in support of the Save Our Streets & Trees Plan proposed by Jim Mirro, which we will refer to below as “0ur” plan.
Our plan not only preserves the cherished character of our neighborhood, which is an environment that led many of us to buy there, it also importantly provides a second sidewalk access between Lincoln and Maple. Moreover, it would allow stroller access to Linden Park.
We should also be aware that it saves Birmingham taxpayers over $1M.
Let me explain. The City’s presentation at the last meeting contained an estimate of about $600K for new sidewalks.
Our plan only requires about 7% of the sidewalks that the City’s plan requires. So our plan would save over $500K in sidewalk costs. Moreover, we were told that the City plans to remove 140 of our cherished large trees. It was estimated that an additional 100 large trees would have to be removed due to interference with their root systems by the new sidewalks. Then there would be the cost of planting young trees to replace the large trees that are cut down.
All told, the costs of all this to Birmingham taxpayers would be $1M or more.
This is in addition to saving the $40K to $60K surcharge to each family in our neighborhood for changes we clearly don’t want.
Moreover, in our plan we would keep the existing concrete curbs and gutters on Arlington and Shirley, which is also presumably an additional large financial saving for Birmingham taxpayers.

Let me add that our front yard is on Linden , while our backyard is on Shirley. Linden is narrower and has often uneven sidewalks with tripping hazards on both sides of the street. Consequently, most joggers try to run in the street. Linden is in fact currently a mess for both pedestrians and drivers, unfortunately.
On the other hand, Shirley is a wide, smooth street, which pedestrians feel safe on and enjoy. We see individual pedestrians, people walking their dogs, and families, often with small children, walking on Shirley.
In fact, it’s our perception that we see more people walking on Shirley than on Linden.
While I’m told that over the last 100 years there have been no pedestrian accidents on Shirley and Arlington, if the City is worried about that we would suggest painting a bike and pedestrian path next to the curb.
Thanks for your attention, and we look forward to working with you for Birmingham.

All the best,
John and Joan Smith

230 Linden Rd
248-496-1874 (cell)

Sent from my iPhone

Jana Ecker <Jecker@bhamgov.org> Mon, Jan 22, 2024 at 10:59 AM
To: Alex Bingham <abingham@bhamgov.org>

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **Elaine McLain** <emclain@bhamgov.org>
Date: Sun, Jan 21, 2024 at 6:50 PM
Subject: Fwd: Birmingham plans
To: Jana Ecker <jecker@bhamgov.org>
Cc: Mary Kucharek-cell <Mkucharek@bhlaw.us.com>

FYI
Elaine McLain
Mayor, City of Birmingham MI
248-225-9903

Begin forwarded message:

> **From:** JOHN SMITH <johnjrspop@aol.com>
> **Date:** January 21, 2024 at 10:41:55 AM EST
> **To:** emclain@bhamgov.org, kschaefer@bhamgov.org, cballer@bhambgov.org, ahaig@bhamgov.org, bhost@bhamgov.org, along@bhamgov.org, tlonge@bhamgov.org
> **Subject: Birmingham plans**
>
> [Quoted text hidden]

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: Support of Arlington/Shirley Proposal F

1 message

Jana Ecker <Jecker@bhamgov.org> Mon, Jan 22, 2024 at 10:58 AM
To: Alex Bingham <abingham@bhamgov.org>

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: <lindsay.lee.vansyckle@gmail.com>
Date: Sun, Jan 21, 2024 at 1:43 PM
Subject: Support of Arlington/Shirley Proposal F
To: <emclain@bhamgov.org>, <kschafer@bhamgov.org>, <cballer@bhamgov.org>, <along@bhamgov.org>, <bhost@bhamgov.org>, <ahaig@bhamgov.org>, <tlonge@bhamgov.org>, <jecker@bhamgov.org>
Cc: Hubby Van Syckle <mike@shiftdigital.com>

To whom it may concern,

Thank you for the hard work that has gone into the evaluation of the streets for Arlington/Shirley.

I recently became aware of the new **Proposal F** (see attached) that was submitted to the city of birmingham last week. I am writing to share my household's **support of this Proposal**.
It sounds like it was drafted as an effort to propose a solution that aligns with both neighbor and city concerns. Hopefully this will be considered on Monday's meeting and we can continue a constructive and collaborative partnership as we work through solutions.

Thank you,

Lindsay, Mike, Max and Harper Van Syckle
881 Arlington Street

Lindsay.lee.vansyckle@gmail.com
415-602-9343

Arlington Shirley Proposal F.pdf
578K

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: Shirley / Arlington Street Proposal

1 message

Jana Ecker <Jecker@bhamgov.org> Wed, Jan 31, 2024 at 2:24 PM
To: Alex Bingham <abingham@bhamgov.org>

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **John Westerheide** <jwesterheide24@gmail.com>
Date: Wed, Jan 31, 2024 at 2:07 PM
Subject: Shirley / Arlington Street Proposal
To: emclain@bhamgov.org <emclain@bhamgov.org>, <kshafer@bhamgov.org>, cballer@bhamgov.org <cballer@bhamgov.org>, along@bhamgov.org <along@bhamgov.org>, bhost@bhamgov.org <bhost@bhamgov.org>, ahaig@bhamgov.org <ahaig@bhamgov.org>, tlonge@bhamgov.org <tlonge@bhamgov.org>, Jecker@bhamgov.org <Jecker@bhamgov.org>

To All,

I recently saw the news report on the proposed changes being made for Shirley and Arlington Roads. Then saw the posts on Nextdoor and the endless support being given by Mark Nickita. I know he was once Mayor and has a long history with City government, but I am outraged that he suggests the City can just do what they want. I seem to recall the City works for the residents. As such, I encourage all of you to listen to the majority of the residents (homeowners) on those streets and what "they want". I would be upset if I was forced to pay for something that a majority of my neighbors do not want.

Anyone can pay for studies that will spin a point. Urban developers many times will push change in the name of furthering Urban developers. Studies should focus on downtown development, neighborhood changes should be up to the people on those streets. I have never heard of auto accidents or pedestrian injuries in that area. So why all the sidewalk additions and tree removal? Safety issues are not present and have not occurred. Don't waste taxpayer money on top of the "study" costs.

I understand that infrastructure is an issue. Address those and paving needs. Leave the footprint as is. The amount of lawn service and construction truck activity on those roads will always be there. Narrowing the roadway will only cause more issues with ongoing local traffic during the day.

Those trees are beautiful and would take a lifetime to replace as they stand now. I would not be able to enjoy them anymore. I am fearful that this is just the tip of the iceberg and it sets a precedent in future unimproved streets such as the one I live on.

I am adamantly opposed to this strong arm tactic to force sidewalks on homeowners at a personal financial cost. What if someone can not afford to pay? Seems unfair to force this issue as a City.

You are all our leaders. Please move in a direction that represents your constituents.

Thank you for your time and thoughtful consideration in favor of the people you represent.

Respectfully,

John Westerheide
1005 Worthington Rd

BIRMINGHAM
A WALKABLE CITY

Alex Bingham <abingham@bhamgov.org>

Fwd: Please vote yes to add sidewalks to Arlington/ Shirley

1 message

Jana Ecker <Jecker@bhamgov.org> Thu, Feb 1, 2024 at 4:42 PM
To: Alex Bingham <abingham@bhamgov.org>

Jana L. Ecker
City Manager
Birmingham, MI
(248) 530-1811

---------- Forwarded message ---------
From: **Katie Schafer** <kschafer@bhamgov.org>
Date: Tue, Jan 30, 2024 at 8:13 AM
Subject: Fwd: Please vote yes to add sidewalks to Arlington/ Shirley
To: Jana Ecker <jecker@bhamgov.org>, Mary Kucharek <mkucharek@bhlaw.us.com>

For the record.

Katie

Begin forwarded message:

> **From:** GARY whited <sjjaguars@msn.com>
> **Date:** January 30, 2024 at 4:44:25 AM EST
> **To:** kschafer@bhamgov.org
> **Subject: Please vote yes to add sidewalks to Arlington/ Shirley**
>
> Sent from my iPhone

BIRMINGHAM
A WALKABLE CITY

MEMORANDUM

Engineering Department

DATE: January 29, 2024

TO: Jana L. Ecker, City Manager

FROM: Melissa A. Coatta, City Engineer

SUBJECT: Brandon Street – Shirley Road to Linden Road
Adding to Arlington Road and Shirley Road Project

INTRODUCTION:
At the January 22, 2024 City Commission meeting, the City Commission voted to add an agenda item to discuss including Brandon Street from Shirley Road to Linden Road to the upcoming Arlington Road and Shirley Road project.

BACKGROUND:
Brandon Street is an unimproved road, which is a gravel road with a cape seal treatment, with no concrete curb and gutter and no sidewalk. The west 260' of the road is 20'-22' wide and the remaining portion to Linden Road is 26'-24' wide. The additional 5'-7' width in this location is used for parking for Linden Park. City records show the last time a cape seal treatment was done was in the 1990s.

There are no existing utilities on Brandon Street between Shirley and the west intersection of Linden. The current infrastructure rating for this road from Shirley to Hawthorne is 106 with a road rating of 80 (PASER rating of 3) and a water main rating of 26. The City recently collected PASER ratings in 2023 and Brandon Road is rated 2. The water main point score is for the existing water main located at the intersection of Brandon and Linden.

There are three residential properties whose side yards are along Brandon Street: 663 Shirley, 735 Shirley, and 680 Linden. The fourth property along Brandon Street is Linden Park, which is owned by the City. 663 Shirley and 735 Shirley have received previous correspondence about the upcoming Arlington Road and Shirley Road project including the notice of upcoming projects, the expression of interest survey for street improvement, the resident meeting, and the public hearing at Multi-Modal Transportation Board. 735 Shirley provided a resident survey response about the Arlington Road and Shirley Road Project. 680 Linden has not received any notifications about the Arlington Road and Shirley Road Project since they are located outside of the project limits.

Section 94-4 of the City Ordnance includes the following information about the Initiation of Improvement by Commission:

a. Proceedings for making public improvements within the city may be commenced by resolution of the city commission, on its own initiative, making the improvement and special assessment mandatory.

b. In order to ascertain what level of support exists among property owners to be assessed for a special improvement, the city commission may choose to direct staff to circulate an expression of interest form.

c. The commission shall carefully consider any petition or expression of interest forms received, but both petitions and expression of interest forms shall be advisory only. Petitions or expression of interest forms shall in no event be mandatory upon the commission.

The standards for residential street width standards could apply to Brandon Street:

1. NEW AND EXISTING, UNIMPROVED RESIDENTIAL STREETS THAT ARE BEING IMPROVED: When streets are improved or newly constructed, the standards below shall be strictly applied. Exceptions may be considered when factors, such as those described in Section 4, are evident.
    a. Standard Streets: 26 ft. in width from curb to curb.
    b. If the right-of-way is less than 50 ft., the street width shall be a minimum of 20 ft. with parking allowed on one side only (generally the side without fire hydrants).

3. PUBLIC NOTICE AND PUBLIC HEARING: Whenever there is a street project where a change in the existing width is being considered, the Multi-Modal Transportation Board shall have a Public Hearing to inform residents of the project and provide an opportunity for comment. The City shall post a sign along the street that announces street project. Design details shall be advertised and posted on the City's website. If residents express a desire for a non standard street width at a public meeting or through a public survey of street residents, those preferences shall be considered. However, engineering or safety factors listed in Section 4 must also be present to support a design exception.

4. EXCEPTIONS AND MODIFICATIONS TO THE WIDTH STANDARDS: Any modification must be consistent with the Intent of these standards and the engineering publications upon which they are based. Street width exceptions may only be approved to a minimum of 20 ft. and a maximum of 30ft. If residents express a desire for a non-standard street width at a public meeting or through a public survey of street residents, those preferences shall be considered (either wider or narrower). Modifications to street widths may only be considered if one or more of the following conditions exist:
    a. High or low frequency of use of on-street parking. When surveyed on-street parking is utilized 15% or less overnight, the width may be reduced. When parking density is classified as highly utilized, defined as over 25% occupancy throughout the day or more than 50% of the available curb space used overnight, the width may be increased. For calculation of parking, a minimum length of 22 ft. shall be used and not include driveways, spaces adjacent to fire hydrants, or other locations where parking is not allowed.

b. Daily traffic volumes exceed 1500 vehicles.
c. The street is a published school bus route used by the Birmingham Public Schools or is a frequent emergency response route.
d. Street is adjacent to a school, religious institution, City park, multiple family residential development, or other use with access that generates higher traffic volumes.
e. Presence of street trees, especially healthy, mature trees, such that rebuilding the road as proposed would result in the removal of two or more trees on any given block.
f. A speed study confirms that the 85th percentile speed is more than 5 miles per hour over the posted speed limit and/or city police or engineering departments have documented operational or safety concerns related to traffic patterns along the street.
g. Street may be as narrow as 20 ft. with parking on one side only if right-of-way is less than 50 ft.

5. BOULEVARD STREETS Reconstruction of streets with a boulevard, median, or other unique design feature, shall be reconstructed to match the current configuration unless geometric changes are needed based on safety or engineering analysis.

There is a Multi-Modal Transportation Board Meeting on Thursday, February 15 at 7:00 pm to hold the public hearing for street width along Brandon Street from Shirley Road to Arlington Road.

The City's design engineering consultants are able to take a topographic survey of Brandon Street towards the end of the first week in February, weather permitting. If Brandon Street is added to the Arlington Road and Shirley Road project at this time and all three streets are designed at the same time, this will not slow down the design schedule of the project.

LEGAL REVIEW:
The City Attorney has reviewed the suggested resolution and has no objection.

FISCAL IMPACT:
The improvement of Brandon is currently not in the 2023/2024 budget. The preliminary cost to cape seal the roadway is $12,500.00-$17,500.00, if combined with another project that is completing a cape seal treatment. The cape seal cost assessed to the property owner would be 25% of the side-foot costs for all residential properties siding on the improvement. The city pays 75% of costs.

The preliminary cost to convert the road to an improved road is $200,000.00-$300,000.00 and is dependent on extending storm sewer for road drainage. For single-family houses, if the longer side of a corner property faces the street being constructed, the City will pay two-thirds (2/3) of the cost of the assessment for that property. The property owner will be charged the remaining third (1/3). If the short side of a corner property faces the street to be constructed, the owner pays 100% of the assessment.

SUSTAINABILITY:
Currently, there are no sidewalks along Brandon Street and the installation of sidewalks with an improved street will expand non-motorized transportation routes in this area.

PUBLIC COMMUNICATIONS:
No public information has been issued to the three residential property owners along Brandon Street.

SUMMARY:
Staff recommends adding Brandon Street to the Arlington Road and Shirley Road Project. The Engineering Department will proceed with the final design once a recommendation is made by the City Commission.

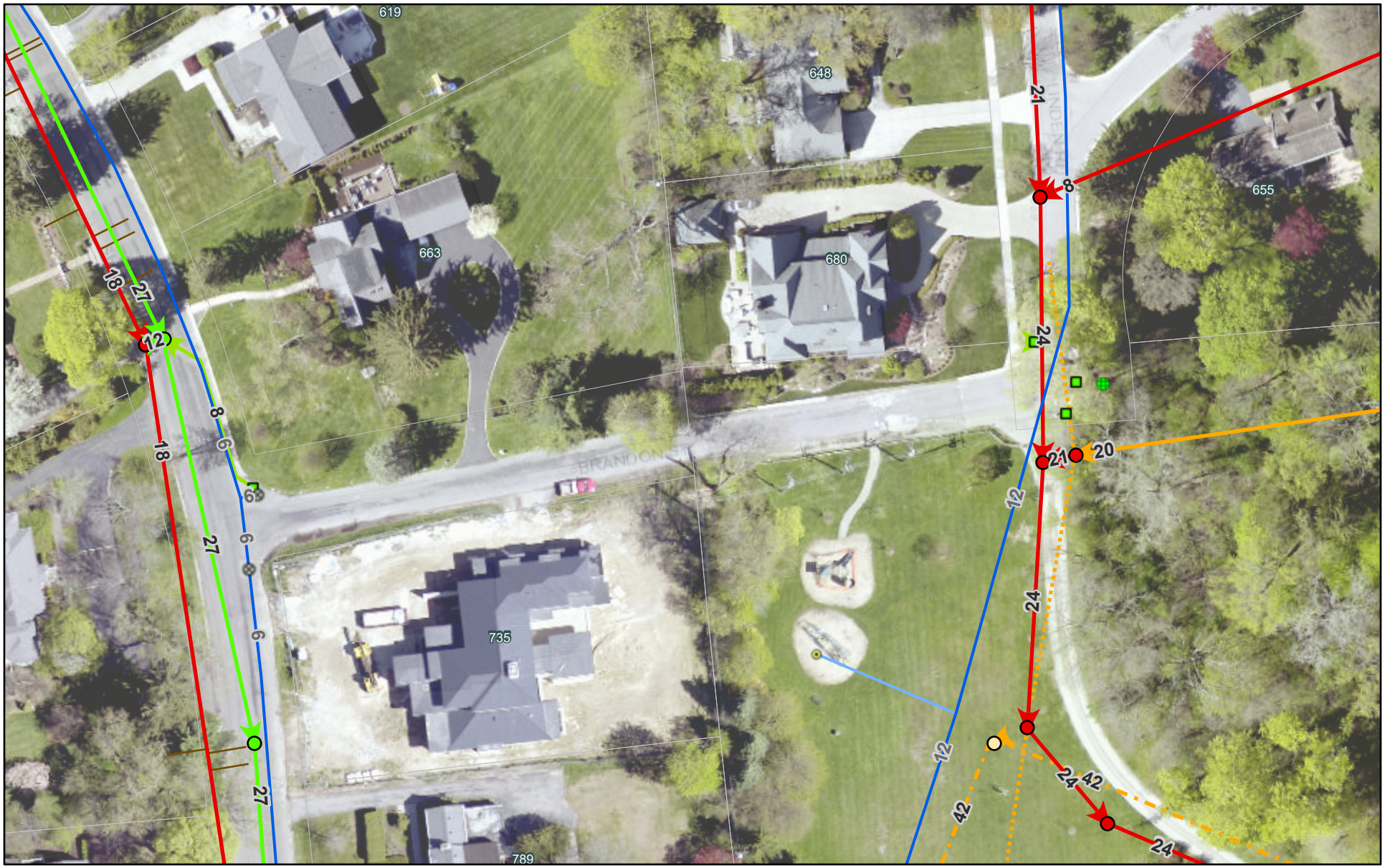
The City Commission will have a public hearing on a future date to establish a special assessment district for the making of public improvements on Brandon Street.

ATTACHMENTS:

- Brandon Street – Map of Existing Utilities
- Brandon Street – Parcel Map
- May 18, 2018 Residential Street Width Standards
- June 4, 2018 City Commission Meeting Minutes
- July 23, 2018 City Commission Meeting Minutes

SUGGESTED COMMISSION ACTION:
Make a motion adopting a resolution to direct the Engineering Department to add Brandon Street to the Arlington Street and Shirley Street project and proceed with the final design to include construction of the street within the project area that will meet the City standards for an improved street with a 5 foot wide sidewalk on each side of the road.

Brandon Street



1/16/2024, 3:31:31 PM

Hydrant
Water Valve
Outfall
Birmingham-Owned Sewer Inlet

Birmingham-Owned Manhole
StormManhole
CombinedManhole
Non-City Manhole
SanitaryManhole

Water Main
Water Lead
Birmingham-Owned Sewer Main
Storm
Sanitary

Combined
Catch Basin Lead
Non-City Sewer Main
Sanitary

Abandoned Sewer Mains
Sanitary
Sewer Service Line
OC Tax Parcels

1:1,128

0 0.01 0.01 0.02 mi

0 0.01 0.02 0.04 km

Oakland County, Michigan, SEMCOG, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

8A

City of Birmingham

Brandon Street

8A

City of Birmingham
A Walkable Community

MEMORANDUM

Engineering Dept.
Planning Department
Police Dept.

DATE: **May 18, 2018**

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

FROM: **Jana Ecker, Planning Director**
Scott Grewe, Police Dept.
Paul O'Meara, City Engineer

SUBJECT: **Residential Street Width Standards**

On January 22, 2018, the City Commission considered future street widths for Bennaville, Chapin and Ruffner. Several residents appeared on behalf of Bennaville Ave., and additional residents appeared on behalf of the one block of Chapin Ave. After much discussion, the City Commission endorsed the recommendations of the Multi-Modal Transportation Board ("MMTB") with regards to the future street width. However, during the discussion, the Commission expressed confusion as to what the City's policy is for determining the width of a new street. As a result, the MMTB was asked to study the issue in further detail, and send information and policy direction back to the Commission.

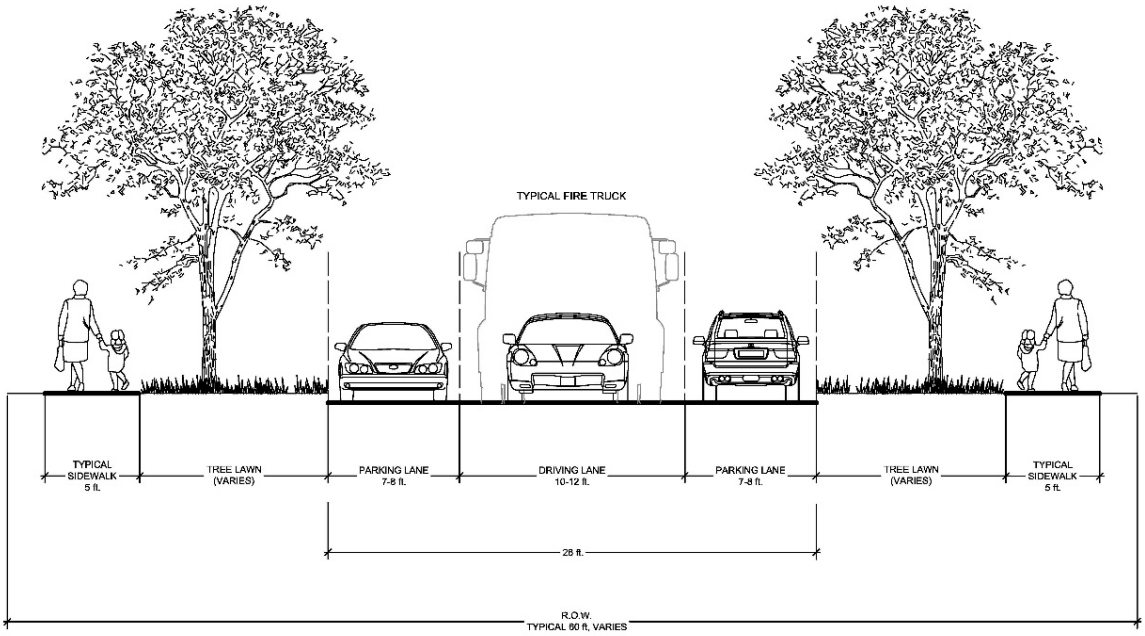
Accordingly, in March 2018, the MMTB began their discussion by identifying goals for residential road width standards, and reviewed the national standards and best practices from professional organizations and peer cities. The board agreed that standards should be created, but that there may be factors to permit some modifications if certain criteria are met.

On May 3, 2018, the Multi-Modal Transportation Board passed a unanimous motion to recommend approval of Residential Street Width Standards to the City Commission. Please find attached all research considered by the MMTB, draft standards and all staff reports and minutes from the MMTB discussions for your review.

Suggested Action:

To approve Residential Street Width Standards as recommended by the Multi-Modal Transportation Board on May 3, 2018.

BIRMINGHAM RESIDENTIAL STREET DESIGN STANDARDS



INTENT: The purpose of these standards is to provide consistent street widths throughout the city but with flexibility for very specific situations. The goals for identifying a standard road width for residential roads include the following:

- Functionality;
- Consistency;
- Accident reduction;
- Traffic calming;
- Expediency in planning and engineering;
- Infrastructure costs; and/or
- Storm water runoff management.

The following standards are based on residential street design recommendations published by AASHTO, the Institute of Transportation Engineers (ITE), the Urban Land Institute (ULI), the Congress for New Urbanism, NACTO and those used by peer cities. Using those standards as a base, these standards are also based on emergency response access, winter weather, the existing street widths in the city, and the characteristics of different neighborhoods in the City.
These widths typically allow for parking along both sides of the street with room for a vehicle to pass in one direction. When there is opposing traffic (vehicles going both ways) one of the motorists will need to yield to the other. This is commonly classified as a “Yield” or “Courtesy” Street.

STREET DESIGN STANDARDS (see also attached flow chart):

1. **NEW AND EXISTING, UNIMPROVED RESIDENTIAL STREETS THAT ARE BEING IMPROVED**

   When streets are improved or newly constructed, the standards below shall be strictly applied:

   a. **Standard Streets:** 26 ft. in width from curb to curb.
   b. If the right-of-way is less than 50 ft., the street width shall be a minimum of 20 ft. with parking allowed on one side only (generally the side without fire hydrants).

2. **EXISTING, IMPROVED RESIDENTIAL STREETS**

   When previously built streets are reconstructed, this standard shall generally be applied. Exceptions may be considered when factors, such as those described in Section 4, are evident.

   Standard Streets: 26 ft. in width from curb to curb.

   Existing Street is 28 feet or less in width: If existing street width is 28 ft. or less in width, street shall generally be reconstructed at the existing width.

3. **PUBLIC NOTICE AND PUBLIC HEARING**

   Whenever there is a street project where a change in the existing width is being considered, the Multi-Modal Transportation Board shall have a Public Hearing to inform residents of the project and provide an opportunity for comment. The City shall post a sign along the street that announces street project. Design details shall be advertised and posted on the City's website. If residents express a desire for a non-standard street width at a public meeting or through a public survey of street residents, those preferences shall be considered. However, engineering or safety factors listed in Section 4 must also be present to support a design exception.

