I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
   Patty Bordman, Mayor

II. ROLL CALL
   J. Cherilynn Mynsberge, City Clerk

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

   Announcements:
   • On Thursday, April 11 at 7:00 PM, the jointly sponsored Spring Lecture Series of the Birmingham Museum and Baldwin Public Library will return with the theme, "Birmingham, Then and Now." The second presentation of the series will focus on Birmingham's neighborhoods and their stories, presented by local historians Pam De Weese and George Gestchman.
   • The DPS Open House will be held on May 4th, from 10:00 a.m. until 2:00 p.m., not on May 11th as printed on the City Calendar
   • City Offices will be closed on Good Friday, April 19th.

   Appointments:
   A. Interviews for the Architectural Review Committee
      1. Christopher Longe
   B. Appointment to the Architectural Review Committee
      To appoint __________, as a regular member to the Architectural Review Committee to serve a three-year term to expire April 11, 2022.
   C. Administration of Oath of Office to Appointee

IV. CONSENT AGENDA

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

   A. Resolution approving the Regular City Commission meeting minutes of March 25, 2019.
   B. Resolution approving the Special City Commission meeting minutes of March 26, 2019.
   C. Resolution approving the warrant list, including Automated Clearing House payments, dated March 27, 2019 in the amount of $533,099.76.
   D. Resolution approving the warrant list, including Automated Clearing House payments, dated April 3, 2019 in the amount of $740,176.41.
   E. Resolution approving a request from the City of Birmingham Public Arts Board for a special event permit to hold the 2019 Birmingham in Stitches in Shain Park and on surrounding
streetscapes, benches, parking meters, and trees from September 14th through October 5th, 2019, with setup on September 12th and 13th, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

F. Resolution accepting the resignation of Dominick Pulis from the Parks and Recreation Board as an Alternate Member, thanking him for his service, and directing the City Clerk to begin the process of filling the vacancy.

G. Resolution approving the purchase of Larvicide material from Clarke Mosquito Control in an amount not to exceed $9,454.08. Further, waiving the normal bidding requirements based on the government regulated pricing for this type of material. Funds for this purchase will come from the Sewer Fund-Operating Supplies Account #590-536.002-729.0000.

H. Resolution approving the purchase and installation of Barnum Park Brick Planters project from Brixstone, LLC, as described in Attachment A, in an amount not to exceed $20,450.00, to be located at Barnum Park Arch, as part of the Barnum Park Arch Landscape Enhancements. Funds are available from the Barnum Park Donations account #401-751.000-674.0004 in the amount of $12,000.00 and Parks Other Contractual Services account #101.751.000-811.0000 in the amount of $8,450.00 for these services. Further, authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.

I. Resolution awarding the Bowers Street Water Main Replacement Project, Contract #2-19(W) to FDM Contracting, Inc., in the amount of $727,291.25, to be charged to the following accounts:

- Sewer Fund 590-536.001-981.0100
- Water Fund 591-537.004-981.0100
- Local Streets Fund 203-449.001-981.0100
- Major Streets Fund 202-449.001-981.0100

contingent upon execution of the agreement and meeting all insurance requirements, and further approving the appropriation and amendment to the fiscal year 2018-2019 Major Streets Fund and Water Fund budget.

J. Resolution authorizing the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and approving the liquor license request of The Morrie, LLC that requests a transfer of interest in a Class C License to be issued under MCL 436.1521(A)(1)(B), and request for a new SDM License with new Outdoor Service (1 Area), New Sunday Sales (AM and PM) and New Dance/Entertainment Permits located at 260 N Old Woodward, Birmingham, Oakland County, MI 48009.

Furthermore, pursuant to Birmingham City Ordinance, authorizing the City Clerk to complete the Local Approval Notice at the request of The Morrie, LLC approving the liquor license transfer request of The Morrie, LLC that requested a Class C License to be issued under MCL 436.1521(A)(1)(B), and request for a new SDM License with new Outdoor Service (1 Area), New Sunday Sales (AM and PM) and New Dance/Entertainment Permits located at 260 N Old Woodward, Birmingham, Oakland County, MI 48009.

V. UNFINISHED BUSINESS

A. Resolution directing staff to use Option A: Staggered Tree Placement for the landscape and street furnishing design of the Maple Road project area as recommended by the City’s planning consultant, and further, to use Frontier Elms along all on-street parking zones, and to use Honey Locusts at pedestrian crossing locations.

OR
Resolution directing staff to use Option B: Aligned Tree Placement for the landscape and street furnishing design of the Maple Road project area, and further to use Frontier Elms along all on-street parking zones and to use Honey Locust at pedestrian crossing locations.

B. 1. Resolution directing staff to proceed with the pedestrian enhancement improvements for the block of S. Eton Rd. from Maple Rd. to Yosemite Blvd., as recommended by the Multi-Modal Transportation Board, including:
   • Installation of a landscaped pedestrian refuge island at the S. Eton Rd. pedestrian crossing for Maple Rd. traffic, as designed in Option 1.
   • Relocation of the west side curb to allow for an 8 ft. wide sidewalk from Maple Rd. to Yosemite Blvd.
   • Enhanced sidewalk and handicap ramp at the southeast corner of the Maple Rd. intersection.

   Further, directing staff to amend the 2019 Concrete Sidewalk Program, Contract #6-19(SW), to construct these improvements in the 2019 construction season, at an estimated cost of $76,000, and to approve the appropriation and amendment to the fiscal year 2018-2019 Major Streets Fund budget.

2. Resolution directing staff to proceed with the traffic signal timing improvement at the Maple Rd. and N. Eton Rd. intersection Alternate 3, as recommended by the Multi-Modal Transportation Board, to provide a separate protected phase for northbound traffic entering this intersection, at an estimated cost of $8,550, directing staff to proceed with the necessary changes through the Road Commission for Oakland County, and, further, approving the appropriation and amendment to the fiscal year 2018-2019 Major Streets Fund budget.

C. Resolution approving the conceptual design of the Pierce Alley Paving Project, dated March 29, 2019.

VI. NEW BUSINESS
A. Public Hearing to consider confirmation of Pierce Street Alley Special Assessment District
   1. Resolution confirming and ratifying Special Assessment Roll No. 889 to defray the cost of construction of new concrete and exposed aggregate concrete pavement on Pierce Street Alley from Pierce Street to E. Merrill Street and instructing 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. (Complete resolution in agenda packet.)

B. Public Hearing to consider necessity for the replacement of all sewer and water laterals not meeting current criteria located within the Quarton Lake Subdivision Paving Project area.
   1. Resolution declaring necessity for the replacement of all sewer and water laterals not meeting current criteria located within the Quarton Lake Subdivision Paving Project area: N. Glenhurst Dr. – Raynale St. to Oak St.
      Raynale St. – N. Glenhurst Dr. to Chesterfield Ave.
      Brookwood – N. Glenhurst Dr. to Raynale St.
      Kenwood Ct. – N. Glenhurst Dr. to 220 ft. east.

   AND

   2. Resolution setting Monday, April 22, 2019 at 7:30 p.m. for a Public Hearing to consider confirmation of the assessment roll for the replacement of water and sewer laterals within the Quarton Lake Subdivision Paving Project area. (Complete resolution in agenda packet.)
C. Resolution amending Chapter 30, Cable Communications, Article X, Telecommunications Rights-of-way, to add Section 308, Telecommunications Infrastructure: City Conduit System.

AND

Resolution approving the standard form Conduit Lease Agreement with future lessees of the fiber optic network system as now installed and to be expanded in the Central Business District.

AND

Resolution approving modifications to the Fee Schedule under the Engineering section, as it pertains to rental fees and application fees for telecommunication systems wishing to use the City’s new Fiber Optic Network.

AND

Resolution approving the professional services agreement with Turnkey Network Solutions for services described in the letter of February 13, 2019 for a three-year period.

D. Resolution to meet in closed session to review pending litigation in the matter of Darakjian v City of Birmingham pursuant to Section 8(e) 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.)

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

A. Michael Schneider – Cemetery Monuments

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

X. REPORTS

A. Commissioner Reports
   1. Notice of intent to appoint one alternate member to the Parks and Recreation Board on May 6, 2019.
   2. Notice of intent to appoint two regular members to the Martha Baldwin Park Board on May 6, 2019.
   3. Notice of intent to appoint three regular members to the Housing Board of Appeals on May 6, 2019.
   4. Notice of intent to appoint one regular member to the Board of Building Trades Appeals on May 6, 2019.
   5. Notice of intent to appoint two regular members to the Brownfield Redevelopment Authority on May 6, 2019.

B. Commissioner Comments

C. Advisory Boards, Committees, Commissions’ Reports and Agendas

D. Legislation

E. City Staff
   1. Parking Utilization Report submitted by Assistant City Manager Gunter

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

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

Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al (248) 530-1880 por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).
NOTICE OF INTENTION TO APPOINT TO ARCHITECTURAL REVIEW COMMITTEE

At the meeting of Monday, April 8, 2019 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, 2022, and one regular member to serve the remainder of a three-year term to expire April 11, 2020. 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, April 3, 2019. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

Applicant Presented For City Commission Consideration:

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Criteria/ Qualifications</th>
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</thead>
<tbody>
<tr>
<td>Christopher Longe</td>
<td>Applicants must be a Michigan Licensed Architect &amp; Resident of the City of Birmingham.</td>
</tr>
<tr>
<td>1253 Yosemite</td>
<td>Licensed Architect and Birmingham resident</td>
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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 RESOLUTION:

To appoint ____________ as a regular member to the Architectural Review Committee to serve a three-year term to expire April 11, 2022.
ARCHITECTURAL REVIEW COMMITTEE

Resolution #: 03-101-04

Purpose: 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.

Members: The committee shall consist of three Michigan licensed architects who reside in the City of Birmingham.

Term: Three years

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Michigan Licensed Architect & Resident of Birmingham
# CITY BOARD/COMMITTEE ATTENDANCE RECORD

**Board/Committee:** Architectural Review Committee  
**Year:** 2016

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- A = Absent  
- P = Present  
- NM = No Meeting  
- na = not appointed at that time
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## CITY BOARD/COMMITTEE ATTENDANCE RECORD

**Board/ Committee:** Architectural Review Committee  
**Year:** 2018

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# City Board/Committee Attendance Record

**Board/Committee:** Architectural Review Committee  
**Year:** 2019

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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 ___________________________________________________________

Architectural Review Committee

Specific Category/Vacancy on Board ____________________________________________________

Name ___________________________ Phone _______ 248.258.6940

Christopher Longe

Residential Address ___________________________ Email ___________________________

1253 Yosemite cjlonge@cjlongeai.com

Birmingham 48009

Residential City, Zip ___________________________ Length of Residence __________________

Birmingham 48009 34 years

Business Address ___________________________ Occupation ___________________________

124 Peabody Architect

Business City, Zip ___________________________

Birmingham. 48009

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

_________________________________________________________

Original committee member and have served continuously since.

List your related employment experience ___________________________ Self-Employed/34 years

_________________________________________________________

List your related community activities ___________________________

_________________________________________________________

List your related educational experience ___________________________

Bachelor of Science in Architecture

Bachelor of Architecture

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

_________________________________________________________

no

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

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

_________________________________________________________

Signature of Applicant Date

3.25.19

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to

3A1
I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

ROLL CALL: Present: Mayor Bordman
              Mayor Pro Tem Boutros
              Commissioner Hoff
              Commissioner Nickita
              Commissioner Sherman

              Absent: Commissioner DeWeese
                      Commissioner Harris

Administration: City Manager Valentine, City Attorney Currier, Police Chief Clemence, Planning Director Ecker, Assistant City Engineer Fletcher, Deputy Treasurer Klobucar, City Engineer O’Meara, HR Manager Myers, City Clerk Mynsberge, DPS Director Wood

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

03-065-19 ANNOUNCEMENTS

Mayor Bordman announced:

• The City Commission will hold a workshop to receive an update on the N. Old Woodward Parking Structure and Bates Street development project on March 26, 2019 at 5:00 p.m. in the Commission Room.

• Author Adriana Trigiani will be speaking on April 2 at Temple Beth El and April 3 at Adat Shalom Synagogue at 7:00 p.m. as part of the 2019 Everyone’s Reading program. Tickets to each event are available at the Baldwin Public Library.

• The Birmingham City Commission wishes to thank Lilly Stotland for her service on the Parks and Recreation Board since December 2015.

• In an effort to promote severe weather safety preparedness, Oakland County will conduct a special test of the Outdoor Warning System on Wednesday, March 27 at 1:00 p.m. The purpose of this test is to raise the awareness level of citizens and offer schools and businesses an opportunity to test their internal disaster plans during normal business hours.

03-066-19 APPOINTMENT TO THE MULTI-MODAL TRANSPORTATION BOARD

The Commission interviewed current member Johanna Slanga.
MOTION: Motion by Mayor Pro Tem Boutros:
To appoint Johanna Slanga as a regular member who has traffic-focused education and/or experience to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2022.
VOTE: Yeas, 5  
Nays, 0

03-067-19 APPOINTMENTS TO THE PARKS AND RECREATION BOARD
The Commission interviewed current regular member Therese Longe and current alternate member Dominick Pulis.

MOTION: Motion by Commissioner Hoff:
To appoint Therese Longe to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2022.
VOTE: Yeas, 5  
Nays, 0

MOTION: Motion by Mayor Pro Tem Boutros:
To appoint Dominick Pulis to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2022.
VOTE: Yeas, 5  
Nays, 0

03-068-19 APPOINTMENTS TO THE PLANNING BOARD
The Commission interviewed current regular members Robin Boyle and Scott Clein.

MOTION: Motion by Commissioner Hoff:
To appoint Robin Boyle to the Planning Board as a regular member to serve a three-year term to expire March 28, 2022.
VOTE: Yeas, 5  
Nays, 0

MOTION: Motion by Mayor Pro Tem Boutros:
To appoint Scott Clein to the Planning Board as a regular member to serve a three-year term to expire March 28, 2022.
VOTE: Yeas, 5  
Nays, 0

City Clerk Mynsberge 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.

03-069-19 APPROVAL OF CONSENT AGENDA
No items were removed from the Consent Agenda.
Mayor Pro Tem Boutros noted he will abstain from voting on Item 4B because he was absent from the meeting of March 18, 2019.

**MOTION:** Motion by Commissioner Sherman, seconded by Mayor Pro Tem Boutros: To approve the Consent Agenda, noting that Mayor Pro Tem Boutros is abstaining from voting on Item 4B.

**ROLL CALL VOTE:**

- **Ayes:** Mayor Bordman
- **Mayor Pro Tem Boutros**
- **Commissioner Hoff**
- **Commissioner Nickita**
- **Commissioner Sherman**

- **Nays:** None

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A. Resolution approving the City Commission meeting minutes of March 11, 2019.

B. Resolution approving the Special City Commission meeting minutes of March 18, 2019.

C. Resolution approving the warrant list, including Automated Clearing House payments, dated March 13, 2019 in the amount of $1,573,817.22.

D. Resolution approving the warrant list, including Automated Clearing House payments, dated March 20, 2019 in the amount of $620,146.09.

E. Resolution awarding the Parking Lot #6 Rehabilitation Project, Contract #4-19 (PK) to Asphalt Specialists, Inc. in the amount of $642,864.50, to be charged to the Parking Fund, account number 585-538.006-981.0100, contingent upon execution of the agreement and meeting all insurance requirements.

F. Resolution approving the agreement between the City of Birmingham and DTE Energy and authorizing the expenditure of $44,501.40 to DTE Energy, for the relocation of three (3) existing street lights, the manufacture and installation of three (3) new street lights, in conjunction with the rehabilitation of Parking Lot #6 and the replacement of nine (9) existing luminaires with LED luminaires. The work will be charged to account number 585-538.006-981.0100.

G. Resolution awarding the 2019 Storm Drain Improvements Project, Contract #7-19(S) to Sitework Services, LLC, in the amount of $82,225, to be charged to the Local Streets Fund, account number 203-449.001-981.0100, contingent upon execution of the agreement and meeting all insurance requirements, and further approving the appropriation and amendment to the fiscal year 2018-2019 Local Street Fund budget.

H. Resolution adopting the new Street Acceptance Resolutions for Forest Hills Lane and Martin Street respectively and forward certified copies of their resolutions to the Michigan Department of Transportation for inclusion on Act 51 distributions. (*Complete resolutions are appended to these minutes as Attachments A & B*).

I. Resolution accepting the resignation of Lori Eaton from the Birmingham Museum Board, thanking her for her service, and directing the City Clerk to begin the process of filling the vacancy.
J. Resolution approving an extension of the Old Woodward Sewer Video Inspection Contract, to conduct similar work on the Maple Rd. Reconstruction Project area, at 2017 contract prices, to Pipetek Infrastructure Services, Inc., in the amount of $8,530.00, contingent upon submittal of the required updated insurance certificate. All costs shall be charged to account number 590-536.001-981.0100.

K. Resolution approving the purchase and planting of 66 trees from KLM Landscape for the 2019 Spring Tree Purchase and Planting Project for a total project cost not to exceed $23,425.00. Funds are available from the Local Streets Fund-Forestry Service Contract account #203-449.005-819.0000, the Major Streets Fund-Forestry Service Contract account #202-449.005-819.0000, the Local Streets Fund-Operating Supplies account #203-449.005-729.0000, the Major Streets Fund-Operating Supplies account #202-449.005-729.0000, the Parks Other Contractual Services account #101-751.000-811.0000, and the Parks Operating Supplies account, #101-751.000-729.0000 for these services. Further, authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.

L. Resolution approving an agreement with L.G.K. Building Inc. in the amount not to exceed $44,000.00 to perform the project titled Adams Fire Station Locker Room from the Adams Fire Station Capital Improvement Account #401-339.000-977.0000; directing the Mayor and City Clerk to sign the agreement on behalf of the City; and approving the appropriation and amendment to the fiscal year 2018-2019 Capital Projects Fund budget.

M. Resolution approving an agreement with Tech Mechanical Inc. in the amount not to exceed $58,075.00 to perform the project titled New Chiller for City Hall from the City Hall and Grounds Capital Improvement Account 401-265.001-977.0000; directing the Mayor and City Clerk to sign the agreement on behalf of the City; and approving the appropriation and amendment to the fiscal year 2018-2019 Capital Projects Fund budget.

N. Resolution setting Monday, May 6, 2019 at 7:30 PM for a public hearing to consider an amendment to Article 4, Section 4.74 SS-01 of Chapter 126, Zoning, of the Code of the City of Birmingham to establish standards regulating projections in the public right-of-way.

O. Resolution setting Monday, May 6, 2019 at 7:30 PM for a public hearing to consider the following amendments to Chapter 126, Zoning, of the Code of the City of Birmingham to clarify the board review process for the renovation and new construction of buildings:

1. Article 7, Processes, Permits and Fees, Section 7.08, Design Review Requirements and;
2. Article 7, Processes, Permits and Fees, Section 7.25; Site Plan Review.

P. Resolution setting Monday, May 6, 2019 at 7:30 PM for a public hearing to consider the proposed lot combination of 411 and 425 Hanna Street, Parcel # 1936182005 & #1936156006.
V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

03-070-19 PUBLIC HEARINGS TO CONSIDER RENEWAL OF LIQUOR LICENSES FOR THE 2019 LICENSING PERIOD

Mayor Bordman noted:

- On February 25, 2019 the City Commission reviewed the results of the annual investigation of each establishment in the City which holds a Class B, Class C, or microbrewery liquor license. Sixteen establishments were found to be in violation of Chapter 10, Sec. 10-40 of the Birmingham Code of Ordinances and therefore public hearings were set for those 16 businesses.
- The establishments were given notice of the public hearings and informed if the violations were resolved prior to the March 25th hearing, the owner would not be required to attend.
- The violations at 15 of the 16 establishments have been resolved as verified by the Community Development Department and the Finance Department.
- The 16 public hearings, having been scheduled, must be held.

Commissioner Nickita recused himself from discussing and voting on 220 Merrill and Toast due to business relationships with the owners of both establishments.

220 Merrill Restaurant

The Mayor opened the public hearing for 220 Merrill Restaurant at 7:47 p.m. Planning Director Ecker confirmed all issues have been resolved.

The Mayor closed the public hearing at 7:50 p.m.

MOTION: Motion by Commissioner Sherman, seconded by Mayor Pro Tem Boutros:
To approve, for the 2019 licensing period, the liquor license held by 220 Merrill Restaurant.

VOTE: Yeas, 4
      Nays, 0
      Recused, 1 (Nickita)

Toast Birmingham, LLC

Mayor Bordman opened the public hearing for Toast Birmingham, LLC at 7:50 p.m. and noted the number of seats were not compliant with the site plans, the hours of operation were not compliant with the Special Land Use Permit, and a SLUP amendment is required for a change in ownership. All issues are violations of Sec. 10-40(5) of the Birmingham Code of Ordinances.

Planning Director Ecker confirmed the seating issue has been resolved and that Toast submitted a SLUP amendment request to remove dinner hours and address the change in ownership issue. The owners of Toast have also submitted the information to the Birmingham Police Department for a background check of the new owners, and submitted their documentation to the Planning Board to update and amend their SLUP. She added that the SLUP amendment documentation was submitted February 25, 2019 and was updated to include the ownership
change on March 21, 2019. The Planning Board will likely be hearing the petition from Toast on April 25, 2019.

City Manager Valentine advised the Commission that the present meeting would be the last opportunity to recommend approval or disapproval of Toast’s liquor license before the MLCC’s March 31, 2019 deadline.

Commissioner Sherman suggested recommending the renewal of the liquor license to the State, and then continuing to deal with the Commission’s concerns around the restaurant’s non-compliance. He noted that the change in hours is of particular concern, since they do not reflect the City’s goals in issuing bistro licenses. He also said that if the issue were to continue, the Commission would have the option to have a hearing and revoke Toast’s SLUP at a later date.

City Manager Valentine confirmed Toast cannot operate without its SLUP, as the agreement stipulates “the failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit”.

Kelly Allen, attorney representing Toast, noted Tony Minicilli, General Manager, was also present and that the owner, Reagan Bloom, should be on her way shortly. Ms. Allen continued:
- Ms. Bloom had her hands full going through an intense divorce, during which time she also took ownership of Toast and brought on new partners. Ms. Bloom was not aware that removing the dinner hours would be in violation of the bistro license. Toast’s model is most appropriately breakfast, brunch and lunch.
- Toast promptly went through the process of filing all change of ownership information with the MLCC. This was completed mid-February 2019.

Mayor Bordman said it was disappointing that Toast knew to address the ownership issue with the MLCC but ignored the City’s requirements, and also noted disappointment that the City was unaware of Toast’s additional partners until Ms. Allen spoke of them this evening.

Commissioner Sherman shared that the Commission had dealt exclusively with Thomas Bloom from the beginning of its relationship with Toast, and not with Ms. Bloom. He explained that this would be a plausible reason for Ms. Bloom’s initial ignorance of the particularities of the SLUP requirements.

Ms. Allen confirmed Commissioner Sherman’s statement. She added that the MLCC changed its policies to only require local approval for brand-new licenses. Birmingham was one of the first cities in 2012 to expand the notification requirements locally, but Ms. Allen explained that most lawyers who do not practice frequently in Birmingham would not be aware of that. While Ms. Bloom did her due diligence by having counsel for the MLCC issue, that counsel was not aware of Birmingham’s specific requirements.

Mayor Pro Tem Boutros explained that any new business owner should know fully what the requirements are of running their business. SLUPs protect both the business and the City, and Birmingham takes them very seriously.

In reply to Commissioner Hoff, Ms. Allen explained that Mr. Minicilli was indeed in touch with the Planning Department regularly from January 2019, but that their correspondence had been
regarding the seating and the hours. She clarified that Mr. Minicilli had no awareness of the SLUP's requirements in regards to an ownership change.

Commissioner Hoff pointed out that the Planning Department had requested a new SLUP application in regards to the hours issue. She observed that if the application had been submitted in a timely manner the City would have become aware of the ownership issue at that time, and both issues could have been addressed before the liquor license renewal came before the Commission. In addition, Commissioner Hoff noted that it is an owner's responsibility to know their legal obligations.

Ms. Allen emphasized the effort Ms. Bloom is putting forth to resolve all the issues now that she is aware of them.

Mayor Bordman stated that Toast was notified about its SLUP violation regarding hours of operation on December 17, 2018.

Planning Director Ecker told the Commission that Mr. Minicilli attended a pre-application discussion with the Planning Board regarding the issue on January 9, 2019.

Ms. Allen confirmed for Mayor Bordman that Toast's intention is not to provide dinner service while the SLUP amendment is pending.

Mayor Bordman emphasized that the bistro licenses were in large part intended to activate the City streets at night. Since it is not Toast's intent to have dinner service, Mayor Bordman suggested Toast may be required to pursue another type of license in order to remain open only during daytime hours. She asked the other Commissioners for their opinions.