4. **EXCEPTIONS AND MODIFICATIONS TO THE WIDTH STANDARDS**

   Any modification must be consistent with the Intent of these standards and the engineering publications upon which they are based. Street width exceptions may only be approved to a minimum of 20 ft. and a maximum of 30ft. Modifications to street widths may only be considered if one or more of the following conditions exist:

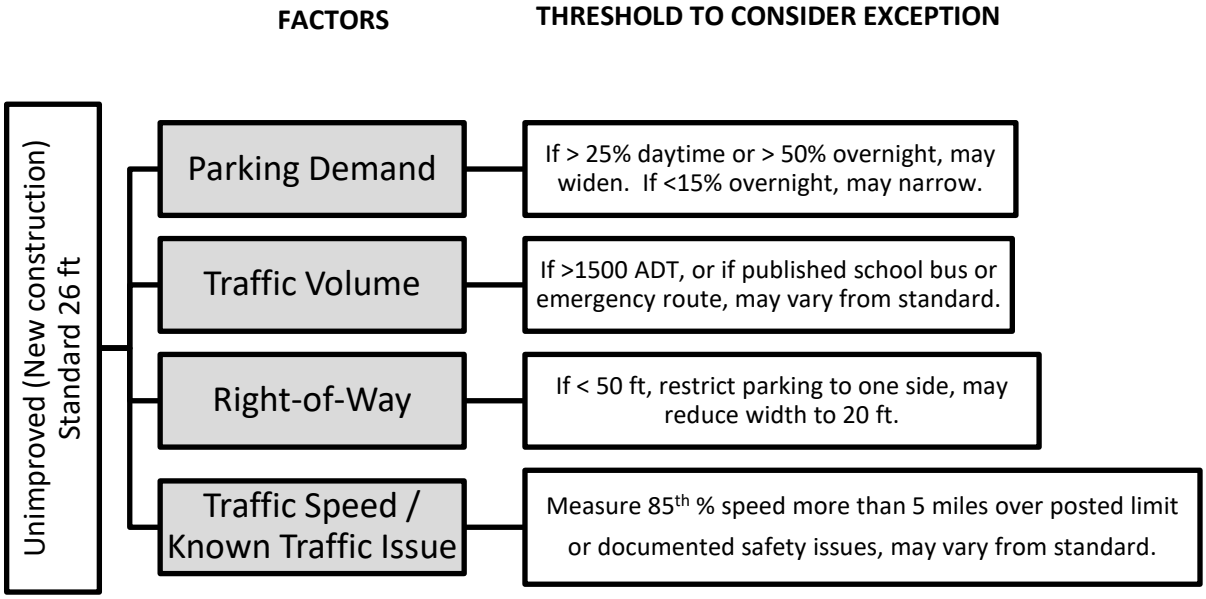
   a. High or low frequency of use of on-street parking. When surveyed on-street parking is utilized 15% or less overnight, the width may be reduced. When parking density is classified as highly utilized, defined as over 25% occupancy throughout the day or more than 50% of the available curb space used overnight, the width may be increased. For calculation of parking, a minimum length of 22 ft. shall be used and not include driveways, spaces adjacent to fire hydrants, or other locations where parking is not allowed.
   b. Daily traffic volumes exceed 1500 vehicles.

c. The street is a published school bus route used by the Birmingham Public Schools or is a frequent emergency response route.
d. Street is adjacent to a school, religious institution, City park, multiple-family residential development, or other use with access that generates higher traffic volumes.
e. Presence of street trees, especially healthy, mature trees, such that rebuilding the road as proposed would result in the removal of two or more trees on any given block.
f. A speed study confirms that the 85th percentile speed is more than 5 miles per hour over the posted speed limit and/or city police or engineering departments have documented operational or safety concerns related to traffic patterns along the street.
g. Street may be as narrow as 20 ft. with parking on one side only if right-of-way is less than 50 ft.

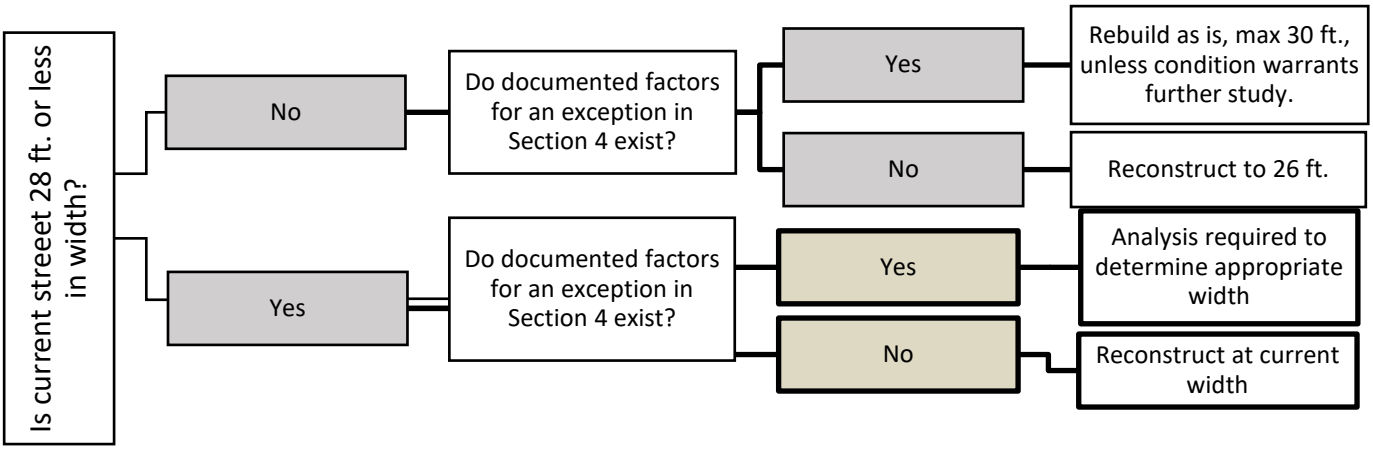
5. BOULEVARD STREETS

Reconstruction of streets with a boulevard, median, or other unique design feature, shall be reconstructed to match the current configuration unless geometric changes are needed based on safety or engineering analysis.

BIRMINGHAM RESIDENTIAL STREET DESIGN STANDARDS



RECONSTRUCTION OF IMPROVED STREET



City of Birmingham
A Walkable Community

MEMORANDUM

Engineering Dept.
Planning Department
Police Dept.

DATE: **February 23, 2018**

TO: **Multi-Modal Transportation Board**

FROM: **Lauren Chapman, Assistant City Planner**
Scott Grewe, Police Dept.
Paul O'Meara, City Engineer

SUBJECT: **Street Widths- History**

The Multi-Modal Transportation Board (MMTB) recently reviewed conceptual designs for three local streets planned for reconstruction in 2018. A public hearing was held, and a final recommendation for the streets was passed on to the City Commission on a vote of 4-3. As you may recall, at the public hearing, several residents appeared before the Board asking that Bennaville Ave. not be reduced in width (as proposed). A smaller number of residents appeared asking that the block of Chapin Ave. east of Cummings St. also not be reduced in width.

When the City Commission reviewed the issue at their meeting of January 22, 2018 several residents again appeared on behalf of Bennaville Ave., and additional residents appeared on behalf of the one block of Chapin Ave. After much discussion, the City Commission endorsed the recommendations of the MMTB, also on a vote of 4-3. As a part of the discussion, the Commission expressed confusion as to what the City's policy is for determining the width of a new street. As a result, the MMTB was asked to study the issue in further detail, and send information and policy direction back to the Commission.

GOALS

The goals for identifying a standard road width, for residential roads are: functionality, consistency, accident reduction, traffic calming, expediency in planning and engineering, infrastructure costs. A standard does not mean that all streets will be uniform; a standard creates a basis for consideration.

HISTORY

The majority of the public rights-of-ways in Birmingham were created prior to World War II. In this era, cities accepted new public streets from developers with little investment. Streets were typically gravel, and often lacked drainage outlets. As subdivisions became more populated and expectations rose, residents looked to the City to get their street paved. As was standard practice then (as it is now), cities can

construct a localized improvement such as a new street pavement, and charge the adjacent property owners for some or all of the cost. Under this guideline, some streets were paved as early as the 1910's, while others have never been paved. In Birmingham, unpaved streets began being oiled and then chip sealed starting in the late 1940's, removing many of the problems generally experienced with gravel roads.

In order to get a road paved, residents petition the City and request the improvement. The improvement is generally not considered until a petition showing that over 50% of the owners are in favor of the idea can be presented. High costs today continue to keep the number of streets being paved relatively low. Recently, the City Commission has authorized the formation of an Unimproved Streets Study Committee that will be meeting to discuss the special assessment procedure in detail, and potentially considering alterations to that policy as well.

In Birmingham, once a street has been constructed with a permanent pavement, the City has promised to maintain it into the future, at no additional cost to the adjacent property owners. Since a local street typically has a service life of 60 to 90 years, discussions pertaining to the policy of the width for a new street have always pertained to the construction of new streets that have never had a pavement with curbs. The current policy, passed in 1997, also focused exclusively on the construction of new streets. Since reconstruction of existing streets had not been frequent, even at that time, the unwritten expectation has been that the road would be reconstructed to match the road as it was built the first time.

The following describes the standards passed for new street paving projects, as of 1977:

<u>1977</u>
In 1977, the City Commission adopted Engineering Design Standards relating to pavements and street widths. These standards were in existence prior to this date and formalized by the Commission at that time. The City was substantially consistent with the city design standards when recommending street improvements.

These standards note the width of roads in relation to the level of use it gets. It was divided into three categories: streets in commercial areas, streets in residential areas, and cul-du-sacs. The adopted standard was for a 36 foot street in commercial areas, and 28 foot width in residential area. Residential cul-du-sacs maintain a 24 foot width.

<u>1994</u>
During the public hearing for Henrietta Street the City Commission directed city staff to examine the existing policy pertaining to street improvements as it relates to street widths. Goals included letting the public know what the benefits are to the property owners for making these street improvements, what the design standards are, and what options may be available to them when requesting this improvement.

City Commissioners suggested that standards be set so these details need not be revisited each time a street is recommended for improvement. It was the Engineering Department's opinion there existed standards that the City has substantially followed when making recommendations throughout the years.

The City Commission reviewed which streets were fire routes and per the recommendation by the fire chief adopted a standard of 29 feet for residential streets.

1996

At the December 16, 1996 City Commission meeting three local streets were approved for permanent surface improvements. In conjunction with the discussion it was suggested the issue of residential street widths be placed on the agenda for the 1997 Long Range Planning Meeting.

Downtown 2016 Plan

The Downtown Birmingham 2016 Plan is a master plan that was created in 1996 and was intended for use for the next twenty years. Pages in the appendix of the plan recommended street widths based on type and rationale for the widths in the form of a decision tree and examples from AASHTO and the City of Portland. The recommended width for a "subcollector" road (similar to the typical Birmingham residential street) was 28 ft.

1997

The City Commission voted to reduce the residential street width standard by 2 feet to 26 feet, with parking on two sides and 20 feet with parking on one side.

2013

In 2013, the City Commission created a steering committee to oversee the creation of a Multi-Modal Transportation Master Plan. The consultant The Greenway Collaborative was hired to prepare the plan. During this process, the steering committee not only worked with the consultant, they also helped direct the final cross-sections for the important collector streets planned for 2014:

Lincoln Ave. – Southfield Rd. to Woodward Ave.
N. Eton Rd. – Derby Rd. to Yorkshire Rd.

The Multi-Modal Transportation Master Plan was adopted in 2014 as a long term guide to the City's transportation network. A new Multi-Modal Transportation Board was formed to help oversee the implementation of the new plan, as well as take over the duties of the former Traffic & Safety Board.

Since then, the new board has studied each of the City's upcoming street projects from a multi-modal perspective.

2018 Local Street Paving Program

This year the City will be reconstructing three streets first paved in the late 1940's (Bennaville Ave., Ruffner Ave., and Chapin Ave.). Staff approached this study with two objectives:

1. The Master Plan did not provide any recommendations on the three streets. Even so, a closer discussion with input from the Board may result in possible refinements to the current conditions.
2. While the unwritten policy of rebuilding streets at their current widths should be used as a starting point, staff had identified some potential issues with following this approach on these three streets:
   a) Bennaville Ave. was constructed at a width (32 ft.) much greater than current policy would dictate. The Board would provide an avenue to open the discussion about the benefits and/or drawbacks of reconstructing the street to match the current standard of 26 ft.
   b) Portions of Ruffner Ave. and Chapin Ave. were first constructed at 28 ft. These same sections also had several mature trees growing immediately adjacent to, or on top of, the old curb. Reconstruction of the streets at this width would mean automatically removing several mature trees. However, reducing the widths to 26 ft. (thereby matching the current standard), would give us the ability to attempt to save the majority of them.

As discussed above, both the MMTB and the City Commission struggled with the decisions as to whether to narrow the streets for the reasons listed above. The recommendations of the Board stirred up strong feelings among residents on two of the streets. As a result, split votes resulted both at the Board level, as well as at the City Commission level. The Board is now being asked to research national standards for residential road widths, the advantages and disadvantages of narrow and wide streets, determine what other cities are using as standards for constructing or reconstructing streets, and to consider detailed standards for use in the City of Birmingham. The City Commission also asked for some guidance on when (or if) to allow variance from these standards. The following is meant to be a draft outline that is intended to stimulate input from the Board. Once the input is received, staff will attempt to finalize a new policy statement on this issue for the future.

CURRENT POLICY REGARDING STREET WIDTHS

UNIMPROVED STREETS

From staff's perspective, the current standards for unimproved streets, now in place since 1997, have worked well.

As shown on the attached list at the end of this report, the current street width policy has been followed. Once a new street is constructed, very few, if any, complaints are

ever received from residents relative to the street width used for their new street. Residential sections have been consistently built at 26 ft., and commercial sections have been built at 36 ft., as directed in the policy. An option for a 20 ft. street also exists, which residents can consider if they so desire. Unique circumstances such as needing to accommodate a student drop off area at a parochial school (on Harmon St.) have also worked well.

Given the positive track record of the past 20 years, staff would recommend that the current policy concerning street widths for unimproved streets continue to be the starting point in the discussion. If future streets are subject to changes by the MMTB, it will be important to consider that creating a petition that shows that over 50% of the residents are in favor of a special assessment can be a difficult and time consuming process. If the MMTB were to enter the discussion after the petition has been created, this may result in some signers no longer supporting the project, which could then jeopardize the whole project. How and when the MMTB is involved in this process needs to be considered.

<u>IMPROVED STREETS</u>

The City is financially responsible for the reconstruction of improved street pavements that are nearing the end of their lifespan. Reconstruction offers the opportunity to review the current conditions in light of current standards, and consider if there is a potential need for change. Factors to consider in this discussion currently include, in alphabetical order:

1. MULTI-MODAL IMPROVEMENTS – A review of the Master Plan is required to be included with each street review. If ideas were provided in the Master Plan, the Board considers the recommendations in their totality to verify if they should be implemented as a part of the upcoming project. If there are no specific recommendations in the Master Plan, the Board will discuss improvements that can be included that would bring multi-modal improvements to the area.

2. NEIGHBORHOOD DENSITY – The board also considers the extent to which the land uses and density of uses on the street impact parking demand. The board reviews whether there are any unique conditions that would result in less or more than the usual parking demand. If parking demand is less than normal, should parking be limited to one side of the street, and if so, the board will consider which side of the street may be better for on-street parking

   OWNER PREFERENCE – The board holds a public hearing on all proposed road improvements to gather input from adjacent residents and property owners. While the City may have established guidelines and attempt to follow current best practices in the industry, the property owners living on the street often have preferences that are counter to the direction that the best practice standards would dictate.

3. RIGHT-OF-WAY – The board also considers the existing right-of-way for each street. Most local streets have an existing right-of-way between 50 and 60 ft., with which the current 26 ft. wide standard works well. If the right-of-way is less than 50 ft. however, the board may consider a narrower street in order to provide the required space for City sidewalks and street trees.

   TRAFFIC ISSUES – The board will conduct a review of the history of traffic issues on a street, which typically includes a review of speeding and cut-through traffic complaints. Staff can provide speed and traffic count data with each street being studied.

4. TREES – Finally, the board will consider the location and health of the existing tree canopy when considering the width for a reconstructed street. Streets with 50 ft. rights-of-way (or less) tend to have conditions where trees are given less than ideal conditions to grow, due to lack of space. If a street has mature trees that can be damaged or require removal during a street reconstruction project, these factors need to be considered.

Attached are two lists that indicate the history of street construction going back to 2000. The first list documents local streets that have been reconstructed. Comments are added in the right column if unique circumstances dictated that the street be rebuilt at a width different than what was done the first time. The second list documents all local streets built with a new pavement for the first time since 2000. Comments added on the right column describe conditions where the pavement was built at a width other than the standard, due to unique circumstances.

REVIEW OF BEST PRACTICES AND NATIONAL STANDARDS

Please find attached a letter from MKSK with attachments that summarize their research on national standards and best practices for residential street design. MKSK has reviewed numerous sources and compiled their findings for your review and discussion. In addition, MKSK has surveyed local peer communities to determine residential street standards for other Michigan communities.

As stated above, this is a topic that requires discussion and input from the Board before being finalized. The Board is encouraged to consider the factors above, as well as others that they may wish to introduce, to help finalize a final policy recommendation for the consideration of the City Commission.

(Previously Unpaved)						
Street Name	**From**	**To**	**Year Built**	**Width, Face to Face (Feet)**	**Previous Width**	**Comments**
Davis	Grant	Woodward Alley	2000	26	NA	
Davis	Woodward Alley	Woodward	2000	36	NA	Commercial Section
Willits	Greenwood	Chester	2000	26	NA	
Watkins	Brown	Lincoln	2001	20	NA	Width directed by Commission after resident survey was split 50/50
Stanley	Hanna	Wallace	2001	26	NA	
Henrietta	Frank	Lincoln	2001	26	NA	
Hazelwood	Oak	Vinewood	2003	26	NA	
Oak	Lakeview	Greenwood	2003	20	NA	40 Foot Right-of-Way
Knox	West End	Poppleton	2003	26	NA	
Humphrey	Grant	Woodward Alley	2004	26	NA	
Humphrey	Woodward Alley	Woodward	2004	36	NA	Commercial Section
S. Worth	Haynes	Alley	2005	36	NA	Commercial Section-Matches remainder of block
Harmon	Lakeside	West of Old Woodward	2005	26	NA	Except as noted on next two lines
Harmon	Greenwood	Woodland	2005	32	NA	Widened to accommodate bus loading area at Holy Name
Harmon	West of Old Woodward	Old Woodward	2005	36	NA	Adjacent Booth Park, contains metered parking
Washington	Lincoln	14 Mile	2005	26	NA	
Fairway	330 Ft. W. of Pleasant	Pleasant	2005	26	NA	
Northlawn	Stanley	Washington	2005	26	NA	
Greenwood	Harmon	Willits	2006	26	NA	
Wakefield	Southfield Alley	Southfield	2006	34	NA	Commercial section with head-in parking beyond
Greenwood	Oak	Harmon	2007	26	NA	
Baldwin	Harmon	Randall	2008	26	NA	
Baldwin	Randall	Maple	2008	20	NA	As requested by residents
Clark	George	Lincoln	2014	26	NA	

(Reconstruction)						
Street Name	**From**	**To**	**Year Built**	**Width, Face to Face (Feet)**	**Previous Width**	**Comments**
Ruffner	Adams	Torry	2001	26	26	
Humphrey	Woodward	Torry	2001	26	26	
Bennaville	Woodward	Torry	2001	26	26	
Emmons	Grant	Cummings	2001	26	26	
Daines	Purdy	Old Woodward	2002	26	26	
Melton	Eton	14 Mile	2003	28	28	
Holland	Adams	Eton	2004	29	29	
Shipman	Southlawn	14 Mile	2005	28	28	
Birmingham	Lincoln	14 Mile	2005	32	32	
Henrietta	Lincoln	Northlawn	2005	28	28	
Northlawn	Shipman	Birmingham	2005	32	32	
Northlawn	Birmingham	Stanley	2005	28	28	
Northlawn	Washington	Pierce	2005	28	28	
Southlawn	Southfield	Shipman	2005	28	28	
Southlawn	Birmingham	Stanley	2005	28	28	
Yorkshire	Adams	East End	2006	24	24	
Rugby	Yorkshire	Maple	2006	24	24	
Cambridge	Dorchester	Maple	2006	24	24	
Southlawn	Pierce	Grant	2006	28	28	
Edgewood	Southlawn	14 Mile	2006	28	28	
Grant	Emmons	Davis	2006	28	28	
Buckingham	Adams	Cambridge	2007	24	24	
Dorchester	Adams	East End	2007	24	24	
Rugby	Buckingham	Yorkshire	2007	24	24	
Cambridge	Buckingham	Dorchester	2007	24	24	
Aspen	Maple	Hawthorne	2008	16	18	Staff discussed with residents, determined old road was too narrow
Hawthorne	Maple	Linden	2008	16	18	Staff discussed with residents, determined

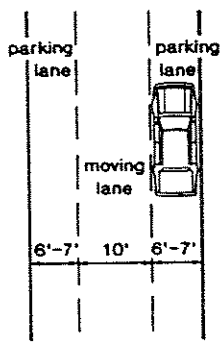
						old road was too narrow
Bowers	Adams	Hazel	2009	28	28	
Hazel	Bowers	Columbia	2009	28	28	
Pierce	Merrill	Brown	2009	40	40	
Townsend	Henrietta	Pierce	2009	32	32	
Bates	Martin	Brown	2010	36	36	
Henrietta	Martin	Brown	2010	32	32	
Townsend	Chester	Henrietta	2010	32	32	
George	Pierce	Old Woodward	2010	24	24	
St. Andrews	Pembroke	Maple	2011	28	28	
Graefield	Derby	Eton	2012	32	32	
Graefield Ct.	North End	Graefield	2012	26	26	
Pierce	Maple	Merrill	2013	40	40	
Merrill	Pierce	Old Woodward	2013	40	40	
Cole	Adams	Eton	2013	28	30	Narrowed in order to save large trees
Torry	Webster	Lincoln	2013	32	32	
Mohegan	Oxford	Adams	2014	24	24	
Kennesaw	Oxford	Adams	2014	24	24	
Oxford	Wimbleton	S. of Kennesaw	2014	24	24	
Poppleton	N. of Mohegan	S. of Kennesaw	2014	24	24	
Oak	Chesterfield	Lakepark	2015			

Residential STREETS

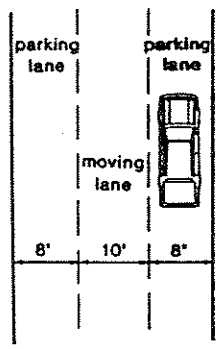
Second Edition

American Society of Civil Engineers
National Association of Home Builders
ULI—the Urban Land Institute

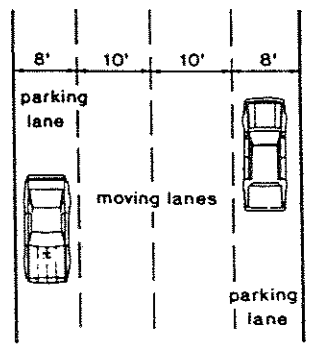
In 1986, the American Society of Civil Engineers (ASCE), the National Association of Home Builders (NAHB), and ULI-the Urban Land Institute (ULI) began discussing the need for a new book on residential streets to update and expand the general principles and design considerations outlined in the organizations' joint 1974 publication. Over the years, all three organizations have received inquiries into street design issues from developers, engineers, planners, and public officials. Agreeing on the need for a new book, ASCE, NAHB, and ULI established a task force composed of representatives of each organization. The task force members were charged with contributing material, reviewing and commenting upon drafts, and reaching consensus on the document. ASCE, NAHB, and ULI believe that their collaborative efforts will contribute to more appropriate residential street designs that balance considerations of safety and efficiency, cost effectiveness, livability, and community attractiveness.



access



subcollector



collector

EXCERPT FROM *RESIDENTIAL STREETS*

AASHTO—Geometric Design of Highways and Streets

Number of Lanes

On residential streets in areas where the primary function is to provide land service and foster a safe and pleasant environment, at least one unobstructed moving lane must be ensured even where parking occurs on both sides. The level of user inconvenience occasioned by the lack of two moving lanes is remarkably low in areas where single-family units prevail. Local residential street patterns are such that travel distances are less than 0.5 mi between trip origin and a collector street. In multifamily-unit residential areas a minimum of two moving traffic lanes to accommodate opposing traffic may be required. In many residential areas a 26-ft-wide roadway is typical. This curb-face-to-curb-face width provides for a 12-ft center travel lane and two 7-ft parking lanes. Opposing conflicting traffic will yield and pause on the parking lane area until there is sufficient width to pass.

In commercial areas where there will be several midblock left turns it may be advantageous to provide an additional continuous two-way left-turn lane in the center of the roadway.

Width of Roadway

Street lanes for moving traffic preferably should be at least 10 ft wide. Where feasible they should be 11 ft wide, and in industrial areas they should be 12 ft wide.

WHAT ARE SKINNY STREETS?

The City of Portland requires most newly constructed residential streets to be 20 or 26 feet wide, depending on neighborhood on-street parking needs. In the past, residential streets were required to be as wide as 32 feet. To achieve the benefits described below, the City reduced residential street widths.

Why create skinny streets in neighborhoods?

Allowing newly-paved residential streets to be narrower provides many benefits to area residents. Skinny streets help preserve neighborhood livability, while improving access to homes. Some benefits are:

Maintain neighborhood character.

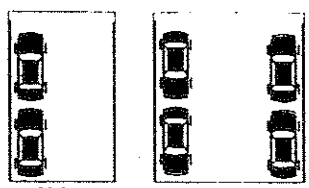
Construction of a wide paved street to replace a narrow unimproved road can change a neighborhood's atmosphere. Skinny streets reduce the impact on slopes and contours, on yards and on neighborhood self-image.

Lower construction costs.

Construction of narrower streets costs less. This means that residents who want to improve existing streets are able to do so for less money and developers can create new neighborhood streets less expensively.

Save vegetation & trees.

In existing neighborhoods, narrower paving widths reduce the need to cut trees and shrubs along the street.



Reduce stormwater runoff.

Paved streets are a major source of stormwater runoff. Pollutants from autos, as well as fertilizer, pesticides and other contaminants, are collected in stormwater, which flows into storm sewers. Eventually, this dirty water reaches area streams and rivers. Reducing pavement reduces stormwater runoff and allows more water to soak directly into the ground.

Encourage traffic safety.

Narrower streets discourages non-neighborhood traffic and force drivers to slow down.

Encourage better land-use.

As stewards of our natural resources, we know that streets aren't the best use of existing undeveloped land. With skinny streets, in new developments we have more room to house our growing population while reducing the amount of land reserved for traffic use.

Who decides on a street's width?

If you live on an unimproved street, you may be considering forming a Local Improvement District (LID) to complete your street. With an LID, you and the other property owners on your street would pay for improvements, and the City would be responsible for future maintenance.

In that case, you and other participating property owners can help design what your street will look like. Collectively, you can decide if you want parking on one or both sides of the street. This will determine how wide the street will be.

In new neighborhoods, developers will select the street width they believe to be most appropriate within the city guidelines.

Can emergency vehicles reach my home?