Commissioner Sherman concurred with Mayor Bordman. He recommended approving the liquor license for now, while also suggesting the Commission should put Toast on notice that the new SLUP application will not be approved without dinner service.

Ms. Allen clarified that the requirements of breakfast, lunch and dinner service as part of Toast's bistro license was because it was one of the first licenses issued. She noted that since then other bistro licenses have been issued without the requirement of evening hours, and that Toast does a service to Birmingham by being open in the mornings which brings shoppers into the downtown. She explained that it is not in Toast's best interest to offer dinner service, but that if it is a requirement in order to stay in business they likely will.

Mayor Pro Tem Boutros asked for clarification as to whether the bistro ordinance requires certain hours of operation. City Manager Valentine pointed out Toast's SLUP has specific provisions as to hours.

Commissioner Hoff said she wants Toast to stay open and sees it as an asset on Pierce. That said, she noted that Ms. Bloom, as the owner and responsible party, should be present at more of these meetings. She noted she would very much like Toast to work with the City and come into compliance on all fronts.

The Mayor closed the public hearing at 8:21 p.m.
MOTION: Motion by Mayor Pro Tem Boutros, seconded by Commissioner Sherman:
To approve, for the 2019 licensing period, the liquor license held by Toast Birmingham, LLC.

VOTE: Yeas, 4
Nays, 0
Recused, 1 (Nickita)

Adachi Restaurant Group LLC
The Mayor opened the public hearing for Adachi Restaurant Group LLC at 8:22 p.m. Planning Director Ecker confirmed all issues have been resolved.

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

Bella Piatti
The Mayor opened the public hearing for Bella Piatti at 8:22 p.m. Planning Director Ecker confirmed all issues have been resolved.

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

Bistro Joe’s
The Mayor opened the public hearing for Bistro Joe’s at 8:22 p.m. Planning Director Ecker confirmed all issues have been resolved.

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

Cameron’s Steakhouse
The Mayor opened the public hearing for Cameron’s Steakhouse at 8:23 p.m. Planning Director Ecker confirmed all issues have been resolved and noted the dumpster has been relocated within the building as originally approved.

Keith Kirkwood, Regional Vice President of Landry’s, noted the dumpster location was corrected over the weekend. Landry’s created a plan to build an enclosure for the dumpster but discovered it would not meet the City’s needs. He added that Landry’s acquired Cameron’s in 2015, and the dumpster has been in the outdoor location since before the acquisition.

The Mayor closed the public hearing at 8:26 p.m.

Fleming’s Prime Steakhouse
The Mayor opened the public hearing for Fleming’s Prime Steakhouse at 8:26 p.m. Planning Director Ecker confirmed all issues have been resolved.

The Mayor closed the public hearing at 8:26 p.m.

Forest Grill 2, LLC
The Mayor opened the public hearing for Forest Grill 2, LLC at 8:27 p.m. Planning Director Ecker confirmed all issues have been resolved.

The Mayor closed the public hearing at 8:27 p.m.
La Strada Cafe, LLC
The Mayor opened the public hearing for La Strada Cafe, LLC at 8:27 p.m. Planning Director Ecker confirmed all issues have been resolved.

The Mayor closed the public hearing at 8:27 p.m.

Luxe Bar & Grill
The Mayor opened the public hearing for Luxe Bar & Grill at 8:27 p.m. Planning Director Ecker confirmed all issues have been resolved.

The Mayor closed the public hearing at 8:27 p.m.

Mad Hatter Bistro (Tea Parlor, Inc.)
The Mayor opened the public hearing for Mad Hatter Bistro (Tea Parlor, Inc.) at 8:27 p.m. Planning Director Ecker confirmed all issues have been resolved.

The Mayor closed the public hearing at 8:27 p.m.

Rojo Mexican Bistro
The Mayor opened the public hearing for Rojo Mexican Bistro at 8:27 p.m. Deputy Treasurer Klobucur confirmed all issues have been resolved.

The Mayor closed the public hearing at 8:28 p.m.

Sidecar Slider Bar
The Mayor opened the public hearing for Sidecar Slider Bar at 8:28 p.m. Deputy Treasurer Klobucur confirmed all issues have been resolved.

The Mayor closed the public hearing at 8:29 p.m.

Salvatore Scallopini
The Mayor opened the public hearing for Salvatore Scallopini at 8:29 p.m. Planning Director Ecker confirmed all issues have been resolved.

The Mayor closed the public hearing at 8:29 p.m.

Tallulah Wine Bar & Bistro
The Mayor opened the public hearing for Tallulah Wine Bar & Bistro at 8:30 p.m. Planning Director Ecker confirmed all issues have been resolved.

The Mayor closed the public hearing at 8:30 p.m.

Townhouse Kitchen and Bar, LLC
The Mayor opened the public hearing for Townhouse Kitchen and Bar, LLC at 8:30 p.m. Planning Director Ecker confirmed all issues have been resolved.

The Mayor closed the public hearing at 8:31 p.m.
MOTION: Motion by Mayor Pro Tem Boutros, seconded by Commissioner Nickita:
To approve, for the 2019 licensing period, the liquor licenses held by Adachi Restaurant Group LLC, Bella Piatti, Bistro Joe's, Cameron's Steakhouse, Fleming's Prime Steakhouse, Forest Grill 2, LLC, La Strada Café, LLC, Luxe Bar & Grill, Mad Hatter Bistro (Tea Parlor, Inc.), Rojo Mexican Bistro, Sidecar Slider Bar, Salvatore Scallopini, Tallulah Wine Bar & Bistro, and Townhouse Kitchen and Bar, LLC.

Commissioner Hoff said the onus for the maintenance of these issues is on both the business owners and the City. She said business owners should comply with the terms of their SLUP agreements, and the City should also be doing more routine checks to ensure compliance.

Mayor Bordman agreed and said monitoring is a code enforcement issue.

Commissioner Nickita noted that SLUP issues have been found by the City outside of the liquor license renewal process. He reiterated his comments from the prior Commission meeting that SLUPs are a binding legal agreement between business owners and the City which help protect the interests of the businesses, the community, and the City. He emphasized SLUPs should be treated by business owners as such.

VOTE: Yeas, 5
Nays, 0

03-071-19 PUBLIC HEARING OF NECESSITY FOR PIERCE STREET ALLEY SPECIAL ASSESSMENT DISTRICT
Mayor Bordman opened the public hearing at 8:37 p.m.

City Engineer O'Meara presented the proposed project and special assessment district (SAD).

Clarifications/Comments
Commissioner Sherman said having the trash compactor at the terminating vista will mean that sanitation vehicles will routinely traverse the area. He shared concern about the likely negative impact this traffic will have on the cleanliness and the integrity of the exposed aggregate of the area.

City Engineer O'Meara acknowledged that the exposed aggregate could still be negatively impacted, and said he would work with the City's landscape architect to propose a suitable feature that could withstand the increased vehicular traffic.

Commissioner Nickita suggested the City should be looking to replicate the enhancements done in Willits Alley in the Pierce Alley plan, saying the enhancements took the appearance of the Alley from utilitarian to intentionally pedestrian-friendly. He continued:

- In Hamilton Alley, the exposed aggregate and the concrete largely blended together in color making the enhancements less noticeable and the Alley less obviously pedestrian-oriented.
- For Pierce Alley, the City should explore variations on aggregate coarseness, tinting, use of other materials, or other possibilities in order to make the enhancements more apparent. The articulations should also appear more frequently, because the proposed distance between them makes them seem visually disparate as opposed to a connected
path. These changes could make a big difference in how Pierce Alley will be perceived by pedestrians, and he would like to see the City do more towards that.

City Engineer O'Meara told the Commission:
- The City will offer property owners the opportunity to have the smaller, privately-owned parking areas in the Alley updated with concrete and scored differently so they do not appear to be public property. If the owners decline, then those areas will be repaired with asphalt.
- No Parking signs will be installed in the Alley in consultation with the Police Department.
- The Varsity Shop project will delay the start date until the City is finished with the Pierce Alley upgrades. At the south end of the job the City will be leaving the asphalt intact, and the Varsity Shop will come back at their own expense and add concrete to that area once the building is finished.
- The alley project is slated to begin August or September 2019.
- The possibility of putting in vines that would go up the sides of the buildings is being considered. Upkeep of the greenery would be the responsibility of the property owners, and a similar arrangement was not successful in another part of the City. In addition, the Alley is not exposed to much natural light.

Mayor Bordman closed public hearing at 9:53 p.m.

**MOTION:** Motion by Commissioner Sherman, seconded by Mayor Pro Tem Boutros:
WHEREAS, the City Commission has endorsed the rehabilitation and improvement of its public alleys within the Central Business District; and
WHEREAS, the City Commission is of the opinion that construction of the improvement herein is declared a necessity; and
WHEREAS, the City Commission has not declared it practicable to cause estimates of cost thereof and plans to be made at this time, now therefore be it,
RESOLVED, that there be constructed an improvement to be hereinafter known as: PIERCE ST. ALLEY - PIERCE ST. TO E. MERRILL ST. consisting of the construction of an 18 foot wide concrete pavement (face to face) with exposed aggregate concrete accents, be it further
RESOLVED, that at such time as the Assessor is directed to prepare the assessment roll, one-hundred percent (100%) of the estimated cost be levied against the assessment district; be it further
RESOLVED, that there be a special assessment district created and special assessments levied in accordance with benefits against the properties within such assessment district, said special assessment district shall be all properties, both public and private, within the following district:

"Assessor's Plat No. 24"
Lots 1-6 inclusive, lot 7 except for the northerly 79.26 ft. of the easterly 80.46 ft., lots 8-18 inclusive.
be it further RESOLVED, that the Commission shall meet on Monday, April 8, 2019, at 7:30 P.M., for the purpose of conducting a public hearing to confirm the roll for the paving of the Pierce St. Alley, Pierce St. to E. Merrill St.

VOTE: Yeas, 5
      Nays, 0

City Engineer O'Meara confirmed all adjacent property owners were notified and the City has received no comment from them on the project. He said he would incorporate the comments from the evening's meeting and have updated designs by Friday, March 29, 2019.

Mayor Bordman recommended delaying the placement of the via signage in the Alley until the Varsity Shop project is completed. City Engineer O'Meara agreed.

03-072-19 PUBLIC HEARING OF CONFIRMATION FOR PARK STREET STREETSCAPE WITHIN THE LIMITS OF THE PARK STREET PAVING PROJECT

Mayor Bordman opened the public hearing at 8:57 p.m.

Deputy Treasurer Klobucar recommended adoption of the resolution confirming SAD Roll 888 Park Street Paving Project Oakland to Hamilton Streetscape and Street Lights over a 10 year period at 6.5%.

Mayor Bordman closed the public hearing at 8:58 p.m.

MOTION: Motion by Commissioner Hoff, seconded by Commission Nickita:
To confirm and ratify Special Assessment Roll No. 888 to defray the cost of streetscape and street lights within the limits of the Park Street Paving Project and instructing 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, 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 and a half percent (6.5%) on all unpaid installments.

VOTE: Yeas, 5
      Nays, 0

03-073-19 PARK STREET PAVING PROJECT - OAKLAND BLVD. TO HAMILTON AVE. - STREETSCAPE DESIGN

City Engineer O'Meara presented the item.

Commissioner Nickita stated:
  - Two northbound lanes are not necessary long-term, and represent remnants of the City's ring road.
  - While Maple is being redone, three lanes should be maintained in order to deal with the overflow traffic. Once the Maple project is complete, the City should perform a traffic analysis to explore reducing the street to one northbound lane, one southbound lane,
and parking along the west side of the street. If reducing the street to two lanes would be beneficial, the changes could be made through striping.

- The City has to consider how the proposed changes for this street relate to Park Street, and how changes to the Hunter House will affect both this project and Park Street.

Commissioner Sherman concurred with Commissioner Nickita.

City Manager Valentine explained this project is being undertaken now to provide a sufficient bypass for the upcoming Maple Road project.

**MOTION:** Motion by Commissioner Hoff, seconded by Mayor Pro Tem Boutros:
To direct the Engineering Dept. to proceed to final design of the Park St. Paving Project, Oakland Blvd. to Hamilton Ave., per the streetscape design concept plan, including Option 1 for the northwest corner of Park St. and Hamilton Ave., pending final review by the Architectural Review Committee.

**VOTE:**
- Yeas, 5
- Nays, 0

Commissioner Nickita said he would support the motion with the understanding that it will be a temporary solution which will be re-evaluated and updated at the end of the Maple reconstruction project.

**03-074-19 RESOLUTION TO MEET IN CLOSED SESSION PURSUANT TO SECTIONS 8(H) AND 8(E) OF THE OPEN MEETINGS ACT**

**MOTION:** Motion by Commissioner Nickita, seconded by Commissioner Sherman:
To meet in closed session for a strategy and negotiation session connected with the negotiation of a collective bargaining agreement pursuant to Section 8(c) of the Open Meetings Act, MCL 15.261 – 15.275.

(A roll call vote is required and the vote must be approved by a 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 VOTE:**
- Ayes: Mayor Bordman
  - Mayor Pro Tem Boutros
  - Commissioner Hoff
  - Commissioner Nickita
  - Commissioner Sherman
- Nays: None

**VII. REMOVED FROM CONSENT AGENDA**
No items were removed from the Consent Agenda.

**VIII. COMMUNICATIONS**
None
 IX. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

03-075-19  MICHAEL SCHNEIDER REGARDING GREENWOOD CEMETERY

Mr. Schneider said his parents are buried in Greenwood Cemetery and that he wanted to comment on the recent rule change regarding above ground monuments in the north section. He noted that previously only markings flush with the ground were allowed in that section, and that in 2017 the City accommodated someone looking to install an above ground marker in that area. He said that changing the rule was a mistake. He opined that when people purchased plots in that section before 2017, it was not just a prohibition on above ground monuments but also a promise to the purchasers that the area would be free of above ground monuments. He said flush markers have an openness, peacefulness, and an unassuming dignity about them. He said that flush markers had long allowed him to visit his loved ones without being distracted by large monuments nearby. The installation of a large above ground monument near his parents’ graves has destroyed the openness and tranquility that was there before. He noted people with family buried in the north section of the Cemetery were not notified of the City’s decision to change the monument rules, and their wishes were not taken into account.

Mr. Schneider reported that Cheri Arcome, the representative for Elmwood, told him that two other families had also complained about the allowance of above ground monuments in the north section. He said many more people are likely unhappy with the change and that many of them will not speak out.

Mr. Schneider said the City made a promise five decades ago, and that when a family buries a loved one in the Cemetery they should be able to rely on the promises that were made. He requested the City reinstate the reservation of that section for only flush markers, and that the City require the above ground monument placed there recently be replaced with a flush marker. He acknowledged it would be difficult to request the removal of the above ground monument, but that the majority of people with family buried in that section would be unhappy to see that monument there.

City Manager Valentine told Mr. Schneider that the City Clerk’s office has mailed a letter addressing his concerns. City Manager Valentine added that the people who owned plots in the north section were surveyed before the rule was changed, and they voted in favor of allowing above ground monuments.

Mr. Schneider said he understood, but that the family members of people buried in the section were not surveyed if they were not listed as purchasers. He said most of the people affected were not likely surveyed.

Mayor Bordman recommended that Mr. Schneider review the letter sent by the City Clerk’s office and said the Commission may discuss the issue further.

X. REPORTS

03-076-19  COMMISSIONER REPORTS

The City Commission will appoint one regular member to the Museum Board on May 6, 2019.
03-077-19  COMMISSIONER COMMENTS
Mayor Bordman reported that within the next four years NEXT will have reached capacity at their facility.

Mayor Bordman received communication from a resident following the last Commission meeting that expressed some disappointment that the residents did not have sufficient time to express their concerns because of the time limitation.

Commissioner Hoff said she did not give a two-minute limit when she was Mayor. She said it was consistently effective to ask a speaker to conclude when their statements were becoming repetitive.

Commissioner Nickita said time limits have usually been imposed when there is a surplus of public comment but not otherwise. In his experience as both Mayor and Chair of the Planning Board, there can be a lot of repetition when many people want to speak on the same side of an issue. When it is just a few people who want to speak he has not imposed a time limit. He acknowledged that it may be frustrating to some people to be subject to a time limit, but it keeps an orderly meeting when many people need to talk, and most people can get their point across within the two minute window.

Commissioner Sherman concurred with Commissioner Nickita. He said a time limit is not imposed often but is very effective when required.

Mayor Bordman asked the Commission whether public comment should be moved to the beginning of the Commission meetings in order to not dissuade public comment.

Commissioner Sherman said he prefers public comment where it is. He explained Commission meetings are business meetings, and the business of the City needs to be conducted in an expeditious manner. He suggested that the best way to make public comment earlier is for the Commission to try to make their meetings as efficient as possible, thus reducing the time the public would have to wait.

03-078-19  CITY STAFF
Annual Golf Report as submitted by Golf Manager Brito. Mayor Bordman commended Manager Brito for creating so many events to draw people to the golf courses.

Mayor Bordman added that the City received a communication from the Department of Transportation confirming receipt of the City’s Title VI non-discrimination plan.

XI.  ADJOURN
Mayor Bordman announced no action is anticipated following the closed session and adjourned the meeting to closed session at 9:34 p.m.

Mayor Bordman reconvened the regular meeting at 9:51 p.m. and, there being no further business, adjourned the meeting at 9:51 p.m.

J. Cherilynn Mynsberge, City Clerk
Resolution No. 03-069-19a
NEW STREET ACCEPTANCE - FOREST HILLS LANE

WHEREAS, the City’s Act 51 Street Administrator is requesting formal acceptance of Forest Hills Lane; and

WHEREAS, that said street is located within a City right-of-way that is under the control of the City of Birmingham; and

WHEREAS, the City of Birmingham accepts the new concrete pavement constructed by others within said right-of-way; and

WHEREAS, that Forest Hills Lane, as it extends south from E. Lincoln Avenue, is now fully open and utilitized by the public since December 31, 2018; and

NOW THEREFORE BE IT RESOLVED by the Birmingham City Commission:

That the center line of the newly accepted Forest Hills Lane is described as follows:

Commencing at the southeast corner of Lot 907 of “Sheffield Estates No. 1” as recorded in Liber 44 of Plats, Page 40, Oakland Co. Records, said point being distant S89°57’28”E 1,311.85 ft. and N00°19’55”E 1,728.45 ft. from the south ¼ corner of Section 31; thence along the east line of said “Sheffield Estates No. 1” N00°19’65”E 489.80 ft.; thence S89°46’01”E 20.00 ft. to the Point of Beginning; thence N00°24’27”E 288.35 ft. to a point on the centerline of E. Lincoln Avenue and Point of Terminus.

That said street is located within a right-of-way dedicated to the City of Birmingham, and is under the control of the City.

That said street is accepted into the City of Birmingham Local Street System, and was open to the public as of December 31, 2018.

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Birmingham of Oakland County, Michigan, at a regular meeting held March 25, 2019 and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, and that the minutes of said meeting have been kept and made available to the public as required by said Act.

J. Cherilynn Mynsberge, City Clerk
Resolution No. 03-069-19b
NEW STREET ACCEPTANCE - MARTIN STREET

WHEREAS, the City’s Act 51 Street Administrator is requesting formal acceptance of Forest Hills Lane; and

WHEREAS, that said street is located within a City right-of-way that is under the control of the City of Birmingham; and

WHEREAS, the City of Birmingham accepts the new concrete pavement constructed by others within said right-of-way; and

WHEREAS, that Martin Street, between Southfield Road and Chester Street, is now fully open and utilized by the public since December 31, 2018; and

NOW THEREFORE BE IT RESOLVED by the Birmingham City Commission:

That the center line of the newly accepted portion of Martin Street is described as follows:

Commencing at the North ¼ corner of Section 36, thence S88°15'00"W 939.92 feet along the centerline of the north line of said Section 36, thence S01°30'00"E 239.01 feet; thence S01°43'29"E 30.07 feet to the Point of Beginning; thence N88°07'27"W 262.78 feet along the centerline of Martin Street (60 feet wide) to the Point of Terminus.

That said street is located within City right-of-way or City property, and is under the control of the City of Birmingham.

That said street is accepted into the City of Birmingham Local Street System, and was open to the public as of December 31, 2018.

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Birmingham of Oakland County, Michigan, at a regular meeting held March 25, 2019 and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, and that the minutes of said meeting have been kept and made available to the public as required by said Act.

J. Cherilynn Mynsberge, City Clerk
I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
Mayor Patty Bordman called the meeting to order at 5:00 PM.

II. ROLL CALL
ROLL CALL: Present: Mayor Bordman
Mayor Pro Tem Boutros
Commissioner Hoff
Commissioner Nickita
Commissioner Sherman

Absent: Commissioner DeWeese
Commissioner Harris

Administration: City Manager Valentine, Assistant City Manager Gunter, City Attorney Currier,
City Attorney Ballard, Communications Director Byrnes, Police Chief Clemence, Senior Planner
Cowan, City Planner Ecker, Building Official Johnson, City Clerk Mynsberge

III. DISCUSSION
03-078-19 REVIEW OF THE NEW NORTH OLD WOODWARD PARKING
STRUCTURE AND RELATED BATES STREET DEVELOPMENT
PROJECT
Following opening remarks from City Manager Valentine, Planner Director Ecker and Assistant
City Manager Gunter provided an in-depth presentation on the origins and the process of the
project thus far, which is appended to these minutes as Attachment A and is also available on
the City’s website.

The parking structure will be funded with $7 million from parking system revenues, $3 million
from a parking structure special assessment district (SAD), and the remainder from bonding. No
public funds will be spent on the parking structure project.

City Manager Valentine explained general obligation bonds have been chosen over revenue
bonds for this project. General obligation bonds have to be voted on by community members.
With general obligation bonds, the funding on the debt would come from the parking system
and not from taxpayers.

Planning Director Ecker explained that the minimum of 1,150 new public parking spaces
planning is enough to replace the current number of spaces and add about 350 more. In
addition, private development that may be incorporated in the project would provide additional
parking of their own.
City Attorney Currier summarized the pending lawsuit filed by Ara Darakjian and TIR Equities LLC. He noted the City will not answer questions regarding the litigation at this time.

Victor Saroki of Saroki Architecture introduced himself, his son Alexander Saroki, Rob Boji and John Hindo from the Boji Group, Jim Clark of Robertson Brothers Homes, and Andrew Wozniak of Walbridge as representatives of all the firms comprising Walbridge Woodward Bates Partners.

Mr. Saroki continued:

- The current site plan is almost identical to the site plan submitted as part of the bid.
- Walbridge Woodward Bates Partners was recently given approval to move forward with schematic designs for the project. The public components of the project are 1A - the parking structure design; 1B - the road extension of Bates Street; 1C - the design of the public plaza and the bridge connection to Booth Park. Those components would be owned by the City. Private components are Building 2, with frontage on N. Old Woodward, Building 3, which will be the liner building with retail, Building 4, a mixed-use, five-story building, and Building 5, a mixed-use, five-story building.
- Walbridge Woodward Bates Partners has been working with Rich & Associates, a well-known parking engineering firm, on the parking structure. Walbridge will be the general contractor, Michael Dul is the landscape architect, and the team has also been working with other consultants, civil engineers, and specialty engineers. The team is also working closely with City staff from the Manager's Office, Engineering, Planning and Building.
- Walbridge is in the process of determining the guaranteed maximum prices for both the parking structure and the Bates Street extension.
- The proposed structure will be a cast in place structural system, leading to increased longevity and lower maintenance costs. The stair and elevator towers will be on the facade and will be all-glass for increased comfort, safety and security.
- As currently designed the structure has room for 1,260 cars with three below-ground levels. Each level is flat-floored with the ramping occurring in the last bay of each level. Flat floors are being used because they are both more aesthetically pleasing and could allow for easier reuse should the parking garage ever be repurposed.
- Provisions will be made for electric car charging. The lights will be smart LED and will use daylight harvesting, a technique that allows for dimmer or no lights when ambient daylight is sufficient. The lights will be on timers to turn on in the evening, and will be motion activated during times when there is otherwise not usually regular activity in the garage.
- The ground floor will have bicycle racks, and the lowest level will have a restroom for staff use.
- Control arms at the north entrance of the deck are set back substantially within the structure in order to prevent the queuing of vehicles on N. Old Woodward. There will be three lanes at the main entrance. One lane will be for inbound traffic, one lane for outbound traffic, and a middle lane that can switch throughout the day depending on the predominant flow of traffic during a given period of time. The secondary entrance has two lanes, one for inbound traffic and one for outbound traffic.
- The Bates Street extension follows the 2016 Plan. The planned design of the street follows Birmingham's streetscape requirements for features such as paving, trees, lights, and street furniture. There will be parking adjacent to Building 4 on the west side of the street. The street width is about 33'.
• Landscape architect Michael Dul is working with Walbridge Woodward Bates Partners on the public plaza which will be located between Brookside Terrace and Building 4.

• Building 2 will have retail on the first floor, followed by two floors of office and two floors of residential. This building in particular has received a lot of interest from premier national businesses. At this time it is proposed that Building 2 will have a depth of 70’.

• Building 3 will have a depth of 20’, which is necessary to allow the correct dimensions for the parking structure. It has substantial frontage, so coffee shops, boutiques, restaurants and other such businesses would be appropriate tenants for the building.

• Building 4 already is yielding discussion with some potential office tenants for its upper floors. The floor plates are about 13,000 square feet, which is desirable and hard to come by in downtown Birmingham. It is projected that the second and third floors will be office space and the fourth and fifth floors will be residential. There will also be a ramp leading to underground parking for Building 4, which will be about 70 spaces.

• Building 5 will also likely have office on floors two and three and residential on floors four and five. The residential is set back ten feet, which is typical. The alley behind this building will give access to both the below ground public parking and the below ground private parking for 325 Willits.

• The majority of the housing built in downtown Birmingham within the last fifteen years has been condominiums. The residential stock of this project will be, in contrast, entirely rental units. The unit sizes will range between 1,200 square feet to 2,000 square feet. The estimated price per square foot will be $3 per month, resulting in a price range of $3,000 - $4,500 per month for a unit. The intent is that these units will increase the affordability of living in downtown Birmingham.

• Next steps include formulating the guaranteed maximum price, producing the schematics, working with the project’s neighbors which include the First Baptist Church, Gateway Montessori, 325 Willits, and Brookside Terrace.

• The Bates Street extension can be developed to accommodate Gateway Montessori in a number of different ways, including blocking off parking spaces in the morning for drop-offs, creating a curb cut for drop-offs and pick-ups, or other potential solutions. Walbridge Woodward Bates Partners will be meeting with the administration of the school to determine the best option.

• The City’s request for proposals on this project required a minimum of 1,150 parking spaces and additional spaces equal to one parking space for every 564 square feet of new building added to the site. These numbers total the anticipated 1,260 new public parking spaces, 9 on-street spaces, with additional parking spaces planned under Buildings 4 and 5. In total, there will likely be 1,364 - 1,370 parking spaces.

Commissioner Hoff commended City staff and Walbridge Woodward Bates Partners for the presentation. She added that there should be more presentations on this project to the general public, and the project as a whole must be better publicized.

Mayor Bordman advised that this presentation would be posted to both the City’s website and to the Birmingham neighborhood group on the social media platform Nextdoor. Mayor Bordman encouraged Birmingham residents to share the information with other residents.

Kathy Frank spoke as a resident of Warren Court, which she said would be negatively and dramatically impacted by the construction of Building 4. She asked that the City reconsider its plans for Building 4. She asserted that none of the residents of Warren Court had been involved
in the project until this meeting, and that the planned building will significantly reduce her property value because Building 4 will face her property. She added that visual access to green space from the street will be reduced as a result of this construction as well.

Peggy Peterson asked for the net gain in public parking spaces.

Mr. Saroki said the net gain is about 400 - 500 parking spaces.

City Manager Valentine explained for Paul Reagan that the genesis of the project was the 2016 Plan, adopted in 1996 by the City. This N. Old Woodward parking structure and Bates Street extension is an effort to bring the parking goals of the 2016 Plan to fruition. The 2016 Plan, the Triangle District Master Plan, and the Rail District Master Plan all remain in effect. The Citywide Master Plan process will focus on areas outside the business districts in order to collaboratively determine the appropriate direction of development for the next thirty years.

Mr. Reagan said the City’s description of public-private partnerships was incomplete because it only listed advantages. He said the principal disadvantage of the process is that it leases public land to a private user for 100 years, without permitting citizens to weigh in on the matter. He contrasted this method with selling the land to a private user, which would necessitate a positive vote by the residents. He asserted the only concrete influence the public will have on the project is through the vote on the bonding process planned for August 2019. He also stated the public will lose access to much of the public land in the project area, as well as access to large amounts of Birmingham’s portion of the Rouge River. Mr. Reagan concluded that the interests of the residents of Birmingham go entirely unrepresented by this plan.

Linda Taubman asked for more information on the bonding vote in August 2019, and for more information on the project’s planned Special Assessment District (SAD).

City Manager Valentine explained:

- The bonding would fund the building of the parking structure and the Bates Street extension. If the bond does not pass, the project will not move forward. That will leave Birmingham with an aging parking structure that requires increasing maintenance and a continued deficit of available parking.
- The planned SAD for the project would only be assessed to commercial properties adjacent to the parking structure.
- Residents will have an opportunity to express their opinions as the ground leases for Buildings 2, 3, 4 and 5 go before the Planning Board and the City Commission for consideration and approval.

In reply to Ms. Taubman’s question on the most effective way for residents to exert influence on the process, Mayor Bordman said the City’s Boards and Committees and the City Commission take resident input very seriously. Mayor Bordman added:

- She has changed her vote in past issues in response to resident feedback.
- Every step of the approval process for this project will be considered on its merits, and that will include consideration of citizen perspectives.
- Each Commissioner brings various perspectives, concerns, and areas of expertise to these decisions. When the Commission makes their decisions, they bring all the available
information to bear in order to have an outcome that represents the best interests of the City as a whole.

- The Commissioners care deeply about their obligations to the Birmingham community.
- Each Commissioner has likely stayed up nights considering various aspects of this project and the most beneficial ways to move forward.
- She will be taking Ms. Taubman’s concerns, and all other concerns voiced by residents, into account.

Ms. Taubman thanked Mayor Bordman.

Erica Ahmed thanked Mr. Saroki for being willing to meet to talk about the parking needs of Gateway Montessori, which is housed in the First Baptist Church. She explained 89 students attend the school, there is a long waitlist, and approximately 90% of the families of these students live in Birmingham. She noted that Gateway Montessori is the only school in Birmingham that accepts children as young as three months, described concern at the likelihood that parents will be crossing Bates, which is likely to be busier with the new construction, trying to get their infants into the school in the mornings. In addition, she noted that the transformers for the N. Old Woodward structure are planned to be right outside the playground for Gateway Montessori, which she found disconcerting. Ms. Ahmed concluded by saying she would like to stay involved in the process, and said that Assistant City Manager Gunter has been incredibly helpful to the community of Gateway Montessori so far.

Ms. Frank spoke again, saying it would be helpful to know when each building planned will be discussed. She said the residents are likely largely supportive of more parking but have varied concerns about the other aspects of the plan. Ms. Frank reiterated Building 4 would decrease access to green space from the street, would have no added benefit for the residents, and would only be a boon to commercial interests.

Bill Lathers, operating partner of Fleming’s Steakhouse, asked for details about the parking mitigation plan that will be in place during the construction project.

Assistant City Manager Gunter said the project will not move forward until there is a plan for the displaced parking spaces. The City’s parking operator is conducting an origin and demand study to determine where an off-site lot should be located. In anticipation of their findings the City is scouting different lots across the City, including 350 parking spots already allocated north of the project location. SMART will be providing the City with six shuttles, which would likely operate 6 a.m. to 7 p.m., Monday through Friday. The City is currently pricing out operational costs for the shuttles. The City is also working on a smart phone application that will inform individuals when a shuttle will be arriving or departing from the pick-up and drop-off locations. The parking mitigation plan will be layered, with additional possibilities for a bus pass program or partnerships with ridesharing services being considered. The City Commission will have to approve all aspects of the plan, and public input is welcome at all Commission meetings.

Paul Taros asked what the financial loss to Birmingham would be if the bond is not passed in August 2019.

City Manager Valentine said the taxpayers would incur no financial loss if the bond vote is defeated because the parking system is funding all work up to that point.
Mr. Reagan asked the City to be more transparent about the pending litigation against the City from Ara Darakjian/TIR Equities.

City Manager Valentine reiterated the City’s policy of not commenting on pending litigation beyond what City Attorney Currier had already shared.

Mayor Bordman thanked the public for their engagement.

XI. ADJOURN

Mayor Bordman adjourned the meeting at 7:20 p.m.

______________________________________
J. Cherilynn Mynsberge, City Clerk
Project History

- December 1996  Downtown Birmingham 2016 Master Plan Recommendation: Willits Block
- May 2013  Daytime Parking Demands Increase Significantly
- November 2013  APC Survey: Business Operators and Building Owners
- March 2014  Ad Hoc Parking Study Committee (AHPSC) Creation
- August 2014  Parking Demand Study Conducted (Current and Future)
- January 2015  Potential Redevelopment Plan Concept Alternatives: Willits/Old Woodward
- March 2015  AHPSC Findings and Recommendations - Accepted by City Commission
- March 2015  Ad Hoc Parking Development Committee (AHPDC) Creation
- September 2015  Concept Plan for Downtown Parking System Expansion RFP Issued
- February 2016  Concept Plan for Downtown Parking System Expansion Recommendation, Option 1A
- April 2016  AHPDC Parking Assessment Sub-Committee Established – Funding Considerations
- May 2016  N. Old Woodward / Bates St. Parking and Site Redevelopment: RFQ Issued
- September 2017  N. Old Woodward / Bates St. Parking and Site Redevelopment: RFP Issued
- January 2018  Evaluation of Proposals: WBP Process Commences
Downtown Birmingham 2016 Plan

Plan of Existing Conditions

Plan of Proposed Modifications

- Parking Deck
- Residential Liner Building
Daytime Parking Demand Increase

- Conducted Survey of Business Owners and Property Owners
Ad Hoc Parking Study Committee (AHPSC)

COMMITTEE MEMBERS
• Richard Astrein, BSD
• JC Cataldo, Corridor Improvement Authority
• Gilian Lazar – Planning Board
• Susan Peabody – Advisory Parking Committee
• Johanna Slanga – Multi Modal Transportation Board

CITY STAFF
• Joe Valentine, City Manager
• Paul O’Meara, City Engineer
• Austin Fletcher, Ass’t Engineer
• Jana Ecker, Planning Director
• Bruce Johnson, Building Official
• Mark Gerber, Finance Director
• John Heiney, BSD Exec. Director
(Then) Current and Future Demand Study

- 278 parking spaces short in north end of City
- 427 parking spaces short in south end of City

Priorities:
1. Address north end shortfall & implement 2016 Plan
2. Address south end shortfall
AHPSC Considerations for Concept Planning:

- Pedestrian Circulation
- Vehicular Connection
- Parking
- Topography and Redevelopment
- Storm Water Management
- Infrastructure
- Utilities
- Financial
- Required Easements
- Booth Park Trail
Redevelopment Plan Concepts, January 2015

- New parking structure(s) with a minimum of 1150 parking spaces.
- New mixed use building adjacent to parking structure facing N. Old Woodward Ave.
- Service drive access to the adjacent buildings both north and south of the parking structure.
- New mixed use building facing Willits St.
- Public park property and connection between a new City street and the existing Rouge River to the north.
- Residential building on the north end of the site taking advantage of the existing views present in this area.
Ad Hoc Parking Development Committee (AHPDC)

COMMITTEE MEMBERS
• Geoff Hockman, former Mayor
• Bob Kenning, former City Manager
• Kelly Sweeney, former City Treasurer
• Terry Lang, AHPDC
• Gordon Rinschler, AHPDC
• Richard Astrein, AHPDC

CITY STAFF
• Joe Valentine, City Manager
• Paul O’Meara, City Engineer
• Austin Fletcher, Ass’t Engineer
• Jana Ecker, Planning Director
• Bruce Johnson, Building Official
• Mark Gerber, Finance Director
• John Heiney, BSD Exec. Director
RFP Issued: Concept Plans for Downtown Parking System Expansion
Option 1A Approved:

Key Site Elements:
- Bates Street Extension Road - 33' Wide Road
- New Parking Structure
- New 1-story Commercial Building at Woodward
- New Mixed Use Building at Wilkins
- New Retail Level Building on Parking Structure
- (3) New Residential Building
- New Public Plaza with Stair and Bridge

Proposed Parking Summary:
- Current Total Parking at Existing Sites: 745 spaces
- Proposed Total Site Parking: 1,025 spaces
- (379 spaces total net gain)

Surface Total Spaces: 10 spaces

7 Level Structure:
- Total Spaces: 1,126 spaces
- Total: 1,160 spaces
- Net gain of spaces: 403 spaces

New Development: 302 spaces
Parking Demand: 294 spaces
Parking Assessment Sub Committee of the Ad Hoc Parking Development Committee (AHPDC)

COMMITTEE MEMBERS
• Geoff Hockman, former Mayor
• Bob Kenning, former City Manager
• Kelly Sweeney, former City Treasurer
• Terry Lang, AHPDC
• Gordon Rinschler, AHPDC
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• Bruce Johnson, Building Official
• Mark Gerber, Finance Director
• John Heiney, BSD Exec. Director
Structure Funding Recommendations:

• $7 million from Parking System reserves
• $3 million from Parking Structure Special Assessment
• Balance from Bonding
• No public funds to be spent on the parking structure project
Existing Age and Condition: Off-Street Infrastructure

- N. Old Woodward: Built 1966 (53 Years)
- Infrastructure Age Range: 31-53 Years
Existing Age and Condition: Off-Street Infrastructure
Project Objectives

1. Meet demand study findings
Project Objectives

1. Meet demand study findings (show map of future demand north and south of Maple)
2. Comply with DB2016 Plan (outline plan objectives)
Project Objectives

1. Meet demand study findings (show map of future demand north and south of Maple)
2. Comply with DB2016 Plan (outline plan objectives)
3. Comply with RFP objectives (show on following slide)
Project Objectives

• To **extend Bates Street** from Willits and provide access to a location on North Old Woodward as envisioned in the Downtown Birmingham 2016 Plan.

• To accommodate **current and future public parking needs** with consideration for transient, employee permit parking, shoppers and faith-based community uses.

• To provide a form of **residential, commercial and/or mixed use development** along the extension to Bates Street to create an **activated urban streetscape**.

• To contribute to the improvement of the downtown as an **active, pedestrian-oriented retail, residential and community environment**.

• Enhance the N. Old Woodward / Bates Street site as a **safe, convenient and hospitable pedestrian environment**, while linking Willits to North Old Woodward.

• To ensure that **new construction is compatible with the existing building fabric** and is sensitive to the existing light and air provided to adjacent structures.

• The improvement of **public gathering space for people**, as well as a pedestrian connection to the Rouge River and Booth Park to the north.

• To ensure that the **needs of the existing Church** are met through the provision of nearby accessible parking, and a loading/unloading zone for the frequent drop off and pick up of young children.

• Assurance of **full uninterrupted access to surrounding buildings** during construction and/or demolition.

• Ability for **creative adaptive re-use of the parking structure** in the future, as well as options for multiple uses of the parking structure in the present.
Process Overview

- May 2016 Requests for Qualifications (RFQ) Issued
- September 2017 Request for Proposals (RFP) Issued
- January 2018 Proposals Received, Evaluation Matrix Developed
- January 2018 Initial Request for Clarification Issued: All Proposals
- February 2018 AHPDC Review of Project Proposals*
- February 2018 Second Request for Clarifications Issued
- March 2018 AHPDC Interviews with Project Teams
- March 2018 Request to Extend Proposal Expiration 60 Days
- April 2018 City Administration Meetings with Project Teams
- May 2018 AHPDC Recommendation to City Commission
- June 2018 City Commission Adopts AHPDC Recommendation
- June 2018 Staff Directed to Negotiate with the Walbridge / Woodward Bates Partners and Engage Professional Services
Request for Qualifications

• Developer Team Submittals Received:
  • Morningside Group
  • Walbridge / Woodward Bates Partners
  • Redico/McIntosh Poris
  • TIR Equities
Process Overview

- May 2016 Requests for Qualifications (RFQ) Issued
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- June 2018 Staff Directed to Negotiate with the Walbridge / Woodward Bates Partners and Engage Professional Services
Request for Proposals

• Developer Team Submittals Received from:
  • TIR Equities
  • Redico/McIntosh Poris
  • Walbridge /Woodward Bates Partners
Process Overview

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## Submission Requirements/Guidelines

| A) Cover Sheet (Attachment A) | √ |
| B) Transmittal Letter | √ |
| C) Detailed Site Plan | √ |

### 3) Proposed Buildings

<table>
<thead>
<tr>
<th>Parking Structure</th>
<th>8 level structure (7 levels Below Grade)</th>
<th>9 level structure (8 levels Below Grade)</th>
<th>10 level structure (9 levels Below Grade)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail/OFFICE Space (SF)</td>
<td>13,425 SF</td>
<td>66,915 SF</td>
<td>104,915 SF</td>
</tr>
<tr>
<td>Residential Square Footage Units</td>
<td>115,600 SF</td>
<td>112,320 SF</td>
<td>377,486 SF</td>
</tr>
<tr>
<td>Residential Units</td>
<td>134</td>
<td>78</td>
<td>127</td>
</tr>
<tr>
<td>Square footage of Amount to be leased/rented</td>
<td>Not provided</td>
<td>46,765 SF</td>
<td>75,378 SF</td>
</tr>
<tr>
<td>Parking (Pct Gain)</td>
<td>592</td>
<td>400</td>
<td>3,271</td>
</tr>
</tbody>
</table>

#### Cost estimate for Open Space(s)
- Not provided
- $6.8 million
- $3.5 million

### 5) Description - Proposal meets development goals/objectives?
- Subscribed the design objectives as defined by the RFP.
- Provided a matrix illustrating how all elements of the proposed design met the stated goals and objectives as outlined in the RFP.
- Conducted an independent study to establish goals and objectives.

### 6) Private vs. Public Investment

<table>
<thead>
<tr>
<th>Private Investment</th>
<th>$7 million</th>
<th>Public investment</th>
<th>$5 million</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Investment</td>
<td>$211 million</td>
<td>Public Investment</td>
<td>$71 million</td>
</tr>
</tbody>
</table>

### 7) Terms: Purchase or Lease of City Land
- Purchase
- Purchase/Lease Option
- Lease

### 8) Terms of Ownership, operation and maintenance:
- 2.1) of parking structures
  - Developer would pay the private share of annual maintenance for the required space within the public deck (94 spaces).
- 2.2) any proposed private assets integrated into the public parking structure buildings
  - Yes, developer would pay for rights to develop private assets of the structure which include 6,435 sq ft of retail and 4,085 sf of retail and 36 continues units in a building attached to the parking structure.

### 9) Construction proposal for public infrastructure (roads, sidewalks, plazas, etc.)
- Developer would work directly with a general contractor for all public improvements.
- City would be responsible for all infrastructure improvements necessary to service the public and private components of the master development.
- Developer responsibility for the building structure directly in.

### 10) Financing methods
- Developer would finance through traditional construction debt and a combination of private and institutional equity.
- City will own, operate, and maintain public components of project (parking structure and plaza).
- City would finance the parking structure development with parking revenues.

### 11) Proposed contract terms
- 30 year lease agreement with City.
- Lease agreement with City, 30 year leaseback (T1)

### 12) Proposed Total Budget Estimate (Purchase/Land Acquisition)
- $13,595,149
- $126,530,000
- $132,830,504

### 14) Proposed Timeline with details on each phase through project completion
- January 2019 - November 2030

### Additional Information
- Developer will work with City to develop parking mitigation plan.

### Timeline representation continued to last date developer activity from date of their anticipated Commission approval
Process Overview

- May 2016 Requests for Qualifications (RFQ) Issued
- September 2017 Request for Proposals (RFP) Issued
- January 2018 Proposals Received, Evaluation Matrix Developed
- January 2018 Initial Request for Clarification Issued: All Proposals
- February 2018 AHPDC Review of Project Proposals*
- February 2018 Second Request for Clarifications Issued
- March 2018 AHPDC Interviews with Project Teams
- March 2018 Request to Extend Proposal Expiration 60 Days
- April 2018 City Administration Meetings with Project Teams
- May 2018 AHPDC Recommendation to City Commission
- June 2018 City Commission Adopts AHPDC Recommendation
- June 2018 Staff Directed to Negotiate with the Walbridge / Woodward Bates Partners and Engage Professional Services
Walbridge/ Woodward Bates Partners Proposal

TIR Equities Proposal

BUILDING PROGRAM

1a Parking Garage - 1,376 Parking Spaces
1b Bates Street Road Extension
1c Plaza & South Park Connection with Pedestrian Bridge
2 5-story Mixed-Use Building - Retail, Office & Residential
3 3-story Mixed-Use Building - Retail & Optional Residential
4 5-story Mixed-Use Residential Building - Retail & Residential with Parking
5 5-story Mixed-Use Building - Retail, Office & Residential with Parking

[Diagram of building plans and elevations]
Walbridge / Woodward Bates Proposal
Building Height Study
P3 Professional Team – City of Birmingham

- **Development Consultant** – Jones Lang Lasalle/Kirco Manix
  
- **Development Counsel** – Miller Canfield
  
- **Bond Counsel** – Miller Canfield

City Manager, Joseph A. Valentine

Ass’t. City Manager, Tiffany Gunter

Planning Director, Jana Ecker

City Engineer, Paul O’Meara

Ass’t. City Engineer, Austin Fletcher

Building Official – Bruce Johnson

Finance Director – Mark Gerber
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<th>Traditional Approach</th>
<th>P3 Approach</th>
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<td>Project Management</td>
<td>City Administration/Staff often have limited expertise in large scale development projects.</td>
<td>Available expertise and resources to support City Administration and Staff.</td>
<td>WBP has extended resources to City to assist in parking mitigation plan and communications support.</td>
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<td>Turnkey Development/Added Transparency</td>
<td>Limited efficiencies to be gained from a turnkey without a private partner.</td>
<td>While all public documents are available for public inspection, additional insight is gained by the General Contractor’s open book bid process.</td>
<td>City gains additional project insight, efficiencies and other economies of scale.</td>
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<td>Research and Development Costs</td>
<td>All publicly funded</td>
<td>Private funding allocated to support planning and engineering for project.</td>
<td>WBP contribution to planning and design work for public elements of project.</td>
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<td>Risk Mitigation/Sharing</td>
<td>Public Sector takes on all project risks.</td>
<td>Delivers a guaranteed maximum price (GMP) with a maximum exposure for public entity</td>
<td>City to receive a GMP with an associated cost not to exceed for public elements of project significantly limiting financial risks.</td>
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<td>Project Timeline Accountability</td>
<td>City is solely accountable and must work with contractor to penalize for project delays.</td>
<td>Developer has incentive for meeting timelines.</td>
<td>Occupancy and use are goals of both the private and public partner</td>
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<td>Private Contributions</td>
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<td>Developer absorbs costs to add project elements on behalf of City (i.e., retail liners, public plazas).</td>
<td>City expedites processes to move private elements along with public elements. In turn, developer donates public amenities.</td>
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What’s Next?

• April 15 – Commission Workshop
  • Proposed Development Agreement Review
  • Proposed Ground Lease(s)
  • Preliminary Parking Mitigation Plan Discussion

• April 22 – Commission Meeting
  • Project Budget / Guaranteed Maximum Price (GMP) Delivery
  • Requested Approval of Development Agreement, Ground Lease, and GMP

• *Dates TBD on the following:
  • Draft Construction Agreement delivered to City for review
  • **Bond Resolution** Approval
  • Preliminary Site Plan submitted to City
  • Preliminary Project Phasing Plan submitted to City
  • Preliminary Project Construction Schedule submitted to City
  • **Parking Mitigation Plan** Approval
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**SUBTOTAL PAPER CHECK**  $382,367.59

**ACH TRANSACTION**

|               |               | 008847   | ABS - AUTOMATED BENEFIT SVCS, INC | 44,907.68 |

**TOTAL**  $427,275.27
### City of Birmingham

#### Warrant List Dated 03/27/2019

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**SUBTOTAL ACH TRANSACTION**

$150,732.17

**GRAND TOTAL**

$533,099.76

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.
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<td>008342</td>
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<td>003365</td>
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<td>ROYAL OAK P.D.Q. LLC</td>
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<tr>
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<td>FRANK J ZAMarone CO. INC</td>
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**SUBTOTAL PAPER CHECK** $311,305.03

**ACH TRANSACTION**

<table>
<thead>
<tr>
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<td>AMICI PET SERVICES, INC</td>
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<td>GREAT LAKES TURF, LLC</td>
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<td>001672</td>
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## City of Birmingham
### Warrant List Dated 04/03/2019

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<td>JOE'S AUTO PARTS, INC.</td>
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<td>LEE &amp; ASSOCIATES CO., INC.</td>
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<td>MUNICIPAL CODE CORP.</td>
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<td>006359</td>
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<td>NYE UNIFORM COMPANY</td>
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<td>SALES MARKETING GROUP INC</td>
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<td>TERMINAL SUPPLY CO.</td>
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**SUBTOTAL ACH TRANSACTION**  $428,871.38

**GRAND TOTAL**  $740,176.41

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

Mark Gerber
Finance Director/ Treasurer

*Indicates checks released in advance and prior to commission approval in order to avoid penalty or to meet contractual agreement/obligation.
DATE: April 4, 2019
TO: Joseph A. Valentine, City Manager
FROM: J. Cherilynn Mynsberge, City Clerk
SUBJECT: Birmingham in Stitches (Yarn Bombing event)

INTRODUCTION:
The Public Arts Board has submitted a Special Event application to hold the Birmingham in Stitches Yarn Bombing event in Shain Park and on the surrounding streetscapes, benches, parking meters, and trees from September 14th – October 5th, 2019. The pre-knitted yarn projects will be placed beginning September 12-13th.