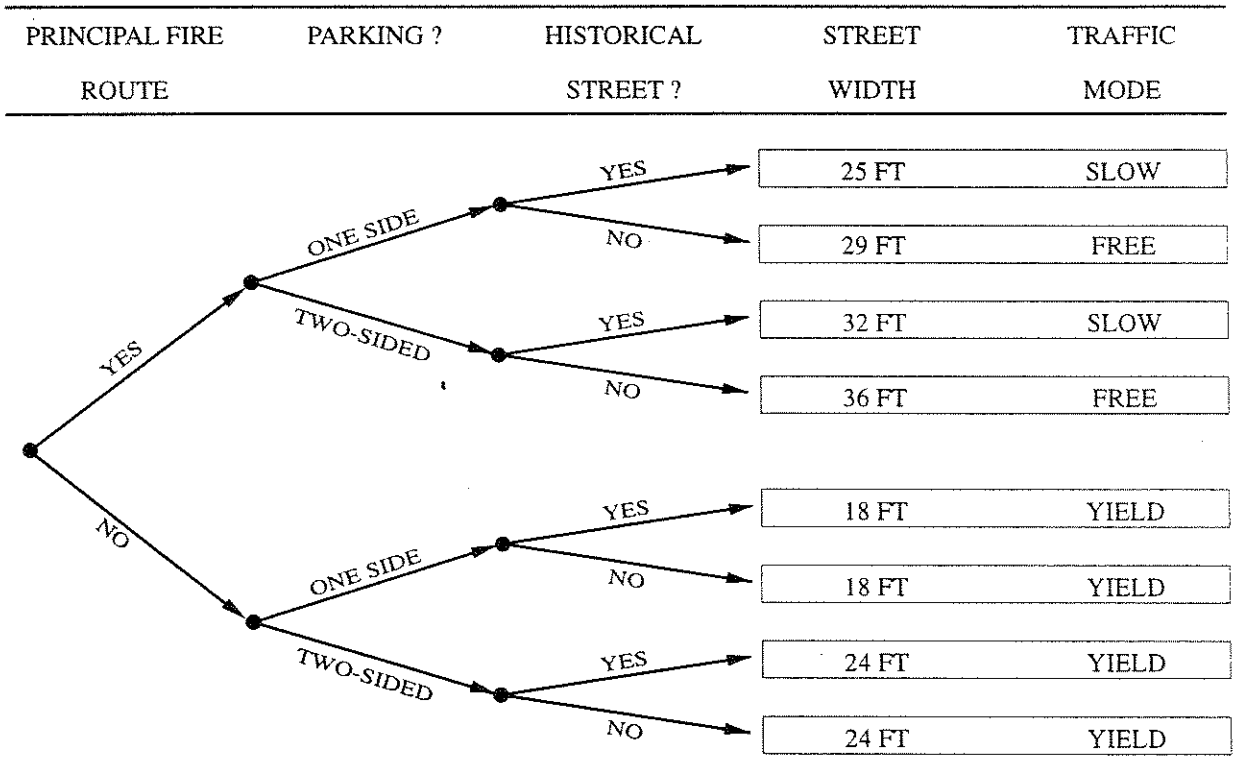
The Fire Bureau participated in exercises in older neighborhoods with narrow streets. The Bureau found that street widths based on skinny street guidelines will provide adequate access for emergency vehicles.

How Can I Learn More About SKINNY STREETS?

The City of Portland's Office of Transportation has set up the Local Streets Outreach Program. If you would like more information, or if you're interested in a presentation about skinny streets, please contact

(503) 823-7046

EXCERPTS FROM *THE AASHTO MANUAL* AND *SKINNY STREETS*



STREET WIDTH DECISION TREE

Legend

Right_of_Way

<all other values>

Right of Way

Non-Local

20 ft

30 ft

40 ft

50 ft

60 ft

66 ft

70 ft

75 ft

80 ft

86 ft

Alley

Private

Legend

Curb_Face

- <all other values>

Face To Face Widths

- Unimproved Streets
- 16 ft
- 18 ft
- 20 ft
- 22 ft
- 24 ft
- 26 ft
- 28 ft
- 30 ft
- 32 ft
- 34 ft
- 36 ft
- 38 ft
- 40 ft
- 44 ft
- Not Paved

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□r□□ □□rad Strader□PTP□M□S□
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MKSK
4219 Woodward Avenue
Suite 305
Detroit, MI 48201
313.652.1101

RE: Street Widths on Residential Streets

This memo is in response to a request by the City Commission to have the Multi-Modal Board research standards for curb-to-curb widths on residential streets. Specifically the request was for precedents and implications for different street width from.

We have begun research on this topic. This serves as an interim report on the information found thus far. There is limited data on street widths at this level of detail. Most information published is in regards to collector and arterial streets, not residential streets.

This packet of information includes:

1. Information we have found to-date from peer cities

2. Published recommendations for residential street width from national organizations

3. Background information and street width data for the City of Birmingham prepared by City Staff (under separate cover)

One of the questions asked was evidence of the safety related to various street widths, incrementally from 24 to 32 feet. Thus far we have not found that level of research in our review of published manuals, articles and contacts with organizations sources such as the Transportation Research Board, Institute of Transportation Engineers, Urban Land Institute and NACTO. The minimum residential street widths used by similar cities in Michigan varies, but the 26-foot standard used in Birmingham since 1996 seems to be the most common. Notably, a number of cities have recently or are currently evaluating their standards. We should be able to share some of their findings with you soon.

In summary, from our research this far, these are the general findings:

1. Generally traffic speeds are higher when the lane widths are higher (ULI, ITE, CNU). But other factors also influence the speed at least as much as the width.

2. Streets with on-street parking have lower speeds (Sources: TRB, ITE, ULI).

3. Streets with on-street parking have higher rates of collisions but those collisions are usually minor (source ITE).

4. Streets with trees and short setbacks tend to have lower speeds than those with fewer or no trees and deeper setbacks.

5. Some of the Michigan cities that allow the most narrow streets have significantly less snow than Birmingham.

6. The 26-foot width used by the City of Birmingham is pretty standard in comparable Michigan cities. Some cities allow and maintain 24-foot width, especially in historic neighborhoods where that width was long ago established. A 26-foot width seems to be the most common. Some cities, especially those in high snow zones, have a minimum of 30-32 foot width for new residential streets.

7. Most cities with a width standard have many streets that are wider or more narrow. Those cities tend to reconstruct streets to the new standard, but make modifications in specific situations (trees, block length, use of on-street parking, residential density, observed problems, and neighborhood preferences)

8. Some fire departments, like Grand Rapids, have established a minimum open lane width of 16 feet to be able to provide emergency response.

9. For on-street lane parking lane width along residential streets the most common dimension used is minimum 7-foot width, with 8-foot widths along transit or bike routes.

These findings and our continued research will be presented on Thursday, March 1st at the Multi-Modal Board meeting.

Sincerely,

Brad Strader, Principal

bstrader@mkskstudios.com

Comparison to Standards of Comparable Michigan Cities

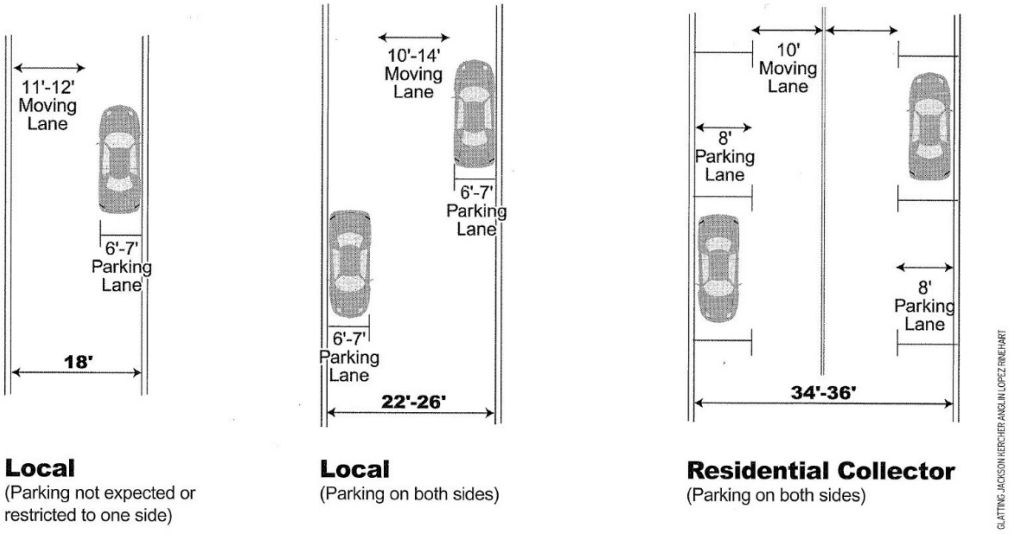
City	Minimum Street Width For Residential Streets	Average Snow Fall Per Year*
Birmingham	20-foot wide curb-to-curb for parking on one side of the street; 26-foot wide for parking on two sides.	36 inches
Royal Oak	27-foot wide (back of curb to back of curb) on local streets. Typical parking lane width: 8ft	33 inches
Pleasant Ridge	27-foot wide for parking on one side of the street; parking on both sides of streets being considered to slow traffic. Parking lane width: 7-9ft	32 inches
Ann Arbor	32-foot wide for streets with metered parking; 24-26 foot wide streets are also common. Travel lanes: 10-foot travel lanes in downtown, 9-foot lanes on very low volume residential streets. Parking lane width: 8ft (preferred), some are 7ft	53 inches
Grand Rapids	26-foot wide preferred, 24-foot wide minimum (e.g. in a historical district). Travel lanes: Typical had been 12-foot travel lanes, 10-foot travel lanes are now preferred; 16-foot minimum clear zone for emergency vehicles, low volume yield streets with parking on both sides. Parking lane width: 7-8ft (8ft preferred, especially when adj. to transit or bike lane) including the gutter pan.	68 inches
East Lansing	Travel lanes: 10-foot wide lanes, 11-foot preferred, especially adjacent to parking or bike lanes. Parking lane width: 7-8ft (8ft preferred)	45 inches
Traverse City	Minimum 27-foot width face-to-face parking on both sides, but only one side allowed in winter. 30-foot widths required for year-round parking	110 inches

*Snowfall noted because it was cited as a factor in the Commissioner's request. Source: Google

Comparison to National Standards

The Institute of Transportation Engineers' (ITE's) 2001 publication, "Residential Streets, Third Edition," recommends an 18-foot pavement width for local streets with no parking expected, 22-24 foot pavement width for local streets with low or restricted parking, 24-26 foot pavement width for local streets with normal residential parking, and 32-36 foot pavement width for residential collector streets (See Figure 2-15 and Table 2-4). For local streets, the 18-foot width allows for a 6-7 foot on-street parking lane on one side and an 11-12 foot travel lane. The 22-26 foot pavement width allows for 6-7 foot parking lanes on both sides of the street with a 10-14 foot travel lane. The 34-36 foot pavement width of the residential collector street allows for two 8-foot on-street parking lanes with two 10-foot travel lanes.

FIGURE 2-15
Street and lane widths.



Local
(Parking not expected or restricted to one side)

Local
(Parking on both sides)

Residential Collector
(Parking on both sides)

TABLE 2-4

RECOMMENDED PAVEMENT WIDTHS

	Pavement Width
Local Streets	
• No Parking Expected	18 feet
• Low or Restricted Parking	22-24 feet
• Normal Residential Parking	24-26 feet
Residential Collector	32-36 feet

ITE's 2003 "Neighborhood Street Design Guidelines" offers more specific recommendations for residential street curb-to-curb pavement widths based on neighborhood character, dwelling units per gross acre, and number of on-street parking lanes (refer to Table 3-1). For Low-Density Residential streets with 2.0 and fewer dwelling units per gross acre, ITE recommends 2 channels for traffic and parking, an 18-foot minimum curb-to-curb pavement width if parking is permitted on only one side, and a 20-22 foot curb-to-curb pavement width if parking is permitted on both sides. For Medium-Density Residential streets, defined as having between 2.1 and 6.0 dwelling units per gross acre, ITE recommends 3 channels for traffic and parking with a minimum of 24 feet of curb-to-curb pavement if parking is on one side, and 26-28 feet of curb-to-curb pavement width if parking is permitted on both sides of the street. For High-Density Residential streets with 6.1 to 10.0 dwelling units per gross acre, 4 channels for traffic and parking are recommended, with a minimum pavement width of 28 feet for parking on one side, or 30-32 feet of pavement width if parking is desired on both sides of the street. In Very High-Density Residential areas, ITE recommends 4 channels for traffic and parking with minimum 32 feet of pavement width for parking on one side and 34-38 feet of width for parking on both sides. The recommendation for Mixed-Use/Commercial districts is also 4 channels for traffic and parking with a minimum curb-to-curb pavement width of 32 feet for one-sided parking and at least 34 feet of width for parking on both sides.

Table 3–1
Guidelines for Neighborhood Street Curb-to-Curb Pavement Width[1]

Neighborhood Character	Dwelling Units per Gross Acre[2]	Recommended Number of Channels for Traffic and Parking	Recommended Curb-to-Curb Width of Pavement with Parking Permitted on Either Side[3]	Minimum Curb-to-Curb Width of Pavement with Parking Permitted on One Side Only[4]
Low-Density Residential	2.0 and fewer	2	20–22 ft.[5]	18 ft.
Medium-Density Residential	Between 2.1 and 6.0	3	26–28 ft.[5]	24 ft.
High-Density Residential	Between 6.1 and 10.0	4	30–32 ft.	28 ft.
Very High-Density Residential	10.1 and higher	4	34–38 ft.	32 ft.
Mixed-Use/ Commercial	Not applicable	4	At least 34 ft.	32 ft.

The National Association of City Transportation Officials (NACTO) Urban Street Design Guide (2013) refers to a study that estimated "each additional foot of lane width related to a 2.9 mph increase in driver speed." NACTO recommends travel lane width of 10 feet for urban areas because they provide adequate safety while minimizing speeding behavior. For designated truck and transit routes, with the addition of one travel lane of 11 feet in each direction for. They also note that in some cases, narrower 9-9.5 foot lanes can be used in conjunction with a turning lane. NACTO also recommends parking lane width of 7-9 feet in urban areas.

The AASHTO's "A Policy on Geometric Design of Highways and Streets" recommends that travel lanes be at least 10 feet wide, and where feasible, 11 feet wide. AASHTO describes a 26-foot wide pavement as a typical curb-to-curb dimension for residential streets that allows for two 7-foot parking lanes and a central 12-foot travel lane. The level of inconvenience caused by having only one travel lane and yielding traffic is minimal in most single-family residential areas.

The city of Portland, Oregon's "Skinny Streets" policy calls for residential pavement width of 20 feet with one on-street parking lane or 26 feet with on-street parking on both sides.

Additional Graphics:

LANE WIDTH & SPEED

2017 CITY OF WYOMING MASTER PLAN

Wider travel lanes are correlated with higher vehicle speeds.

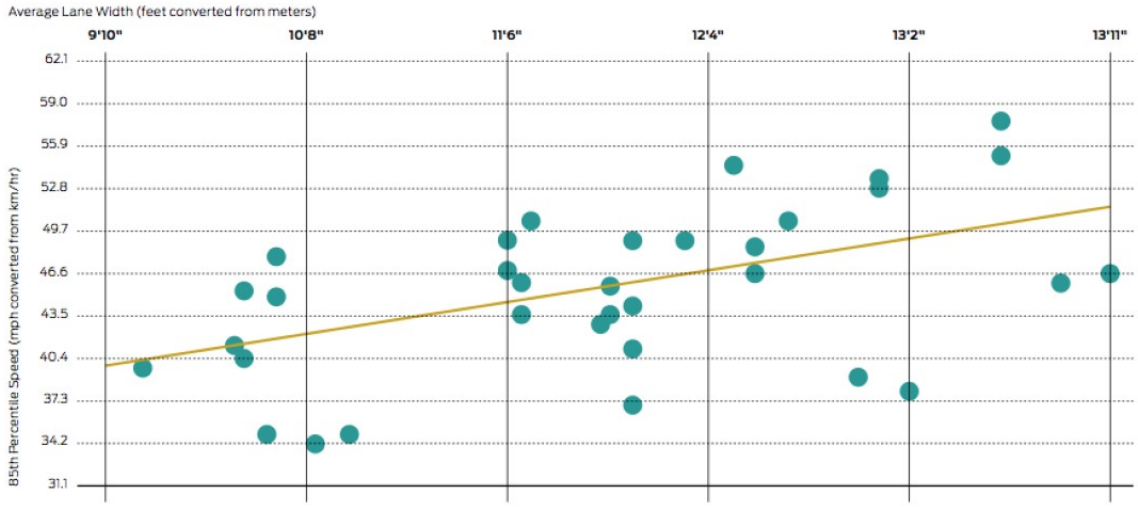


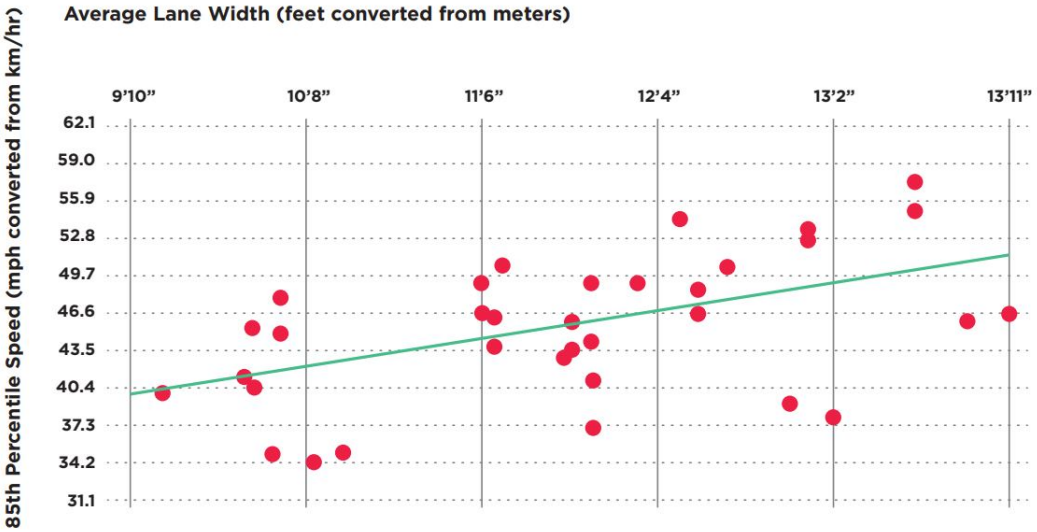
Chart source: Fitzpatrick, Kay, Paul Carlson, Marcus Brewer, and Mark Wooldridge. 2000. "Design Factors That Affect Driver Speed on Suburban Streets." *Transportation Research Record* 1751: 18–25.

"Lanes greater than 11 ft should not be used as they may cause unintended speeding and assume valuable right of way at the expense of other modes. This includes the use of wide outside lanes for bicyclist accommodation. Wide outside lanes are not an effective means of accommodating bicyclists in urban areas."

- *Urban Street Design Guide* - NACTO (National Association of City Transportation Officials)

4

FIGURE 5 WIDE TRAVEL LANES ARE CORRELATED WITH HIGHER VEHICLE SPEEDS



As the width of the lane increased, the speed on the roadway increased...When lane widths are 1 m (3.3 ft) greater, speeds are predicted to be 15 km/h (9.4 mph) faster.

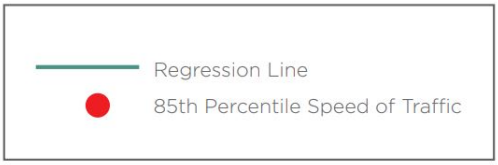


Chart source: Fitzpatrick, Kay, Paul Carlson, Marcus Brewer, and Mark Wooldridge, 2000. "Design Factors That Affect Driver Speed on Suburban Streets." Transportation Research Record 1751:18-25.

Engineering judgment must be used to determine if lane widths should be expanded or narrowed from the recommended widths below.

RECOMMENDED LANE OR TRAVELWAY WIDTHS IN THE CITY OF GRAND RAPIDS.

TRAVEL LANE / TRAVELWAY USE	RECOMMENDED WIDTH
Yield street (exclusive of on street parking generally required on at least one side)	16'
Travel lane directly adjacent to the curb	11'
Typical general purpose travel lane	10'
Turn lane	10'
Bicycle Facility	6'
Frequent transit bus lane or lane with high volume of heavy vehicles (>8%)	11'

City of Birmingham
A Walkable Community

MEMORANDUM

Engineering Dept.
Planning Department
Police Dept.

DATE: **March 29, 2018**

TO: **Multi-Modal Transportation Board**

FROM: **Jana Ecker, Planning Director**
Scott Grewe, Police Dept.
Paul O'Meara, City Engineer

SUBJECT: **Street Widths- History**

The Multi-Modal Transportation Board (MMTB) recently reviewed conceptual designs for three local streets planned for reconstruction in 2018. A public hearing was held, and a final recommendation for the streets was passed on to the City Commission on a vote of 4-3. As you may recall, at the public hearing, several residents appeared before the Board asking that Bennaville Ave. not be reduced in width (as proposed). A smaller number of residents appeared asking that the block of Chapin Ave. east of Cummings St. also not be reduced in width.

When the City Commission reviewed the issue at their meeting of January 22, 2018 several residents again appeared on behalf of Bennaville Ave., and additional residents appeared on behalf of the one block of Chapin Ave. After much discussion, the City Commission endorsed the recommendations of the MMTB, also on a vote of 4-3. As a part of the discussion, the Commission expressed confusion as to what the City's policy is for determining the width of a new street. As a result, the MMTB was asked to study the issue in further detail, and send information and policy direction back to the Commission.

At the MMTB meeting on March 1, 2018, the board identified the goals for identifying a standard road width for residential roads, which include:

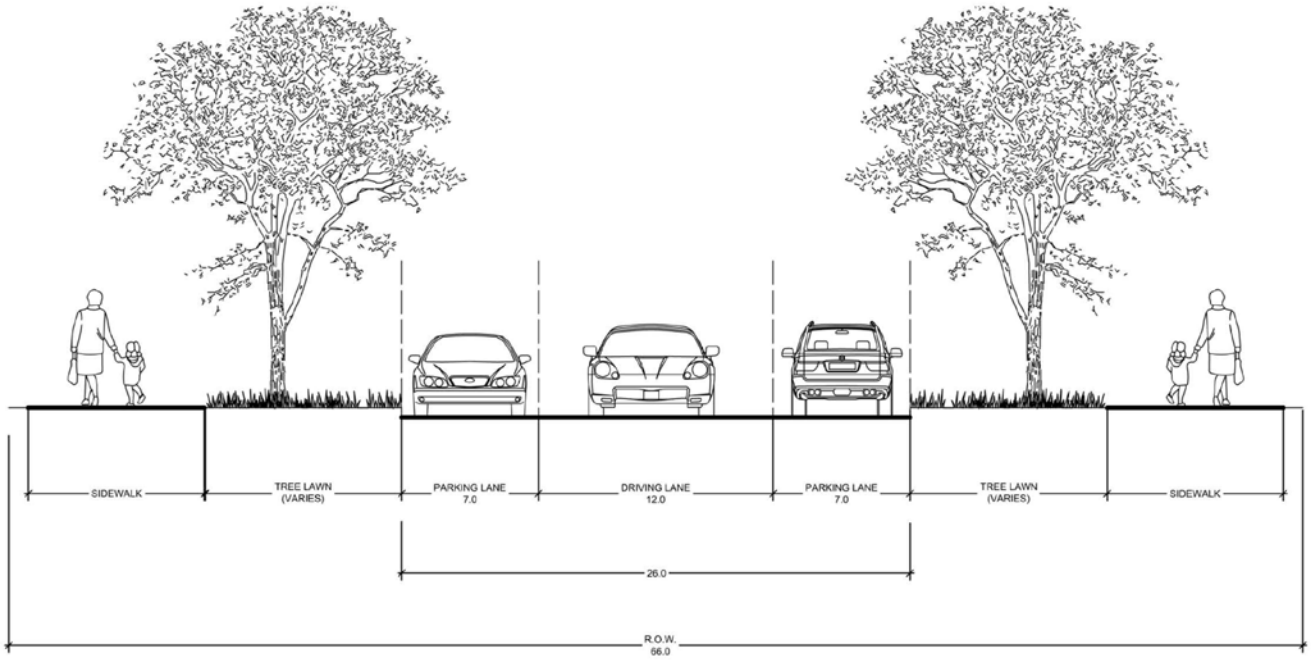
- Functionality;
- Consistency;
- Accident reduction;
- Traffic calming;
- Expediency in planning and engineering; and/or
- Infrastructure costs.

MKSK and F & V reviewed the national standards and best practices from a variety of sources regarding the recommended residential street width. Much discussion ensued, and the board directed staff to draft general standards for residential street widths, and to present criteria that could be used to determine if an exception should be granted. The board discussed the fact that there does not need to be a uniform street width standard, but there may be factors to permit modifications for different types or roads or in different development conditions.

Accordingly, please see the attached options prepared for your consideration. It is anticipated that much discussion will still be needed before the MMTB is prepared to make a recommendation to the City Commission. A copy of the memo and research from last month's meeting is also attached to this memo for reference.

OPTION ONE

Birmingham Residential Street Design Standards



For Residential Streets, the design standard shall be 26 feet wide from curb to curb. This width typically allows for parking along both sides of the street with room for a vehicle to pass in either direction. When there is opposing traffic (vehicles going both ways) one of the motorists will need to Yield to the other. This is commonly classified as a “Yield” or ”Courtesy” Street. Traffic in opposing directions shall generally require a curb-to-curb dimension of 32 feet or greater. On-street parking may be restricted during winter months to ease snow removal.

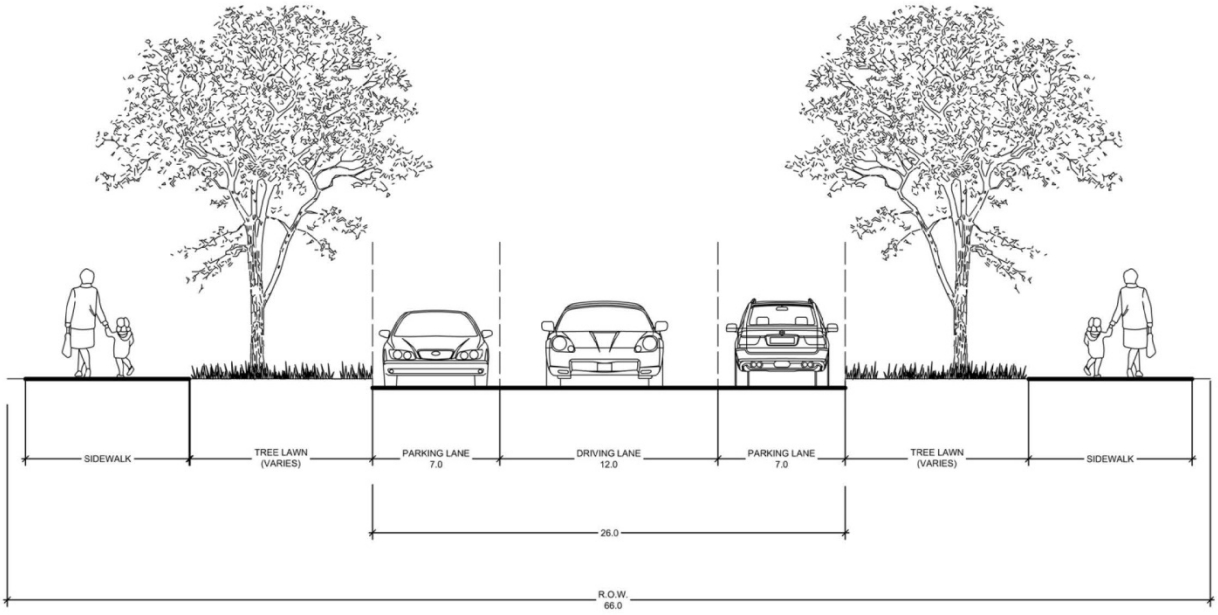
When streets are built, paved, or reconstructed, this standard shall generally be applied. Exceptions may be considered when factors such as the following are considered:

- Frequency of use of on-street parking (when parking density is classified as highly utilized such as over 25% occupancy throughout the day or more than 50% of the available curbspace used overnight, more width may be required or parking on some segments may need to be restricted).
- Use of the street by a higher volume than is typical for a residential street by school buses or other larger vehicles or as a frequent emergency response route.
- Proximity to a school, church, city park, funeral home, multiple-family residential, or other use with access that generates higher traffic volumes and/or on-street parking demand than is typical for a single family residential neighborhood.
- Presence of street trees, especially healthy, mature trees, especially when the right-of-way is 50 ft. or less.
- Block length (shorter blocks may need less width, long blocks may need more); width of a cul-de-sac may be reduced to 24 feet.
- Any documented operational or safety concerns noted with the street.
- Resident preferences as expressed at a public workshop or survey determined to be representative of the residents along the street.