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

Below are known events scheduled during the month of September:

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farmers Market</td>
<td>Sundays</td>
<td>Lot 6</td>
</tr>
<tr>
<td>Common Ground Art Fair</td>
<td>September 13-15th</td>
<td>Shain Park</td>
</tr>
</tbody>
</table>

The Public Arts Board has previously held this event in 2012, 2015, and 2017. Each Birmingham in Stitches event has been held in Shain Park and on the surrounding streets, and each event has been held on the same weekend as Common Ground's Birmingham Street Art Fair. Until 2018 the Street Art Fair was held on S. Old Woodward. In 2018 the Street Art Fair was moved to Shain Park and the surrounding streets due to the construction on S. Old Woodward.

Common Ground applied for a special event permit for the 2019 Birmingham Street Art Fair on October 24, 2018 and requested the event be held in Shain Park and the surrounding streets as it was in 2018. The City Commission approved the special event permit on December 10, 2018. This will be the first year both events will be held at the same location.

The Public Arts Board intends to place their pre-knitted yarn projects in Shain Park and the surrounding streets on September 12 to avoid interference with the Art Fair's set up on September 13.
SUMMARY
The City Commission is being asked to approve a special event permit for the 2019 Yarn Bombing event, Birmingham in Stitches, to be held September 14 – October 5, 2019, with set-up on September 12-13.

ATTACHMENTS:
1. Special Event application
2. Notification letter with map of event area distributed to residents/businesses within 300 feet of the event area on March 18, 2019. Notification addresses are on file in the Clerk’s Office.
3. Department Approval page with comments and estimated costs

SUGGESTED RESOLUTION:
To approve a request from the City of Birmingham Public Arts Board for a special event permit to hold the 2019 Birmingham in Stitches in Shain Park and on surrounding streetscapes, benches, parking meters, and trees from September 14th through October 5th, 2019, with setup on September 12-13th, 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.
CITY OF BIRMINGHAM
APPLICATION FOR SPECIAL EVENT PERMIT
PARKS AND PUBLIC SPACES

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

Police Department acknowledgement: __________________________

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

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

(Please print clearly or type)

Date of Application 2-14-2019

Name of Event **Birmingham in Stitches**

Detailed Description of Event (attach additional sheet if necessary) _________________________________

Birmingham in stitches is a "yarn bombing" that proposes to attach pre-knitted yarn projects to streetscape items in the right of way, including parking meters, benches, trees, etc.

Location See attached map

Date(s) of Event September 14th Hours of Event _________________________________

Date(s) of Set-up September 12-13th Hours of Set-up _________________________________

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

Date(s) of Tear-down October 5th Hours of Tear-down _______________________________

Organization Sponsoring Event **Public Arts Board**

Organization Address 151 Martin, Birmingham, MI 48009

Organization Phone 138-530-1846

Contact Person **Brooks Cowan**

Contact Phone 248-530-1846

Contact Email BCowan@bhamgov.org
II. EVENT INFORMATION

1. Organization Type
   (city, non-profit, community group, etc.)

2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event.)

3. Is the event a fundraiser?  YES ☐  NO ☑
   List beneficiary ________________________________
   List expected income ________________________________
   Attach information about the beneficiary.

4. First time event in Birmingham?  YES ☐  NO ☑
   If no, describe ________________________________

5. Total number of people expected to attend per day ________________________________

6. The event will be held on the following City property: (Please list)
   ☐ Street(s) ________________________________
   ☐ Sidewalk(s) Merrill, Pierce, Townsend, Martin, Willits, Maple, Henrietta, Chester and Bates
   ☐ Park(s) Shain Park ________________________________

7. Will street closures be required?  YES ☐  NO ☑
   (Police Department acknowledgement prior to submission of application is required) (initial here) __________

8. What parking arrangements will be necessary to accommodate attendance? ________________________________
9. Will staff be provided to assist with safety, security and maintenance?  YES  [ ]  NO [ ]
   If yes, please provide number of staff to be provided and any specialized training received.
   Describe_________________________________________________________
   ________________________________________________________________

10. Will the event require safety personnel (police, fire, paramedics)?  YES  [ ]  NO  [ ]
   (Police Department acknowledgement prior to submission of application is required.)
   (Initial here) __________________________________
   Describe________________________________________________________
   ________________________________________________________________

11. Will alcoholic beverages be served?  YES  [ ]  NO  [ ]
   If yes, additional approval by the City Commission is required, as well as the Michigan Liquor Control Commission.

12. Will music be provided?  YES [ ]  NO [ ]
   _____ Live _____ Amplification _____ Recorded _____ Loudspeakers
   Time music will begin _________________________________________
   Time music will end _________________________________________
   Location of live band, DJ, loudspeakers, equipment must be shown on the layout map.

13. Will there be signage in the area of the event?  YES [ ]  NO [ ]
   Number of signs/banners _________________________________________
   Size of signs/banners __________________________________________
   Submit a photo/drawing of the sign(s).  A sign permit is required.

14. Will food/beverages/merchandise be sold?  YES [ ]  NO [ ]
   • Peddler/vendor permits must be submitted to the Clerk's Office, at least two weeks prior to the event.
   • You must obtain approval from the Oakland County Health Department for all food/beverage sales/donations. Contact ehclerk@oakgov.com or 248-535-9612 to obtain Health Department approval.
   • There is a $50.00 application fee for all vendors and peddlers, in addition to the $10.00 daily fee, per location.
<table>
<thead>
<tr>
<th>VENDOR NAME</th>
<th>GOODS TO BE SOLD</th>
<th>WATER HOOK-UP REQUIRED?</th>
<th>ELECTRIC REQUIRED?</th>
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<tr>
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</tr>
</tbody>
</table>
III. **EVENT LAYOUT**

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

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

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

2. Will the following be constructed or located in the area of the event?  **YES**  **NO** *(show location of each on map)*  

**NOTE:** Stakes are not allowed.

<table>
<thead>
<tr>
<th>TYPE</th>
<th>QUANTITY</th>
<th>SIZE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tents/Canopies/Awnings</td>
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<td></td>
</tr>
<tr>
<td>(A permit is required for tents over 120 sq ft)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Portable Toilets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rides</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Displays</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vendors</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary Structure (must attach a photo)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (describe)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The Birmingham City Commission shall have sole and complete discretion in deciding whether to issue a permit. Nothing contained in the City Code shall be construed to require the City Commission to issue a permit to an applicant and no applicant shall have any interest or right to receive a permit merely because the applicant has received a permit in the past.

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

S. Burke
Signature

9-14-19
Date

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

- Organizer must notify all potentially affected residential property and business owners of the date and time this application will be considered by the City Commission. *Sample letter attached to this application.*

- Attach a copy of the proposed letter to this application. The letter will be reviewed and approved by the Clerk’s Office. The letter must be distributed at least two weeks prior to the Commission meeting.

- A copy of the letter and the distribution list must be submitted to the Clerk’s Office at least two weeks prior to the Commission meeting.

- If street closures are necessary, a map must be included with the letter to the affected property/business owners.
1. St. James Church
2. Shain Park, Granite Balls
3. Shain Park metal chairs (not tables)
4. Townsend St. parking meters and light posts Bates to Pierce
5. Pierce/ Townsend parking structure plaza
6. Maple Rd. Birmingham Historical Museum
7. City Hall steps
8. Pierce St. parking meters and light posts, Townsend to Maple; Merrill St. parking meters and light posts, Henrietta to S. Old Woodward
9. Baldwin Public Library
10. Metal benches surrounding amphitheater in Shain Park
11. First Baptist Church on Willits St
12. City parking lot on Willits St at Chester light poles, stair rails, and retaining walls
SPECIAL EVENT NOTIFICATION
TO ALL PROPERTY/BUSINESS OWNERS

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

NAME OF EVENT: Birmingham in Stitches
LOCATION: Downtown Birmingham – Merrill St., Pierce St., Townsend and Shain Park (see attached map)
DATES/TIMES:
  • set up: September 12-13, 2019
  • take-down: October 5, 2019

DATE/TIME OF CITY COMMISSION MEETING: Monday, April 8, 2019, 7:30PM
The city commission meets in room 205 of the Municipal Building at 151 Martin. A complete copy of the application to hold this special event is available for your review at the city clerk's office (248/530.1880).

EVENT ORGANIZER: City of Birmingham, Public Arts Board
City Staff Contact: Brooks Cowan, 248.530.1846, bcowan@bhamgov.org

TO MANAGERS OF BUILDINGS CONTAINING MORE THAN ONE UNIT: PLEASE POST THIS NOTICE AT THE MAIN ENTRANCE TO YOUR BUILDING.

SPECIAL EVENT NOTIFICATION
TO ALL PROPERTY/BUSINESS OWNERS

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

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TO MANAGERS OF BUILDINGS CONTAINING MORE THAN ONE UNIT: PLEASE POST THIS NOTICE AT THE MAIN ENTRANCE TO YOUR BUILDING.
City Clerk's Office
City of Birmingham
151 Martin
Birmingham, MI 48009
**DEPARTMENT APPROVALS**

**EVENT NAME**: BIRMINGHAM IN STITCHES

**LICENSE NUMBER**: #19-00011502

**COMMISSION HEARING DATE**: APRIL 8, 2019

**DATE OF EVENT**: 9/14 – 10/5/19

**NOTE TO STAFF**: Please submit approval by MARCH 20, 2019

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<th>PERMITS REQUIRED</th>
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<td><strong>PUBLIC SERVICES</strong></td>
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<td>No storage of yarn or supplies at DPS before or after the event. In the event that DPS has to remove yarn from the various locations there will be charge for this service.</td>
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<td>$0</td>
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<td>Notification letters mailed by applicant on 3/18/19. Notification addresses on file in the Clerk’s Office. Evidence of required insurance must be on file with the Clerk’s Office no later than N/A.</td>
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**FOR CLERK’S OFFICE USE**

Deposit paid ____________

Actual Cost ____________

Due/Refund______________

Rev. 4/2/19

h:\shared\special events\- general information\approval page.doc
SUGGESTED RESOLUTION:
To accept the resignation of Dominick Pulis from the Parks and Recreation Board as an Alternate Member, to thank him for his service, and to direct the City Clerk to begin the process of filling the vacancy.
INTRODUCTION:
The City currently procures its mosquito control material from Clarke Mosquito Control. The pricing on these products is government regulated by the Department of Agriculture. Clarke is the closest distributor in this area and provides these supplies to other local agencies. We have been pleased with their service and communication with staff about new trends in this area. It is determined no advantage will be gained by the City of Birmingham in bidding out this purchase. Therefore, no competitive bids were obtained for these supplies.

BACKGROUND
We have been treating the catch basins, approximately 2300, over the past fifteen seasons. This has provided us with a successful program which we continue to re-evaluate. This purchase is for 11 cases of Natular XRT Tablets at $845.81/case. This application will destroy the mosquito larva and prevent mosquito emergence.

LEGAL REVIEW:
There has been no legal review of this annual purchase over the years.

FISCAL IMPACT:
Funds are available in the 2018-2019 budget for this purchase and will come from the Sewer Fund-Operating Supplies Account #590-536.002-729.0000.

SUMMARY:
The Department of Public Services (DPS) recommends the purchase of this material from Clarke Mosquito Control at a price not to exceed $9,454.08 which includes shipping. The money has been budgeted in Account #590-536.002-729.0000 Sewer Fund-Operating Supplies for this purchase. Reimbursement from Oakland County for the program this year is $2,648.39, which has been the same amount the past three years.

ATTACHMENTS:
The Clarke quote for this material purchase is attached to this report.
SUGGESTED RESOLUTION:
To approve the purchase of the Larvicide material from Clarke Mosquito Control in the amount not to exceed $9,454.08. Further, to waive the normal bidding requirements based on the government regulated pricing for this type of material. Funds for this purchase will come from the Sewer Fund-Operating Supplies Account #590-536.002-729.0000.
## QUOTATION

**City of Birmingham-DPS (004384)**  
Tim Carpenter  
PO Box 3001  
Birmingham, MI 48012-3001  
248-530-1800  
248-644-5614

**City of Birmingham**  
Tim Carpenter  
851 S. Eton Street  
Public Services (#2552)  
Birmingham, MI 48009-6870  
248-644-1800  
248-644-5614

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<th>Written by</th>
<th>Valid to</th>
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<tr>
<td>0002021298</td>
<td>03/01/19</td>
<td>Chris Novak</td>
<td>Gabriela - Sales Associate</td>
<td>03/15/19</td>
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**Delivery Method**  
Terms

**United Parcel Post**  
Net 30 Days

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<th>Item Description</th>
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<th>Unit Price</th>
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<td>NATULAR XRT TABLET</td>
<td>11 CS</td>
<td>899.8000/CS</td>
<td>9,303.93</td>
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**US EPA Current Label**  
**Please Note:** The pricing above is valid until April 19th, 2019 for the Oakland County Program.

**Extended Price reflects a discount of:**  
593.87

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* For your convenience we also accept Visa and MasterCard

Clarke will charge applicable sales taxes unless a valid exemption certificate is emailed to: accountsreceivable@clarke.com or faxed to: 630-672-7439

**Helping make communities around the world more livable, safe and comfortable.**
DATE: March 27, 2019

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Barnum Park Arch Landscape Enhancements

INTRODUCTION:
Sealed proposals were opened on February 21, 2019 for the cost to install brick landscape planters around bench pads located on the sidewalk approach leading up to the Barnum Park Arch from Purdy Street. The project includes installing foundations for and building brick u-shaped planter boxes using brick that came from Barnum School that is currently in storage at Springdale Golf Course. Also, as part of this project, a drainage system will be installed. The planters will have limestone caps, and be approximately 2 ft tall. See attached drawings for details. Irrigation will be installed and the planters will have shrubs and flowers installed this upcoming season.

BACKGROUND
In April of 2017, the Community for Barnum Park received a total of $12,000 to make landscaping improvements leading up to the “Arch” from Purdy Street. This donation has been deposited with the City with the designation Barnum Park Arch Landscape Enhancements (BALE).

Representative for the Community for Barnum Park, David Young, worked with Dave Peterhans, architect, to put together a concept plan for this improvement for proposal to the Parks and Recreation Board.

The BALE concept plan was accepted by the Parks and Recreation Board, and forwarded on to City Commission for approval. The City Commission at the January 22, 2018 City Commission Meeting approved the following Suggested Resolution: To accept the concept plan for the Barnum Arch Landscape Enhancements in keeping with the overall Barnum Park concept plan. Further, to authorize the Administration to proceed with the design for the BALE project and bid out the work to be funded by the Barnum Park donation dollars for the installation during 2018.

Shortly thereafter, designs were provided by Dave Peterhans. This initial design included building brick benches using Barnum School Brick that were installed on brick “rugs” using the same brick, and landscaping enhancements with boxwood shrubs, perennials and groundcover. The City went out for bids in May of 2018, was not satisfied with the proposals and ultimately did not award the project. Proposals received were not all inclusive of the project, and came in higher than anticipated. It was determined after discussion with David Young, Community for Barnum Park, and Dave Peterhans, architect to go back to the drawing board.

Subsequently, an assessment of the sidewalk approach leading up to the arch was done by Engineering. The City determined it was necessary to replace the approach. Working with the
Dave Peterhans, the City had exposed aggregate installed in a section across the new concrete approach which tied together 2 aggregate bench pads across from each other on either side of the approach as part of this project as well. See “Base Plan” attached. This concrete/aggregate work was completed in the fall of 2018. During this project, accommodation was made for future irrigation to be installed.

In the meantime, Dave Peterhans worked on providing a new set of drawings, attached. This new design was for brick planters surrounding the new City benches located on the new aggregate bench pads. See attached drawing for details.

Sealed proposals were opened on February 21, 2019 for the cost to install u-shaped brick landscape planters with limestone caps around bench pads located on the sidewalk approach leading up to the Barnum Park Arch from Purdy Street. Brick that is currently stored at Springdale Golf course will be cleaned as part of this project and repurposed as brick planter boxes. Pricing for two (2) alternates was also requested. The alternates are 2 different styles of a center planter and shown in the attachments as well.

The results of the sealed bid opening are as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>Base Bid</th>
<th>Alternate A</th>
<th>Alternate B</th>
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<tr>
<td>Brixnstone, llc</td>
<td>$20,450.00</td>
<td>Add $9,500.00</td>
<td>Add $9,200.00</td>
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<tr>
<td>Meridian Contracting Group, LLC</td>
<td>$44,292.00</td>
<td>Add $8,100.00</td>
<td>Add $12,786.00</td>
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The Parks and Recreation Board, at the March 5, 2019 meeting, made the following resolution: To approve the purchase and installation of Barnum Park Brick Planters project from Brixnstone, llc., in the amount of $20,450.00, to be located at Barnum Park Arch. Funds are available from the Barnum Park Donations acct# 401-751.000-674.0004 in the amount of $12,000.00 and Parks Other Contractual Services acct# 101.751.000-811.0000 in the amount of $8,450.00 for these services. Further, to submit to the City Commission for their consideration and approval of this project.

LEGAL REVIEW:
The City Attorney has reviewed of this contract agreement and approved with signature.

FISCAL IMPACT:
Funds are available in the 2018-2019 budget from the Barnum Park Donations acct# 401-751.000-674.0004 in the amount of $12,000.00 and Parks Other Contractual Services acct# 101.751.000-811.0000 in the amount of $8,450.00.

SUMMARY:
The bids are evaluated according to: completeness of the bid, reference checks, firm experience, working knowledge of the firm and price.

The Department of Public Services recommends awarding the Barnum Brick Planters Base Bid project to Brixnstone, llc. They are the lowest responsive and qualified bidder. Because of cost and after discussing Alternate A and B with the Community for Barnum Park, it was determined to hold off on the two Alternate proposals at this time.
The Parks and Recreation Board supports this project based on the above resolution.

ATTACHMENTS:
- The BALE concept plans, Base Bid plan, Alternate A, Alternate B and Planter Section are attached for your review.
- Agreement (Attachment A) and Insurances
- Bidders Agreement (Attachment B)
- Cost Proposal (Attachment C)
- Completion Date (Attachment D)
- Iran Sanctions Act Vendor Certification Form (Attachment E)

SUGGESTED RESOLUTION:
To approve the purchase and installation of Barnum Park Brick Planters project from Brixnstone, llc., as described in Attachment A in the amount not to exceed $20,450.00, to be located at Barnum Park Arch, as part of the Barnum Park Arch Landscape Enhancements. Funds are available from the Barnum Park Donations account #401-751.000-674.0004 in the amount of $12,000.00 and Parks Other Contractual Services account #101.751.000-811.0000 in the amount of $8,450.00 for these services. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.
ALTERNATE PLAN “B”

Planting Urn by "Longshadow" Oak Park 54 planter-790 Lbs. $9201 (or comparable)

Brick and Precast pedestal 24" sq.

42" Dp. x 24" sq. poured concrete footing

URN & PEDESTAL DETAIL

scale 7/4"=1'-0"
City of Birmingham
supplied brick face
8" CMU - grout solid
self level rebar epoxy coated - with
elastic mastic coating for
waterproofing

provide web holes at both grade and
subgrade - or
provide "Miradrain" System by Carlisle
Coatings

12" conc trench
footing @ perimeter
planter walls
1" Pink insulation panel

Existing slab @
seating and
walkways

Note: Existing slab to be removed to provide for
construction of new
6" x 6" x 6" center
planter - see plan

Irrigation to
all 3 planter
locations

PLANTER SECTION

BARNUM PARK
fall 2018
ATTACHMENT A - AGREEMENT
Barnum Park Brick Planters

This AGREEMENT, made this _____ day of ______________, 2019, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called “City”), and Brixstone, llc.____, having its principal office at 1120 Lochaven, Waterford, MI 48327 _______ (hereinafter called "Contractor"), provides as follows:

WITNESSETH:

WHEREAS, the City of Birmingham, through its Department of Public Services, is desirous of having work done to improve Barnum Park near the Barnum Arch in the City of Birmingham.

WHEREAS, the City has heretofore advertised for bids for the procurement and performance of services required to perform the installation of brick planters, and in connection therewith has prepared a request for sealed proposals (“RFP”), which includes certain instructions to bidders, specifications, terms and conditions.

WHEREAS, the Contractor has professional qualifications that meet the project requirements and has made a bid in accordance with such request for cost proposals to perform the installation of brick planters and all related work including foundations.

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

1. It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to perform Barnum Park Brick Planters and the Contractor’s cost proposal dated _____ February 20 __, 2019 shall be incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto. If any of the documents are in conflict with one another, this Agreement shall take precedence, then the RFP.

2. The City shall pay the Contractor for the performance of this Agreement in an amount not to exceed $20,450.00, as set forth in the Contractor’s February 20, 2019 cost proposal.

3. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Request for Proposals.

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

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

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

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

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

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

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

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

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

A. Workers' Compensation Insurance: Contractor shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.

B. Commercial General Liability Insurance: Contractor shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than $1,000,000 per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.

C. Motor Vehicle Liability: Contractor shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than $1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

D. Additional Insured: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be Additional Insureds: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.

E. Professional Liability: Professional liability insurance with limits of not less than $1,000,000 per claim if Contractor will provide service that are customarily subject to this type of coverage.
F. **Pollution Liability Insurance**: Contractor shall procure and maintain during the life of this Agreement Pollution Liability Insurance, with limits of liability of not less than $1,000,000, per occurrence preferred, but claims made accepted.

G. **Owners Contractors Protective Liability**: The Contractor shall procure and maintain during the life of this contract, an Owners Contractors Protective Liability Policy with limits of liability not less than $3,000,000 per occurrence, combined single limit, Personal Injury, Bodily Injury and Property Damage. The City of Birmingham shall be "Name Insured" on said coverage. Thirty (30) days Notice of Cancellation shall apply to this policy.

H. **Cancellation Notice**: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance (and Professional Liability Insurance, if applicable), as described above, shall include an endorsement stating the following: *Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001.*

I. **Proof of Insurance Coverage**: Contractor shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.

   1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
   2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
   3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
   4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
   5) If so requested, Certified Copies of all policies mentioned above will be furnished.

J. **Coverage Expiration**: If any of the above coverages expire during the term of this Agreement, Contractor shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.

K. **Maintaining Insurance**: Upon failure of the Contractor to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.

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

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

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

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

City of Birmingham
Attn: Lauren Wood, Director of Public Services
851 South Eton Street
Birmingham, MI 48009
248-530-1700

17. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds $1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL§600.5001 et. seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.
18. **FAIR PROCUREMENT OPPORTUNITY:** Procurement for the City of Birmingham will be handled in a manner providing fair opportunity for all businesses. This will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the City of Birmingham.

**IN WITNESS WHEREOF,** the said parties have caused this Agreement to be executed as of the date and year above written,

**WITNESSES:**

**CONTRACTOR**

By: ___

Its: Dominick Cuda
Member/Owner

**CITY OF BIRMINGHAM**

By: Patricia Bordman
Its: Mayor

By: J. Cherilynn Mynsberge
Its: City Clerk

Approved:

Lauren A. Wood, Director of Public Services
(Approved as to substance)

Timothy J. Currier, City Attorney
(Approved as to form)

Mark Gerber, Director of Finance
(Approved as to financial obligation)

Joseph A. Valentine, City Manager
(Approved as to substance)
CERTIFICATE OF LIABILITY INSURANCE

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

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

PRODUCER
CONRAD AGENCY
8518 CANTON CENTER
CANTON, MI 48187

CONTACT NAME: PHONE (AC, No, ext) 734-416-8280 FAX (AC, No) 734-416-8287
E-MAIL: ginny.springer@conradagency.com

INSURED
BRIXSTONE LLC
1120 L. ochawan
Waterford, MI 4827

INSURER A: LIBERTY MUTUAL
INSURER B: SECURITY NATIONAL INS CO
INSURER C:
INSURER D:
INSURER E:
INSURER F:

COVERAGES

CERTIFICATE NUMBER: NA116312402

REVISION NUMBER: 7/14/18 7/14/19

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

INCIDENT CATEGORY TYPE OF INSURANCE MADE (MULTI) MED. W/D POLICY NUMBER POLICY EFFECT (MM/DD/YYYY) POLICY EXPIRY (MM/DD/YYYY) LIMITS

B X COMMERCIAL GENERAL LIABILITY
Y N CLAIMS-MADE X OCCUR NA116312402 7/14/18 7/14/19

EACH OCCURRENCE $1,000,000
PROPERTY DAMAGE TO RENTED PREMISES (EA. occurrence) $100,000
MED EXP (Any one person) $5,000
PERSONAL & ADV INJURY $1,000,000
GENERAL AGGREGATE $2,000,000
PRODUCTS - COMMODITY AGG $2,000,000

AUTOMOBILE LIABILITY

X ANY AUTO
Y ALL OWNED AUTOS
X SCHEDULED AUTOS
X NON-OWNED AUTOS

UMBRELLA LIABILITY
X OCCUR

EXCESS LIABILITY
X CLAIMS-MADE

X DED RETENTION $5

WORKERS COMPENSATION AND EMPLOYERS' LIABILITY

X ANY PROPRIETOR OR PARTNER OR EXECUTIVE OFFICER/MEMBER EXCLUDED (Mandatory in NY)
X 5 yrs. bind/or under DESCRIPTION OF OPERATIONS below Y N/A

V IN WC5-345-547195 1-30-19 1-30-20

EACH ACCIDENT $100,000
PERSONAL INJURY (Per individual) $50,000
SAFETY INJURY (Per accident) $50,000
PROPERTY DAMAGE (Per occurrence) $50,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 191, Additional Remarks Schedule, may be attached if more space is required)

Additional Insured: The City of Birmingham, including all elected and appointed officials, all employees and volunteers, all board, commissions and or authorities and board members, including employees and volunteers thereof are considered Additional Insureds, with regards to general liability, as per written contract. This coverage shall be primary to any other coverage by primary, contributing or excess. A 30 day Cancellation notice or Non-Renewal will be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin St., Birmingham, MI 48009-3001.

CERTIFICATE HOLDER
CANCELLATION

CITY OF BIRMINGHAM
PO Box 3001
151 Martin St.
Birmingham, MI 48009

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

AUTHORIZED REPRESENTATIVE

©1988-2014 ACORD CORPORATION. All rights reserved.

The ACORD name and logo are registered marks of ACORD.
CERTIFICATE OF LIABILITY INSURANCE

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

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

PRODUCER
DC Insurance Group, Inc.
26333 Jefferson Ave
Sl. Clair Shores, MI 48081

INSURED
BRIARSTONE, LLC
3033 Glenbrook ST
KEEGO HARBOR
MI 48320-1070

INSURER A:
Frankenmuth Mutual
N/A 
13086

COVERAGE
CERTIFICATE NUMBER: CL1932005513

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

<table>
<thead>
<tr>
<th>Type of Insurance</th>
<th>AUDIT NUMBER/ (AUDIT MAY VARIES)</th>
<th>Policy Number</th>
<th>Policy Exp (Start/End)</th>
<th>Policy Exp (Expiration)</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial General Liability</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Claims-Made</td>
<td>O cur</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Aggregate Limit Applies Per:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Policy</td>
<td>Loc</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Automobile Liability</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any Auto</td>
<td>Y</td>
<td>BA 6357130</td>
<td>04/17/2019</td>
<td>04/17/2020</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Owned Autos Only</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Sched Autos Only</td>
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<tr>
<td>Non-Owned Autos Only</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Umbrella Liab</td>
<td>Occur</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Excess Liab</td>
<td>Claims-Made</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ded Retention</td>
<td>1/2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Workers Compensation</td>
<td>Y/N</td>
<td>H/A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>And Employers Liability</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ANY PROPRIETOR/EVENT EXECUTIVE OFFICER/OWNER EXCLUDED?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Optional to 90%</td>
<td>If so, describe under DESCRIPTION OF OPERATIONS below</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 191, Additional Remarks Schedule, may be attached if more space is required)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Additional Insured: The City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess. Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001

CERTIFICATE HOLDER
City of Birmingham
151 Martin Street
P.O. Box 3001
Birmingham, MI 48012

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

AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.
ATTACHMENT B - BIDDER'S AGREEMENT
Barnum Park Brick Planters

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

1. They have carefully examined the specifications, terms and Agreement of the Request for Proposal and all other provisions of this document and understand the meaning, intent, and requirement of it.

2. They will enter into a written contract and furnish the item or items in the time specified in conformance with the specifications and conditions contained therein for the price quoted by the proponent on this proposal.

<table>
<thead>
<tr>
<th>Dominick Cuda</th>
<th>2/20/2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>BID PREPARED BY</td>
<td>DATE</td>
</tr>
<tr>
<td>(Print Name)</td>
<td>2/20/2019</td>
</tr>
<tr>
<td>Owner</td>
<td>DATE</td>
</tr>
<tr>
<td>TITLE</td>
<td><a href="mailto:Office@brixnstone.com">Office@brixnstone.com</a></td>
</tr>
<tr>
<td>AUTHORIZED SIGNATURE</td>
<td>E-MAIL ADDRESS</td>
</tr>
<tr>
<td>Brixnstone, llc</td>
<td></td>
</tr>
<tr>
<td>COMPANY</td>
<td></td>
</tr>
<tr>
<td>1120 lochaven, Waterford, mi , 48327</td>
<td>248-545-0108</td>
</tr>
<tr>
<td>ADDRESS</td>
<td>PHONE</td>
</tr>
<tr>
<td>NAME OF PARENT COMPANY</td>
<td>PHONE</td>
</tr>
<tr>
<td>ADDRESS</td>
<td></td>
</tr>
</tbody>
</table>
ATTACHMENT C - COST PROPOSAL
For Barnum Park Brick Planters

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

Attach technical specifications for all proposed materials as outlined in the Contractor's Responsibilities section of the RFP (p. 7)

The proposal price shall include all work associated with the supply and install of brick planters and related work for Barnum Park, Birmingham, Michigan as depicted on the plans and specifications. The City of Birmingham reserves the right to delete or add sections of work as deemed in the best interests of the City, due to budgetary limitations as applicable.

<table>
<thead>
<tr>
<th>BASE BID</th>
<th>QTY</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brick Planter surrounding bench pad (shop drawings to be submitted)</td>
<td>2</td>
<td>$ 9475 each</td>
<td>$ 18950</td>
</tr>
<tr>
<td>Cleaning of Brick: for Brick Planters surrounding bench pads (pre and post installation)</td>
<td></td>
<td>$ 1500</td>
<td></td>
</tr>
<tr>
<td>Total Project Cost</td>
<td></td>
<td>$ 20450</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ALTERNATES</th>
<th>ADDITION TO TOTAL PROJECT COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternate Plan 'A': Brick Planter in center of walkway (5' x 15 1/2') (shop drawings to be submitted) installed</td>
<td>$ 9200</td>
</tr>
<tr>
<td>Cleaning of Brick: for Alternate I</td>
<td>$ 1000</td>
</tr>
<tr>
<td>Alternate II: Brick Pedestal and planting urn in center of walkway (shop drawings to be submitted) installed</td>
<td>$ 8900</td>
</tr>
<tr>
<td>Cleaning of Brick: for Alternate II</td>
<td>$ 500</td>
</tr>
</tbody>
</table>

Alternate C on separate page

Firm Name  Brixnstone, llc

Authorized signature ___________________________ Date 02/20/2019
ATTACHMENT D – COMPLETION DATE
For Barnum Park Brick Planters

COMPLETION DATE: June 30, 2019
A work schedule shall be provided to the Designated City Representative, Carrie Laird. The work schedule shall be approved by the Designated City Representative prior to the start of the work. Her decision as to acceptability shall be deemed in the City of Birmingham's best interest. The City of Birmingham is the only party to this contract that may authorize amendment of this schedule. The contractor is required to start the project within 10 working days after notified to start work.

It is mandatory that the entire project is completed on or before June 30, 2019.

( X) Our company can meet the completion date.

( ) Our company cannot meet the completion date but offers:

The reason our company cannot complete the work as required is as follows:

________________________________________________________

________________________________________________________

________________________________________________________

Company Name: BARNSTONE

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

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

Dominick Cuda 2/20/2019

PREPARED BY DATE
(Print Name)

Owner 2/20/2019

TITLE DATE

AUTHORIZED SIGNATURE E-MAIL ADDRESS

Brixnstone, llc

COMPANY

1120 Lochaven, Waterford, MI 48327 248-545-0108

ADDRESS PHONE

NAME OF PARENT COMPANY PHONE

ADDRESS

46-5173313

TAXPAYER I.D.#
DATE: March 29, 2019
TO: Joseph A. Valentine, City Manager
FROM: Theresa C. Bridges, Assistant City Engineer
SUBJECT: Bowers Street Water Main Replacement Project
Contract #2-19 (W)

INTRODUCTION:

The above-referenced project provides relief to a deteriorating section of water main and pavement on Bowers Street, between Woodward Avenue and Adams Road, and Elm Street, south of Bowers Street, as well as pavement on Bowers Street, between Old Woodward Avenue and Woodward Avenue. Having received, reviewed, and tabulated the contractors’ bids, the Engineering Department is recommending award to FDM Contracting in the amount of $727,291.25.

BACKGROUND:

The Bowers Street Water Main Replacement Project was presented to the City Commission as a staff report on November 12, 2018 as part of the Collector Street Paving Program. It was explained that several water main breaks have occurred on Bowers Street, requiring several service shutdowns and difficult repairs. Since redevelopment plans have not materialized, the City is moving forward with replacement of the water main and asphalt resurfacing of Bowers Street and Elm Street. The work is intended to allow the street to function for the near future until redevelopment occurs. At that time, a complete pavement reconstruction and streetscape enhancement can be implemented. A small amount of sewer repair work is also proposed where needed.

Prior to starting plan preparation, a review of the Multi-Modal Transportation Plan was conducted by the Board at their meeting of November 1, 2018. The Plan recommends inclusion of this segment of Bowers St. in a larger Neighborhood Connector Route, that will include signs and sharrows, but no changes to the overall pavement marking scheme. In accordance with the City’s crosswalk design standards, all crosswalks within the project area will be updated to include 8 foot wide walking surfaces, using the 24 inch wide continental style crosswalk pavement markings. A staff report previously sent to the City Commission regarding this topic is included in this report.

Bids were opened for the project on March 28, 2019 for two alternates, which offered different installation options of the water main. Alternate 1 entails open cutting the road for replacement of the water main with ductile iron pipe. Alternate 2 entails a pipe bursting method of installing high density polyethylene (HDPE) pipe. Three (3) bids were received, as listed on the attached summary.
The low bidder was FDM Contracting, with their bids of $727,291.25 for Alternate 1 and $726,411.25 for Alternate 2. The engineer’s estimates were $678,789 for Alternate 1 and $656,289 for Alternate 2. Because the actual difference in price is negligible and the pipe bursting and installation of HDPE has not been implemented in the City to date, the Engineering Department is recommending award to FDM Contracting, using Alternate 1.

FDM Contracting has completed several projects for the City in the past. Based on the excellent performance of previous projects, we are confident that they are fully qualified to do this type of work. Although the low bidder’s price is 10% higher than the engineer’s estimate, the bids received by other firms we also know well (Pamar Enterprises and DiPonio Contracting) were substantially higher (37% and 51% respectively), demonstrating that this is the current value of this work. Upon further review, it appears that the relatively small size of this project has driven the cost higher than expected.

As is required for all of the City’s construction projects, FDM Contracting has submitted a 5% bid security with their bid which will be forfeited if they do not provide the signed contracts, bonds and insurance required by the contract following the award by the City Commission.

LEGAL REVIEW:

The Engineering Department follows the Standard Format used for all contracts as required by the City Attorney’s Office.

FISCAL IMPACT:

The cost of the project will be charged to the following accounts:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Account Number</th>
<th>Project Account Number</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sewer Fund</td>
<td>590-536.001-981.0100</td>
<td>$48,437.50</td>
<td></td>
</tr>
<tr>
<td>Water Fund</td>
<td>591-537.004-981.0100</td>
<td>$386,390.00</td>
<td></td>
</tr>
<tr>
<td>Local Streets Fund</td>
<td>203-449.001-981.0100</td>
<td>$48,236.50</td>
<td></td>
</tr>
<tr>
<td>Major Streets Fund</td>
<td>202-449.001-981.0100</td>
<td>$244,227.25</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$727,291.25</strong></td>
<td></td>
</tr>
</tbody>
</table>

This project will qualify for the Oakland County grant program known as the Local Road Improvement Program, wherein the County has previously approved a grant to the City in the amount of $91,782 upon completion. The funding represents funding that the County has awarded to the City to encourage the improvement of local streets that will help spur economic development in the immediate area. This funding was not budgeted in fiscal year 2018-2019 and will be used to offset the cost of the Major Streets Fund portion of the expenditure.

The amount to be charged to the Water Fund and Major Streets Fund is greater than the current budget for those projects, therefore a budget amendment will be necessary.

SUMMARY:

It is recommended that the Bowers Street Replacement Project, Contract #2-19(W) be awarded to FDM Contracting, Inc. of Shelby Township, Michigan in the amount of
$727,291, to be charged to the various accounts as detailed in the report. A budget amendment to the Water Fund and Major Streets Fund is also required for this project, as contained in the suggested resolution below.

ATTACHMENTS:

- Bid Summary (1 page) – March 28, 2019
- Multi-Modal Transportation Board Review staff report (20 pages) – November 7, 2018
- Plans (15 sheets)

SUGGESTED RESOLUTION:

To award the Bowers Street Water Main Replacement Project, Contract #2-19(W) to FDM Contracting, Inc., in the amount of $727,291.25, to be charged to the following accounts:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Account Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sewer Fund</td>
<td>590-536.001-981.0100</td>
</tr>
<tr>
<td>Water Fund</td>
<td>591-537.004-981.0100</td>
</tr>
<tr>
<td>Local Streets Fund</td>
<td>203-449.001-981.0100</td>
</tr>
<tr>
<td>Major Streets Fund</td>
<td>202-449.001-981.0100</td>
</tr>
</tbody>
</table>

Contingent upon execution of the agreement and meeting all insurance requirements, and further to approve the appropriation and amendment to the fiscal year 2018-2019 Major Streets Fund and Water Fund budget as follows:

**Major Streets Fund**

**Revenues:**
- 202-000.000-400.0000 Draw from Fund Balance (Credit) $\$(77,554)$
- 202-000.000-583.0005 Oakland County Grant $\$91,782$

**Total Revenue** $\$14,228$

**Expenditures:**
- 202-449.001-981.0100 Capital Outlay – Engineering and Construction of Roads and Bridges $\$14,228$

**Total Expenditures** $\$14,228$

**Water Fund**

**Revenues:**
- 591-000.000-400.0000 Draw from Fund Balance $\$136,390$

**Total Revenue** $\$136,390$

**Expenses:**
- 591-537.004-981.0100 Public Improvement – Water Mains $\$136,390$

**Total Expenses** $\$136,390$
<table>
<thead>
<tr>
<th>Company Name</th>
<th>Addendums</th>
<th>5% Bid Security</th>
<th>Base Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>FDM Contracting</td>
<td>1,2</td>
<td>Bond</td>
<td>$727,291.25</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$726,411.25</td>
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</table>
DATE: November 7, 2018

TO: Joseph A. Valentine, City Manager

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

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

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

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

PROJECT OVERVIEW

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

#1 - Park St. - Oakland Blvd. to Hamilton Ave.

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

#2 - Peabody St. - Maple Rd. to Brown St.

The pavement surface of this one block segment is in poor condition. The majority of the concrete curbs and sidewalks have been replaced more recently. The street serves as the only entrance to the Peabody St. Structure, as well as three private parking garages. Since it is vital that the street is kept open as much as possible, we propose to save the curbs, removing the older pavement, and replacing it with full-depth asphalt. The asphalt option will allow the work to be done so that the street can be rehabilitated in less than one business week.
Bowers St. was first scheduled for resurfacing in 2004. However, the City desired at that time to install streetscape amenities that would improve the pedestrian experience. The plan would involve installing bumpouts in the parking lane to allow the installation of street trees in this narrow right-of-way. Preparing a comprehensive streetscape plan requires locating driveways along the route, which cannot be established given that a large percentage of the private properties along these blocks are subject to being redeveloped. With that in mind, Bowers St. has been cape sealed to extend the life of the existing asphalt. More recently, several water main breaks have occurred, requiring several service shutdowns and difficult repairs. Since redevelopment plans have not materialized, the City is moving forward with replacement of the water main, and resurfacing of Bowers St. The block of Elm St. south of Bowers St. is also in poor condition, and will be resurfaced as well. The work is intended to allow the street to function for near future, until redevelopment plans have been finalized. At that time, a complete pavement reconstruction and streetscape can be implemented.

MULTI-MODAL TRANSPORTATION BOARD REVIEW

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

At their regular meeting of November 1, the MMTB reviewed the attached information. The plans recommend crosswalk improvements throughout the project limits, widening crossings and installing handicap ramps in accordance with the City’s approved crosswalk standards policy. Neighborhood connector route signs and pavement markings recommended on Bowers St. are proposed to be delayed until the entire route is set up and installed as a complete unit. After discussing the report, the Board agreed with the staff recommendations. Since the multi-modal improvements are simply moving forward with the required handicap ramps and crosswalk improvements required both by the Americans with Disabilities Act (ADA) and the City’s crosswalk standards policy, no action is required by the City Commission at this time.
DATE:    October 25, 2018

TO:    Multi-Modal Transportation Board

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

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

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

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

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

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

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

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

As on all projects, handicap ramp improvements will be included. Since the project is within the Central Business District, the City’s crosswalk standards will apply. The crosswalk at the Oakland Ave. end of the job is just beyond the north limits of the proposed pavement replacement. Since the asphalt is in poor condition, it is recommended that the asphalt be repaired, and the handicap ramps widened to provide for a 12 ft. wide crossing, as required in the crosswalk standards. An existing mid-block crossing between the Park St. Parking Structure
and the main entrance to 300 Park St. should be improved to include 8 ft. wide ramps and improved pavement markings. The location of the crosswalk will be adjusted slightly to make it perpendicular to the street. The crosswalk at Hamilton Ave. was rebuilt in 2016, and meets the requirements of both the ADA and the crosswalk standards. No further work is planned at this time.

**Staff Recommendation:**

In accordance with the City's crosswalk standards policy:

- Replace handicap ramps and pavement markings at the Oakland Blvd. intersection with new 12 ft. wide walking surface.
- Replace handicap ramps and pavement markings at the mid-block crossing with new 8 ft. wide walking surface.

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

The existing pavement is in poor condition, but the curb and gutter system has been replaced on almost the entire length. This block is the access for the City's Peabody St. Parking Structure, as well as three private parking garages. Closing it for any length of time would be very disruptive for the adjacent business community. With this in mind, we plan to save the existing curbs, sidewalks, and driveways, and replacing the original pavement with a new deep strength asphalt section. Using this model, it is expected that the street closure could be kept to less than one week.

The MMTP does not call for any improvements on Peabody St.

A review of the crosswalks on this segment revealed:

a. At Maple Rd., the intersection will be completely reconstructed and enhanced in 2020. The intersection work is outside of the scope of this project, but will be addressed the year after.

b. Given the proximity of the Peabody St. Parking Structure main north stair tower, locating a mid-block crossing near the north end of the structure would be an enhancement for pedestrians attempting to cross the street here. The best location for a mid-block crossing would be directly in front of the stair tower, as shown in the attached photo. Unfortunately, there are currently four vehicle driveways in the immediate area, with a fifth one proposed for an underground parking garage as a part of the upcoming construction at 34965 Woodward Ave. Secondly, assuming the adjacent building project is underway when Peabody St. is repaved, the sidewalk on the east side of the street will be closed for safety reasons. In order to ensure that a mid-block crossing is added in the future, the Engineering Dept. will be asking the developer to add this feature to their plans wherein a marked mid-block crossing would be installed to align with their front door, which would also be about the mid-point of the block.

c. The existing crosswalk at the Brown St. intersection does not meet current City standards. It will be upgraded to 8 ft. wide ramps and pavement markings.
Staff Recommendation:

- Require construction of a mid-block crossing as a part of the new construction at 34965 Woodward Ave.
- At Brown St., replace the handicap ramps and pavement markings to meet the City’s current standards at the mid-block crossing at 8 ft. wide.

3. Bowers St. – Woodward Ave. to Adams Rd.
4. Elm St. – Bowers St. to Woodward Ave.

Resurfacing of Bowers St. was originally planned in 2005. The proposal was modified in favor of a proposed street narrowing and streetscape enhancement project that was postponed in hopes that adjacent buildings planned on both sides of the street would be reconstructed, allowing the design of the streetscape to be finalized. Unfortunately, the proposed buildings were never built. In the meantime, the pavement surface and the existing water main system has continued to deteriorate, and work must now be scheduled for 2019. Assuming that the adjacent properties will still be redeveloped, the City plans to replace the water main, repair curbs and sidewalks where needed, and replacing the thin asphalt surface. The underlying concrete would remain in place. Similarly on Elm St., concrete repairs will be made where needed, and the road will be upgraded with a new asphalt surface over the existing concrete.

As shown on the attached MMTP, Bowers St. is identified as part of a Neighborhood Connector Route that has not yet been constructed. The plan suggests that sharrows be installed along the corridor as a part of the larger route. No other lane marking changes are proposed. Since the sharrows will be more appropriate when installed as a part of the larger route, it is recommended that this work be done at the time the entire route is approved and installed.

The MMTP also called for crosswalk improvements at the Woodward Ave. intersection, which were completed earlier this year by MDOT. Handicap ramp and crosswalk improvements are required at the Elm St. and Adams Rd. intersections. Since the City’s crosswalk standards calls for 8 ft. wide ramps and pavement markings, enhanced crosswalks will be implemented at both of these intersections.

The MMTP does not call for any improvements on Elm St. A widened crosswalk is also proposed on Elm St. where it meets Woodward Ave.

Staff Recommendation:

- On Bowers St., replace handicap ramps at the Elm St. and Adams Rd. intersections to meet the City’s current crosswalk standards at 8 ft. wide.
- On Elm St., replace handicap ramps at the Elm St. and Woodward Ave. intersection to meet the City’s current crosswalk standards at 8 ft. wide.
Many of the proposed improvements include upgrades such as ramps, detectable warnings, pedestrian signals, and high visibility crosswalk markings.

Please refer to the Network Implementation Plan and Special Area Concept Plans for more details.
FIGURE 3.6A PROPOSED SHARED LANE MARKINGS

APPARENTLY 10.7 MILES OF NEW SHARED LANE MARKINGS ARE PROPOSED AND 0.2 MILES OF COLORED SHARED LANE MARKINGS ARE PROPOSED.
FIGURE 3.7A PROPOSED NEIGHBORHOOD CONNECTOR ROUTES

APPARENTLY 15.4 MILES OF NEIGHBORHOOD CONNECTOR ROUTES AND 2.25 MILES OF PAVED OFF-ROAD TRAILS ARE PROPOSED

Proposed Neighborhood Connector Routes

- Proposed Routes on Local Roadways
- Proposed Off-Road Trail

Web Survey Results:
- Around 73% of respondents would be comfortable riding a bike along a Bike Route on a Residential Road
CONCURRENT STUDIES
Numerous concurrent studies were underway on the Woodward Avenue Corridor during the creation of this plan. Due to this occurrence, implementation recommendations for this corridor were not provided. Details on the Woodward Avenue Corridor can be found under the Specific Area Concept Plans.
4.2 PHASE 1

PHASE 1: OVERVIEW
Many of the routes in Phase 1 may be implemented as part of the City’s Capital Improvement Plan (CIP). A Capital Improvement Plan is a short-range plan, usually five to ten years which identifies capital projects and provides planning schedules and options for financing the plan. CIP roadway projects generally fall into two categories, resurfacing and reconstruction. Resurfacing projects typically only affect the surface of the roadway, whereas in a reconstruction project the existing roadway, curb and sidewalk may be completely removed and reconstructed. Incorporating the proposed improvements with the CIP is a cost effective way to implement the facilities as it will reduce mobilization costs and help to consolidate roadway closures.

The following pages provide a more detailed breakdown of Phase 1.
PHASE 2: OVERVIEW
Phase 2 objective is to provide connections across the community and create a backbone for the City’s long-range multi-modal system. This phase achieves this by building on the existing multi-modal system.

The following pages provide a more detailed breakdown of Phase 2.
PHASE 2: PROPOSED BIKE FACILITIES

The following provides a list of on-road bike facilities that can be implemented in the near-term with minimal changes to the roadway. Please note that at time of implementation all bike facilities should be accompanied by appropriate signage.