OPTION TWO

Birmingham Residential Street Design Standards

(1) New Residential Streets



City Standard

26' in width from curb to curb.

Cul-de-sacs or Dead End Streets with no Exit

24' in width from curb to curb.

- This width typically allows for parking along both sides of the street with room for a vehicle to pass in either direction
- When there is opposing traffic (vehicles going both ways) one of the motorists will need to yield to the other ("Yield" or "Courtesy" Street)
- On-street parking can be restricted during winter months if needed for snow removal
- No exceptions

(2) Existing, Improved Residential Streets

City Standard

(a) If existing road width is 28' or less, maintain existing width.
(b) If existing road width is over 28', reduce street to 26' in width curb to curb.

OPTION TWO

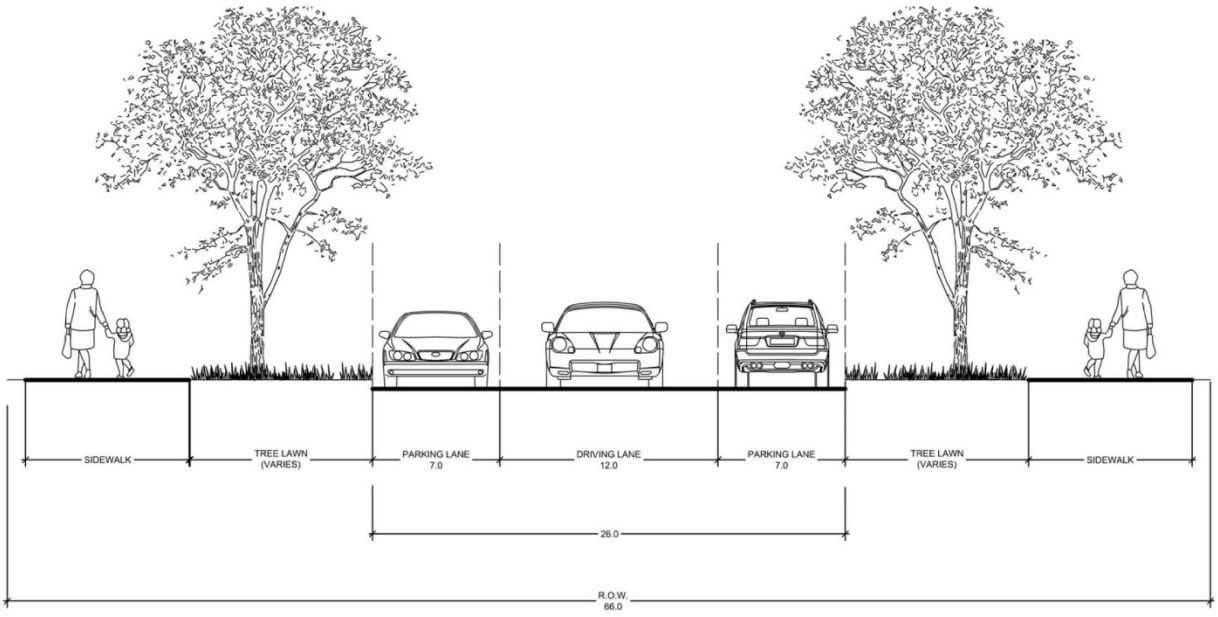
Cul-de-sacs or Dead End Streets with no Exit

(a) If existing road width is 26' or less, maintain existing width.
(b) If existing road width is over 26', reduce street to 24' in width curb to curb.

Exceptions to the standard width of no more than 4' may be considered when three or more of the following conditions exist:

- When 25% or more of the available on-street parking is in use during the day, or more than 50% or more of the available on-street parking is in use overnight, which shall be determined by a parking study covering a minimum of two weeks;
- When the street is determined to be a frequent emergency response route by the Birmingham Fire Department, or is located on a published Birmingham Public Schools bus route;
- Two or more healthy, mature street trees must be removed or may be at risk if the City Standard road width was applied;
- Average block length varies more than 50% from the average block length of ____';
- There are documented operational or safety concerns for the street as determined by the Birmingham Police Department; and/or
- A majority of residents on the street segment to be repaved or reconstructed wish to seek approval for an exception to the standard street widths noted above.

(3) Existing, Unimproved Residential Streets To Be Improved



City Standard

26' in width from curb to curb.

OPTION TWO

Cul-de-sacs or Dead End Streets with no Exit

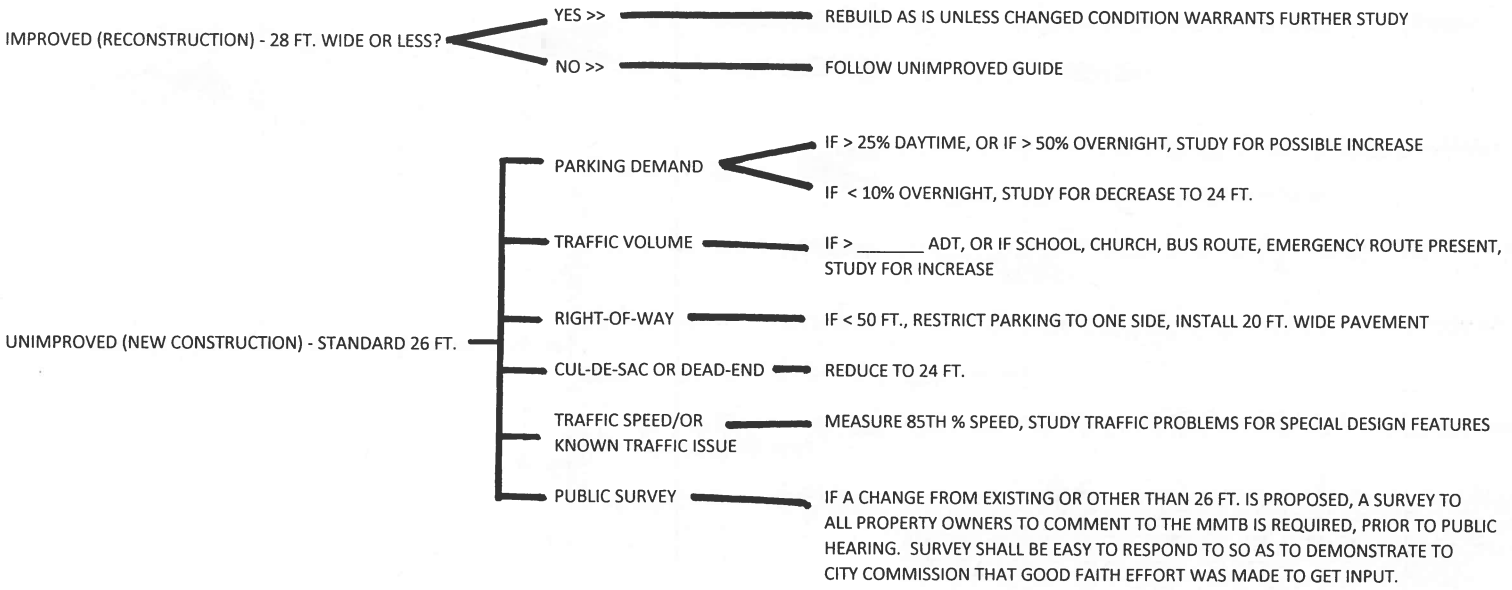
24' in width from curb to curb.

Exceptions to the standard width of no more than 4' may be considered when three or more of the following conditions exist:

- When 25% or more of the available on-street parking is in use during the day, or more than 50% or more of the available on-street parking is in use overnight, which shall be determined by a parking study covering a minimum of two weeks;
- When the street is determined to be a frequent emergency response route by the Birmingham Fire Department, or is located on a published Birmingham Public Schools bus route;
- Two or more healthy, mature street trees must be removed or may be at risk if the City Standard road width was applied;
- Average block length varies more than 50% from the average block length of ____';
- There are documented operational or safety concerns for the street as determined by the Birmingham Police Department; and/or
- A majority of residents on the street segment to be improved wish to seek approval for an exception to the standard 26' street width.

OPTION 3

LOCAL STREET WIDTH DECISION FLOW CHART
DRAFT



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MEMORANDUM

Engineering Dept.
Planning Department
Police Dept.

DATE: **April 27, 2018**

TO: **Multi-Modal Transportation Board**

FROM: **Jana Ecker, Planning Director**
Scott Grewe, Police Dept.
Paul O'Meara, City Engineer

SUBJECT: **Residential Street Width Standards**

The Multi-Modal Transportation Board (MMTB) recently reviewed conceptual designs for three local streets planned for reconstruction in 2018. A public hearing was held, and a final recommendation for the streets was passed on to the City Commission on a vote of 4-3. As you may recall, at the public hearing, several residents appeared before the Board asking that Bennaville Ave. not be reduced in width (as proposed). A smaller number of residents appeared asking that the block of Chapin Ave. east of Cummings St. also not be reduced in width.

When the City Commission reviewed the issue at their meeting of January 22, 2018 several residents again appeared on behalf of Bennaville Ave., and additional residents appeared on behalf of the one block of Chapin Ave. After much discussion, the City Commission endorsed the recommendations of the MMTB, also on a vote of 4-3. As a part of the discussion, the Commission expressed confusion as to what the City's policy is for determining the width of a new street. As a result, the MMTB was asked to study the issue in further detail, and send information and policy direction back to the Commission.

At the MMTB meeting on March 1, 2018, the board identified the goals for identifying a standard road width for residential roads, which include:

- Functionality;
- Consistency;
- Accident reduction;
- Traffic calming;
- Expediency in planning and engineering; and/or
- Infrastructure costs.

MKSK and F & V reviewed the national standards and best practices from a variety of sources regarding the recommended residential street width. Much discussion ensued, and the board directed staff to draft general standards for residential street widths, and to present criteria that could be used to determine if an exception should be granted. The board discussed the fact that there does not need to be a uniform street width standard, but there may be factors to

permit modifications for different types or roads or in different development conditions. A copy of the memo and research from the March MMTB meeting is attached for reference.

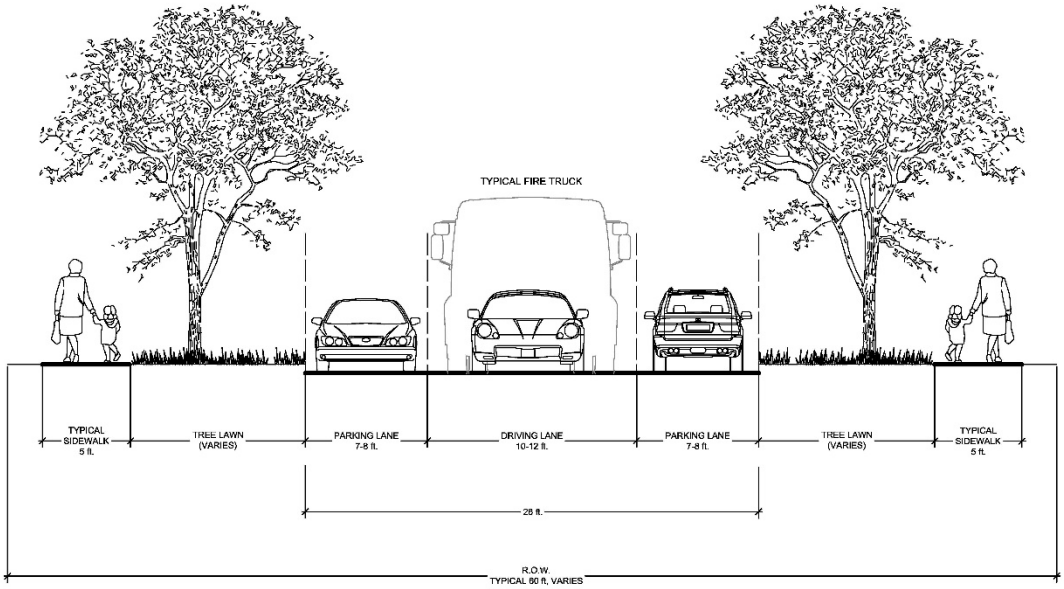
On April 5, 2018, the MMTB discussed three different options for residential street width standards. After much discussion, the MMTB directed staff to consolidate the options into a final version, including a preamble regarding the intent of the residential street width standards, establishing standards for improved and unimproved streets, establishing objective criteria to be met in order for a variance from the standards, and provisions for notifying the public and obtaining public input when existing street widths are recommended for change.

Please find attached the consolidated draft of the proposed standards and criteria for variance from the standards. Both the written out standards and the flow chart are proposed together to clarify the decision-making process. Meeting minutes are also attached for your review.

Suggested Action:

To recommend approval to the City Commission of the revised Residential Street Width Standards.

BIRMINGHAM RESIDENTIAL STREET DESIGN STANDARDS



INTENT: The purpose of these standards is to provide consistent street widths throughout the city but with flexibility for very specific situations. These standards are based on residential street design recommendations published by AASHTO, the Institute of Transportation Engineers (ITE), the Urban Land Institute (ULI), the Congress for New Urbanism, NACTO and those used by peer cities. Using those standards as a base, these standards are also based on emergency response access, winter weather, the existing street widths in the city, and the characteristics of different neighborhoods in the city.

These widths typically allow for parking along both sides of the street with room for a vehicle to pass in one direction. When there is opposing traffic (vehicles going both ways) one of the motorists will need to yield to the other. This is commonly classified as a "Yield" or "Courtesy" Street.

STREET DESIGN STANDARDS (see also attached flow chart):

1. **NEW AND EXISTING, UNIMPROVED RESIDENTIAL STREETS THAT ARE BEING IMPROVED**
   When streets are improved or newly constructed, the standards below shall be strictly applied:
   a. **Standard Streets:** 26 ft. in width from curb to curb.
   b. If the right-of-way is less than 50 ft., the street width shall be a minimum of 20 ft. with parking allowed on one side only (generally the side without fire hydrants).

2. **EXISTING, IMPROVED RESIDENTIAL STREETS**
   When previously built streets are reconstructed, this standard shall generally be applied. Exceptions may be considered when factors, such as those described in Section 4, are evident.
   Standard Streets: 26 ft. in width from curb to curb.
   Existing Street is 28 feet or less in width: If existing street width is 28 ft. or less in width, street shall generally be reconstructed at the existing width.

3. PUBLIC NOTICE AND PUBLIC HEARING

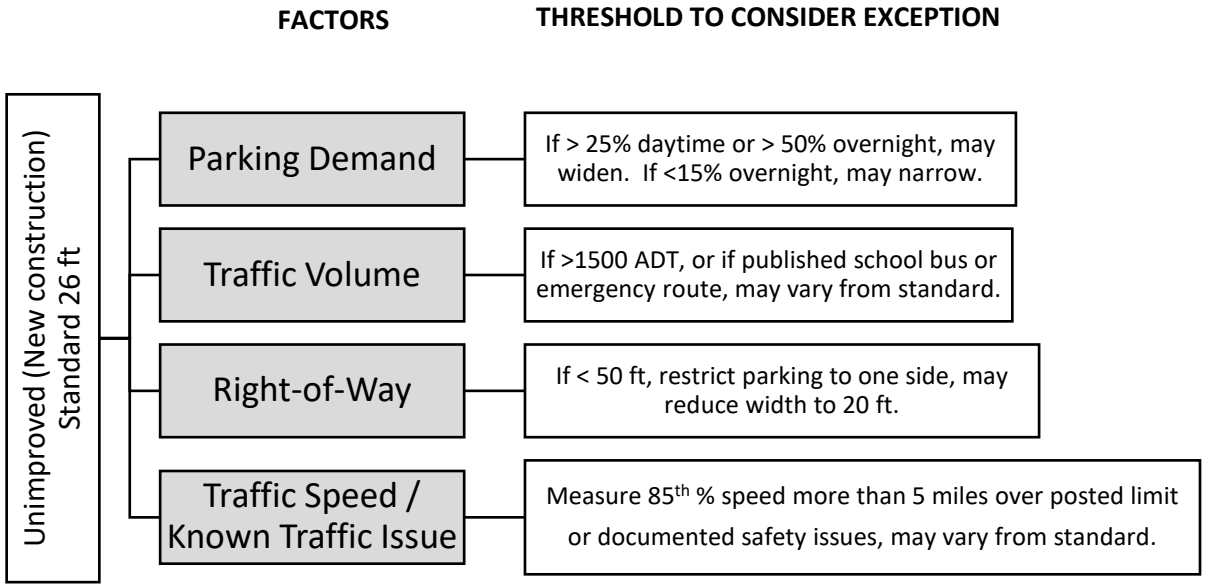
Whenever there is a street project where a change in the existing width is being considered, the Multi-Modal Transportation Board shall have a Public Hearing to inform residents of the project and provide an opportunity for comment. The City shall post a sign along the street that announces street project. Design details shall be advertised and posted on the City's website. If residents express a desire for a non-standard street width at a public meeting or through a public survey of street residents, those preferences shall be considered. However, engineering or safety factors listed in Section 4 must also be present to support a design exception.

4. EXCEPTIONS AND MODIFICATIONS TO THE WIDTH STANDARDS Any modification must be consistent with the Intent of these standards and the engineering publications upon which they are based. Street width exceptions may only be approved to a minimum of 20 ft. and a maximum of 30ft. Modifications to street widths may only be considered if one or more of the following conditions exist:

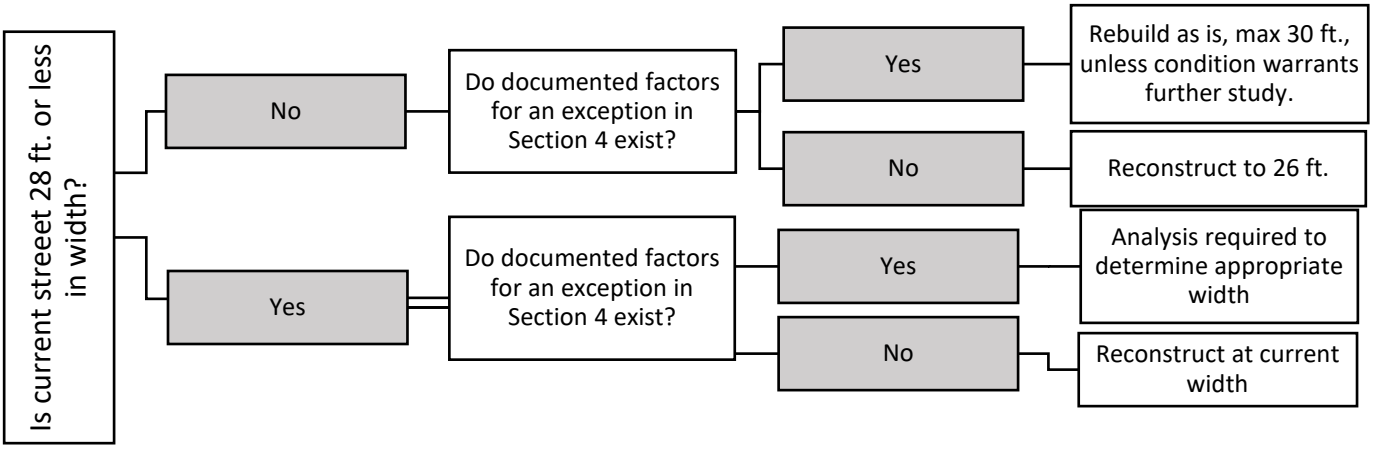
a. High or low frequency of use of on-street parking. When surveyed on-street parking is utilized 15% or less overnight, the width may be reduced. When parking density is classified as highly utilized, defined as over 25% occupancy throughout the day or more than 50% of the available curb space used overnight, the width may be increased. For calculation of parking, a minimum length of 22 ft. shall be used and not include driveways, spaces adjacent to fire hydrants, or other locations where parking is not allowed.
b. Daily traffic volumes exceed 1500 vehicles.
c. The street is a published school bus route used by the Birmingham Public Schools or is a frequent emergency response route.
d. Street is adjacent to a school, church, City park, multiple-family residential development, or other use with access that generates higher traffic volumes.
e. Presence of street trees, especially healthy, mature trees, such that rebuilding the road as proposed would result in the removal of two or more trees.
f. A speed study confirms that the 85th percentile speed is more than 5 miles per hour over the posted speed limit and/or city police or engineering departments have documented operational or safety concerns related to traffic patterns along the street.
g. Street may be as narrow as 20 ft. with parking on one side only if right-of-way is less than 50 ft. If street width is less than

5. BOULEVARD STREETS

Reconstruction of streets with a boulevard, median, or other unique design feature, shall be reconstructed to match the current configuration unless geometric changes are needed based on safety or engineering analysis.



RECONSTRUCTION OF IMPROVED STREET



5. RESIDENTIAL STREET WIDTHS

Mr. O'Meara recalled that recently the MMTB reviewed conceptual designs for three local streets planned for reconstruction in 2018. A public hearing was held, and a final recommendation for the streets was passed on to the City Commission on a vote of 4-3. At the public hearing, several residents appeared before the board asking that Bennaville Ave. not be reduced in width (as proposed). A smaller number of residents appeared asking that the block of Chapin Ave. east of Cummings St. also not be reduced in width.

When the City Commission reviewed the issue at their meeting of January 22, 2018, several residents again appeared on behalf of Bennaville Ave., and additional residents appeared on behalf of the one block of Chapin Ave. After much discussion, the City Commission endorsed the recommendations of the MMTB, also on a vote of 4-3. As a result, the Commission asked the MMTB to study the City's policy of street widths in detail, and to send information and policy direction back to the Commission.

Staff summarized some of the paving history. Going back to 1977, streets were typically paved at 28 ft. between the two curb faces. When Andres Duany came to town in 1996 he advocated going down to 26 ft. and after extensive discussion the City Commission agreed to adopt 26 ft. as the standard road width with parking on both sides. That policy has been working well.

Unimproved Streets

From Staff's perspective, the current standards for unimproved streets have worked well. The current street width policy has been followed and very few if any complaints have been received from residents. Residential sections have been built at 26 ft. and commercial sections have been built at 36 ft.

Improved Streets

Historically, streets were rebuilt to match the conditions the width constructed previously. Reconstruction offers the opportunity to review the current conditions in light of current standards and consider if there is a potential need for change. Issues to consider include the following:

- Multi-Modal Improvements - If there are no specific recommendations in the Master Plan, the board will discuss improvements that can be included that would bring multi-modal improvements.
- Neighborhood Density - The board also considers the extent to which the land uses and density of uses on the street impact parking demand.
- Owner Preference - While the City may have established guidelines and attempted to follow current best practices in the industry, the property owners living on the street

often have preferences that are counter to the direction that best practice standards would dictate.

- Right-of Way - If the right-of-way is less than 50 ft., the board may consider a narrower street in order to provide the required space for City sidewalks and street trees.
- Traffic Issues - The board will conduct a review of the history of traffic issues on a street, which typically includes a review of speeding and cut-through traffic complaints.
- Trees - If a street has mature trees that can be damaged or require removal during a street reconstruction project, these factors need to be considered.

Brad Strader from MKSK summarized their research on national standards and best practices for residential street design and provided it for the board's consideration.

Mr. Strader said they looked at publications by the Transportation Research Board, Institute of Transportation Engineers, Urban Land Institute, National Association of City Transportation Officials ("NACTO"), and AASHTO. The 26 ft. pavement width used in Birmingham since 1996 seems to be the most common. An additional standard to be considered along with those named by Mr. O'Meara is that if the road is a transit route with busses, another foot of width is required.

Mr. Strader explained that NACTO is a more progressive city-oriented guide that is used by engineers and generally preferred by urban planners. They recommend a travel lane width of 9.5 to 10 ft. for urban areas. AASHTO covers all the roads in the country and recommends that travel lanes be at least 10 ft. wide and where feasbile,11 ft. or wider. They describe a 26 ft. wide pavement as a typical curb-to-curb dimension for residential streets. However, on a collector route such as Eton Rd., NACTO and AASHTO both recommend a wider lane.

The general findings are:

- Presence of on-street parking lowers speeds. If there is no on-street parking, speeds are higher;
- Block length, density, setbacks, street trees, traffic calming measures or how the road is designed influence both speed, safety, and also the volumes.

Ms. Ecker stated that the Fire Dept.'s widest tower truck is 10 ft. in width.

Ms. Edwards thought that the board might want to consider calling one of the current conditions "Parking Density" rather than "Neighborhood Density."

Dr. Rontal felt it would be instructive to look at the effective curb distance in the wintertime. Also, to consider the option of having alternating one side only parking.

Mr. Isaksen suggested that if a street isn't on the neighborhood connector route, maybe it deserves different treatment. Ms. Ecker added that the average residential street probably won't have a lot of bike improvements.

Ms. Slanga noted that the average life span of the streets is 60-90 years. She wondered if there has been futuring on what happens when different modes of transportation are adopted. The future is dynamic and the City should recognize that.

Mr. Strader responded the general feeling is that the transition of the fleet will occur over 20 years but it is unknown what the vehicles will be or how they will change our streets. Most of the current feeling is that autonomous vehicles will mean the amount of vehicles moving around will go up instead of down, but there will be less demand on parking. Also, there will be more curbside activity with vehicles hovering or people waiting. Over time, that might sacrifice some on-street parking.

Mr. Isaksen said it seems the low traffic residential streets that are the topic of today's discussion are least sensitive to changes in transportation modes. Whereas, the big arterial roads will be the ones most impacted by such a change when it occurs. Mr. Strader did not think it would change the curb-to-curb, but it might change the management of the parking along the street edge.

It was discussed that an additional criterion to consider when deciding whether or not to change a residential road width would be a unique land use, such as a school, historical neighborhood, etc. Mr. O'Meara noted there is currently a policy of 26 ft. for newly built roads. However, there never has been a specific policy on rebuilding existing roads. Ms. Ecker added there might be different standards for unimproved roads to go to improved, versus roads that are already improved. So that everyone doesn't have their own different idea of what should be done, standards will help the City, along with having criteria to make it clear when to vary from the standard.

Mr. Strader suggested the consultants work with staff to put together a packet of what a general standard might look like, how it might be modified, along with the factors to consider and what qualifications are needed to meet those factors. He did not think continuing research would be that valuable. All were in agreement.

5. RESIDENTIAL STREET WIDTHS

Mr. O'Meara recalled the Multi-Modal Transportation Board ("MMTB") recently reviewed conceptual designs for three local streets planned for reconstruction in 2018. A public hearing was held, and a final recommendation for the streets was passed on to the City Commission on a vote of 4-3. At the public hearing, several residents appeared before the board asking that Bennaville Ave. not be reduced in width (as proposed). A smaller number of residents appeared asking that the block of Chapin Ave. east of Cummings St. also not be reduced in width.

When the City Commission reviewed the issue at their meeting of January 22, 2018, after much discussion they endorsed the recommendations of the MMTB, also on a vote of 4-3. As a part of the discussion, the Commission expressed confusion as to what the City's policy is for determining the width of a new street. As a result, the MMTB was asked to study the issue in further detail, and to send information and policy direction back to the Commission.

At the MMTB meeting on March 1, 2018, the board identified the goals for identifying a standard road width for residential roads, which include:

- Functionality;
- Consistency;
- Accident reduction;
- Traffic calming;
- Expediency in planning and engineering; and/or
- Infrastructure costs.

MKSK and F & V reviewed the national standards and best practices from a variety of sources regarding the recommended residential street width. The board directed staff to draft general standards for residential street widths, and to present criteria that could be used to determine if an exception should be granted. Accordingly, three options have been prepared for the board's consideration.

Mr. Strader said the options are about 85% similar. Hopefully the items the board is looking for have been captured in one or more of the options. Option 1 that was prepared by MKSK states that the design standard shall be 26 ft. wide. It describes what a "Yield" or "Courtesy Street" is and then the factors for a variation from that.

Mr. O'Meara explained that Option 2 came from Ms. Ecker. She created a hybrid based on taking his ideas and Mr. Strader's ideas and adding separate categories for a new street that hasn't existed yet; rebuilding a previously paved street; and an existing street that has never had curbs. The one big difference is if a street is 26 to 28 ft. it wouldn't have to be changed to be 26 ft.

Option 3 was summarized by Mr. O'Meara. If a street is 26 or 28 ft., the recommendation is to put it back to the same width. Mr. Strader noted there really isn't that much difference between 28 and 26 ft. If the street is already built to one of those standards, just replace that standard. After comments from Ms. Folberg, it was agreed to remove the standard that cul-de-sacs or dead-end streets be reduced to 24 ft. in width. There was also questions relative to the distinction for a long block vs. shorter blocks. If a change from existing or other than 26 ft. is proposed, a survey to all property owners to comment to the MMTB is required before the public hearing.

Instances where streets have a lot of people parking versus those where there is almost no parking demand were considered. Ms. Folberg suggested if the street is between 26 and 28 ft., move forward with that unless there have been complaints about traffic or speeding.

Ms. Schafer talked about the phenomenon of people creating parking spaces within the right-of-way on unimproved streets. Mr. O'Meara thought that people feel it is dangerous to park in the actual pavement because it is usually only 20 ft. wide. This is allowed in the City if the street is uncurbed. He added that when streets get rebuilt with curbs, those parking areas are required to be removed.

In terms of notification to the residents, the board liked the idea of putting up a sandwich board at the entrance/exit to the neighborhood.

With regard to rebuilding a street, Ms. Folberg said she would tend to go with what people want except when those decisions are not based on urban planning practices and engineering standards and guidelines. Mr. O'Meara added it would help to have initial conversation with the board to identify where they want to go. Data could then be collected from the survey and outreach conducted in a second meeting prior to the public hearing in order to be well prepared.

Ms. Folberg said as part of the public survey, people should be educated about the reason for the proposal. Mr. Strader added maybe they ought to insert a preamble to the proposal saying the City understands all of the residents' concerns but the standards are based on nationally accepted design manuals; the fire code; consideration of safety for pedestrians and bicyclists; reducing crashes and appropriate speeds; and emergency exits. That would form the intent and basis for the proposal.

Mr. O'Meara confirmed that Ms. Ecker, Mr. Strader and he would sit down and consolidate the three options into one document.

5. RESIDENTIAL STREET WIDTHS

Chairman Rontal recalled the Multi-Modal Transportation Board ("MMTB") recently reviewed conceptual designs for three local streets planned for reconstruction in 2018. A public hearing was held, and a final recommendation for the streets was passed on to the City Commission on a vote of 4-3. At the public hearing, several residents appeared before the board asking that Bennaville Ave. not be reduced in width (as proposed). A smaller number of residents appeared asking that the block of Chapin Ave. east of Cummings St. also not be reduced in width.

When the City Commission reviewed the issue at their meeting of January 22, 2018, they endorsed after much discussion the recommendations of the MMTB, also on a vote of 4-3. As a part of the discussion, the Commission expressed confusion as to what the City's policy is for determining the width of a new street. As a result, the MMTB was asked to study the issue in further detail, and to send information and policy direction back to the Commission.

At the MMTB meeting on March 1, 2018, the board identified the goals for identifying a standard road width for residential roads, which include:

- Functionality;
- Consistency;
- Accident reduction;
- Traffic calming;
- Expediency in planning and engineering; and/or
- Infrastructure costs.

Ms. Ecker advised that on April 5, 2018, the MMTB discussed three different options for residential street width standards. After much discussion, the MMTB directed staff to consolidate the options into a final version. The consolidated draft of the proposed standards and criteria for variance from the standards is presented this evening. There are two portions of the draft; one is a cross-section that shows how wide the lanes would be, and it is written out. A flow chart is proposed as well so it is easy to understand how and why decisions are made. In addition, an intent section talks about the different standards that were referenced when coming up with the plan, and design standards are described for new, existing, and unimproved streets.

Ms. Folberg received confirmation that re-doing a street such as Wakefield which is not paved and doesn't have a curb requires a consensus of existing homeowners because an assessment is involved. The property owners only pay an assessment when their street goes from gravel or chip seal to fully built out.

Talking about improved streets, Ms. Ecker explained that sidewalks are treated separately from the pavement. Mr. O'Meara continued that an improved street must have permanent pavement along with a curb and gutter system.

STREET DESIGN STANDARDS:

1. <u>New And Existing, Unimproved Residential Streets that are Being Improved</u>: When streets are improved or newly constructed, the standards below shall be strictly applied:
a. Standard Streets: 26 ft. in width from curb to curb.
b. If the right-of-way is less than 50 ft., the street width shall be a minimum of 20 ft. with parking allowed on one side only (generally the side without fire hydrants).

2. <u>Existing, Improved Residential Streets</u>: When previously built streets are reconstructed, this standard shall generally be applied. Exceptions may be considered when factors, such as those described in Section 4 below, are evident.
a. Standard Streets: 26 ft. in width from curb to curb.
b. Existing Street is 28 ft. or less in width: Street shall generally be reconstructed at the existing width.

3. <u>Public Notice And Public Hearing</u>: Whenever there is a street project where a change in the existing width is being considered, the MMTB shall have a public hearing to inform residents of the project and provide an opportunity for comment. If residents express a desire for a non-standard street width at a public meeting or through a public survey of street residents, those preferences shall be considered. However, engineering or safety factors listed in Section 4 below must also be present to support a design exception.

4. <u>Exceptions and Modifications to the Width Standards</u>: Any modification must be consistent with the Intent of these standards and the engineering publications upon which they are based. Street width exceptions may only be approved to a minimum of 20 ft. and a maximum of 30 ft. Modifications to street widths may only be considered under certain specified conditions.

Board members made changes to the specified conditions as follows:

- Condition 4 (d) should read - "Street is adjacent to a school, religious institution, City park, multiple-family residential development, or other use with access that generates higher traffic volumes."
- Condition 4 (e) should read - "Presence of street trees, especially healthy, mature trees such that rebuilding the road as proposed would result in the removal of two or more trees in any given block.
- Condition 4 (g) reads - "Street may be as narrow as 20 ft. with parking on one side only if right-of-way is less than 50 ft."

5. Boulevard Streets: Reconstruction of streets with a boulevard, median, or other unique design feature shall be reconstructed to match the current configuration unless geometric changes are needed based on safety or engineering analysis.

The chairman voiced concern that a street's effective width gets narrower in the winter with snow plowing. There is no way a 10 ft. fire truck can get down his street in the winter. He thought the board should study effective widths of streets and decide whether emergency vehicles can get through streets under a certain width in the winter. If not, the side designated for parking can be alternated every other year. Ms. Ecker said the Fire Dept. has indicated there are really only a couple of streets where they have difficulty.

The discussion concluded that with this document the board is not boxed into one particular solution, but guidelines are given. Documented factors for an exception must exist.

The board agreed to add a seventh goal for identifying a standard road width for residential streets: Storm Water Runoff Management.

Motion by Ms. Edwards

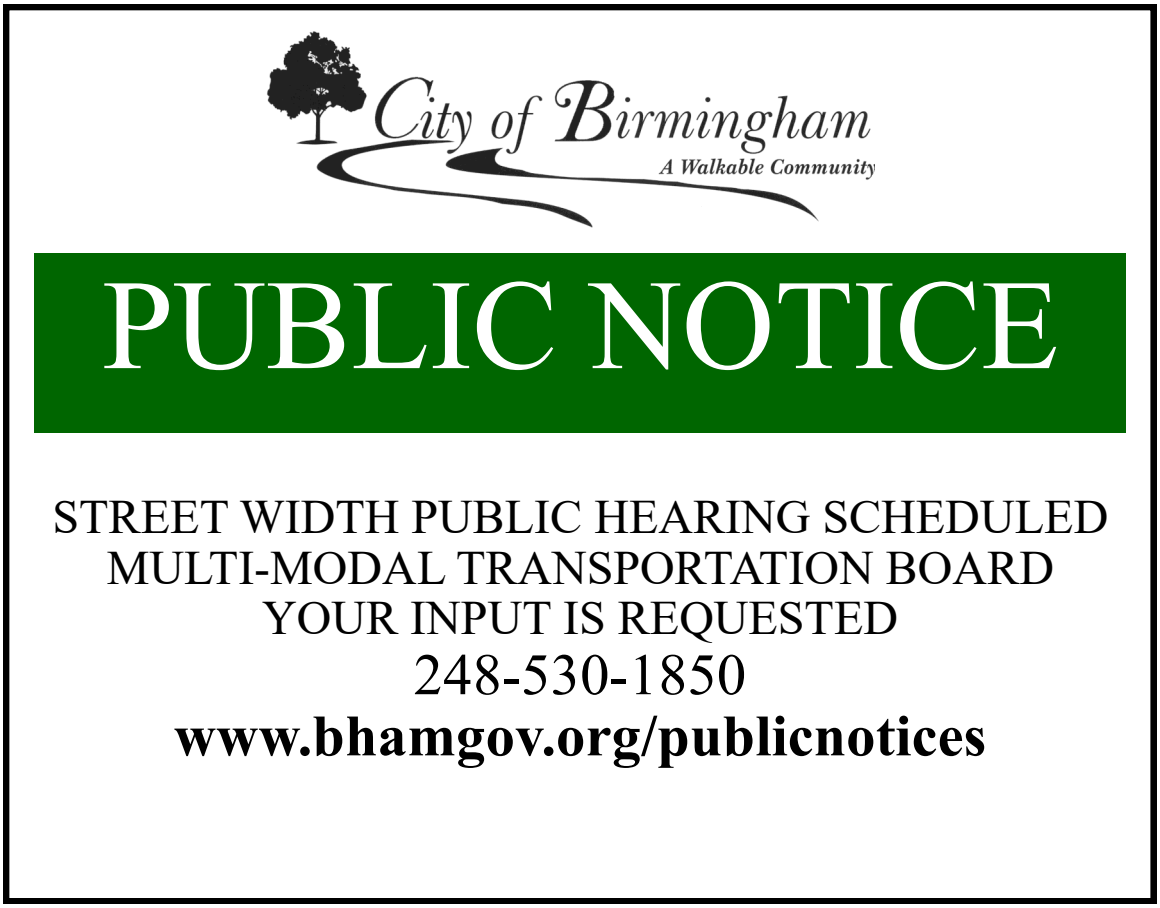
Seconded by Ms. Folberg to recommend approval to the City Commission of the revised Residential Street Width Standards with the inclusion of seven additional goals where the seventh is "Storm Water Runoff Management." Also, in section 4 (d) change "church" to "religious institution." In section 4 (e) add at the end of the sentence "on any given block." Finally, in section 4 (g) remove the typo at the end.

There were no comments on the motion from members of the public at 6:35 p.m.

Motion carried, 5-0.
VOICE VOTE
Yeas: Edwards, Folberg, Rontal, Isaksen, Schafer
Nays: None
Absent: Slanga

2’

2’



Notice Sign
Located on streets with speed limits of 25 mph

BIRMINGHAM CITY COMMISSION MINUTES
JUNE 4, 2018
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

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

Absent, None

Administration: City Manager Valentine, City Attorney Kucharek, Assistant Planner Chapman, Police Chief Clemence, Planning Director Ecker, DPS Manager Filipski, Finance Director/Treasurer Gerber, Assistant City Manager Gunter, Assistant to the City Manager Haines, Building Official Johnson, Deputy Treasurer Klobucar, City Clerk Mynsberge, City Engineer O'Meara, Director of Public Services Wood

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

06-155-18 ANNOUNCEMENTS

Mayor Harris recognized the graduates of the 2018 Citizens Academy:

Thao Anderson
Lynn Duerr
Tim Duerr
Michael Fenberg
Alejandra Gonzalez
Dan Haugen
Holly Heiss
Sonia Just
Roxane Knier
Emily Mayer
Andy Norman
Pat Olson
Steve Sollish
Katherine Stefanou

Mayor Harris announced:

- Birmingham's in the Park free concert series takes place in Shain Park on Wednesday nights at 7 p.m., June 20 through August 15. Plus, enjoy afternoon concerts at noon on July 11 and August 1. Concerts span a diverse range of genres appealing to all ages.

- Enjoy a family-friendly film under the stars at Birmingham Movie Night in Booth Park on Friday, June 22. Pre-show entertainment begins at 7:30 p.m., and the movie starts at dusk.
- The City Commission wishes to recognize Patricia Papadopoulos for two years of service as the Alternate Hearing Officer for the City of Birmingham and to express appreciation for her contributions.

06-156-18 APPOINTMENTS TO THE BOARD OF ETHICS

The City Commission interviewed John J. Schrot, Jr., a current member of the Board.

MOTION: Motion by Commissioner Hoff:
To appoint John J. Schrot, Jr. to the Board of Ethics as a regular member to serve a three-year term to expire June 30, 2021.

VOTE: Yeas, 7
Nays, 0
Absent, 0

06-157-18 APPOINTMENTS TO THE GREENWOOD CEMETERY ADVISORY BOARD

Current members Linda Peterson, Laura Schreiner and George Stern and new applicant Charles McIntyre were unable to attend. Mayor Harris suggested postponing the appointments until applicants are available. The City Commission concurred.

06-158-18 APPOINTMENTS TO THE HISTORIC DISTRICT STUDY COMMITTEE

New applicant Evan Milan and current member Gigi Debbrecht were unable to attend. Current member Patricia Lang notified the City Clerk she wishes to continue serving but was unable to submit her application in time for tonight's meeting. The City Commission was in agreement to postpone the appointments until applicants are available.

06-159-18 APPOINTMENTS TO THE MUSEUM BOARD

The City Commission interviewed current members Russell Dixon and Tina Krizanic.

MOTION: Motion by Commissioner Bordman:
To appoint Russ Dixon to the Museum Board as a regular member to serve a three-year term to expire July 5, 2021.

VOTE: Yeas, 7
Nays, 0
Absent, 0

MOTION: Motion by Commissioner Boutros:
To appoint Tina Krizanic to the Museum Board as a regular member to serve a three-year term to expire July 5, 2021.

VOTE: Yeas, 7

Nays, 0
Absent, 0

06-160-18 APPOINTMENT TO THE BOARD OF BUILDING TRADES APPEAL

The City Commission interviewed Bradley Klein.

MOTION: Motion by Commissioner Sherman:
To appoint Bradley Klein to the Board of Building Trades Appeal as a regular member to serve the remainder of a three-year term to expire May 23, 2019.

VOTE: Yeas, 7
Nays, 0
Absent, 0

The City Clerk administered the Oath of Office to the appointees.

IV. CONSENT AGENDA

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

06-161-18 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Commissioner Hoff: Item I, Set Public Hearing-Hazel Ravines Downtown SLUP-34977 Woodward Ave.
- Mayor Pro Tem Bordman: Item E, Special Event-Seaholm Harriers 5K Run-Walk
  Item F, Special Event-Oral Cancer Awareness 5K Run-Walk
- Commissioner DeWeese said he would abstain from voting on Item A, Approval of the City Commission meeting minutes of May 24, 2018, due to his being absent from the meeting.
- City Manager Valentine asked that Item H be corrected to the '2018 Local Street Paving Project'.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Boutros:
To approve the Consent Agenda, with Items E, F and I removed, and the correction of Item H fro "Resolution awarding the Webster Ave. Paving Project" to "Resolution awarding the 2018 Local Street Paving Project".

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

Absent, None

A. Resolution approving the City Commission meeting minutes of May 24, 2018.

B. Resolution approving the warrant list, including Automated Clearing House payments, dated May 23, 2018 in the amount of $2,991,400.22.

C. Resolution approving the warrant list, including Automated Clearing House payments, dated May 30, 2018 in the amount of $497,390.00.

D. Resolution approving the appropriations and amendments to the fiscal year 2017-2018 budget as follows:

General Fund:		
Revenues:		
Fines and Forfeitures	101-000.000-657.0000	$ 67,000
Total Revenue Adjustments		$ 67,000
Expenditures:		
Community Development	101-371.000-702.0001	$(69,050)
Transfers Out	101-999.000-999.0639	25,000
	101-136.000-999.9999	111,050
Total Expenditure Adjustments		$ 67,000
Major Streets Fund:		
Revenues:		
Intergovernmental	202-000.000-554.0000	$ 65,000
	202-000.000-569.0000	135,000
Total Revenue Adjustments		$ 200,000
Expenditures:		
Administration	202-191.202-802.0100	$ 20
Maintenance of Streets and Bridges	202-449.003-937.0400	10,000
Street Cleaning	202-449.004.702.0001	10,000
	202-449.004-937.0400	25,000
Street Trees	202-449.005-729.0000	10,000
Capital Outlay – Engineering & Construction of Roads	202-449.001-981.0100	134,980
Snow & Ice Control	202-449.006-729.0000	10,000
Total Expenditure Adjustments		$ 200,000
Local Streets Fund:		
Expenditures:		
Administration	203-191.203-802.0100	$ 20
Maintenance of Streets and Bridges	203-449.003-702.0001	(385,020)
Street Cleaning	203-449.004-937.0400	20,000
Street Trees	203-449.005-702.0001	20,000
Capital Outlay – Engineering & Construction of Roads	203-449.001-981.0100	320,000
Snow & Ice Control	203-449.006-729.0000	25,000
Total Expenditure Adjustments		$ -0-
Solid Waste Fund:		

Expenditures:		
Personnel Services	226-582.000-702.0001	$ 5,000
Other Contractual Services	226-582.000-941.0000	(5,000)
Total Expenditure Adjustments $ -0-		

Brownfield Redevelopment Authority Fund:

Revenues:		
Property Taxes	243-000.000-402.0001	$ 187,500
Total Revenue Adjustments		$ 187,500
Expenditures:		
Brownfield Redevelopment Authority Fund	243-691.000-967.0100	$ 187,500
Total Expenditure Adjustments		$ 187,500

Principal Shopping District Fund:

Revenues:		
Special Assessments	247-000.000-672.0870	$ 15,000
Total Revenue Adjustments		$ 15,000
Expenditures:		
Principal Shopping District	247-748.000-706.0002	$ 15,000
Total Expenditure Adjustments		$ 15,000

Capital Projects Fund:

Revenues:		
Draw from Fund Balance	401-000.000-400.0000	$ 233,000
Total Revenue Adjustments		$ 233,000
Expenditures:		
Public Improvement – Chesterfield Fire Station	401-339.001-977.0000	$ 233,000
Total Expenditure Adjustments		$ 233,000

G. Resolution approving the Change Order for the Springdale Bridge Project with Kyle Builders, Inc., as reviewed and confirmed by AEW and staff, in the amount of $15,000, to be funded from Springdale Golf Course – Public Improvement account #584-753.001-981.0100.

H. Resolution awarding the 2018 Local Street Paving Project, Contract #4-18(P) to Angelo Iafrate Construction Company, of Warren, MI, in the amount of $2,689,473.00, to be charged to the various accounts as detailed in the report; and further approving the appropriations and budget amendments as follows:

Water Fund

Revenues:		
Draw from Net Position	#591-000.000-400.0000	$ 98,815
Total Revenue Adjustments		$ 98,815
Expenditures:		
Public Improvements	#591-537.004-981.0100	$ 98,815
Total Expenditure Adjustments		$ 98,815

J. Resolution setting Monday, July 9, 2018 at 7:30 PM for a Public Hearing to consider necessity for the installation of water and sewer laterals within the 2018 Local Street

Paving project area. Further, setting Monday, July 23, 2018 at 7:30 PM for a Public Hearing to confirm the roll for the installation of water and sewer laterals within the 2018 Local Street Paving project area.

K. Resolution approving the renewal of the EPI annual license with Harvey Electronics that will ensure PCI compliance and secure credit card transactions in the amount of $11,175.00, and further, equally charging all parking garages under the following accounts:

585-538.002-811.0000
585-538.003-811.0000
585-538.004-811.0000
585-538.005-811.0000
585-538.008-811.0000

06-162-18 **RESOLUTION APPROVING THE REQUEST SUBMITTED BY THE BIRMINGHAM HARRIERS/SEAHOLM HIGH SCHOOL TO HOLD A 5K RUN/WALK ON SUNDAY, AUGUST 5, 2018 AT SEAHOLM HIGH SCHOOL**

and

RESOLUTION APPROVING THE REQUEST SUBMITTED BY THE ORAL CANCER FOUNDATION TO HOLD A 5K RUN/WALK RACE ON SUNDAY AUGUST 5, 2018 AT SEAHOLM HIGH SCHOOL

City Clerk Mynsberge stated that these two events were held in conjunction last year and each event has increased its number of volunteers. In addition, there will be a police presence at the events. Commissioner Hoff noted the applications for the events indicated:

- 500 attendees for the Birmingham Harriers event;
- 300 attendees for the Oral Cancer Awareness event; and
- The proposed route does not cross any major streets.

MOTION: Motion by Mayor Pro Tem Bordman, seconded by Commissioner Boutros:
To approve the request submitted by the Birmingham Harri
ers/Seaholm High School to hold a 5K Run/Walk race on Sunday, August 5, 2018, at Seaholm High School and to approve the request submitted by the Oral Cancer Foundation to hold a 5K Run/Walk race on Sunday, August 5, 2018, at Seaholm High School.

VOTE: Yeas, 7
Nays, 0
Absent, 0

06-163-18 **RESOLUTION SETTING MONDAY, JUNE 25, 2018 AT 7:30 PM FOR A PUBLIC HEARING TO CONSIDER A SPECIAL LAND USE PERMIT AMENDMENT FOR 34977 WOODWARD**

Planning Director Ecker explained that:

- The license Hazel Ravines Downtown will be using is an economic development license (EDL) that is tied to the building.
- The new owners will also be coming before the Commission for their SLUP application.

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman:
To set Monday, June 25, 2018 at 7:30 PM for a Public Hearing to consider a Special Land Use Permit Amendment for 34977 Woodward – Hazel Ravines Downtown, to allow for the proposed renovations and decorations.

VOTE: Yeas, 7
Nays, 0
Absent, 0

V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

06-164-18 PUBLIC HEARING TO CONFIRM SPECIAL ASSESSMENT DISTRICT - 2018 CAPE SEAL PROJECT – PUBLIC STREET IMPROVEMENT

Mayor Harris opened the public hearing at 7:48 p.m.

Mayor Pro Tem Bordman told the Commission that she and Mayor Harris both live in the assessment district but do not have a conflict of interest per consultation with the City Attorney.

Deputy Treasurer Klobucar reviewed the memo sent to City Manager Valentine on May 24, 2018 regarding the proposed special assessment district.

There being no further comment, Mayor Harris closed the public hearing at 7:49 p.m.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner DeWeese:
To ratify and confirm Special Assessment Roll No. 882 to defray the cost of public street maintenance of all properties fronting and/or siding on the improvement within the 2018 Cape Seal project area, and to direct the City Clerk to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement; further, that special assessments shall be payable in one (1) payment as provided in Section 94-10 of the Code of the City of Birmingham at five and three quarters percent (5.75%) annual interest. (*Formal resolution appended to these minutes as Attachment A.*)

VOTE: Yeas, 7
Nays, 0
Absent, 0

06-165-18 PUBLIC HEARING TO CONSIDER THE SPECIAL LAND USE PERMIT AMENDMENT FOR 209 HAMILTON ROW/250 N. OLD WOODWARD – EMAGINE PALLADIUM

Mayor Harris opened the public hearing at 7:50 p.m.

Planning Director Ecker provided an overview of:

- Her May 21, 2018 memo to City Manager Valentine regarding this SLUP proposal; and,
- The physical changes being proposed.

Paul Glanz said:

- The Emagine hopes to have this sixth theater in continuous use, though the exact programming will be determined.
- Food will continue to be available to theater patrons.
- For tables patrons will be provided trays that fit into the theater seat cup-holders and can be sanitized after use.
- A lounge area for food service will be available as well.
- The building will be using one of its Class C licenses for this.
- Regular films may be screened in the sixth theater, but the hope is that private events will comprise the bulk of the sixth theater's programming time.
- The seats in the sixth theater can be moved.

Planning Director Ecker said the need for a second egress door will be handled through the permitting process.

There being no further comment, Mayor Harris closed the public hearing at 8:01 p.m.

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman:
To approve the Special Land Use Permit Amendment for 209 Hamilton Row/250 N Old Woodward – Emagine Palladium, to allow for the renovation and installation of a 35 seat private viewing theater. (*Formal resolution appended to these minutes as Attachment B.*)

VOTE: Yeas, 7
Nays, 0
Absent, 0

06-166-18 S. ETON RD. TEMPORARY STRIPING – MAPLE RD. TO 14 MILE RD. – MULTI-MODAL TRANSPORTATION BOARD RECOMMENDATIONS

Assistant Planner Chapman presented the May 23, 2018 memo to City Manager Valentine regarding the proposed temporary striping on S. Eton.

City Manager Valentine said:

- The trial period will begin once the Commission approves the proposal, and will last until the City has sufficient funding to proceed. The City will be exploring the TAP grant which may cover up to 30% of the projected cost.
- The north end of Maple has referred back for further study after Whole Foods had been open for a year to get an assessment on how the intersection was working. The objective is to determine utilization of the intersection in conjunction with the lighting and the traffic from Whole Foods. That study should conclude within the next two months and will be brought before the Commission with a recommendation. These findings should be possible to incorporate into the temporary striping project.