On S Eton Road between Yosemite Boulevard and E Lincoln Street, remove parking on the west side of the street and add a buffered bike lane. On the east side of the street keep on-street parking and add a shared-lane marking. The buffer between the bike lane and travel lane should be cross hatched.
Add bike lanes to S Cranbrook Road between W Maple Avenue and W Lincoln Street through a four-lane to three-lane conversion. Add bike lanes to N Adams Road between Madison Street and Evergreen Drive through a four-lane to three-lane conversion. Please note that prior to implementation a micro-simulation may be necessary to see how school traffic timing affects both corridors.

Add bike lanes to Oak Avenue between Lake Park Drive and Lakeside Drive by adding an edge stripe 6’ out from the curb on both sides of the road.

Add shared lane markings to the following roadways:

- W Lincoln Street between S Cranbrook Road and Southfield Road
- E Lincoln Street between Adams Road and S Eton Road
- S Eton Road between W Maple Rd and Yosemite
- N Eton Road between Yorkshire Road and W Maple Road
- Bowers Street between Woodward Avenue and Adams Avenue
- Oakland Avenue between N Old Woodward Avenue and Woodward Avenue
- Willits Street between N Chester Street and N Old Woodward Avenue
- W Maple Road between Southfield Road and N Old Woodward Avenue
- S Bates Street between W Lincoln St and Willits Street
- Cole Street east of S Eton Street
- Adams Road between Madison Street and Woodward Avenue
- Oak Avenue between Lake Park Drive and Woodward Avenue
- Chesterfield Avenue between Oak Avenue and W Maple Road
- One-way on S Old Woodward Ave between Landon Rd and E Lincoln St

Add colored shared lane markings to E Lincoln Street between Woodward Avenue and Adams Road.
### PHASE 2 BICYCLE FACILITIES:

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PHASE 2: PROPOSED NEIGHBORHOOD CONNECTOR ROUTES

The following map displays the neighborhood connector routes that should be implemented first. Initially, implementation along these routes is as simple as providing wayfinding signage identifying the direction of the route and key destinations. Eventually, other enhancements such as rain gardens, traffic calming measures, and street art may be incorporated. Please note that some of these routes are dependent on road crossings which are proposed in Phase 1 and Phase 2.

In Phase 2 only wayfinding signage is proposed. In the future, the City may consider adding some additional enhancements such as mini traffic circles, pavement markings, chicanes, street diverters, and pedestrian street lighting.
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*Proposed Pathway extending from Villa Rd to Troy Transit Station 0.2 MI*
RESURFACING PLAN - BOWERS ST. (OLD WOODWARD AVE. TO WOODWARD AVE.)

SEWER STRUCTURE SCHEDULE

WATER MAIN SCHEDULE

PROPOSED WATER MAIN WORK - S. ADAMS & BOWERS (EAST)

NOWAK & FRAUS ENGINEERS
CIVIL ENGINEERS LAND SURVEYORS LAND PLANNERS
NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TOLL FREE: 1-888-631-0252
FAX: (248) 332-8377

PROJECT LOCATION
Part of the Northeast 1st of Section 36
Town 2 North
Range 10 East
City of Birmingham
Oakland County, Michigan

曝ING & Utility Plans
Title: Resurfacing Plan - Bowers St. (Old Woodward Ave. to Woodward Ave.)

Drawn by: C. Danielson
Approved by: B. Buchholz

Scale: 1" = 20'

NOWAK & FRAUS ENGINEERS
CIVIL ENGINEERS LAND SURVEYORS LAND PLANNERS
NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TOLL FREE: 1-888-631-0252
FAX: (248) 332-8377

PROJECT LOCATION
Part of the Northeast 1st of Section 36
Town 2 North
Range 10 East
City of Birmingham
Oakland County, Michigan

曝ING & Utility Plans
Title: Resurfacing Plan - Bowers St. (Old Woodward Ave. to Woodward Ave.)

Drawn by: C. Danielson
Approved by: B. Buchholz

Scale: 1" = 20'
ELM STREET
EXISTING ASPHALT PAVEMENT SECTION

BOWERS STREET
EXISTING ASPHALT PAVEMENT SECTION

BOWERS STREET
PROPOSED ASPHALT PAVEMENT SECTION

ELM STREET
PROPOSED ASPHALT PAVEMENT SECTION

Existing & Proposed Road Cross-Sections - Bowers St. & Elm St.
Advanced Warning Signage & Traffic Detour Plan
Bowers & Elm Street

**NOTES**:
1. OPEN CUT WATER MAIN EXTENSION MUST BE COMPLETED ON A SATURDAY, AND BACKFILLED AT THE END OF THE DAY. SEE DETOUR PLAN THIS SHEET FOR SATURDAY ROAD CLOSURE DETOUR.

2. ASPHALT REPAIRS MAY OCCUR CLOSELY AFTERWARDS DURING THE WEEK. CONTRACTOR SHALL CONDUCT LANE SHIFTS USING ARROW BOARDS AND PROPER ADVANCED WARNING SIGNAGE PER M.M.U.T.C.D. IN ORDER TO MAINTAIN TWO-WAY TRAFFIC DURING ASPHALT REPAIRS.

**DETOUR ROUTE**
- BOWERS ST. CLOSED M1 TO ADAMS RD.
- FOLLOW DETOUR

**ADVANCED WARNING SIGN QUANTITIES**
- SPECIAL ADVANCED WARNING SIGN QUANTITIES

**SPECIAL ADVANCED WARNING SIGN QUANTITIES**
-bowsers st. closed w/ old woodward follows detour routes

**END DETOUR**
- bowsers st. closed w/ old woodward follows detour routes
### Quantities

#### WATER PAY ITEMS

1. **Call Before You Dig**
   - **Location**: West 8th Street, Town 3 North, Range 10 East, City of Birmingham, Oakland County, Michigan
   - **Description**: Bowers St. Water Main Replacement Project, Contract #2-19(W)
   - **Date**: 03-12-19

#### BID ITEMS

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<td>Valve</td>
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#### Additional Pay Items

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<th>Quantity</th>
<th>CS</th>
<th>Sheet FF</th>
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</table>

#### General Conditions

- **Base Bid**: $1,230,000.00
- **Alternatives**: A, B, C
- **Subtotal General Conditions**: $0.00
- **Total Bid**: $1,230,000.00
INTRODUCTION:
The police department has received a request from the Law Offices of Adkison, Need, Allen, and Rentrop regarding approval to transfer ownership of the Class C license from The Palladium of Birmingham LLC, Birmingham, Oakland County, MI 48009 to The Morrie Birmingham LLC ("Morrie Birmingham"), which will do business as ("The Morrie"). The Morrie is comprised of the following members; Aaron Belen and Jordan Jonna. The Morrie also requests the following permits: SDM license (beer and wine to go), Sunday Sales PM Permit, Dance/Entertainment Permits and Outdoor Service Area Permit. The Morrie has paid the initial fee of $1500 for a business that serves alcoholic beverages for consumption on the premises per section 7.33 of the Birmingham City Code.

<table>
<thead>
<tr>
<th>Member</th>
<th>Percentage of Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aaron Belen</td>
<td>60%</td>
</tr>
<tr>
<td>Jordan Jonna</td>
<td>40%</td>
</tr>
</tbody>
</table>

BACKGROUND:
The Morrie will be a quintessential neighborhood gathering place. The Morrie will offer lunch and dinner that includes classic American bar cuisine and a build your own salad and pizza option. The menu includes-BBQ Smoked Ribs for $20 and a Steak Hoagie for $14. The hours of operation will be Monday-Wednesday from 11am to midnight, Thursday and Friday 11am to 2am, Saturday from 10am to 2am and Sundays from 10am to midnight. The Morrie expects to employ 55-75 full and part time employees. The liquor license will be assigned from the landlord for $1.00. The Morrie will invest $500,000 in renovations, furniture, fixtures and equipment to the existing building. The members have capital contributions to pay for the renovations, furniture, fixtures,
and equipment. The members have a sufficient amount of cash on hand to finance the renovations per bank letters. The Morrie has a lease with the landlord, The Palladium of Birmingham, LLC. The lease is for 11 years, with a 14-option. The rent will be a very reasonable amount per month. The members will purchase the restaurant equipment needed.

The Morrie will have interior seating for 214 seats, which includes 33 seats at the bar. The exterior seating will have seating for 16. Since the outdoor patio is located on the City sidewalk, the Michigan Liquor Control Commission ("MLCC") will require City Commission approval.

The Birmingham Planning Board on June 27th 2018 recommended approval to the Birmingham City Commission for Final Site Plan Review and a SLUP amendment for 260 N Old Woodward, The Morrie, to add a dance floor to the previously approved plans.

LEGAL REVIEW:
Non-applicable

FISCAL IMPACT:
Non-applicable

SUMMARY:

Aaron Belen has an interest in the following liquor licenses:

<table>
<thead>
<tr>
<th>Licensee Name</th>
<th>City</th>
<th>License Date</th>
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</thead>
<tbody>
<tr>
<td>Dexter Hospitality Holdings, LLC</td>
<td>Royal Oak</td>
<td>April 2013</td>
</tr>
<tr>
<td>Liberty Hospitality Holdings, LLC</td>
<td>Royal Oak</td>
<td>August 2016</td>
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Jordan Jonna is an indirect member of the Palladium liquor licenses in Birmingham and has one license in escrow, Parkwoods Market in Oak Park.

Aaron Belen was previously a silent partner in 210 Hamilton, LLC (DBA: Blue Martini) and Barcelona Holdings, LLC (DBA: Mustang Janes).

Belen and Jonna have no MLCC violations.

A background check was conducted on Aaron Belen and Jordan Jonna. Belen and Jonna were checked using the Law Enforcement Information Network (LEIN), the Court’s Law Enforcement Management Information System (CLEMIS) and the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLEN). Belen and Jonna have no criminal convictions and no negative law enforcement contacts.
ATTACHMENTS:
The Birmingham City Commission minutes from 7/23/18 approving the SLUP and Final Site Plan Review.

A letter of recommendation for The Morrie and Aaron Belen from the Royal Oak Chief of Police and Assistant City Manager.

SUGGESTED RESOLUTION:

To authorize the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and to approve the liquor license request of The Morrie, LLC that requests a transfer of interest in a Class C License to be issued under MCL 436.1521(A)(1)(B), and request for a new SDM License with new Outdoor Service (1 Area), New Sunday Sales (AM and PM) and New Dance/Entertainment Permits located at 260 N Old Woodward, Birmingham, Oakland County, MI 48009.

Furthermore, pursuant to Birmingham City Ordinance, to authorize the City Clerk to complete the Local Approval Notice at the request of The Morrie, LLC approving the liquor license transfer request of The Morrie, LLC that requested a Class C License to be issued under MCL 436.1521(A)(1)(B), and request for a new SDM License with new Outdoor Service (1 Area), New Sunday Sales (AM and PM) and New Dance/Entertainment Permits located at 260 N Old Woodward, Birmingham, Oakland County, MI 48009.
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
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
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

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 & Vandenbergink (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.

July 23, 2018
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
RESOLUTION 07-206-18

THE MORRIE
260 N. OLD WOODWARD
SPECIAL LAND USE PERMIT AMENDMENT 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;
3. The Morrie shall abide by all provisions of the Birmingham City Code; and
4. 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
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
March 23, 2018

Mark Clemence, Chief of Police
151 Martin Street
Birmingham, MI 48009

Chief Clemence,

It is my understanding that Aaron Belen is interested in opening The Morrie II in the City of Birmingham. The original Morrie opened in 2016 in the City of Royal Oak. In addition to The Morrie, Mr. Belen owns Bistro82/SCL in Royal Oak, and opened it in 2014. Mr. Belen has put significant resources into improving both the interior and exterior of both his restaurants, and both establishments are well-run and professionally managed.

Due to the number of Class C liquor licenses within Royal Oak, the police department closely monitors which establishments cause a strain on our police resources. Since opening, neither of Mr. Belen’s venues have caused any significant issues for the police department. A detailed list of all calls for service at either location is available upon request.

The Morrie is a unique establishment that offers high quality food and entertainment and has been a welcomed addition to downtown Royal Oak.

Additionally, in all my professional and personal dealings with Mr. Belen, I found him to be responsive and cooperative. I highly recommend him as a conscientious businessman and professional.

Please feel free to contact me if you have question or concerns.

Sincerely,

[Signature]
Corrigan O’Donohue
Chief of Police / Assistant City Manager
DATE: March 30, 2019

TO: Joseph A. Valentine, City Manager

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

SUBJECT: Maple Rd. Reconstruction
Southfield Rd. to Woodward Ave.
Tree and Planter Alignment

INTRODUCTION:
At the meeting of November 19, 2018 the City Commission passed a resolution directing staff to proceed with the detailed design work and bid package preparation for the above project. The City Commission approved the design for Maple Road with the exception of the alignment of the trees and planter boxes in the area of the mid-block crossing.

BACKGROUND:
As a part of the November 19, 2018 presentation, the planter boxes and trees at the mid-block crossing were shown stepped out closer to the center of the road, to define the crossing and alert drivers to slow down, and to maximize sidewalk space adjacent to buildings. The City Commission requested that MKSK provide additional options for tree placement at the mid-block crossing, including keeping all trees in line with the standard street trees.

On December 10, 2018, three different design options were prepared by MKSK, including one showing all street trees in alignment as requested by the City Commission. Before the presentation was conducted, the City Commission advised that they would also like to see a final design plan for the entire corridor completed, including the placement of all street furnishings (benches, trash receptacles etc.), street lights, parking meters, street trees, plantings and public art. Further, the City Commission requested clarification on the type of street trees proposed throughout the corridor, and drawings of each intersection to illustrate the new design from a pedestrian perspective.

In response, the attached presentation has been prepared by MKSK, depicting two options for the alignment of street trees, planter boxes and street furnishings in the project corridor. Recommended street tree species include Frontier Elm and Honey Locust, with a recommendation to use Frontier Elms along all parking zones, and to use Honey Locust at pedestrian crossing locations to identify pedestrian zones and promote species diversity. The options for street alignment are as follows:
Option A – This option shows smaller planter boxes included on the bump outs and at the mid-block crossing, with the planter boxes and street trees located further away from the building faces than the street trees along the rest of the block where on-street parking is located. In this option, the planter boxes are smaller in size, thus expanding the width of the sidewalk along the face of the buildings. Trees would be planted in the center of the small planter boxes. This reduction in the size of planter boxes keeps them closer to the street and provides additional sidewalk space for benches and other street furnishings.

Option B – This option shows expanded planter boxes included on the bump outs and at the mid-block crossing, with the street trees planted in alignment with the street trees along the rest of the block where on-street parking is located. In this option, the planter boxes are larger and extend further into the sidewalk space towards the buildings, reducing the size of the pedestrian path. Trees would be planted off-center in the planter boxes. The expansion of the planter boxes reduces the number of benches that can be placed given sidewalk space constraints.

LEGAL REVIEW:
No legal review is required.

FISCAL IMPACT:
Neither of the options offered make an impact on the overall budget for the Maple Rd. project.

SUMMARY:
After review of the attached presentation by MKSK, the City Commission is asked to provide direction on which of the options are preferred for design of the street trees, planter beds and street furnishings on bump outs, at the mid-block crossing on E. Maple Road, and along the entire project corridor.

ATTACHMENTS:
- City Commission minutes of November 19, 2018
- City Commission minutes of December 10, 2018
- Presentation from MKSK providing details on the landscape and street furnishing design options.
- Plan view of the entire project corridor.

SUGGESTED RESOLUTION:
To direct staff to use Option A: Staggered Tree Placement for the landscape and street furnishing design of the Maple Road project area as recommended by the City’s planning consultant, and further, to use Frontier Elms along all on-street parking zones, and to use Honey Locusts at pedestrian crossing locations.

OR

To direct staff to use Option B: Aligned Tree Placement for the landscape and street furnishing design of the Maple Road project area, and further to use Frontier Elms along all on street parking zones and to use Honey Locust at pedestrian crossing locations.
11-314-18 MAPLE ROAD RECONSTRUCTION – SOUTHFIELD RD. TO WOODWARD AVE. CONCEPTUAL PLANS

Planning Director Ecker reviewed the staff report submitted to City Manager Valentine dated October 31, 2018, by her, Police Commander Grewe, and City Engineer O’Meara.

Brad Strader, MKSK, and Justin Rose, Fleis and Vandenbrink presented suggested revisions to address concerns raised by the City Commission.

Commissioners Nickita and DeWeese voiced support for the suggested revisions to the ADA Accessible Spaces Design.

Mayor Bordman said she would prefer trees native to Michigan, encouraging the use of frontier elm instead of zelkova trees.

Commissioner Nickita said he would prefer the trees be aligned instead of staggered. Mr. Strader explained staggering the trees allowed for a larger pedestrian area near the bump-outs.

Commissioner Nickita said he would like to see a redesign of the bump-outs that allow the trees to be aligned.

Mr. Strader said he could have a redesign of the trees and bump-outs to the City before the December 3, 2018 Commission meeting.

Commissioner DeWeese noted that lining the trees up could be an issue for the trees with a wider canopy. He suggested that if the trees are aligned the narrower-canopied trees should be used exclusively.

Commissioner DeWeese noted that a 60’ truck could navigate the proposed changes at the Southfield Road intersection, it would just need to proceed slowly.

Mr. Rose explained that option 3 for the Southfield Road intersection is the FHWA’s preferred option.

Mr. Strader reviewed the decisions indicated by the City Commission.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner: Resolution directing staff to proceed to final design for the Maple Rd. Reconstruction Project from Southfield Rd. to Woodward Ave., intended for construction in 2020, featuring the seven recommended design elements, except the tree alignment element will come back at Dec 3 meeting.

**VOTE:** Yeas, 7
Nays, 0
Absent, 0
City Commission Minutes
December 10, 2018

12-340-18 MAPLE ROAD RECONSTRUCTION SOUTHFIELD ROAD TO WOODWARD AVENUE, TREE AND PLANTER ALIGNMENT

Commissioner Sherman shared concerns that information is coming to the Commission incomplete. He said this issue also occurred during the Old Woodward project.

Mayor Bordman reiterated her opposition to zelkova trees.

Commissioners DeWeese and Sherman stated that they did not recall approving zelkovas at the last meeting.

Planning Director Ecker said:
- She would return to the record for the November 19, 2018 Commission meeting and double-check the question of tree approval.
- The tree alignment chosen for the mid-block crossings can also be applied to the intersections with the bump-outs.

Commissioner Nickita stated the Commission had asked staff for clarification at their November 19, 2018 meeting regarding:
- How the streets would look with all the trees aligned; and,
- If the trees are all aligned, how other features of the intersections would be changed, such as landscaping, benches, extra space for pedestrians, and ramps.

Commissioner Nickita further commented:
- He was surprised that no information regarding proposed intersection feature changes had been submitted in the agenda materials.
- He would rather have all the information instead of addressing this issue piecemeal.

Commissioner DeWeese agreed with Commissioners Nickita and Sherman, adding that features such as benches should be approved once seen in-context as part of a plan. He noted the absence of plans that contextualized the recommended features.

Commissioner Sherman suggested postponing until staff returned with the requested information.

City Manager Valentine confirmed there would be time to clarify the plans for the space between the curb and the sidewalk.

Mayor Bordman requested a more complete picture of staff proposals for each of the places that are currently an issue: the Henrietta intersection, the crosswalks, and the tree types.

City Manager Valentine asked Mr. Strader and Ms. Wolfe if they had any questions.

Commissioner Nickita said he would like to see plans for a seating option and the landscape condition once the trees are aligned.
ITEMS PREVIOUSLY AGREED UPON

1. Southfield/Maple Mast Arm
2. Southfield/Maple Intersection Design
3. Bates/Maple Design
4. Park/Peabody/Maple Intersection Design
5. **Street items:**
   1. Lane widths
   2. Parking layout
   3. Barrier-free Parking Locations
   4. Pedestrian Crossings
6. **Streetscape items:**
   1. Sidewalk widths
   2. Terminating vista at Henrietta
   3. Street tree types (non-columnar)
   4. Street tree spacing
1. Tree alignment at the midblock-crossings and bump-outs (includes street furnishing layout):

Options:
   A) Trees staggered
   B) All trees aligned

2. Street tree species (and how this may affect tree alignment):

   Frontier Elm adjacent to parking, Honey Locust at bump-outs and mid-block crossings
1. TREE ALIGNMENT STUDY

Tree alignment at the midblock-crossings and bump-outs (includes street furnishings layout)

Options:

A. Staggered:
   - Sidewalk widths are **maximized**
   - *Functional* space for benches at all bump-out and mid-block planters
   - Intersections and mid block crossings are **emphasized by the changes in tree alignment and species**

B. Aligned:
   - **Planters are extended into sidewalk** to fit tree alignment and proper tree planting
   - **Benches are placed where sidewalk widths allow**
   - Intersections and mid block crossings are **emphasized by the changes in tree species**
1. TREE ALIGNMENT STUDY — OPTION A: STAGGERED

OVERALL
1. TREE ALIGNMENT STUDY — OPTION B: ALIGNED

OVERALL

1. Chester

2. Henrietta

3. Old Woodward

4. Peabody
1. TREE ALIGNMENT STUDY - OVERVIEW

**OPTION A: STAGGERED**

- Trash Bin
- Bike Rack
- Cell Phone Charge Station
- Bench

**OPTION B: ALIGNED**

- Trash Bin
- Bike Rack
- Cell Phone Charge Station
- Bench

*Sidewalk width is from planter edge to ROW
1. TREE ALIGNMENT STUDY – OVERVIEW – SITE FURNISHINGS

- Bike rack
- Light post
- Cell Phone Charging Station
- Bench
- Planter
- Trash Bin
- Parking Meter

Old Woodward - Existing
1. TREE ALIGNMENT STUDY - CHESTER TO BATES

OPTION A: STAGGERED

Chester

Bike rack

Bench

Bates

Bike rack

Bench

Light post & parking meter (typical)

OPTION B: ALIGNED

Chester

Bike rack

7'-6" clearance

Bates

Bike rack

7'-6" clearance

Light post & parking meter (typical)
1. TREE ALIGNMENT STUDY - CHESTER TO BATES

**OPTION A: STAGGERED**

Pedestrian view looking west

Vehicular view looking west

**OPTION B: ALIGNED**

Pedestrian view looking west

Vehicular view looking west

12'-6"  6'-6"
1. TREE ALIGNMENT STUDY — PIERCE TO HENRIETTA

**OPTION A: STAGGERED**

**OPTION B: ALIGNED**
1. TREE ALIGNMENT STUDY - HENRIETTA

**OPTION A: STAGGERED**

Pedestrian view looking west

Vehicular view looking west

16’-0”

**OPTION B: ALIGNED**

Pedestrian view looking west

Vehicular view looking west

6’-6”
1. TREE ALIGNMENT STUDY - HENRIETTA
1. TREE ALIGNMENT STUDY — MIDBLOCK TO WOODWARD

**OPTION A: STAGGERED**

- Bike Rack
- Bench
- Light post & parking meter (typical)

**OPTION B: ALIGNED**

- Bike Rack
- Bench
- Light post & parking meter (typical)
1. TREE ALIGNMENT STUDY — MIDBLOCK TO WOODWARD

**OPTION A: STAGGERED**

- Pedestrian view looking west
- Vehicular view looking west

**OPTION B: ALIGNED**

- Pedestrian view looking west
- Vehicular view looking west

8'-10'

5'-6" MAX
1. TREE ALIGNMENT STUDY — MIDBLOCK

**OPTION A: STAGGERED**

Pedestrian view looking west

12'

Vehicular view looking west

**OPTION B: ALIGNED**

Pedestrian view looking west

6'

Vehicular view looking west
1. TREE ALIGNMENT STUDY - CHESTER TO BATES

**OPTION A: STAGGERED**
- Light post & parking meter (typical)
- Bench

**OPTION B: ALIGNED**
- Light post & parking meter (typical)
- Bench
1. TREE ALIGNMENT STUDY — PEABODY/PARK TO MIDBLOCK

**OPTION A: STAGGERED**

- Pedestrian view looking west
- Vehicular view looking west

**OPTION B: ALIGNED**

- Pedestrian view looking west
- Vehicular view looking west
1. TREE ALIGNMENT STUDY – PEABODY/PARK TO MIDBLOCK

**OPTION A: STAGGERED**

Vehicular view looking west

**OPTION B: ALIGNED**

Vehicular view looking west
Tree alignment at the midblock-crossings and bump-outs (includes street furnishings layout)

Options:

A. Staggered:
   • Sidewalks widths are maximized
   • Space for benches at all bump-out and mid-block planters
   • Intersections and mid block crossings are emphasized by the changes in tree alignment and species

B. Aligned:
   • Planters are extended into sidewalk to fit tree alignment and proper tree planting
   • Benches are placed where sidewalk widths allow
   • Intersections and mid block crossings are emphasized by the changes in tree species
2. TREE SPECIES

Street tree species
(and how this may affect tree alignment):

Frontier Elm adjacent to parking, Honey Locust at bump-outs and mid-block crossings

- Frontier Elm are **hardy street trees**
- Honey Locust used in Old Woodward project, historically as a reliable street tree
- Changes in species at bump-outs and mid-block crossings indicate pedestrian zones
- Branching habits similar between species, will not affect perception of tree alignment
- **Monocultures should be avoided** due to disease, pests, and reduced forest diversity
2. FRONTIER ELM ADJACENT TO PARKING, HONEY LOCUST AT BUMP-OUTS AND MID-BLOCK CROSSING

ADJACENT TO PARKING:

Frontier Elm
Ulmus x Frontier

- Frontier Elms are **hardy street trees**
- **Purple-red fall color** (ode to Maples)
- Resistant to Dutch Elm Disease due to hybridization
- Make up only 2% of trees in Birmingham*

BUMP-OUTS AND MID-BLOCK CROSSING:

Thornless Honey Locust
Gleditsia triacanthos f. inermis

- Honey Locust used on Old Woodward, historically as a reliable street tree
- Branching habits similar to Frontier Elm, **does not affect perception of tree alignment**
- Used in fewer locations in order to boost Birmingham urban tree diversity
2. TREE PLANTING CONCEPT

FRONTIER ELM ADJACENT TO PARKING, HONEY LOCUST AT BUMP-OUTS AND MID-BLOCK CROSSING

*shown in Option A alignment
2. Frontier Elm adjacent to parking, Honey Locust at bump-outs and mid-block crossing
ITEMS PREVIOUSLY AGREED UPON

1. Southfield/Maple Mast Arm
2. Southfield/Maple Intersection Design
3. Bates/Maple Design
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5. Street items:
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   4. Pedestrian Crossings
6. Streetscape items:
   1. Sidewalk widths
   2. Terminating vista at Henrietta
   3. Street tree types (non-columnar)
   4. Street tree spacing
1. Tree alignment at the midblock-crossings and bump-outs (includes street furnishing layout):

Options:
   a) Trees staggered
   b) All trees aligned

2. Street tree species (and how this may affect tree alignment):

   Frontier Elm adjacent to parking, Honey Locust at bump-outs and mid-block crossings
MAPLE ROAD - TREE ALIGNMENT STUDY - OVERALL PLAN ENLARGEMENTS

STAGGERED:

ALIGNED:
STAGGERED:

ALIGNED:
DATE: March 20, 2019

TO: Joseph A. Valentine, City Manager

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

SUBJECT: E. Maple Rd. & Eton Rd. Intersection
Multi-Modal Transportation Board Recommendations

INTRODUCTION:

In the fall of 2017, a new Whole Foods grocery store opened at 2100 E. Maple Rd., replacing an office building. Given that the new store would have a driveway entering into the Maple Rd. & N. Eton Rd. intersection, it was anticipated that there would be an impact on traffic flows and demand in this area. Considerable discussion and study went into traffic signal modifications at the Planning Board level, and at the staff level, prior to issuing a building permit. Concurrently, the City formed an Ad Hoc Rail District Committee that studied many issues relative to traffic and parking along the S. Eton Rd. corridor. The findings of the committee were referred to the Multi-Modal Transportation Board (MMTB) for several recommendations. Since certain issues remain unresolved at this intersection, it has been studied again recently by the MMTB. Recommendations in two areas are provided below for consideration of the City Commission.

BACKGROUND:

A. South Eton Rd. Intersection (West of CN Railroad)

At the City Commission meeting of August 14, 2017, the City Commission reviewed a recommendation from the MMTB to install a pedestrian island to improve the S. Eton Rd. crosswalk at Maple Rd., in conjunction with other modifications for the S. Eton Rd. block south to Yosemite Blvd. After discussion and review, the Commission did not feel the issues of pedestrian demand vs. the needs of truck turns and vehicle turns had been explored fully. Further, there was interest in seeing if pedestrian traffic patterns changed upon the opening of the Whole Foods grocery store.

New traffic count data was obtained in September, 2018. It was compared to data collected in 2015. F&V noted the following points of interest:

- Vehicular traffic overall did not change much, except that southbound right turns from N. Eton Rd., as well as through westbound traffic increased measurably. Neither of these increases could be attributed to Whole Foods.
Pedestrian activity on the west side of the intersection remains stable both before and after the opening of Whole Foods. Pedestrian traffic did increase measurably for the crosswalk crossing Maple Rd. at N. Eton Rd. (traffic to and from the Pembroke Park Subdivision).

With the above data, traffic consultant F&V was asked to consider every possible option of ways to modify the S. Eton Rd. intersection to improve walkability. As noted in their memo, the following base parameters were used in the design:

- The existing south side crosswalk at S. Eton Rd. exceeds the maximum length of a crosswalk per AASHTO recommendations. While it is recommended that crosswalks not exceed 60 ft. in length, the current crosswalk is 88 ft.
- If a splitter island is installed as was recommended initially, the raised island must have a minimum width of 6 ft., preferably 8 to 10 ft., to provide a safe feeling refuge if a pedestrian needs to stop and wait there. (The time provided to use this crosswalk is more than sufficient for pedestrians to cross without stopping at the island, however, if a pedestrian starts crossing late in the cycle, they may need to stop in the middle.)
- Since there are commercial tenants located in the Rail District that routinely ship materials using large semi-trailers, and there is no other legal entry and exit point for these vehicles, F&V recommends that the WB-65 truck turning template be used in the design (for more information, the dimensions of a WB-65 truck is featured in the attached memo).

Overall, F&V was able to present nine different design concepts to modify the intersection in an effort to improve conditions for pedestrians. The various reasons that most were eliminated is detailed in the memo. The top candidates for further consideration were Options 1 and 6, which both feature a splitter island design similar to what was recommended previously. The difference between the two is that the crosswalk crossing Maple Rd. was relocated further east on Option 6. When first discussed at the meeting of February 7, 2019, the Board saw benefits in both options. While pedestrians using the crosswalk on Option 6 would benefit from not having potential conflicts with northbound left turns from S. Eton Rd., the close proximity of the bridge abutments, which greatly impacts sight distance for westbound motorists, made some Board members hesitate. Additional time was provided to have an outside pedestrian safety expert that works for the Michigan Dept. of Transportation (MDOT) review the proposed designs. After considering current crash patterns and traffic behaviors, she recommended that Option 6 is the best design, although Option 1 has merit as well.

The MMTB considered the additional information at their meeting of March 6, 2019. The Board considered not only the perceived safety of the relocated crosswalk, but also the level of convenience or lack thereof that pedestrians would feel having to use the island to cross Maple Rd. Issues raised included:

- It had already been established that the small splitter island is not a positive environment for pedestrians to have to stand and wait for traffic to clear. If Option 6 were built, all northbound/southbound pedestrians would be required to wait on the island.
- Northbound pedestrians from S. Eton Rd. coming from the west side of the street wishing to head north and west down Maple Rd. would be forced to go out of their
way to cross Maple Rd., which may result in attempts to cross Maple Rd. where the crosswalk is today, even if not recommended or signed to do so.

In the end, the MMTB did not feel that the benefits of Option 6 outweighed its drawbacks, and recommended on a 7-0 vote to recommend the installation of Option 1, the splitter island with the Maple Rd. crosswalk remaining as it is today.

Although not discussed in detail, the MMTB members clarified that the recommendation includes the other components of the recommendation that existed previously:

- Relocation of the west side curb on S. Eton Rd. from Maple Rd. to Yosemite Blvd., so that the west side sidewalk can be reconstructed at 8 ft. wide instead of its current 5 ft.
- Additional sidewalk width will be added to the southeast corner of the intersection, to improve the waiting area for pedestrians, where additional right-of-way allows this opportunity.
- Sharrows will be added to this block of S. Eton Rd. to encourage the use of the traffic lanes by bicyclists.

B. North Eton Intersection (East of CN Railroad)

The Maple Rd. and Eton Rd. intersection has been operating for over a year in its revised mode. During the months of October through the end of the year, the partial blockage of other streets in the area, such as Coolidge Hwy., 14 Mile Rd., and Adams Rd. due to construction projects resulted in higher than normal demand for this intersection. Additionally, Whole Foods experienced strong traffic demand during the Christmas shopping season, which resulted in problems not seen to such an extreme degree before. Of particular note was the fact that the north and south entrances into the intersection, particularly for traffic turning on to westbound Maple Rd., were conflicting with each other. As in any intersection, left turns are supposed to yield to right turns. However, due to extreme demands, and lack of storage space under the railroad bridge, resulted in unexpected frustrations and driver behaviors. Our traffic consultant was asked to review the issue and provide recommendations.

The issue was discussed at both the January and February, 2019 MMTB meetings. Various options were offered and discussed, with the preferred option being to provide a separate protected phase for northbound drivers exiting the Whole Foods driveway. Doing so would allow for them to not have to enter the intersection at the same time as southbound traffic, which should reduce conflicts. While studying the intersection further, it was noted that a “special” 4 to 6 PM timing that operated every day was working better for northbound S. Eton Rd. drivers than it was during the rest of the mid-day period. Northbound drivers turning eastbound on Maple Rd. were being stopped under the bridge, where little storage room is available, which would reduce the number of vehicles that could be processed for this turn during each cycle, resulting in queues to the south. The total length of the signal cycle is also recommended for a 10-second reduction, to 120 seconds, to fit in better with the other traffic signals on the Maple Rd. corridor. Details are in the attached report from F&V, and the recommended changes are summarized below at the end of this memo.
If approved, we anticipate that this change can be implemented in approximately 60 days, once a new traffic signal can be acquired, and installed through the Road Commission for Oakland Co.

LEGAL REVIEW:
No legal review is required.

FISCAL IMPACT:

A. South Eton Rd. Intersection (West of CN Railroad)

If the City Commission directs staff to proceed with the MMTB recommendation (Option 1), the following improvements will be constructed, at the following estimated costs:

<table>
<thead>
<tr>
<th>Improvement</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Splitter Island</td>
<td>$20,000</td>
</tr>
<tr>
<td>Landscaping at Island</td>
<td>$ 2,000</td>
</tr>
<tr>
<td>Widened handicap ramp at SE Corner</td>
<td>$ 1,000</td>
</tr>
<tr>
<td>Widened sidewalk and ramps on W. Side (One block)</td>
<td>$53,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$76,000</strong></td>
</tr>
</tbody>
</table>

If approved by the Commission, the Engineering Dept. anticipates that this work may be added to the 2019 Concrete Sidewalk Replacement Program, which will be underway during the upcoming summer. The resolution below includes authorization for these additional funds.

Note that if the City Commission wishes to proceed with Option 6 in the alternative (wherein the Maple Rd. crosswalk is relocated to the east), the estimated cost would include the above items, plus additional concrete, pavement marking, and traffic signal work. Including the $76,000 cost of Option 1, the total estimated cost of Option 6 would be in the range of $105,000 to $130,000 (an increase of 36% to 71%), per F&V.

B. North Eton Intersection (East of CN Railroad)

The recommended traffic signal modifications (Alternative 3) at the Maple Rd. & N. Eton Rd. intersection will require the installation of an additional traffic signal for the northbound traffic within this intersection, as well as signal timing modifications. The additional cost is estimated at $8,550. If authorized by the City Commission, staff will direct the Road Commission of Oakland County to proceed with this modification as soon as possible.

SUMMARY:

In accordance with the recommendations of the Multi-Modal Transportation Board, the City Commission is asked to consider the following modifications:

A. Maple Rd. & S. Eton Rd. – Pedestrian improvement Option 1, including widening of the west side S. Eton Rd. sidewalk from Maple Rd. to Yosemite Blvd., installation of a splitter island for the south side of the intersection, and sidewalk enhancements at the southwest corner.
B. Maple Rd. & N. Eton Rd. – Traffic signal modification Alternative 3, providing a protected phase for traffic exiting the northbound Whole Foods driveway, as well as associated traffic signal timing changes, which will reduce the ongoing conflict between northbound and southbound vehicles in this intersection.

When reviewing these items, although located at the same intersection, these recommendations are independent and do not have any material impact on one another, that is, should the Commission wish to approve one of the recommendations and not the other, there will be no negative repercussions to the implemented recommendation in doing so.

ATTACHMENTS:

A. South Eton Rd. Intersection (West of CN Railroad)

- Staff cover memo to MMTB, January 31, 2019.
- S. Eton Rd. intersection pedestrian improvements comprehensive study from F&V, February 1, 2019.
- MMTB minutes, meeting of February 7, 2019.
- March 1, 2019 memo to the MMTB regarding the splitter island recommendation for the S. Eton Rd. intersection.
- Follow up memo to the MMTB regarding MDOT safety review relative to Option 6, March 1, 2019.
- MMTB minutes, meeting of March 7, 2019.
- City Commission package of information for meeting of July 24, 2017:
  - Staff cover memo, July 19, 2017.
  - Truck turning diagrams, pedestrian island proposal.
  - Cross-sections and plans for S. Eton Rd. corridor pavement marking concept plans.
  - Ad Hoc Rail District Committee Final Report
  - City Commission minutes, meeting of December 12, 2016.
  - Plan of existing conditions.
  - Photos of existing conditions.
  - Minutes of MMTB meeting, February 2, 2017.
  - Memo to MMTB, February 24, 2017.
  - Minutes of MMTB meeting, March 2, 2017.
  - Memo to MMTB, April 4, 2017.
  - Concept plan of proposed improvements at Maple Rd. & S. Eton Rd., March 2017.
  - City Commission minutes, meeting of April 13, 2017.
  - Memo to MMTB, April 28, 2017.
  - Minutes of MMTB meeting, May 4, 2017.
  - Minutes of MMTB meeting, June 1, 2017.
  - Memo to MMTB, July 14, 2017.
  - Results of Survey, S. Eton Commercial Traffic Review.
- City Commission meeting minutes, July 24, 2017.
- Staff cover memo, August 4, 2017.
• Traffic count summary and detailed data, dated August 2, 2017.
• City Commission meeting minutes, August 14, 2017.

B. North Eton Intersection (East of CN Railroad)

• Memo to MMTB, December 27, 2018.
• F&V Memo, December 21, 2018.
• Memo referencing minor timing changes recently completed by the Road Commission for Oakland County, December 3, 2018.
• Minutes of MMTB meeting, January 3, 2019.
• Memo to MMTB, January 31, 2019.
• F&V Memo, January 26, 2019.
• Minutes of MMTB meeting, February 7, 2019.

SUGGESTED RESOLUTION A:

To direct staff to proceed with the pedestrian enhancement improvements for the block of S. Eton Rd. from Maple Rd. to Yosemite Blvd., as recommended by the Multi-Modal Transportation Board, including:

• Installation of a landscaped pedestrian refuge island at the S. Eton Rd. pedestrian crossing for Maple Rd. traffic, as designed in Option 1.
• Relocation of the west side curb to allow for an 8 ft. wide sidewalk from Maple Rd. to Yosemite Blvd.
• Enhanced sidewalk and handicap ramp at the southeast corner of the Maple Rd. intersection.

Further, to direct staff to amend the 2019 Concrete Sidewalk Program, Contract #6-19(SW), to construct these improvements in the 2019 construction season, at an estimated cost of $76,000, and to approve the appropriation and amendment to the fiscal year 2018-2019 Major Streets Fund budget as follows:

Major Streets Fund
Revenues:
202-000.000-400.0000 Draw from Fund Balance $76,000
Total Revenue $76,000

Expenditures:
202-449.001-981.0100 Capital Outlay – Engineering and Construction of Roads and Bridges $76,000
Total Expenditures $76,000

SUGGESTED RESOLUTION B:

To direct staff to proceed with the traffic signal timing improvement at the Maple Rd. and N. Eton Rd. intersection Alternate 3, as recommended by the Multi-Modal Transportation Board, to provide a separate protected phase for northbound traffic entering this intersection, at an estimated cost of $8,550, directing staff to proceed with the necessary changes through the Road Commission for Oakland County, further, to approve the appropriation and amendment to the fiscal year 2018-2019 Major Streets Fund budget as follows:
**Major Streets Fund**

**Revenues:**

- 202-000.000-400.0000  Draw from Fund Balance  $8,550
- **Total Revenue**  $8,550

**Expenditures:**

- 203-303.001-971.0100  Traffic Controls – Machinery & Equipment  $8,550
CITY OF BIRMINGHAM
OAKLAND COUNTY, MICHIGAN
SOUTH ETON AVENUE AT MAPLE ROAD
IMPROVEMENT PLAN

OPTION 1
SPLITTER ISLAND

COST ESTIMATE
$76,000
COST ESTIMATE
$105,000 TO $130,000

OPTION 6
SPLITTER ISLAND PED CROSSING
DATE: January 31, 2019

TO: Multi-Modal Transportation Board

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

SUBJECT: Maple Rd. & S. Eton Rd. Intersection

Recent issues that have been raised about the operation of the traffic signal at Maple and N. Eton were discussed at the January meeting of the Multi-Modal Transportation Board (MMTB). After discussions with the Board and input from the public, both F&V and the MMTB agreed that the Maple and N. Eton intersection should be reviewed in conjunction with the Maple and S. Eton intersections to ensure that both signals worked well together and congestion was minimized. Thus, the MMTB requested F & V to study both intersections fully and come back to the board with recommendations for each. The previous agenda item addressed the proposed recommendations for the Maple and N. Eton intersection. A detailed study of options by F & V for improvements to the Maple and S. Eton intersection is attached to this report.

In addition to ensuring that both the N. Eton and S. Eton intersections work together to improve congestion, F & V also considered numerous options to improve the pedestrian environment at the Maple and S. Eton intersection. The attached letter dated January 30, 2019 outlines all options considered by F & V, and recommends both vehicular and pedestrian improvements at S. Eton that work in conjunction with the improvements recommended at N. Eton. F&V will be prepared to demonstrate the options considered, including the recommended option(s) using computer modeling.

After this further analysis, Option 6 that recommends adding a splitter island and relocating the N-S crosswalk to the east leg of the intersection has been identified as the best option. After reviewing the report, staff endorses this recommendation.

SUGGESTED RESOLUTION:

To recommend approval of Option 6 – Splitter Island Pedestrian Crossing as noted in F & V’s report dated January 30, 2019 to add a pedestrian refuge island to shorten the length of the E-W crosswalk and to relocate the N-S crosswalk to the east, at an approximate cost of $25,000 – $50,000.
February 1, 2019

Mr. Paul O’Meara  
City Engineer  
City of Birmingham  
151 Martin Street  
Birmingham, MI 48012  

RE: Maple Road & S. Eton Street  
Pedestrian Improvements Summary  

Dear Mr. O’Meara:

The purpose of this letter is to provide a summary of the pedestrian improvements for consideration at the Maple Road & S. Eton Street intersection. Included herein is project background information, improvements previously evaluated and new improvements for consideration.

PROJECT BACKGROUND  
The Ad Hoc Rail District Committee prepared a report (dated November 2016) that provided recommendations for the future of the Rail District along S. Eton Street. The report includes several items for consideration at the S. Eton Street & Maple Road intersection. There are two recommendations at this intersection that would reduce the overall crossing length. The two concepts from the Ad Hoc Rail District Committee Report include:

1. Splitter Island  
The Committee recommended a pork chop shaped pedestrian island to, "channel drivers to slow down and gives pedestrians the ability to wait on it instead of having to rush across the street during a short traffic light interval."

Exhibit from Ad Hoc Rail Committee Report
2. Bump-Out (Southeast Corner)

The Committee recommended a bump out to, “give motorists better visibility of pedestrians attempting to cross and to shorten the length of road crossings for pedestrians.”

Exhibit from Ad Hoc Rail Committee Report

VEHICULAR AND PEDESTRIAN VOLUMES

The existing (2018) vehicular and pedestrian traffic volumes were compared to historic (2015) volumes at the Maple Road & Eton Street intersections. The historic (2015) data collection was performed during the weekday AM (7-9AM) and PM (4-6PM) peak periods prior to the Whole Foods construction. The existing count data was conducted in September 2018 after Whole Foods had been open for several months, but prior to the holiday shopping season. The results of the count data comparison are summarized in the tables and charts below, and the detailed count data comparison is attached.

Table 1: Traffic Volume Comparison

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Approach</th>
<th>AM Peak Hour Traffic Volumes (vph)</th>
<th>PM Peak Hour Traffic Volumes (vph)</th>
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<tr>
<td></td>
<td></td>
<td>8-9AM 2015 AM</td>
<td>2018 AM</td>
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<tr>
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<td>744</td>
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<td>NB</td>
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<tr>
<td>N. Eton Street/Whole Foods &amp; Maple Road</td>
<td>EB</td>
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<tr>
<td></td>
<td>WB</td>
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<tr>
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<td>Total</td>
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<td>2,152</td>
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</table>
Chart 1: Traffic Volume Comparison

![Traffic Volume Comparison Chart]

Table 1: Pedestrian Volume Comparison

<table>
<thead>
<tr>
<th>Intersection</th>
<th>AM Peak Period Pedestrian Volumes</th>
<th>PM Peak Period Pedestrian Volumes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7-9AM</td>
<td>2015 AM</td>
</tr>
<tr>
<td>S. Eton Street &amp; Maple Road</td>
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<tr>
<td>N. Eton Street/Whole Foods &amp; Maple Road</td>
<td>11</td>
<td>26</td>
</tr>
</tbody>
</table>

Chart 2: Pedestrian Volume Comparison

![Pedestrian Volume Comparison Chart]
Key Findings

- The overall difference in vehicular traffic from 2015 to 2018 at the Maple Road & Eton Street intersections is minimal. The larger increase in traffic occurred at the intersections during the AM peak period. Of particular interest are the increases during the AM peak hour of SB right-turns on N. Eton Street and WB through traffic on Maple Road at S. Eton Street.

- There was a noticeable increase in pedestrian activity, especially at the N. Eton Street intersection where pedestrian volumes doubled post Whole Foods opening.

ALTERNATIVES ANALYSIS

The Ad Hoc Rail District Committee requested that F&V evaluate the feasibility of the two alternatives: 1) Splitter Island and 2) Bumpout (SE Corner). In addition, F&V also developed several other alternatives that were also evaluated for consideration. The analysis for each alternative evaluated is summarized herein.

1. Splitter Island

The proposed raised splitter island initially proposed in the Ad Hoc Rail Committee Report was further evaluated. The splitter island would be located between the northbound left- and right-turning vehicles. This type of pedestrian improvement is generally applied at locations where speeds and volumes make crossings prohibitive, or where three or more lanes of traffic make pedestrians feel exposed or unsafe in the intersection. The existing pedestrian crossing on the south leg of the intersection Maple Road & S. Eton intersection is approximately 88 feet due to the skew of the intersection. According to the *AASHTO Guide for Planning, Design, and Operation of Pedestrian Facilities* a pedestrian refuge should be considered when crossing distance exceeds 60 feet.

The splitter island would improve pedestrian safety by reducing the area for pedestrian conflicts, decreasing vehicle speeds approaching the intersection, and provide a greater awareness of pedestrian activity at the intersection. The *Urban Street Design Guide*, published by the National Association of City Transportation Officials (NACTO) recommends that the raised island be at least 6 feet wide, with a preferred width of 8–10 feet for pedestrian comfort and safety.

Since the splitter island is located at an intersection, the design should include a “nose” which extends past the crosswalk. This protects people waiting on the median and slows turning drivers. In addition, the island should include curbs, bollards, or other features to protect people waiting.

S. Eton Street provides access for several developments that ship and receive via semi-trailers, including a lumberyard and a vehicle storage facility. The only available truck access for these commercial developments is via the Maple Road & S. Eton Street intersection, since trucks are not permitted on S. Eton Street south of Lincoln Street, nor on any of the cross-streets. Therefore, in order to accommodate these commercial developments, it was determined that the design concept for the raised island be developed using a WB-65 truck turning template.
The design of the splitter island considered both the recommendations of NACTO and the necessary truck accommodations. The signalized pedestrian walk time on the east-west approaches can accommodate pedestrians across the intersection without the need for a pedestrian refuge. However, if the island is proposed it is anticipated that many pedestrians will use the island as a refuge to make a two-stage crossing. Therefore, it is recommended that the design the island include design features to ensure the safety of pedestrians who might use the island as a refuge. Considering all these factors the proposed design of the splitter island is shown on the attached Option 1.

Key Findings
- The stop-bar on S. Eton Street for the right-turn lane is able to move closer to the intersection, providing an additional queuing space (1-2 vehicles) and improved visibility for pedestrians at the intersection.
- The total crosswalk distance is comprised of two shorter crossings of 53-feet and 18-feet, with a 13-foot pedestrian refuge. This is a 17-ft reduction in pedestrian crossing distance over the existing 88-foot crosswalk length.
- The island provides approximately 325-square feet of raised area. This is enough to maintain a small planting area.