- The success of the project will be monitored primarily through resident and citizen feedback.
- If the paint wears out, the Commission can approve repainting.
- Once the City has chosen a contractor residents will be notified through all of the City's usual communication channels regarding the project's start date.
- The TAP grant application can occur at any time, but the City must be able to match the funds being received in order to qualify for the grant. Thus, the issue is raising said funds.

Assistant Planner Chapman said the only change since the Commission approved the plan is from Yosemite to Villa. The approved motion from December 2017 called for sharrows, but now there will be a designated bicycle lane.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Nickita:
To accept the recommendation of the Multi-Modal Transportation Board, and to direct staff to proceed with the installation of test features that will provide the majority of the transportation improvements being considered in a temporary mode, at a reduced cost, as outlined below:

1. Installation of painted bumpouts with lane markers at each intersection, as well as pavement markings to improve each crosswalk in accordance with the recommended plan.
2. Installation of sharrows between Maple Rd. and Yosemite Blvd.
3. Removal of parking, and installation of buffered, marked bike lanes for northbound and southbound traffic between Yosemite Blvd. and Villa Rd.
4. Removal of parking on the west side of the street, to provide room for a marked, buffered, and separated two-way bike lane, as well as white lines demarcating the northbound parking lane between Villa Rd. and Lincoln Ave.
5. Installation of double yellow lines and white line to demarcate travel lanes from the southbound parking lane between Lincoln Ave. and 14 Mile Rd.

VOTE: Yeas, 7
Nays, 0
Absent, 0

06-167-18 ONLINE BANKING POLICY

Director of Finance/Treasurer Gerber reviewed his May 17, 2018 memo to City Manager Valentine regarding the City's online banking policy.

Director of Finance/Treasurer Gerber stated:

- Paper checks would still occasionally be used for City payments.
- Only Treasury and Finance have access to the City's online banking.
- Plante/Moran has reviewed and approved this proposal.
- This is a living document and can be updated.
- The beginning of the second line of the third paragraph on page three should be amended to read: "Deputy Treasurer has the authority to invest City funds".
- The City is insured against employee dishonesty, and staff will submit this policy to the City's insurance carrier to see if it might reduce insurance rates.

- The new assistant finance director is very experienced with these processes.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Hoff:
To approve the Online Banking Policy as presented by Finance Director/Treasurer Gerber, with the correction on page three.

VOTE: Yeas, 7
Nays, 0
Absent, 0

06-168-18 CROSSWALK PAVEMENT MARKINGS – MATERIAL OPTIONS

Assistant Planner Chapman reviewed the May 23, 2018 memo to City Manager Valentine regarding material options for the crosswalk pavement markings.

Assistant Planner Chapman explained:

- HPS-8 has a high application cost and, since it is a newer product, has not yet been sufficiently tested in the region to know the material's longevity. This is why the MMTB did not recommend using HPS-8 on all City crosswalks.
- Polyurea adheres better to concrete and less well to asphalt, but still within the satisfactory range for both surfaces.
- To the average viewer, the marking materials are largely visually indistinguishable from each other.

Commissioners DeWeese and Nickita agreed that this is a work-in-progress and that the City will make updates to the marking material if necessary as the different materials are tested.

MOTION: Motion by Commissioner Nickita, seconded by Commissioner DeWeese:
To approve the following materials as recommended by the Multi-Modal Transportation Board on January 4, 2018: Polyurea on all major concrete streets and HPS-8 on all major asphalt streets within the Central Business District, Triangle District, Rail District, and waterborne paint on all other streets. Depending on visibility needs and average daily traffic, polyurea or HPS-8 may be used for crosswalks adjacent to schools.

VOTE: Yeas, 7
Nays, 0
Absent, 0

06-169-18 RESIDENTIAL STREET WIDTH STANDARDS

Planning Director Ecker presented the May 18, 2018 memo to City Manager Valentine from Planning Director Ecker, Police Commander Grewe and City Engineer O'Meara.

Commissioner Nickita thanked staff for a very good foundation, and suggested:

- An introduction outlining goals for Birmingham infrastructure, with attention towards 'complete streets' and other guiding concepts.

- Making pedestrian safety, walkability, neighborhood enhancement, and building upon the goals of the master plan the express and primary objective of developing the City's infrastructure.
- Acronyms in the Birmingham residential street design standards should be spelled out for the benefit of people who may not be familiar with them.
- Cost or current potential for disruption should not be weighted very heavily as exceptions to the 26' standard since residential roads remain as-built for upwards of forty years.
- Street adherence to or deviation from the standards should also take the widths of neighboring streets into account. This means bullet point two under the second street design standards should say that the street width may remain the same, but exceptions should be provided for circumstances in which a street would not remain the same width.
- The lettered points under section four should include:
    - Does it adhere with complete streets?
    - Is it accommodating multi-modal and mobility issues?
    - Did we consider the neighborhood context and character, identifying the adjacent street infrastructure and the potential effect of the proposed size?
    - How is the overall neighborhood built, and how does the City want it to be built in the long term? How does this proposed street-width fit into those considerations?

Planning Director Ecker noted:

- Section four includes the requirement that any exceptions adhere to the Intent of the standards.
- The MMTB did not focus on multi-modal considerations here because those are separately considered in the multi-modal plan which primarily do not address residential streets.
- Agreement with Commissioner Nickita's feedback and said she would bring it back to the MMTB for addition.

Commissioner Sherman commended the MMTB and suggested:

- Deleting "Exceptions may be considered when factors, such as those described in Section 4, are evident" from section two.
- Rephrasing the second bullet point in section two as "**Existing Street is 28 feet or less in width**: If existing street width is 28 ft. or less in width, street may be reconstructed at the existing width provided there is a reason prescribed under section four."
- Following Commissioner Nickita's points for section four, with special focus on the nature and composition of the neighboring streets.

City Engineer O'Meara explained:

- Part of the reason for keeping existing 28' streets at 28' was to avoid debate and frustration on the part of the residents, since it was only a 2' difference.
- Some streets are smaller than 24', so the text was an attempt to not have to widen streets if there was no reason to do so.

Commissioner Sherman suggested that most of the time there will be an exception leading to a reduction in the street width from 28', making the second bullet point in section two superfluous.

Mayor Harris agreed to changing the second point in section two to read “may” instead of “shall”, but said rephrasing the second point in section two to reference the exceptions in section four would have the undesired effect of precluding resident opinion from being a factor in a potential street width-change.

Mayor Pro Tem Bordman said:

- ‘Neighborhood characteristics’ should be made explicit including block length, sidewalks, size of public green space, right-of-way, the distance between sidewalks and the fronts of houses, the size of the lots themselves, the sizes of the homes, the length of time the road has been at its current width and other factors.
- Most studies show that a street-width range of 26’ to 28’ encompasses best practices; not a uniform application of a 26’ street-width.
- Neighborhood preference for street-width should have greater emphasis. It should not be the sole criterion considered, but should be more central than it currently is.

Planning Director Ecker explained that:

- Commercial standards will apply to both commercial blocks and fully commercial streets, and the residential standards will apply to both residential blocks and fully residential streets.
- The street-width standards were approved by the Fire Department.

Commissioner Hoff said changing ‘shall’ to ‘may’ is a positive change, and the exceptions should remain where they are in section two. She also agreed with Mayor Pro Tem Bordman in that resident preference should be a larger factor.

Planning Director Ecker clarified that, as it stands, resident opinion would not sway a decision unless another reason for an exception existed.

Commissioner Nickita clarified this is a policy, not an ordinance, which can be deviated from should the City find it prudent.

Mayor Pro Tem Bordman suggested adding “Where neighbors have a preference for a particular street-width, that preference may only be considered if one or more of the following conditions also exist” as the last sentence in the introduction in section four.

Commissioners Nickita and Sherman suggested this point was identically included in section three.

City Engineer O’Meara said certain streets, such as ones with churches or schools, may have 1,500 vehicles pass through daily.

Planning Director Ecker said the 1,500-vehicle threshold was approved by the City’s consultants and the Police Department.

Commissioner DeWeese:

- Thanked the MMTB and city staff for their work on this document.

- Suggested it would be most beneficial if this document were clear enough that the public could understand it.
- Said cost considerations can be addressed at the discretion of the Commission.
- Pointed out that sometimes more traffic, paradoxically, is better-handled with a narrower street.
- Concluded that the document should be returned to the MMTB and the edits made.

City Engineer O'Meara suggested that consideration of on-street parking utilization would reveal some of the 'neighborhood characteristics' Mayor Pro Tem Bordman wanted considered because on-street parking utilization would reveal information about a neighborhood's average lot-size: small lots likely lead to more frequent on-street parking, and larger lots likely lead to more infrequent on-street parking.

Mayor Harris said one conflict is whether neighborhood input is an equally-weighted criterion, or is only considered in conjunction with other criteria.

Planning Director Ecker recommended changing the second point in section two to read "Existing Street is 28 feet or less in width: If existing street width is 28 ft. or less in width, street may be reconstructed at the existing width," which would have the intended effect of the exception-clause in the introduction to section two being applicable to this statement.

There was consensus that if the last two sentences from section three were moved to section four as a criterion, that would sufficiently resolve various Commissioners' concerns.

Mayor Harris, with the consensus of the City Commission, deviated from the agenda to address Item 6H before item 6G.

06-170-18 PARKS BOND OPPORTUNITY

City Manager Valentine made a presentation based on his memo to the City Commission dated May 23, 2018.

City Manager Valentine said:

- The City Commission authorized $25 million in 2001, but the City has spent about $20 million.
- Delineated costs of the Parks and Recreation Master Plan are about $10 million at this time, but there are other projects in the Master Plan that have not had their funding requirements laid out yet.
- The Parks and Recreation Board will be coming back to the Commission with project priorities, and what could realistically be completed in the next five years.
- The Commission should approve the next bond issuance by the middle of August if they want it to appear on the November 2018 ballot.
- The City will consult with bond council to make sure the City's practices are consistent with what is required.
- The conceptual Master Plans will not be enacted without the requisite further study.

Commissioners Hoff and Sherman said they do not want to see this project rushed, and the Commission should not attempt to get this work done in time for the August submission deadline.

MOTION: Motion by Commissioner Sherman, seconded by Mayor Pro Tem Bordman:
To direct the Parks and Recreation board to review the 2018 Parks and Recreation Master Plan's Five-Year Capital Improvement Plan and work with staff to identify facility needs related to the Parks and Recreation operation through a public engagement process to identify a priority list of projects and associated amounts to be considered for a potential parks bond to be implemented over the next 3 to 5 years, and further, to return to the City Commission with a recommendation for consideration.

VOTE: Yeas, 7
Nays, 0
Absent, 0

06-171-18 N. OLD WOODWARD AVENUE/BATES STREET PROJECT

Assistant City Manager Gunter outlined highlights from the June 4, 2018 memo written to City Manager Valentine regarding this project.

Planning Director Ecker presented a PowerPoint on the N. Old Woodward Parking Deck/Bates Street Extension that detailed the development consultant selection process, the desired amenities for the parking structure, and the Ad Hoc Parking Development Committee's (AHPDC) recommendation to the City Commission.

City Manager Valentine clarified that the Commission is being asked to allow staff to hire a development consultant to create a development agreement with Walbridge/Woodward Bates Partners LLC, ('Walbridge') which would then be returned to the Commission for review and approval at a later date.

City Manager Valentine said a development consultant would:

- Liaise between the City and Walbridge to negotiate the terms of the City's development agreement with Walbridge.
- Bring a high level of expertise regarding the formulation of this development project.
- Provide the best representation of the interests of the City to Walbridge.

Commissioner Nickita explained as a member of the AHPDC that public-private partnerships (P3) tend to be very complicated, and that is why the AHPDC recommends hiring a development consultant to facilitate the process.

Commissioner Hoff said this decision is a very significant one, and she would like to hear much more Commission input on the details of the plan.

Commissioner DeWeese replied that:

- When the Commission approved the Request for Proposal for this project, the Commission reviewed the details extensively at that time and set forth guidelines that were consistent with the City's 2016 Plan and the Master Plan.
- One of the bidders for the RFP listened to the Commission's direction, and one went well beyond the stated scope and intentions. Commissioner DeWeese prefers working with a bidder that takes the Commission's direction seriously in the first place. For this reason, Walbridge is the clear choice.
- The Walbridge plan is less financially risky for the City and can be built in components if need be.
- The City will incur costs resulting from displaced parking after demolition of the previous N. Old Woodward garage and prior to the building of the new garage, but similar costs will be incurred regardless of the plan selected.
- A 15-story building would not be in-line with the Birmingham cityscape.
- Some details would need to be discussed further, such as the liner buildings requiring floors high enough to be true retail, but those can be addressed during the review of the development agreement.
- The Commission is not being asked to approve details yet, but rather to proceed with preliminary planning of this project.

Mayor Pro Tem Bordman said:

- Both plans were beautiful, but that Walbridge's proposal adhered to the character of Birmingham much more than the proposal from TIR Equities.
- Some concerns remain about details in the Walbridge plan, but those can be addressed.
- The Walbridge plan extends and develops Bates Street as intended by the Master Plan, and increases the amount of pedestrian foot–traffic to include the residential building on the westernmost part of Bates that overlooks the river.
- She is in favor of the whole project, and is in favor of the Walbridge proposal.

Commissioner Sherman noted the proposals were beautiful but insufficiently in-line with the original objective of the AHPDC, which was only to expand parking capacity.

Commissioner Nickita said while the priority was parking expansion, it was necessary to do so in a contextualized way that would enhance the downtown and the sites in question, which is how the AHDPC and the Commission oriented this task.

Commissioner Nickita continued that the Walbridge plan provides a solution for parking, provides a solution for an under-developed area of Birmingham and enhances the goals of the 2016 Plan. He finished that the question that remains is how to best make this a financial opportunity for the City, which will be determined by continuing this process.

Commissioner Boutros said selecting the right development consultant is essential in order to achieve the primary objective of expanding parking options.

Commissioner Sherman agreed with Commissioner Boutros, stating the focus is expanding parking, with the development of Bates being a secondary consideration.

Planning Director Ecker stated that both proposals address:

- The need for at least 350 additional public parking spaces; and,
- The parking required to accommodate the proposed new developments.

Commissioner DeWeese said the words of caution are wise, but that the next step involves further study and so remains a prudent way of moving forward.

Mayor Harris said he was impressed by the proposals and found them to be in-line with the 2016 Plan and the AHPDC goals. He also agreed the Commission should proceed cautiously, and to that end should secure a development consultant.

MOTION: Motion by Mayor Pro Tem Bordman, seconded by Commissioner DeWeese:
To approve the recommendation of the Ad Hoc Parking Development committee and to direct the City to continue discussion with Walbridge/Woodward Bates Partners LLC to advance their proposal for increased parking and Bates Street development in a combined and incremental development approach; and further, to consider the engagement of a development consultant to represent the City in future negotiations.

VOTE:	Yeas,	7
	Nays,	0
	Absent,	0

VII. REMOVED FROM THE CONSENT AGENDA

The items removed were discussed earlier in the meeting.

VIII. COMMUNICATIONS

None.

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

None.

X. REPORTS

06-172-18 COMMISSIONER REPORTS

The City Commission will appoint one regular member to the Board of Zoning Appeals on July 9, 2018.

06-173-18 COMMISSIONER COMMENTS

Commissioner DeWeese said residential parking requirements in downtown Birmingham effectively price out individuals who may not need parking included with their residence because the cost of providing parking is rolled-in to the cost of an apartment. He would like to see more younger and

mixed-income residents downtown. Thus, he would like City staff and Boards to evaluate the structure of Birmingham parking incentives.

Commissioner Nickita agreed with Commissioner DeWeese, noting that the parking requirements are the root cause of many issues with parking in Birmingham and that the parking requirements have not changed while the circumstances in the downtown have changed. He suggested this evaluation can integrate into the Master Plan as it occurs because he sees them as different levels of analysis.

Commissioner DeWeese observed that with ride-sharing and similar services the need to own a car is decreasing, as well, so Birmingham's parking requirements address a need that is on the decline.

City Manager Valentine said:

- The City's parking consultants are not looking at any land-use issues.
- The Commission could broach this issue at its upcoming joint meeting with the Planning Board, whereupon the Commission can also provide some direction for further exploring ordinance requirements for parking.

Mayor Pro Tem Bordman said this should be studied sooner than the Planning Board could accommodate, and echoed Commissioner Nickita's suggestion of a possible ad hoc committee.

City Manager Valentine said that the ad hoc committee might still end up with a number of Planning Board members due to their familiarity with land-use issues, and suggested that this could be re-assigned as the Planning Board's top priority instead.

Commissioner Hoff suggested procuring an urban parking consultant for the proposed ad hoc committee so that the City is working with someone with expertise in that area.

Commissioner Boutros agreed with Commissioner Hoff that an urban parking consultant should be brought in because it would be such a significant change to the City.

Commissioner Nickita observed that there was consensus among the Commissioners that the issue should be addressed, and proposed making it a priority at the upcoming joint meeting with the Planning Board in order to clarify what the best next steps would be.

XI. ADJOURN

Mayor Harris adjourned the meeting at 11:00 p.m.

_____

J. Cherilynn Mynsberge, City Clerk

ATTACHMENT A

SP□CI□□ □SS□SSM□□T RO□□ □O. 882
2018 C□P□ S□□□

To confirm Special Assessment Roll No. 882, to defray the cost of public street maintenance of all properties fronting and/or siding on the improvement within the 2018 Cape Seal as listed in the table submitted on June 4, 2018:

WHEREAS, Special Assessment Roll, designated Roll No. 882, has been heretofore prepared by the Deputy Treasurer for collection, and

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

WHEREAS, the Commission has deemed it practicable to cause payment of the cost thereof to be made at a date closer to the time of construction and Commission Resolution #05-135-18 provided it would meet this 4th day of June, 2018 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this June 4, 2018, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll as determined in Section 94-9 of the Code of the City of Birmingham,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 882 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that special assessments shall be payable in one (1) payment as provided in Section 94-10 of the Code of the City of Birmingham at five and three quarters percent (5.75%) annual interest.

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

_____
Cherilynn Mynsberge, City Clerk

ATTACHMENT B

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

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

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

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

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

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

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

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

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

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

1. Emagine Palladium shall be permitted to provide entertainment in

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

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

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

MAY IT BE FURTHER RESOLVED that Emagine Palladium is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises with a Class C Liquor License, at 209 Hamilton Row/250 N Old Woodward, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

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

_____
Cherilynn Mynsberge, City Clerk

BIRMINGHAM CITY COMMISSION MINUTES
JULY 23, 2018
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Andrew M. Harris, Mayor

II. ROLL CALL

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

Administration: City Manager Valentine, City Attorney Currier, IT Manager Brunk, Chief of Police Clemence, Planning Director Ecker, Deputy Treasurer Klobucar, City Engineer O'Meara, Executive BSD Director Tighe

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

07-204-18 ANNOUNCEMENTS

- The In The Park Concerts series continues on Wednesday, July 25th at 7:00 p.m. with The Invasion, playing Beatles hits.
- The Baldwin Public Library welcomes Brian Peterson of "Bees in the D" to discuss the practice and benefits of honey beekeeping. The event is on Tuesday, July 24 at 7:00 p.m.

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.

07-205-18 APPROVAL OF CONSENT AGENDA

No items were removed from the Consent Agenda.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Boutros:
To approve the Consent Agenda as submitted.

ROLL CALL VOTE: Yeas, Mayor Pro Tem Bordman

Commissioner Boutros
Commissioner DeWeese
Mayor Harris
Commissioner Hoff
Commissioner Nickita
Commissioner Sherman

Nays, None

Absent, None

A. Resolution approving the City Commission meeting minutes of July 9, 2018.

B. Resolution approving the warrant list, including Automated Clearing House payments, dated July 11, 2018 in the amount of $235,324.60.

C. Resolution approving the warrant list, including Automated Clearing House payments, dated July 18, 2018 in the amount of $3,365,412.05.

D. Resolution authorizing the City Manager to cast a vote, on the City's behalf, for the three incumbent members of the Michigan Municipal League Workers' Compensation Fund Board of Trustees for four year terms, beginning October 1, 2018.

E. Resolution approving a request from the Piety Hill Chapter, National Society Daughters of the American Revolution to hold the Veteran's Day Wreath Laying Ceremony on November 11, 2018 at 11:00 a.m. pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

F. Resolution approving a request from the Birmingham Shopping District to revise the Day on the Town event in downtown Birmingham, to be held August 11, 2018, and to expand the footprint of the event to the total area depicted on Revised Diagram A. Approval is contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

G. Resolution awarding the Warwick Rd. Storm Sewer Tap, Contract #10-18(S) to Main Street Construction, Inc., in the amount of $26,250.00, to be charged to the Sewer Fund, account number 591-536.001-981.0100, contingent upon execution of the agreement and meeting all insurance requirements. Further, approving an amendment to the 2018-19 fiscal year budget.

H. Resolution authorizing the IT department to purchase the G-Suite licenses from Newmind Group Inc. the cost not to exceed $11,500.00 using available funds from the Computer Maintenance fund 636-228.000-993.0600.

V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

07-206-18 PUBLIC HEARING TO CONSIDER THE SPECIAL LAND USE PERMIT AMENDMENT AND FINAL SITE PLAN REVIEW – 260 N. OLD WOODWARD – THE MORRIE

Mayor Harris opened the public hearing at 7:33 p.m.

Planning Director Ecker presented her memo written to City Manager Valentine dated July 11, 2018 regarding The Morrie.

Planning Director Ecker confirmed:

- The Morrie reduced the size of their sign to adhere to the sign ordinance.
- Any residence within 300 feet of The Morrie was noticed as to this public hearing, as required by State Law.

Keith Scofield, representative for The Morrie, stated the music and dancing would end at 1:30 a.m. on Friday and Saturday.

Mayor Harris closed the public hearing at 7:38 p.m.

MOTION: Motion by Commissioner Boutros, seconded by Mayor Pro Tem Bordman:
To approve the Special Land Use Permit Amendment & Final Site Plan Review for 260 N. Old Woodward – The Morrie, to allow the operation of a restaurant, serving alcoholic liquors, and providing live entertainment with a dancing area. *(Formal resolution appended to these minutes as Attachment A)*

VOTE: Yeas, 7
Nays, 0
Absent, 0

07-207-18 PUBLIC HEARING TO CONSIDER THE SPECIAL LAND USE PERMIT AMENDMENT AND FINAL SITE PLAN REVIEW – 33588 WOODWARD – SHELL

Mayor Harris reported the applicant wished to withdraw from consideration. No further action was taken.

07-208-18 PUBLIC HEARING TO CONSIDER THE 2018 LOCAL STREETS PAVING SPECIAL ASSESSMENT DISTRICT CONFIRMATION

Mayor Harris opened the public hearing at 7:39 p.m.

Deputy Treasurer Klobucar presented the memo dated July 13, 2018 addressed to City Manager Valentine regarding special assessment district (S.A.D.) # 883.

Deputy Treasurer Klobucar noted that the first line of the suggested resolution should be updated to read "To confirm Special Assessment Roll # 883 to defray the cost of installing of sewer and water laterals within the 2018 Local Streets Paving Project."

There being no further comments, Mayor Harris closed the public hearing at 7:40 p.m.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner DeWeese:
To confirm Special Assessment Roll # 883 to defray the cost of installing of sewer and water laterals within the 2018 Local Streets Paving Project. *(Formal resolution appended to these minutes as Attachment B)*

VOTE: Yeas, 7

Nays, 0
Absent, 0

07-209-18 AUTHORIZING THE CONTINUATION OF THE ROOF-TOP VALET ASSIST AND RETAIN THE 3-HOUR MAXIMUM PARKING SIGNAGE

City Manager Valentine reviewed the reasons for recommending a six-month continuation of the roof-top valet assist and the 3-hour maximum parking signage.

City Manager Valentine confirmed that:

- The reallocation of monies to this project will not impede the maintenance schedule for the parking structure.
- The amount of money needed in the enterprise fund is determined by the plans for the parking system. If Birmingham builds another parking structure, the fund would be short, requiring a special assessment and potentially a bond. If Birmingham were not to build another parking structure, then the fund would have more money than necessary to operate the current system. Birmingham has been operating with an eye towards establishing additional reserves in order to expand the capacity of the parking system.
- Monthly parking permit holders are usually parked by the time the roof-top valet assist begins, since that runs from 10 a.m. to 2 p.m.

Commissioner Hoff:

- Expressed approval of the program;
- Recommended that the program be observed carefully as more drivers return to Birmingham once the construction is concluded because the results may change; and,
- Requested that attention be paid as to whether monthly parking permit holders are using the roof-top valet assist.

Commissioner DeWeese noted that once S. Old Woodward re-opens, there will also be more street parking available which is why this six-month evaluation period will be useful.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner DeWeese:
To authorize the continuation of the program requiring that monthly permit holders utilize the roof-top valet assist option and retain the 3 Hour Maximum parking signage in all garages as an on-going program at a cost of $3,112 per month.

VOTE: Yeas, 7
Nays, 0
Absent, 0

07-210-18 AUTHORIZING THE CONTINUATION OF THE ON-STREET VALET PROGRAM FOR A TRIAL PERIOD

City Manager Valentine:

- Reviewed the proposed changes to the on-street valet program, which would continue for a six-month period in order to allow for further evaluation.
- Stated that, to his knowledge, there have been no damage claims, theft reports or other complaints regarding the valet program.
- Confirmed that the valet company receives the payment from the individuals using the system, and Birmingham subsidizes the rest of the cost as set forth in the agreement.

- Confirmed that two on-street parking spaces are used for the valet service on Hamilton, and two or three on-street parking spaces are used south of Merrill. The program focuses on the downtown areas in Birmingham with the highest projected utilization of valet services.

Commissioner DeWeese suggested that one of the benefits may be decongestion of the streets since fewer cars will be looking for parking. He continued that this is an experiment, that the valet service is taking a financial risk, and with these considerations, the program can always be revised in the future.

Assistant City Manager Gunter noted that post-construction the valet service will be better able to utilize the other garages.

City Manager Valentine reiterated that the proposed on-street valet stand locations were recommended by the valet service, which is very familiar with the utilization and traffic patterns in Birmingham. Since this is a trial, the locations can be shifted if necessary at a later date, but these are projected to be the most viable options at this time.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner DeWeese:
To approve the recommendation of the Advisory Parking Committee to accept the service proposal received from In-House Valet to continue the on-street valet program for a six month trial period post construction for a total cost of $36,000 with a $10,000 contribution from the Birmingham Shopping District and the remaining $26,000 to be drawn from the Parking Fund 585-538.001-811.0000 to support two (2) valet stands in downtown Birmingham and evaluate the success of the program at the end of the six month period to consider establishing on street valet as a permanent program.

VOTE:	Yeas,	7
	Nays,	0
	Absent,	0

07-211-18 APPROVING THE RESIDENTIAL STREET WIDTH STANDARDS AS RECOMMENDED BY MULTI-MODAL TRANSPORTATION BOARD

Planning Director Ecker reviewed the July 13, 2018 memo outlining the topic.

Commissioner Nickita recommended:

- That the graphic in the Residential Street Width Standards (Standards) be updated to indicate a range of 24' - 28'.
- That the criteria considered under 'Intent' should be presented as measurable, objective directives in #4. Commissioner Nickita proposed #4 could include "consider neighborhood context and character in identifying adjacent street and infrastructure conditions as it affects the proposed dimension," or something to that effect.
- Addressing public noticing as done in #3, and eliminating the restatement in #4.

Planning Director Ecker suggested enforcement will be more challenging without explicit parameters.

Commissioner Nickita replied that the decision is one that weighs all the relevant factors, and that the other factors would help determine the correct decision.

Commissioner Sherman said that:

- While he understood Commissioner Nickita's points, this plan addresses the Commission's previous directives.
- Measurable criteria will be the best way to determine how the City should proceed when considering a street width change because 'context and character' is amorphous.

Commissioner Hoff noted that the first line of #4 is that "any modification must be consistent with the Intent of these standards", which ties the Intent into the consideration. She continued that to state it again in #4 would be redundant.

Commissioner DeWeese said:

- The lead chart font should be made at least 50% bigger.
- The document is good enough to adopt, and can be adjusted at a later time should the Commission find it necessary to do so.

Planning Director Ecker explained all the numbers in the Standards were derived through extensive discussion and research with the City's traffic consultants, MKSK and Fleis & Vandenbrink (F&V), which included research on other communities' standards, consultation with the Birmingham Fire and Police Departments, and other factors.

Mayor Pro Tem Bordman said the evidentiary data used to determine the numbers in the Standards should be provided.

City Engineer O'Meara said that these recommendations are in-line with the work MKSK and F&V have done in previous communities.

Mayor Pro Tem Bordman said this policy should be acknowledged as advice and opinion, and not as based on evidence.

Planning Director Ecker said that MKSK and F&V's national research revealed no norms for residential street-width standards, meaning it is difficult to provide evidence beyond what has worked for other communities.

City Engineer O'Meara said that #4 could have an additional bullet-point noting that if a street is potentially marked for Birmingham's bike route in the Master Plan, it should be considered as a factor potentially affecting street-width.

Mayor Pro Tem Bordman suggested that heavy bike traffic should be a factor whether or not the street is marked out for Birmingham's bike route.

Planning Director Ecker said 'heavy bike traffic' may be difficult to quantify. She suggested the issue may be sufficiently addressed in the 'Intent', but could be added if desired.

Mayor Pro Tem Bordman suggested that 'heavy bike traffic' could be determined by the frequency of cyclists travelling a road over a chosen rate of time.

City Engineer O'Meara said the City could do a count on a Birmingham street with high cyclist volume to determine a standard number.

Mayor Harris concurred with Commissioner Nickita that the 'Intent' should be incorporated into #4. The Mayor continued that:

- The difference between #1B and #4G could be clarified.
- The Multi-Modal Transportation Board (MMTB) should consider whether resident preference could occasionally override other aspects of the policy, because the Mayor wants there to be the possibility to allow that in certain circumstances.

Commissioner DeWeese pointed out that cyclists can occupy the main part of the road when travelling down streets, just like a vehicle, so factoring in bike lanes would be superfluous.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner DeWeese:
To approve the Residential Street Width Standards as recommended by the Multi-Modal Transportation Board on May 3, 2018, and as further refined and recommended on July 12, 2018.

Commissioner Nickita said the Standards are much improved but still lack some key information, without which he will not be voting in support at this time.

Mayor Harris concurred with Commissioner Nickita, adding that he failed to see why the Standards needed to be adopted now as opposed to after a few more changes.

Commissioner Sherman stated that this is policy and not ordinance, meaning it does not have the effect of law.

VOTE:	Yeas,	4
	Nays,	3 (Bordman, Harris, Nickita)
	Absent,	0

07-212-18 APPROVING THE BIRMINGHAM CITY COMMISSION 2019 MEETING SCHEDULE

City Manager Valentine presented the proposed schedule, noting that Commissioner DeWeese had a conflict with the budget meeting being on May 4, 2019. As a result, City Manager Valentine suggested shifting the budget meeting to May 11, 2019. The Commission concurred.

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman:
To approve the Birmingham City Commission 2019 Meeting Schedule as amended to schedule the budget hearing on May 11.

VOTE:	Yeas,	7
	Nays,	0
	Absent,	0

07-213-18 CLOSED SESSION

MOTION: Motion by Commissioner Nickita, seconded by Commissioner DeWeese:
To meet in closed session pursuant to Section 8(h) of the Open Meetings Act, MCL 15.261 – 15.275.
(A roll call vote is required and the vote must be approved by a 2/3 majority of the commission. The commission will adjourn to closed session after all other business has been addressed in open session and reconvene to open session, after the closed session, for purposes of taking formal action resulting from the closed session and for purposes of adjourning the meeting.)

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

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

A. Communication from Ara Darakjian – TIR Equities

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

Mr. Darakjian read a statement strongly reiterating TIR Equities' bid to build the N. Old Woodward/Bates Street parking structure for the City.

X. REPORTS

07-214-18 COMMISSIONER COMMENTS

Commissioner Hoff reported a glowing citizen commendation of the Fire Department.

Commissioner Nickita brought up a concern previously shared by Mayor Pro Tem Bordman regarding a garage-fronted house being built on Vinewood. Garage-fronted houses are against City ordinance, but this one had been grandfathered in as a garage-fronted house predating the passing of the ordinance. Commissioner Nickita reported that upon walking by the house, it became clear that almost all of the construction was brand-new. He suggested the City consider requiring a portion of grandfathered buildings be maintained in order to prevent largely new buildings, which would otherwise violate ordinances, from being built in Birmingham via a technicality.

City Manager Valentine replied that, while Commissioner Nickita's proposal is possible, this particular construction project appeared before the Board of Zoning Appeals and was granted a variance for the construction.

Commissioner Nickita suggested the Planning Board or city staff could look further into the issue.

Mayor Harris said he would like to see the City look at residential non-conforming uses.

The Commission concurred, and City Manager Valentine said he would return to the Commission with recommendations.

Mayor Harris adjourned the meeting to closed session at 8:54 p.m., noting that no action would be taken at the conclusion of the closed session.

XI. ADJOURN

Mayor Harris reconvened the regular meeting at 9:30 p.m.

The regular meeting was adjourned at 9:38 p.m.

_____

J. Cherilynn Mynsberge, City Clerk

ATTACHMENT A

RESOLUTION 07-206-18

THE MORRIE
260 N. OLD WOODWARD
SPECIAL LAND USE PERMIT AMMENDMENT 2018

WHEREAS, The Morrie was approved by the City Commission on May 14, 2018 to operate a food and drink establishment in the B4 zone district in accordance Article 2, Section 2.37 of Chapter 126, Zoning, of the City Code;

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

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

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

WHEREAS, The applicant submitted an application for a Special Land Use Permit Amendment and Final Site Plan to add a dancing area to the previously approved new restaurant, The Morrie;

WHEREAS, The Planning Board on June 27, 2018 reviewed the application for a Special Land Use Permit Amendment and Final Site Plan Review and recommended approval of The Morrie with a dancing area with the condition that the applicant comply with Chapter 50, Noise, Division 4;

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

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that The Morrie's application for a Special Land Use Permit Amendment and Final Site Plan at 260 N. Old Woodward is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued

compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit Amendment is granted subject to the following conditions:

1. The Morrie shall comply with Chapter 50, Noise, Division 4;
2. The Morrie shall be permitted to provide entertainment in accordance with their entertainment permit issued by the MLCC;
2. The Morrie shall abide by all provisions of the Birmingham City Code; and
3. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest including, but not limited to, violations of the state law or Birmingham City Code.

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

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

MAY IT BE FURTHER RESOLVED that The Morrie is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises with a Class C Liquor License, at 260 N. Old Woodward, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

I, J. Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on July 23, 2018.

_____

J. Cherilynn Mynsberge, City Clerk

ATTACHMENT B

RESOLUTION 07-208-18

SPECIAL ASSESSMENT ROLL NO. 883
2018 WATER AND SEWER LATERALS

To confirm Special Assessment Roll # 883 to defray the cost of installing of sewer and water laterals within the 2018 Local Streets Paving Project;

WHEREAS, Special Assessment Roll, designated Roll No. 883, has been heretofore prepared for collection, and

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

WHEREAS, the Commission has deemed it practicable to cause payment of the cost thereof to be made at a date closer to the time of construction and Commission Resolution 07-196-18 provided it would meet this 23rd day of July 2018 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this July 23, 2018, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll as determined in Section 94-9 of the Code of the City of Birmingham,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 883 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that special assessments shall be payable in ten (10) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of six percent (6.00%) on all unpaid installments.

I, J. Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on July 23, 2018.

_____

J. Cherilynn Mynsberge, City Clerk

MEMORANDUM

Police Department

DATE: December 28, 2023

TO: Jana L. Ecker, City Manager

FROM: Scott A. Grewe, Chief of Police

SUBJECT: Speed Mitigation Report

The Police Department routinely conducts traffic studies to monitor the speed and volume of vehicles on streets throughout the City of Birmingham. These studies are used for a variety of projects in the City and are also used to assign targeted police patrols if a problem area is identified. These studies are often used by the Multi-Modal Transportation Board (MMTB) and the City's consultants when designing roadways. When a complaint is received or a transportation project begins they are first reviewed by the City's transportation team. That team includes representatives from the City's Planning, Engineering, and Police Departments along with the City's consulting traffic engineer and transportation planner. This group reviews data such as traffic counts, speed data, crash histories and other information. If a problem is identified, traffic calming measures are often recommended as part of the project to address speed and volume concerns. Traffic calming is a method of reducing vehicle speeds through physical treatment of a roadway to alter motorist's behaviors. Traffic calming can also be utilized to improve streetscapes and the conditions for people living, walking, and biking in the community. These improvements can be implemented into the roadway (gateway treatments, medians, refuge islands, etc.) or can alter the pedestrian realm (bumpouts, sidewalks, curbs, etc.).

Speed Boards

The Police Department also utilizes six permanent speed boards (N. Eton, N and S Adams, W. Maple, Southfield, Saxon) that have been placed on streets with higher vehicular volumes and speeds. These speed boards display vehicle speeds in real time to drivers. In addition to these permanent boards, the Police Department has temporary speed boards that are placed to bring awareness to drivers of their speeds to encourage their compliance. These temporary boards are placed at different locations based on our speed study results and complaints received from residents. In 2023, these temporary speed boards were placed at 22 different locations, with each location operating from two weeks to two months.

Speed Humps
Recently there has been discussion over the potential installation of speed humps. The MMTB further studied this issue in November of 2022. City staff, consultants, and the MMTB discussed nearby cities, such as Farmington Hills, Rochester Hills, and Ann Arbor, with traffic calming and speed hump policies. Consensus indicated that it is more common to implement speed humps along streets where the 85th percentile of speeds is 10+ mph above the speed limit.

The Police Department is pleased to report that no residential streets in Birmingham met this criteria as we are not experiencing similar speeding issues to these other communities. This information was included in the Manager's Report at the February 27, 2023, regular meeting of the City Commission and an additional report regarding this study was included in the August 14, 2023, City Commission agenda packet.

Other Speed Mitigation Design Options
Traffic calming measures are a key element of any City evaluation or changes to a street. Fortunately, the traffic speeds are consistently near the posted speed on most residential streets. When the City investigates a perceived problem, a number of mitigation techniques can be considered, as noted in the City of Birmingham Traffic Calming Program attached to this report.

When warranted, the installation of one or more of these options provides a long-lasting, often permanent, solution to address these issues. While enforcement action is an effective tool, it is often temporary as officers address numerous issues and respond to calls for service throughout the community. Therefore, reviewing and implementing design options that can address both the volume and speed of vehicles is the best long-term solution.

As stated earlier, not all roadways can be reconstructed to address these concerns so we can look at other examples of ways the City has installed mitigation design options. For example, on S. Eton, the roadway was narrowed by adding bump-outs and a bike lane using painted lines and bollards to mark those areas. This initiative has helped to calm traffic, increase safety for pedestrians and reduce traffic accidents. Also, along Lincoln, bump-outs and gateway treatments were added to narrow the roadway assisting in calming traffic. And on Brown, gateway treatments were added at pedestrian crossings to help bring awareness to crosswalk locations, narrowing the roadway to further calm traffic.

Enforcement Activity
While these traffic calming measures can be the best way to address vehicle volume and speeding concerns, not every street can be redesigned, therefore the Police Department is active in several ways to address speeding concerns. One of the primary responsibilities of a police officer is to monitor and enforce traffic violations to ensure the safety of all motorists, pedestrians, and all mode users. In 2022, the Police Department issued 5,887 traffic citations which was an increase of 67% from the prior year, and in 2023, citations increased to 6,225 as traffic enforcement continues to be a priority for our department. While these increases are partially due to the increased enforcement along Woodward Ave., they also represent an increase in activity throughout the City. The Birmingham Police Department wrote over 2,300 more citations than any other agency out of the 48th District Court despite being the third largest agency.

Grant Funding – Equipment Purchase

The Police Department recently applied for and received a grant from the Office of Highway Safety Planning. This grant included the purchase of two laser speed measuring devices to be used for enforcement and a speed monitoring/messaging trailer. This trailer can be used to monitor and display speeds as well as provide messaging to drivers, a function our current devices do not have. We are in the process of purchasing this new equipment and it will be available soon to increase our effectiveness with enforcement and prevention.

Summary

The Police Department will continue to monitor traffic trends to deploy resources appropriately. The department will also continue to communicate with complainants to determine the cause of the issues so a proper response can be implemented. Whether it is the installation of a temporary speed board, targeted enforcement activity or a deeper review by our consultants and the MMTB, each complaint is taken seriously and a plan is implemented to address the issue. Long-term solutions are accomplished during road improvements and the installation of traffic calming measures. However, the Police Department will continue to be active in all the ways mentioned in this report to address traffic issues and keep our roadways safe. Additionally, the Police Department will continue to review and monitor new technology as it is developed and alternative methods for addressing these concerns.

BIRMINGHAM
A WALKABLE CITY

CITY OF BIRMINGHAM
TRAFFIC CALMING PROGRAM

8B

CONTENTS

WHAT IS TRAFFIC CALMING?

Traffic calming is a method of reducing vehicle speeds through physical treatment of a roadway to alter motorist's behaviors. Traffic calming can also be utilized to improve streetscapes and the conditions for people living, walking, and biking in the community. These improvements can be implemented into the roadway (gateway treatments, medians, refuge islands, etc.) or can alter the pedestrian realm (bumpouts, sidewalks, curbs, etc.)

There are plenty of national resources available for those who want to learn more about traffic calming and methods that are available. These resources include, but are not limited to...

- Michigan Manual on Uniform Traffic Control Devices
- National Association of Transportation Officials (NACTO)
- Federal Highway Administration (FHWA) Proven Safety Countermeasures

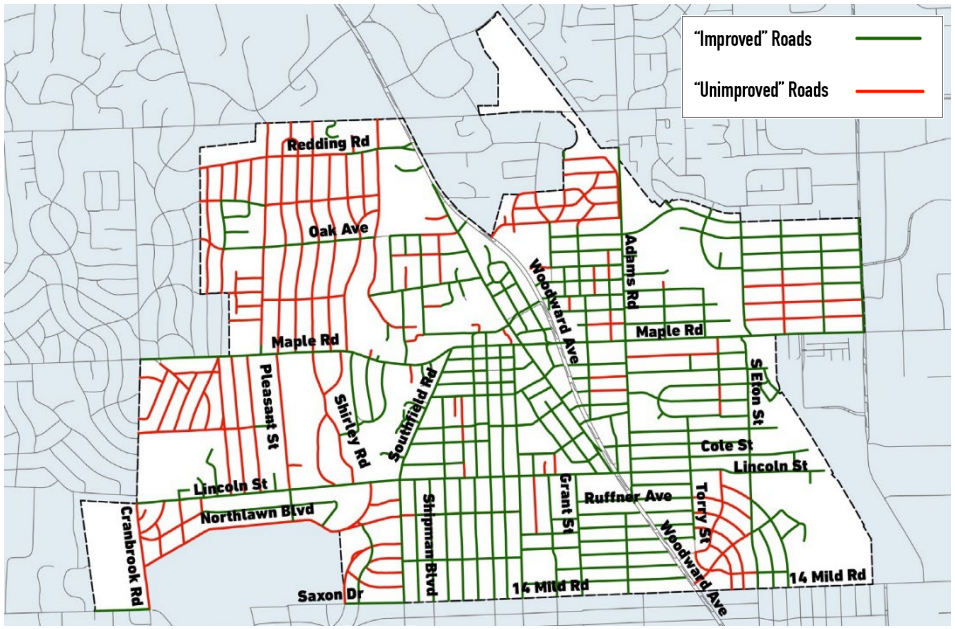
EXISTING CONDITIONS IN BIRMINGHAM

The City of Birmingham has approximately 85.05 miles of roads. Most are residential, and are either improved or unimproved.

Improved Road – a road with curb and gutters which has a surface of concrete or asphalt.

Unimproved Road – gravel road with or without curbs that has been treated with cape seal to provide a relatively smooth and dust free driving surface. The map below shows which roads within the City are identified as "improved" and "unimproved".

Improved vs Unimproved Roads in Birmingham, MI.



Common complaints about residential streets by residents and businesses are:

- Speeds are too high.
- Traffic volumes are too high.
- Traffic volumes have changed.
- Non-residents are parking in front of homes.
- It feels dangerous to cross the street.
- On-street parking, including landscaping or construction is making the street unsafe.

Additional background regarding streets in Birmingham...

- Woodward (M-1) is under control of the Michigan Dept of Transportation (MDOT). While the City works closely with MDOT, the final decisions on the design, traffic signals, and overall operations are made by MDOT.
- Speed limits - are set by the State Police, not by the City. The State Police use a "85th percentile" system where the speeds are often set so that 85% of people drive at or below that speed. Typically, the State Police will not allow the City to post speeds that are well below the speed that most people drive.
- The maximum speed limit on residential roads in Michigan is 25 miles per hour. The City conducts regular speed studies. These speed studies have shown that the average speed on most streets are at or below 25 mph or just above it.
- The City current residential street design is for a 26 foot wide street with curbs, and a sidewalk along both sides of the street with a lawn between the street and the sidewalk. But Birmingham has a wide variety of street types with some streets being 33 feet or wider, some are very narrow, and there are many residential streets without sidewalks.
- The City has a guide for street design, pedestrian crossings types, parking dimensions and other standards. When there may be a need for pedestrian islands, bumpouts, signs, flashing becons or other measures, the City relies on manuals such as NACTO, Michigan's Manual of Uniform Traffic Control Devices, guidance documents from FHWA and other sources.
- About half the City's Streets are considered unimproved. This means that the pavement is not intended for heavier trucks or high traffic volumes. An improved road has a deeper base and thicker pavement and curbs (though some unimproved roads may also have curbs). Some traffic calming techniques used by other cities, like speed humps, cannot be used on the City's unimproved roads because the structure cannot physically support them.

THE CITY'S CURRENT PROCESS

Birmingham has a Multi-Modal Transportation Board that meets monthly at City Hall, typically the first Thursday of each month at 6 pm. Meetings are open to the pubic and comments are appreciated (Enter through the Police Department on the Pierce Street entrance). The Board reviews changes to street design, non-motorized improvements, updates transportation plans, other transportation matters and gives direction to city staff or makes recommendations to the City Commission.

One of the most common agenda items deal with questions or requests raised by residents and business about safety, traffic speeds, traffic volumes, the need for improved pedestrian crossings or parking issues. And when a street is scheduled for repaving or improvement, the Multi-Modal Board first reviews its plan's and policies to see if there are any recommendations that need to be considered.

Both complaints and transportation projects are first reviewed by the City's transportation team, which includes representatives from the City's Planning, Engineering, and Police Departments along with the City's consulting traffic engineer and transportation planner. This group reviews data such as traffic counts, speed data, crash histories and other information. Information is presented to the Board for direction or action.

What is the typical process?

1. Information is recorded. The topic is reviewed by the City's transportation team that meets every other week.

2. The City's transportation team reviews existing speeds, traffic counts, and assesses any recent crashes. If additional data is needed, speeds studies are taken.

3. In some cases, the City's transportation planners and engineers conduct a Safety Audit to review operations, geometrics, signs, sidewalks and crossing, on-street parking use, bicycle use etc.

4. If some improvements need to be considered, recommendations are provided at a Multi-Modal Transportation Board meeting (typically 1st Thursday, 6 pm at City Hall).

5. In some cases, there could be a notice to the affected property owners inviting them to a Board meeting or there could be a special meeting for major changes.

6. If there are costs to move the curbs, change intersection design or other significant capital investments, the project would need to be added to the Capital Improvement Plan by the City Commission.

TRAFFIC CALMING MEASURES USED BY THE CITY

Traffic calming measures are a key element of any City evaluation or changes to a street. Fortunately, the traffic speeds are consistently near the posted speed on most residential streets.

When the City investigates a perceived problem, a number of mitigation techniques can be considered, as noted below:

Bump Outs

Bump outs allow pedestrians to cross the street quicker by crossing a shorter distance. It also makes the neck of the street narrower to encourage drivers to slow down and pay closer attention.

Example location in Birmingham:
S Old Woodward Ave

Stop Signs and Yield Signs

Adding stop signs can help create gaps for pedestrians and allows traffic to move more efficiently through an intersection. However, stop signs are often not an effective speed management solution as they may not decrease overall speeds and can create a false sense of security. There are state criteria or warrants that must be met for stop sign installation.

Crosswalks

Visible crosswalks allow pedestrians to cross safely while increasing visibility to drivers.

Gateway Treatments

Enhancements at the entrance of residential districts/neighborhoods that are intended to mark the transition to a slower speed street.

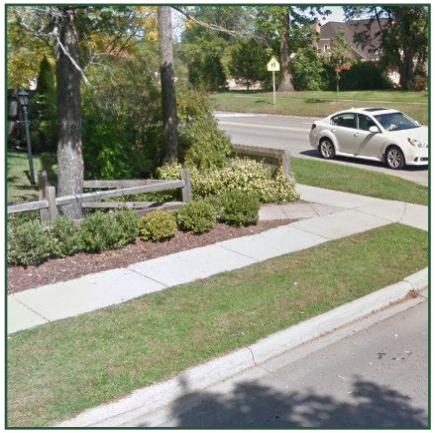
Example location in Birmingham:

E Lincoln St

Pedestrian Refuge Island

Refuge islands shorten the distance pedestrians cross by providing an island between lanes.

Example location in Birmingham:
N Old Woodward Ave



Adding/Improving Sidewalks

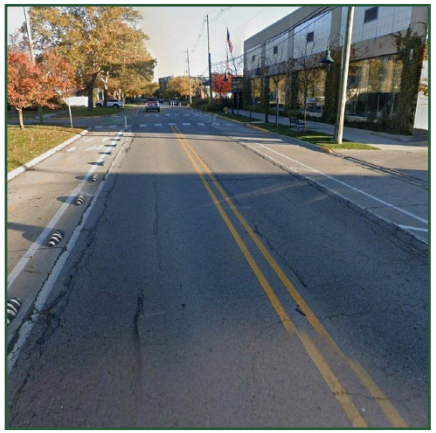
Sidewalks provide safety and allow enhanced mobility. Sidewalks separated from the roadway are preferred, however the addition of a sidewalk in any capacity increases pedestrian safety.

Adding Curbs

Curbs contribute to increased pedestrian safety by offering separation between the road and the sidewalk.

Installing Speed Monitoring Signs

Speed monitoring signs make road users more aware of the speed they are driving and decrease the number of speeding cars.



Narrowing the Roadway

The City's standard for residential streets is 28 feet, curb to curb. Many streets are wider which could increase speeding incidents.

ADDITIONAL TRAFFIC CALMING MEASURES BEING LOOKED AT BY THE CITY...

Speed Humps

Other cities with speeds more than 10 mph over the speed limit use techniques like speed humps. However, few streets in Birmingham have that level of speeding. About 1/2 of the City's streets are "unimproved" without curbs, meaning that the pavement cannot support speed humps. Speed humps must also have space away from storm sewers and driveways. Therefore, many City streets do not allow enough room for speed humps to be spaced properly. In addition, the City's Fire Dept and Department of Public Services are not supportive of speed humps.

BIRMINGHAM
A WALKABLE CITY

MEMORANDUM

Legal Department

DATE: January 31, 2024

TO: Jana Ecker, Acting City Manager and City Commission

FROM: Mary M. Kucharek

SUBJECT: Request for Closed Session Under MCL § 15.268 Sec. 8(h) of the Open Meetings Act

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INTRODUCTION:

This matter concerns a written attorney/client privilege communication.

BACKGROUND:

The City Attorney will discuss and answer questions regarding a written attorney/client privilege communication.

LEGAL REVIEW:

I am also requesting closed session on February 5, 2024 pursuant to MCL § 15.268 Sec. 8(h) to discuss a written attorney/client privilege communication.

FISCAL IMPACT:

To be discussed in closed session.

ATTACHMENTS:

Open Meetings Act (Excerpt) Act 267 of 1976, MCL § 15.268 Closed sessions; permissible purposes, Sec. 8(h).

SUGGESTED COMMISSION ACTION:

Make a motion to meet in closed session to discuss a written attorney/client privilege communication pursuant to MCL § 15.268 Sec. 8(h) of the Open Meetings Act.

OPEN MEETINGS ACT (EXCERPT)
Act 267 of 1976

15.268 Closed sessions; permissible purposes; applicability to independent citizens redistricting commission.

Sec. 8. (1) Except as otherwise provided in subsection (2), a public body may meet in a closed session only for the following purposes:

(a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named individual requests a closed hearing. An individual requesting a closed hearing may rescind the request at any time, in which case the matter at issue must be considered after the rescission only in open sessions.

(b) To consider the dismissal, suspension, or disciplining of a student if the public body is part of the school district, intermediate school district, or institution of higher education that the student is attending, and if the student or the student's parent or guardian requests a closed hearing.

(c) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.

(d) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.

(e) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.

(f) To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, except as otherwise provided in this subdivision, all interviews by a public body for employment or appointment to a public office must be held in an open meeting pursuant to this act. This subdivision does not apply to a public office described in subdivision (j).

(g) Partisan caucuses of members of the state legislature.

(h) To consider material exempt from discussion or disclosure by state or federal statute.

(i) For a compliance conference conducted under section 16231 of the public health code, 1978 PA 368, MCL 333.16231, before a complaint is issued.

(j) In the process of searching for and selecting a president of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963, to review the specific contents of an application, to conduct an interview with a candidate, or to discuss the specific qualifications of a candidate if the particular process of searching for and selecting a president of an institution of higher education meets all of the following requirements:

(*i*) The search committee in the process, appointed by the governing board, consists of at least 1 student of the institution, 1 faculty member of the institution, 1 administrator of the institution, 1 alumnus of the institution, and 1 representative of the general public. The search committee also may include 1 or more members of the governing board of the institution, but the number does not constitute a quorum of the governing board. However, the search committee must not be constituted in such a way that any 1 of the groups described in this subparagraph constitutes a majority of the search committee.

(*ii*) After the search committee recommends the 5 final candidates, the governing board does not take a vote on a final selection for the president until at least 30 days after the 5 final candidates have been publicly identified by the search committee.

(*iii*) The deliberations and vote of the governing board of the institution on selecting the president take place in an open session of the governing board.

(k) For a school board to consider security planning to address existing threats or prevent potential threats to the safety of the students and staff. As used in this subdivision, "school board" means any of the following:

(*i*) That term as defined in section 3 of the revised school code, 1976 PA 451, MCL 380.3.

(*ii*) An intermediate school board as that term is defined in section 4 of the revised school code, 1976 PA 451, MCL 380.4.

(*iii*) A board of directors of a public school academy as described in section 502 of the revised school code, 1976 PA 451, MCL 380.502.

(*iv*) The local governing board of a public community or junior college as described in section 7 of article VIII of the state constitution of 1963.

(*l*) For a county veteran services committee to interview a veteran or a veteran's spouse or dependent regarding that individual's application for benefits or financial assistance and discuss that individual's

application for benefits or financial assistance, if the applicant requests a closed hearing. This subdivision does not apply to a county veteran services committee voting on whether to grant or deny an individual's application for benefits or financial assistance. As used in this subdivision, "county veteran services committee" means a committee created by a county board of commissioners under section 1 of 1953 PA 192, MCL 35.621, or a soldiers' relief commission created under section 2 of 1899 PA 214, MCL 35.22.

(2) This act does not permit the independent citizens redistricting commission to meet in closed session for any purpose. As used in this subsection, "independent citizens redistricting commission" means the independent citizens redistricting commission for state legislative and congressional districts created in section 6 of article IV of the state constitution of 1963.

History: 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1984, Act 202, Imd. Eff. July 3, 1984;—Am. 1993, Act 81, Eff. Apr. 1, 1994;—Am. 1996, Act 464, Imd. Eff. Dec. 26, 1996;—Am. 2018, Act 467, Eff. Mar. 27, 2019;—Am. 2021, Act 31, Imd. Eff. June 24, 2021;—Am. 2021, Act 166, Imd. Eff. Dec. 27, 2021.

Compiler's note: Enacting section 1 of Act 166 of 2021 provides:

"Enacting section 1. This amendatory act is intended to clarify that the independent citizens redistricting commission for state legislative and congressional districts, since its establishment under section 6 of article IV of the state constitution of 1963, has been required to conduct all of its business at open meetings, without exception and in a manner that invites wide public participation throughout this state, as provided in section 6(10) of article IV of the state constitution of 1963, and that the commission continues to be subject to this unqualified open meetings requirement."

BIRMINGHAM
A WALKABLE CITY

NOTICE OF INTENTION TO APPOINT TO ARCHITECTURAL REVIEW COMMITTEE

At the meeting of Monday, March 18, 2024, the Birmingham City Commission intends to appoint one regular member to the Architectural Review Committee to serve a three-year term to expire April 11, 2027, and one regular member to serve the remainder of a three-year term to expire April 11, 2025. Members of this Committee will be appointed by the Commission. The Committee shall consist of three Michigan licensed architects who reside in the City of Birmingham.

The purpose of this committee is to review certain public improvement projects initiated by the City and referred to the committee by the City Manager or his/her designee. The Committee is expected to offer opinions as to what physical alterations or enhancements could be made to these projects in order to improve the aesthetic quality of the project and the City's overall physical environment.

Interested citizens may submit an application available at the City Clerk's Office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 13, 2024. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

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

Criteria/Qualifications of Open Position	**Date Applications Due** **(by noon)**	**Date of Interview**
Michigan Licensed Architect & Resident of the City of Birmingham	3/13/2024	3/18/2024

BIRMINGHAM
A WALKABLE CITY

NOTICE OF INTENTION TO APPOINT TO PLANNING BOARD

At the regular meeting of Monday, March 18, 2024, the Birmingham City Commission intends to appoint two alternate members to serve three-year terms to expire March 28, 2027, and three regular members to serve three year terms set to expire March 28, 2027. Members must consist of an architect duly registered in this state, a building owner in the Central Business or Shain Park Historic District, and the remaining members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions. Members must be residents of the City of Birmingham.

Interested citizens may submit an application available at the City Clerk's office or online at www.bhamgov.org/boardopportunites. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, March 13, 2024. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

PLANNING BOARD DUTIES

The Planning Board consists of seven members who serve three-year terms without compensation. The board meets at 7:30 P.M. on the second and fourth Wednesdays of each month to hear design reviews, zoning ordinance text amendments and any other matters which bears relation to the physical development or growth of the city.

Specifically, the duties of the Planning Board are as follows:

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

Criteria/Qualifications of Open Position	**Date Applications Due** **(by noon)**	**Date of Interview**
Members shall represent, insofar as possible, different occupations and professions such as, but not limited to, the legal profession, the financial or real estate professions, and the planning or design professions. Members must be residents of the City of Birmingham.	3/13/2024	3/18/2024

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.

BIRMINGHAM BOARD OF ETHICS

COMPLAINT NO. 2023-03

Decision on Complaint

INTRODUCTION

Birmingham resident Paul Reagan filed a complaint against Birmingham City Commissioner Therese Longe alleging that statements she made to the media about the conduct of fellow commissioner Brad Host violated assorted provisions of the Birmingham Code of Ethics. Because the complaint on its face fails to demonstrate that Commissioner Longe violated the code, the Birmingham Board of Ethics issues this summary decision dismissing it.

STANDARD OF DECISION

The Code of Ethics directs the Birmingham Board of Ethics to determine questions or complaints as to the applicability of any provision of the code to a particular situation. Birmingham, Michigan Code of City Ordinances, Part II, Chapter 2, Article IX, § 2-325(b). Questions or complaints submitted to the board are handled according to procedural rules promulgated under the code. *Id.* § 2-325(a)(3)(c). Those rules "are to be construed to achieve the timely, efficient, and cost-effective determination of matters brought before the board." Board of Ethics Procedural Rules, Rule 102.

Chapter 3 of the board's procedural rules sets forth the procedure for resolving complaints. The "rules in this chapter apply to the situation where any person has a complaint against a city official or employee, as defined in the Code of Ethics, alleging that the conduct of that official or employee is in breach of the code." Upon receipt of Mr. Reagan's complaint, the board's task is to:

> determine whether the respondent's conduct as alleged in the complaint or demonstrated at the hearing is in breach of the Code of Ethics. The board will make its decision upon a vote of a majority of the board based upon the evidence in the record and controlling law. The board will issue its decision in the form of a written opinion. The opinion, and any dissenting or concurring opinion, will be stated in writing. Once they are issued, the decision and opinions are final.

Id. Rule 319.

The rule governing summary decision provides that, at any time, the board may issue a decision on the complaint for any of the following reasons:

a. The board lacks jurisdiction over the respondent.
b. The board lacks jurisdiction over the subject matter.

c. The complainant lacks the legal capacity to assert the complaint.
d. The complaint is barred because of release, prior judgment, or other disposition of the complaint before the complaint was filed.
e. The complaint on its face fails to demonstrate any violation of the code of ethics.

Id. Rule 304. When considering whether to issue a summary decision under Rule 304 (e), the Board of Ethics will assume, solely for purposes of that consideration, that the allegations of the complaint are true.[1]

FACTS AS ALLEGED IN THE COMPLAINT

On October 27, 2023, the local news magazine *Downtown Publications* published an article with the headline "Improper Host post made again on social media." Complaint at 4, 10.[2] The reference is to Birmingham City Commissioner Brad Host who according to the article was previously brought before the Board of Ethics regarding repeated actions he had taken spreading personal opinions about the city's master plan on social media, flyers, and other means. *Id.* at 10. The *Downtown Publications* article opined that Commissioner Host "has once again posted a message on social media which could be inferred to discredit actions by city officials, a violation of the ethics board opinion." *Id.*

According to the article, Commissioner Host was responding to a video posted on the social media site *Next Door* by Birmingham resident Frank Colasonti, Jr., who "expressed frustration, concern and anger over a new home being built next door to him, as well as the city's board of zoning appeal's denial of variance requests related to the proposed construction of a new garage on his property and his personal displeasure with the city of Birmingham." *Id.* at 4, 10.

Downtown Publications characterized Mr. Colasonti's post as one "in which he is threatening litigation against the city, and expressing his unhappiness with the BZA and its rules." *Id.* at 10. To Mr. Colasonti's video, Commissioner Host responded, "Well stated Frank!" *Id.* at 4, 10.

The article reported how a previous Board of Ethics advisory opinion had advised Mr. Host that his prior conduct in making certain public comments about the city's then-pending master plan did not meet the standards of the Code of Ethics. *Id.* at 11. With respect to the more-recent "Well stated Frank!" comment, the article reported that City Manager Jana Ecker pointed out to Commissioner Host that his comment was similar to one he made and which became a point of contention in his Board of Ethics case and reminded him of his responsibilities under the code. *Id.* at

[1] Rule 305 further allows the Board of Ethics to issue an opinion on a complaint without a hearing if no genuine issue as to any material fact exists. But because the board finds under Rule 304 that Mr. Reagan's complaint on its face fails to demonstrate any violation of the code, we need not decide this case under Rule 305.

[2] Mr. Reagan's 22-page complaint packet, which includes the referenced *Downtown Publications* article and other exhibits, is not numbered sequentially but rather is renumbered within sections. For clarity, the page references in this decision are to the specific pages of Mr. Reagan's packet, regardless of their internal numbering.

10. The article also recounted that Commissioner Host withdrew the comment but responded to Ms. Ecker that "he did not believe it was the same kind of situation, and claimed he was only agreeing with a resident." *Id.* The *Downtown Publications* story went on to report that "city officials have warned and advised all city commissioners, board members and city officials that they can in no way lead a citizen to believe that they are in agreement in any effort that would adversely affect the competency of the public trust in the city and its work." *Id.*

Downtown Publications then quoted the respondent in this case, Mayor Therese Longe, whose term as mayor has since expired but who remains a city commissioner, as saying:

> It is likely for the public to infer from his post that he's urging the public to object to the city and in my opinion, Mr. Host is agreeing that the BZA wrongly ruled against Mr. Colasonti, that the building department was negligent in dealing with him, and he is urging a citizen to take legal action against the city.

Id. at 11. The article also reported that Mayor Longe said that Commissioner Host was warned once again, and if he does violate the advisory opinion in any way again, "Yes, it would be taken to the ethics board as a complaint. There will be no third strike." *Id.*[3]

DISCUSSION

Mr. Reagan's complaint alleges that the statements attributed to Mayor Longe as published by *Downtown Publications* violate six different provisions of the Code of Ethics. The Board of Ethics finds that the allegations on their face fail to demonstrate a violation of the code, and it therefore dismisses the complaint under Rule 304(e).

1. Making Governmental Decisions in Proper Governmental Channels.

The Code of Ethics promotes the City of Birmingham's declaration that "[p]ublic office and employment are public trusts. For government to operate properly, each city official, employee, or advisor must earn and honor the public trust by integrity and conduct." Birmingham Code of Ethics § 2-320. Among their responsibilities, public officials and employees must "[m]ake governmental decisions and policy in the proper governmental channels." *Id.* § 2-320 (2).

Mr. Reagan contends that in making her statement to *Downtown Publications*, Mayor Longe did not honor the public trust by integrity and conduct and specifically

[3] A November 16, 2023, update to the *Downtown Publications* article retracted this quote. Instead, *Downtown Publications* reported that, "[i]n response to a question of what could happen if Host violates the ethics board opinion a third time, Longe agreed that the issue could be taken as a formal complaint to the ethics board by any interested party." For purposes of the instant decision solely, however, the Board of Ethics assumes without deciding that Mayor Longe made the statement as attributed to her in the original *Downtown Publications* article.

that she was making governmental decisions and policy outside proper governmental channels. Complaint at 5-6.

The Board of Ethics finds that the complaint on its face shows that Mayor Longe was not making a governmental decision or policy. Rather, it shows she was commenting to the media on a matter of public import. She was opining, as *Downtown Publications* had done, that Commissioner Host's comments could be interpreted as urging litigation against the very city to which Commissioner Host owes a fiduciary duty. She was pointing out the obvious fact that Commissioner Host could be brought before the Board of Ethics if he violates the code, something that had already occurred earlier in 2023. And the words attributed to Mayor Longe do not even suggest her lack of integrity or her commission of misconduct.

The Board of Ethics thus finds that the allegations on their face fail to demonstrate a violation of this provision of the code.

2. Responsibilities of Public Office.

The Code of Ethics provides that:

> All city officials and employees shall safeguard public confidence by being honest, fair and respectful of all persons and property with whom they have contact, by maintaining non-partisanship in all official acts, and by avoiding official conduct which may tend to undermine respect for city officials and employees and for the city as an institution.

Birmingham Code of Ethics § 2-321, ¶ 2.

Mr. Reagan contends that Mayor Longe's comments to *Downtown Publications* were "irresponsible" and "disrespectful" to Commissioner Host and tended "to undermine respect for city officials and employees and for the city as an institution." Complaint at 6.

The Board of Ethics disagrees. Mayor Longe was stating her opinion and giving her interpretation of what Commissioner Host meant by his statement. She was entitled to her opinion and even had a reasonable basis for it, given Commissioner Host's record of stating agreement with a citizen's comment and then disavowing a fair interpretation of his statement, as noted by the Board of Ethics in the prior advisory opinion addressing his conduct. Advisory Opinion No. 2023-01 at 15-16. Nothing in the quoted material is disrespectful to Commissioner Host. Nothing is ad hominem or scandalous. Nothing is below common standards of decency. Nothing is unfair. Nothing undermines respect for city officials and employees or for the city as an institution.

Mr. Reagan correctly acknowledges that some citizens might not approve of Commissioner Host's response in support of Mr. Colasonti's published video. Complaint at 8. Nevertheless, he supports Commissioner Host's right to make that response and quotes from one of our previous advisory opinions: "respect does not

mean that a public official can't disagree with a constituent, even vehemently, or that the public official's opinions can't offend. . . . But the official can disagree and should do so if that is their honest belief." *Id.* at 8 (quoting Decision on Complaint No. 2020-01 at 5). The same tenet applies to Mayor Longe. She had every right to state her opinion.

The Board of Ethics accordingly finds that the allegations on their face fail to demonstrate a violation of this provision of the code.

3. Adversely Affecting the Confidence of the Public or Integrity of the City Government.

Through the Code of Ethics, the city specifically intends that its officials avoid any action which might result in, or create the appearance of, affecting adversely the confidence of the public or the integrity of the city government. Birmingham Code of Ethics § 2-323 (5).

Mr. Reagan contends that Mayor Longe's "public display of disrespect for Commissioner Host," her "public threat," and her "willingness to use the media to attack a fellow Commissioner during an election in which she and her target are running for reelection" tend to adversely affect the confidence of the public or the integrity of the city government." Complaint at 6.

Again, the Board of Ethics disagrees. We have already determined that nothing in the quoted material is disrespectful. And nothing in it adversely affects the confidence of the public or the integrity of the city government. Rather, Mayor Longe's statements were matters of her opinion and interpretation of what Commissioner Host meant by his statement, for which she had a reasonable basis, and were matters of fact about citizens' rights under the Code of Ethics and the Zoning Board of Appeals process. Mayor Longe's statements pertained to a matter of public concern. If anything, her statements tend to promote confidence in government and demonstrate its integrity by suggesting that all citizens have redress through proper governmental channels, including to the Board of Ethics.

Mr. Reagan views Mayor Longe's statements as political campaign statements critical of Commissioner Host's candidacy for election to the city commission. Complaint at 6, 9. This board previously held that campaign statements made by city officials against city commission candidates, even comments that are deemed disrespectful, appalling, or offensive by others, do not violate the code. Decision on Complaint No. 2007-05 at 6-8. Moreover, as we stated in the recent opinion involving Commissioner Host, every city official is entitled to his or her opinion:

> The Code is never intended to preclude a city official from expressing his or her opinions on matters that come before his or her respective body. It encourages city officials to act independently. If they cannot express opinions, debate the merits of those opinions, and vote their consciences, the quality of our city's democracy would be significantly impaired.

Advisory Opinion 2023-01 at 14 (citing Advisory Opinion 2022-01, which in turn cites Advisory Opinion 2007-02).

The Board of Ethics thus finds that the allegations on their face fail to demonstrate a violation of this provision of the code.

4. Intention of the Code.

The Code of Ethics "is intended to be preventative and not punitive." Birmingham Code of Ethics § 2-323, ¶2.

Mr. Reagan contends that Mayor Longe is trying to "weaponize" the Board of Ethics by using the threat of intervention by the board "to silence and intimidate a fellow Commissioner with whom she rarely sees eye to eye." Complaint at 7.

The Board of Ethics finds Mr. Reagan's contention unavailing and his citation inapplicable. The provision on which he relies is a rule of guidance and construction for the benefit of the citizens, the city, and the board. Nothing in Mayor Longe's statement to *Downtown Publications* violates its words or intent. And Mayor Longe had every right to point out that any citizen can bring to the board a complaint alleging that a city official has failed to abide by the Code of Ethics—precisely as Mr. Reagan has done in this case.

Nor does the Board of Ethics have the jurisdiction or power to "intervene" in anything. The board handles only matters brought to it through the filing of a request for advisory opinion, a complaint, or a referred question of disqualification from a governmental body. After that, its task is to determine the code's applicability to the particular question or complaint, Code of Ethics § 2-325(b), and, in the instant case, to decide whether the respondent's conduct is in breach of the code. Board of Ethics Procedural Rules, Rule 319. The board has no enforcement power.

The Board of Ethics finds that the allegations on their face fail to demonstrate a violation of this provision of the code.

5. Opinion of City Officials.

The Code of Ethics provides that "[n]o official or employee of the city shall represent his or her personal opinion as that of the city." Birmingham Code of Ethics § 2-324 (a)(2).

Mr. Reagan contends that Mayor Longe "does not make clear" whether her comments, which he terms "incendiary," represent her personal thoughts or those of city government. Complaint at 7. Thus, not only is there no allegation that Mayor Longe was speaking in her personal capacity, the complaint shows that *Downtown Publications* quoted her as the mayor of the city, commenting on a matter of public import, being Commissioner Host's conduct. Unlike examples of postings from Commissioner Host that were the subject of the advisory opinion pertaining to him, see Advisory Opinion 2023-01, Mayor Longe did not publish the statement on her

own social media or distribute it on a flyer or in a campaign mailing. Rather, Mayor Longe was quoted in the press on a public matter on which she had authority to speak.

Thus, The Board of Ethics finds that the allegations on their face fail to demonstrate a violation of this provision of the code.

6. Enforcement of Violation of Code of Ethics.

The Code of Ethics provides that, after Board of Ethics advisory opinions or hearing findings are published, the Birmingham City Commission is "responsible for imposing any sanction for a violation of this Code on one of its members or any person appointed by the commission to any city board." Birmingham Code of Ethics § 2-325 (b)(3)(a).

Mr. Reagan contends that, because Mayor Longe and Birmingham City Manager Jana Ecker "may have coordinated this attack on Commissioner Host," they should be prohibited "from participating in any discussion or implementation of sanctions that may result from the adjudication of this complaint." Complaint, at 7. In support of his contention, Mr. Reagan cites the advisory opinion we decided concerning Commissioner Host. *Id.* at 8 (referring to Advisory Opinion 2023-01). That decision involved misstatements of fact Commissioner Host made to improperly influence the work of the city's planning commission on a matter that would ultimately come to him as a city commissioner for review and approval or rejection.

But nothing related to the instant matter is pending before the Birmingham City Commission for decision. Any contention that Mayor Longe is disqualified from participating in the commission's consideration of any question that may come before it is premature and unripe for decision by the Board of Ethics. Mr. Reagan's allegations on their face do not demonstrate a violation of this provision of the code.

CONSTITUTIONAL CONSIDERATIONS

Because the Board of Ethics is dismissing the complaint for failure to demonstrate a violation of the Code of Ethics, we need not reach the obvious constitutional issue surrounding Mayor Longe's right to make the statements attributed to her. But we offer the following observations.

Fundamentally, Mr. Reagan disagrees with what Mayor Longe is quoted as having said. And he contends that "Mayor Longe willingly stepped onto a platform with broad reach and potential impact, well beyond the normal channels of appropriate Commission communication and dialogue." Complaint at 5.

We are far from persuaded that comments from the city's mayor to the local media about a city matter are beyond appropriate channels of communication to the citizenry. And prior Board of Ethics decisions, supported by United States Supreme Court precedent, have held or noted that opinions and truthful statements of city officials can be protected by the First Amendment to the U.S. Constitution.

For instance, we held that a volunteer city advisory board member had the constitutional right to advocate for, and to solicit funds to be expended against the city on behalf of, another volunteer board member who had filed a federal lawsuit against the city for damages, alleging that the city commission illegally removed him from the board. Decision on Complaint No. 2004-02.

And we held that a volunteer city advisory board member could form a political action committee to publish negative advertising exhorting citizens to vote against several candidates for election to the Birmingham City Commission. The advertising said things like, "don't let those candidates regulate your home," "their agendas will lead to higher taxes," "these candidates have personal agendas and resort to divisive tactics." The record in that case showed that some members of the public thought the advertising to be disrespectful, appalling, or offensive. The Board of Ethics found no violation of the code, including the same provisions on which Mr. Reagan relies here, and further noted that the opinions and statements were protected by the First Amendment to the U.S. Constitution. Decision on Complaint No 2007-05.

Thus, while not deciding the constitutional question because it is not strictly necessary for the determination of this case, we believe it likely that Mayor Longe's statements are protected by the First Amendment.

CONCLUSION

For the reasons set forth above, the Birmingham Board of Ethics dismisses the complaint.

Michael P. Coakley

James D. Robb, Chairperson

John J. Schrot, Jr.

January 19, 2024
Dated:

CITY OF BIRMINGHAM
BOARD OF ETHICS
REQUEST FOR ADVISORY OPINION 2023-04

ADVISORY OPINION

1. STATEMENT OF FACTS

Jason Canvasser has served honorably as a member of the City of Birmingham Board of Zoning Appeals ("BZA") since 2016. During his tenure on the BZA, Mr. Canvasser has been and remains today in the active practice of law as an equity principal of the law firm Clark Hill PLC ("Clark Hill") in its Detroit office. As a Principal of Clark Hill, Mr. Canvasser owes certain fiduciary duties to the firm not relevant to the questions presented in this matter. Mr. Canvasser nonetheless has personal, professional and financial interests in the success of the firm.

Clark Hill has an office located at 220 Park St., Birmingham. On May 11, 2023, Clark Hill applied to the BZA for a dimensional variance for proposed illuminated building signage for its Park St. location. When the Clark Hill variance application came before the BZA at its June 13, 2023 hearing, Mr. Canvasser recused himself and refrained from any discussion, deliberation, action or voting on the matter due to his simultaneous service on the BZA and as a Principal of the applicant, Clark Hill. At the June 13, 2023, meeting the BZA voted 4 to 3 to deny Clark Hill's application for the dimensional variance.

Clark Hill then filed an action in the Oakland County Circuit Court seeking reversal of the BZA's decision denying the signage variance. Mr. Canvasser did not participate in the preparation of the action and has not and will not participate in its prosecution.

At the October 2, 2023 City Commission meeting, Mr. Canvasser applied for reappointment to the BZA. He affirmed to the Commission on the record that he would

continue to recuse himself from all decisions regarding Clark Hill. The Commission then determined that before deciding on Mr. Canvasser's application for reappointment to the BZA it would request an advisory opinion from this Board on the appropriateness of his reappointment to and service on the BZA while the Clark Hill action against the City and BZA is pending. The City Manager's Office then filed its Request for Advisory Opinion and Addendum to Request for Advisory Opinion, accepted by the City Clerk's Office by Alexandra Bingham on 11/16/2023.

At a meeting of the Board of Ethics ("BOE") on December 19, 2023, following a presentation by Mr. Canvasser, discussion and questions by the BOE and City Attorney Kucharek, the BOE voted unanimously: "To Advise the City Manager and the City Commission that the facts presented to the Board of Ethics did not prohibit Mr. Canvasser's reappointment to the BZA." (City of Birmingham Board of Ethics Minutes, December 19, 2023, 151 Martin, Birmingham.)

II. DISCUSSION

The City of Birmingham Ethics Ordinance applies to Mr. Canvasser as a City official as defined by §2-322 of the Birmingham City Code. Art. 1X, §§2-320 to 2-326. City officials like Mr. Canvasser are required to disclose all conflicts of interests posed by their service to the City and their duties or obligations to any person or entity holding an interest adverse to the City in connection with their services, duties or obligations owed to the City by virtue of their position as Officials of the City. (Code §2-323.) The Code provides:

> (10) Determination of conflict of interest. A conflict of interest exists if:
>
> a. The city or employee has any financial interest, beyond ownership of his or her place of residence in the outcome of a matter currently before that city official or employee, or is associated as owner, member, partner, officer, employee,

broker or stockholder in an enterprise that will be affected by the outcome of such matter, and such interest is or may be adverse to the public interest in the proper performance of said official's or employee's governmental duties, or;

b. The city official or employee has reason to believe or expect that he or she will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his or her official activity, or;

c. The public official has any other prohibited interest as defined by state statutes relating to conflicts of interest.

(Code, §2-324(10)).

As a member of Clark Hill, Mr. Canvasser had both a financial and personal interest in the outcome of his firm's application for a signage variance. He thus properly disclosed and recused himself from the matter, and refrained from any discussion, deliberation, action or voting on the matter. Therefore, Mr. Canvasser fulfilled completely his obligations under the Code arising from his conflicting interest in the matter and any City officials faced with similar circumstances who conduct themselves in the same manner as he, would likewise fulfill their obligations under the Code. (§2-324(b).)

In the case where a conflict arises in the course of a City official's exercise of the official's duties as an agent or representative of the City, the Code does not require disqualification of the official from reappointment. (See §2-325(b)). Rather, as stated above, it requires the official to disclose the conflict, recuse him or herself, and refrain from any discussion, deliberations, action or voting on the matter as Mr. Canvasser did here. Also here, as a further safeguard going forward relative to this matter, Clark Hill established an ethical firewall between Mr. Canvasser and the litigation. Therefore, there is no impediment under the Code to Mr. Canvasser's, or a City official acting similarly under similar circumstances, reappointment to his official position with the City.

CONCLUSIONS

1. The appropriate action for a sitting or proposed appointee to a City board or committee ("appointee") who also owes duties to a person or entity that is adverse to the City in pending litigation commenced by the adverse person or entity is to disclose the adverse matter, recuse him or herself from the matter, and refrain from any discussion, deliberation, action or voting on the matter before the appointee's board or committee.

2. In its discretion, the City Commission may appoint or reappoint a person to a board or committee where the person owes duties to a person or entity adverse to the City, board or committee provided the person complies with his or her obligations under the Code.

James D. Robb, Esq. Chairperson

John J. Schrot, Jr., Esq. – Member

Michael P. Coakley, Esq. - Member

January 19, 2024

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