2. BUMPOUT (SE CORNER)
A bumpout on the southeast corner was further evaluated. This bumpout was originally proposed as in the Ad Hoc Rail Committee Report. The bumpout was designed to accommodate a box truck turning radius since articulated trucks do not have the ability make a northbound right-turn at this intersection due to the railroad bridge center abutment. The proposed design for this bumpout is shown on the attached Option 2. This bumpout would reduce the radius on the southeast corner from the existing 26-feet to 10-feet. The bumpout would also reduce the existing 88-foot crosswalk distance to 68 feet. A bumpout on this approach would also encourage slower turning speeds due to the smaller curb radius.

Key Findings
- The stop bar on S. Eton Street needs to remain to accommodate the truck turning movements from Maple Road.
- The total crosswalk distance is reduced from 88-feet to 68-feet. Although this is a good reduction, the crossing distance remains higher than is recommended without a pedestrian refuge. A pedestrian refuge was also considered with this bump-out, however due to left-turning truck movements from the west Maple Road only a very small island can be provided and is less than the recommended 6 feet, therefore a pedestrian island is not recommended in conjunction with this bumpout.
- Drainage modifications, including a new drainage structure, would be required to accommodate a bump-out on the southeast corner.

3. BUMPOUT (SW CORNER)
A bumpout on the southwest corner was considered. The bumpout was designed to accommodate a WB-65 truck-turning radius since trucks have the ability make a right-turn at this intersection from eastbound Maple Road. The proposed design for this bumpout is shown on the attached Option 3. This bump-out would reduce the radius on the southwest corner from the existing 47-feet to 15-feet. The bumpout would also reduce the existing 88-foot crosswalk distance to 75 feet. A bumpout on this approach would also encourage slower turning speeds due to the smaller curb radius.

Key Findings
- The stop bar on S. Eton Street needs to remain to accommodate the truck turning movements from Maple Road.
- The total crosswalk distance is reduced from 88-feet to 75-feet. Although this is a good reduction, the crossing distance remains higher than is recommended without a pedestrian refuge. A pedestrian refuge was also considered with this bump-out, however due to left-turning truck movements from the west Maple Road a pedestrian refuge cannot be accommodated.
• Drainage modifications, including a new drainage structure, would be required to accommodate a bump-out on the southwest corner.

4. MEDIAN ISLAND

A median island was considered for the S. Eton Street approach and would be located between the northbound and southbound traffic. Similar to the splitter island, a median island would also improve pedestrian safety by reducing the area for pedestrian conflicts, decreasing vehicle speeds approaching the intersection, and provide a greater awareness of pedestrian activity at the intersection. According to NACTO the raised island be at least 6 feet wide, with a preferred width of 8–10 feet. In addition, since the median island is located at an intersection, the design should include a “nose” which extends past the crosswalk. This protects people waiting on the median and slows turning drivers. In addition, the island should include curbs, bollards, or other features to protect people waiting. The City of Birmingham has several locations within the City that provide median islands, including two locations on W. Maple Road.

The design of the median island considered both the recommendations of NACTO and the necessary truck accommodations. The signalized pedestrian walk time on the east-west approaches can accommodate pedestrians across the intersection without the need for a pedestrian refuge. However, if the island is proposed it is anticipated that many pedestrians will use the island as a refuge to make a two-stage crossing. Therefore, it is recommended that the design the island include design features to ensure the safety of pedestrians who might use the island as a refuge. Considering all these factors the proposed design of the splitter island is shown on the attached Option 4.

Key Findings

• The stop-bars on S. Eton Street for the left- and right-turn lanes are able to move closer to the intersection, providing an additional queuing space (1-2 vehicles) and improved visibility for pedestrians at the intersection.

• The total crosswalk distance is comprised of two shorter crossings of 50-feet and 30-feet, with a 7-foot pedestrian refuge. This is a 8-ft reduction in pedestrian crossing distance over the existing 88-foot crosswalk length.

• The island provides approximately 260-square feet of raised area. This is enough to maintain a small planting area.

5. SLIP LANE

A slip lane would provide a channelized approach for northbound right-turning vehicles on S. Eton Street. Since the intersection is skewed, this channelization would create an opportunity to provide a right-turn lane that intersects Maple Road at a 90-degree angle. In addition, the channelization would create a large median island for pedestrians, significantly reducing the crosswalk distance from a long 88-feet to two shorter crossings of 53-feet and 15-feet. The large median island also provides the opportunity to relocate the existing N-S crossing from the west side of the intersection to the east side of the intersection. The pedestrian crossing would be in-between the northbound left and right-turning vehicles, therefore eliminating any pedestrian-vehicle conflicts. The proposed design of the slip lane is shown on the attached Option 5.

Key Findings

• This alternative will require ROW acquisition on the southeast corner of the S. Eton Street & Maple Road intersection.

• The existing guardrail on the north side of the intersection will need to be adjusted to accommodate pedestrian crosswalk on the east side of the intersection.

• A retaining wall may be necessary on the southeast corner of the S. Eton Street & Maple Road intersection due to significant grades adjacent to the railroad tracks.

• The signal at the S. Eton Street & Maple Road intersection would need to be redesigned to accommodate the proposed lane geometry and pedestrian crossing.

• The stop-bar on S. Eton Street for the right-turn lane is able to move closer to the intersection, providing an additional queuing space (1-2 vehicles) and improved visibility for pedestrians at the intersection.
Due to truck turning movements, no changes can be made to the stop bar location for the northbound left-turn.

- The total crosswalk distance is comprised of two shorter crossings of 53-feet and 15-feet, with a 47-foot pedestrian refuge. This is a significant reduction in pedestrian crossing distance over the existing 88-foot crosswalk length.
- The N-S pedestrian crossing across Maple Road can be relocated to the east side of the intersection, thus eliminating pedestrian conflicts with turning traffic.

6. **SPLITTER ISLAND PEDESTRIAN CROSSING**

This alternative combines the N-S pedestrian crossing from Alternative 5 and the splitter island from Alternative 1. The N-S pedestrian crossing is moved from the west side of the intersection to the east side of the intersection. Pedestrians would use the splitter island as the landing point to cross Maple Road. This alternative eliminates the pedestrian-vehicle conflicts. In order to provide a crossing at this location the splitter island needs to be large enough to accommodate waiting pedestrians and provide the necessary level landing space for ADA compliance. To provide the required design of the splitter island, additional lane width is need on the southwest corner to accommodate the truck turning movements. The proposed design of the splitter island with the pedestrian crossing is shown on the attached Option 6.

**Key Findings**

- The pedestrian signal at the S. Eton Street & Maple Road intersection would need to be redesigned to accommodate the proposed pedestrian crossing.
- The existing guardrail on the north side of the intersection will need to be adjusted to accommodate pedestrian crosswalk on the east side of the intersection.
- The N-S pedestrian crossing across Maple Road can be relocated to the east side of the intersection, thus eliminating pedestrian conflicts with turning traffic.
- The stop-bar on S. Eton Street for the right-turn lane is able to move closer to the intersection, providing an additional queuing space (1-2 vehicles) and improved visibility for pedestrians at the intersection.
- The total crosswalk distance is comprised of two shorter crossings of 53-feet and 18-feet, with a 13-foot pedestrian refuge. This is a 17-ft reduction in pedestrian crossing distance over the existing 88-foot crosswalk length.
- The island provides approximately 325 square feet of raised area. This is enough to maintain a small planting area.

7. **NARROW ROADWAY**

This alternative considered narrowing S. Eton Street at the intersection. The approach with Maple Road currently provides two lanes northbound (separate left- and right-turn lanes) and one southbound through lane, for a total of three lanes across the S. Eton Street approach. The skew of this approach makes the crossing extended from a typical 36-feet across to the 88-feet that is provided for pedestrian crossing. By narrowing the roadway the intersection approach can be realigned within the existing ROW. The intersection approach is then a typical T-intersection; with one lane in each direction on the S. Eton Street approach. The proposed design is shown on the attached Option 7.

The primary concern with this alternative is the operational impacts of eliminating the exclusive left- and right-turn lanes and providing one shared lane. A analysis was performed to determine the measure-of-effectiveness (MOE) of this alternative as compared to existing operations. The MOE summary is provided in Table 1. The results of the analysis shows that the high volume of southbound right-turns warrants an exclusive right-turn lane. Eliminating this exclusive movement increased both the vehicle delay (LOS) and the vehicle queueing.
Table 1: Alternative 7-S.Eton Street MOE Summary

<table>
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<tr>
<th>Intersection</th>
<th>Peak Period</th>
<th>Approach</th>
<th>Existing Conditions (Exclusive RT &amp; LT)</th>
<th>Proposed Conditions (Shared LT/RT)</th>
<th>Difference</th>
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</table>

* Indicates No Volume Present
### Key Findings

- The intersection operations would be significantly impacted by this alternative. A LOS F would be experienced on several movements and the vehicle queue lengths would extend beyond the existing conditions by 300-500 feet (12-20 vehicles).
- The stop-bar on S. Eton Street is able to move closer to the intersection, providing an additional queuing space (1-2 vehicles).
- The total crosswalk distance is reduced from 88-feet to 46-feet.
- Drainage modifications, including a new drainage structure, would be required to narrow the roadway at this approach.
8. **GRADE SEPARATION**

A grade separation alternative was considered for this intersection to accommodate the pedestrians on the E-W movement across N. Eton Street. The benefit of grade separation is the pedestrian is completely separated from the vehicular traffic and provides uninterrupted flow for pedestrian movements. Grade separation is most feasible and appropriate in extreme cases where pedestrians must cross roadways such as freeways and high-speed, high-volume arterials. However, studies\(^1\) have shown that many pedestrians will not use grade separated crossings if they can cross at street level in about the same amount of time. Furthermore, any grade separation must be ADA compliant which requires the use of ramps or elevators. Extensive ramping results in long crossing distances and steep slopes that will be difficult to accommodate with the adjacent railroad bridge.

**Key Findings**

- The total crossing distance will likely be extended due to the ramping required.
- A pedestrian bridge would be difficult to construct adjacent to the railroad bridge.
- Pedestrians will not use a grade separated crossing if a more direct route is available.
- Lighting, drainage, graffiti removal, and security are also major concerns with underpasses.
- The cost associated with grade separation is very high, in the $1-10Mil range depending on the type of construction, design and site conditions.

9. **PEDESTRIAN SIGNAL TIMING**

The signal timing at the Maple Road & Eton Street intersection overall is a complex system. The N. and S. Eton approaches are coordinated to provide efficient movement of traffic through the intersection. To reduce back-ups on Maple Road the N-S pedestrian signals are activated by push buttons. The E-W pedestrian crossing on S. Eton Street is *not* controlled by push buttons, as there is adequate time for pedestrians to cross during the normal signal phasing. There are some pedestrian safety concerns associated with the current signal operations.

- The WB left-turns on Maple Road have a permissive / protected left-turn. During the permissive phase, pedestrians are crossing S. Eton Street in conflict with the left-turning vehicles.
- The NB right-turns from S.Eton Street onto Maple Road are permitted to turn right-on-red during the pedestrian walk phase.

Signal timing changes were investigated at this intersection to determine if changes to the signal timing could be accommodated and maintain acceptable intersection operations. The signal timing alternatives and the resulting MOEs are summarized in *Table 2*.

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# Table 2: Alternative 9-Signal Timing MOE Summary

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<th>Intersection</th>
<th>Peak Period</th>
<th>Approach</th>
<th>Existing Conditions</th>
<th>Pedestrian Phase</th>
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<td>LOS</td>
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</table>

* Indicates No Volume Present

**Key Findings**

- An exclusive pedestrian phase would provide a safer crossing that the existing condition.
- The intersection operations would be significantly impacted by this alternative. A LOS F would be experienced on several movements and the vehicle queue lengths would extend beyond the existing conditions by 200-2500 feet (8-100 vehicles).
- It is recommended an exclusive pedestrian phase is run with push button activation due to the low pedestrian volumes at this intersection.
<table>
<thead>
<tr>
<th>Alternative</th>
<th>Recommendation</th>
<th>Comments</th>
<th>Cost Estimate</th>
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<tbody>
<tr>
<td>1. Splitter Island</td>
<td>Recommended</td>
<td>• The total crosswalk distance is comprised of two shorter crossings of 53-feet and 18-feet, with a 13-foot pedestrian refuge. This is a 17-ft reduction in pedestrian crossing distance over the existing 88-foot crosswalk length.</td>
<td>$25,000-50,000</td>
</tr>
<tr>
<td>2. Bumpout (SE Corner)</td>
<td>Not Recommended</td>
<td>• The bumpout reduces the overall crossing distance, but a long crossing distance remains.</td>
<td>$25,000-50,000</td>
</tr>
<tr>
<td>3. Bumpout (SW Corner)</td>
<td>Not Recommended</td>
<td>• The bumpout reduces the overall crossing distance, but a long crossing distance remains.</td>
<td>$25,000-50,000</td>
</tr>
<tr>
<td>4. Median Island</td>
<td>Not Recommended</td>
<td>• The total crosswalk distance is comprised of two shorter crossings of 50-feet and 30-feet, with a 7-foot pedestrian refuge. This is a 8-ft reduction in pedestrian crossing distance over the existing 88-foot crosswalk length.</td>
<td>$25,000-50,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• The median is only 7-ft wide. The recommended minimum is 6-ft wide. A larger pedestrian refuge associated with a different alternative is recommended.</td>
<td></td>
</tr>
<tr>
<td>5. Slip Lane</td>
<td>Recommended</td>
<td>• This alternative will require ROW acquisition on the southeast corner of the S. Eton Street &amp; Maple Road intersection.</td>
<td>$250,000-500,000</td>
</tr>
<tr>
<td></td>
<td>(with reservations)</td>
<td>• The existing guardrail on the north side of the intersection will need to be adjusted to accommodate pedestrian crosswalk on the east side of the intersection.</td>
<td></td>
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<tr>
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<td>• A retaining wall may be necessary on the southeast corner of the S. Eton Street &amp; Maple Road intersection due to significant grades adjacent to the railroad tracks.</td>
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<td>• The signal at the S. Eton Street &amp; Maple Road intersection would need to be redesigned to accommodate the proposed lane geometry and pedestrian crossing.</td>
<td></td>
</tr>
<tr>
<td>6. Splitter Island Ped Crossing</td>
<td>Recommended</td>
<td>• The total crosswalk distance is comprised of two shorter crossings of 53-feet and 18-feet, with a 13-foot pedestrian refuge. This is a 17-ft reduction in pedestrian crossing distance over the existing 88-foot crosswalk length.</td>
<td>$75,000-100,000</td>
</tr>
<tr>
<td></td>
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<td>• The pedestrian signal at the S. Eton Street &amp; Maple Road intersection would need to be redesigned to accommodate the proposed pedestrian crossing.</td>
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<td>• The existing guardrail on the north side of the intersection will need to be adjusted to accommodate pedestrian crosswalk on the east side of the intersection.</td>
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<td>• The N-S pedestrian crossing across Maple Road can be relocated to the east side of the intersection, thus eliminating pedestrian conflicts with turning traffic.</td>
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<tr>
<td></td>
<td>Narrow Roadway</td>
<td>Not Recommended</td>
<td>• Significant impact on traffic operations</td>
</tr>
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<td>--------------------------------------------</td>
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</tbody>
</table>
| 8. | Grade Separation | Not Recommended | • Pedestrians will not use a grade separated crossing if a more direct route is available.  
• Construction would be difficult adjacent to the railroad bridge | $1Mil-$10Mil |
| 9. | Pedestrian Signal Timing | Not Recommended | • Significant impact on traffic operations | $20,000 |

We hope that this information provides adequate clarification to address the questions of the City. If you have any questions or concerns, please contact our office.

Sincerely,

FLEIS & VANDENBRINK

Julie M. Kroll, PE, PTOE  
Sr. Project Manager

JMK:jlj
OPTION 1
SPLITTER ISLAND

Eaton Road

WB-65 - Interstate Semi-Trailer
Overall Length 73.500 ft
Overall Width 8.500 ft
Overall Body Height 12.652 ft
Min Body Ground Clearance 1.334 ft
Max Track Width 8.500 ft
Lock-to-lock time 6.00 s
Max Steering Angle (Virtual) 28.40°

CITY OF BIRMINGHAM
OAKLAND COUNTY, MICHIGAN
SOUTH ETON AVENUE AT MAPLE ROAD
IMPROVEMENT PLAN
OPTION 2
BUMPOUT SE CORNER
OPTION 3
BUMPOUT SW CORNER
OPTION 4
MEDIAN ISLAND
OPTION 5
SLIP LANE

CITY OF BIRMINGHAM
OAKLAND COUNTY, MICHIGAN
SOUTH ETON AVENUE AT MAPLE ROAD
IMPROVEMENT PLAN

MAPLE ROAD
(E& ROW)

ETON ROAD
(ROW VARIES)

F&V PROJECT NO.
823801

CITY OF BIRMINGHAM
IMPROVEMENT PLAN

NORTH OAKLAND COUNTY, MICHIGAN
SOUTH ETON AVENUE AT MAPLE ROAD

WB-65 - Interstate Semi-Trailer
Overall Length 73.500ft
Overall Width 8.500ft
Overall Body Height 12.052ft
Min Body Ground Clearance 1.334ft
Max Track Width 8.500ft
Lock-to-lock time 6.00s
Max Steering Angle (Virtual) 28.40°
OPTION 6
SPLITTER ISLAND PED CROSSING

WB-65 - Interstate Semi-Trailer
Overall Length: 73.500 ft
Overall Width: 8.500 ft
Overall Body Height: 12.052 ft
Min Body Ground Clearance: 1.334 ft
Max Track Width: 8.500 ft
Lock-to-lock time: 6.00 s
Max Steering Angle (Virtual): 28.40°
OPTION 7
NARROW ROADWAY

CITY OF BIRMINGHAM
OAKLAND COUNTY, MICHIGAN
SOUTH ETON AVENUE AT MAPLE ROAD
IMPROVEMENT PLAN

E MAPLE ROAD
(66' ROW)

ETON ROAD
(ROW VARIES)

MAX 68.5° HORIZ
MAX 10° VERT

41.5

23.5

MAX TRACK WIDTH 8.500FT
LOCK-TO-LOCK TIME 6.00S
MAX STEERING ANGLE (VIRTUAL) 28.4°

WB-65 - INTERSTATE SEMI-TRAILER
OVERALL LENGTH 73.500FT
OVERALL WIDTH 8.500FT
OVERALL BODY HEIGHT 12.052FT
MIN BODY GROUND CLEARANCE 1.334FT
MAX TRACK WIDTH 8.500FT
LOCK-TO-LOCK TIME 6.00S
MAX STEERING ANGLE (VIRTUAL) 28.4°
Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, February 7, 2019.

Chairperson Johanna Slanga convened the meeting at 6:02 p.m.

1. ROLL CALL

**Present:** Chairperson Johanna Slanga, Vice-Chairperson Lara Edwards, Amy Folberg, Daniel Rontal, Katie Schafer (arrived 6:10 p.m.), Joe Zane (arrived 6:06 p.m.); Alternate Board Member Daniel Isaksen

**Absent:** Board Member Doug White; Student Representative Alex Lindstrom

**Administration:** Jana Ecker, Planning Director
Scott Grewe, Police Commander
Paul O'Meara, City Engineer
Laura Eichenhorn, Transcriptionist

**Fleis & Vanderbrink ("F&V"):**
Julie Kroll

6. MAPLE ROAD / S. ETON – PEDESTRIAN IMPROVEMENTS
City Engineer O'Meara introduced the item and Ms. Kroll presented the item.

Ms. Kroll clarified that the largest truck going through this intersection regularly is a 53’ semi-trailer, also known as a WB 65. No alternatives are being offered as part of this item that require trucks to drive over parts of the pedestrian islands. The schematics do not include trucks making the northbound-to-eastbound right turn because the trucks would hit the bridge.

City Engineer O'Meara noted F&V recommended Alternatives 1 or 6, and said it would be worth inviting an outside safety expert to review Alternative 6 if it was chosen to make sure pedestrians would be sufficiently visible to motorists even if a pedestrian crossed at the wrong time.

Dr. Rontal said Alternative 6 could feel like a daunting cross for a pedestrian.

Ms. Schafer said there may be impeded sightlines for westbound motorists, as well.
Planning Director Ecker acknowledged the difficulties, confirming it is just an overall difficult intersection for crossing. She also explained that the City Commission had previously turned down the Board’s recommendation because they wanted to wait until Whole Foods was opened and the patterns of traffic and crossing at this intersection were more established.

City Engineer O’Meara confirmed the west sidewalk is to be widened to 8’, per a City Commission decision from 2018. He added that the proposed pedestrian island in both Alternatives 1 and 6 would be landscaped with a small green space.

Ms. Kroll confirmed and said the current drawing is concept, whereas a final plan would be surveyed and to scale with inclusion of the 8’ width of the west sidewalk.

Vice-Chairperson Edwards said Alternative 5 seemed like it would feel the safest to a pedestrian even though the option is likely cost-prohibitive. She noted that people cross north-south frequently at this intersection because narrower east-west crossings are possible at various points along Eton.

Planning Director Ecker said Alternative 5 makes the intersection much larger than it is today, even though the pedestrian island is also much larger. As a result, it is unlikely a pedestrian would necessarily feel any safer with the island as proposed in Alternative 5. In addition the City would have to go to a property owner for the right-of-way and add in a retaining wall because of the grade for Alternative 5. With Alternative 6, the crosswalk is significantly reduced in length versus the current length, likely allowing for increased feelings of pedestrian safety.

Mr. Zane said there are two issues: does it feel safe to cross east-west, and should the City move the crosswalk.

Planning Director Ecker said the east-west crosswalk is an improvement, and the Board can decide whether to keep the north-south crosswalk where it is or move it over, noting the north-south crosswalk will be technically safer if relocated to the east side of the intersection. That said, she also acknowledged there are other factors to consider including sight issues caused by the hill and the bridge, and having to cross in order to go north.

Mr. Isaksen said he was uncomfortable with the possibility in Alternative 6 that a car coming westbound under the bridge may not see a pedestrian in time to stop if the pedestrian was going northbound and jaywalking against the light.

Dr. Rontal said Alternatives 1 & 6 seem to be the best options, acknowledging that there seemed to be no perfect option.

Ms. Kroll said the only tables included in the report were ones reflecting a change in operations of the intersection.

Vice-Chairperson Edwards said the proposed alternatives could give more definition to the intersection, make the intersection feel safer, and encourage cars to move slower.

Chairperson Slanga noted people who avoid the back-up on S. Eton and intend to turn right sometimes move over into the actual turn lane. A splitter island would, in contrast, force those
drivers into one lane and encourage turns that stay closer to the corner.

Chairperson Slanga asked the Board to recommend moving forward with discussion of Alternatives 1 and 6, with the understanding that Alternative 6 would require further discussion of the location of the north-south crosswalk and an evaluation by an outside safety consultant.

The Board confirmed.

Ms. Kroll told Chairperson Slanga that the cost difference between Alternatives 1 and 6 reflect the necessity of moving the traffic signal and the pedestrian push button if the crosswalk is moved.
DATE: March 1, 2019

TO: Multi-Modal Transportation Board

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

SUBJECT: Maple Rd. & S. Eton Rd. Intersection

Recent issues that have been raised about the operation of the traffic signal at Maple and N. Eton were discussed at the January meeting of the Multi-Modal Transportation Board (MMTB). After discussions with the Board and input from the public, both F&V and the MMTB agreed that the Maple and N. Eton intersection should be reviewed in conjunction with the Maple and S. Eton intersections to ensure that both signals worked well together and congestion was minimized. Thus, the MMTB requested F & V to study both intersections fully and come back to the board with recommendations for each. The previous agenda item addressed the proposed recommendations for the Maple and N. Eton intersection. A detailed study of options by F & V for improvements to the Maple and S. Eton intersection is attached to this report.

In addition to ensuring that both the N. Eton and S. Eton intersections work together to improve congestion, F & V also considered numerous options to improve the pedestrian environment at the Maple and S. Eton intersection. The attached letter dated January 30, 2019 outlines all options considered by F & V, and recommends both vehicular and pedestrian improvements at S. Eton that work in conjunction with the improvements recommended at N. Eton. F&V will be prepared to demonstrate the options considered, including the recommended option(s) using computer modeling.

After this further analysis, Option 6 that recommends adding a splitter island and relocating the N-S crosswalk to the east leg of the intersection was identified as the best option.

On February 7, 2019, the MMTB reviewed the proposed options and the traffic analysis. After much discussion, the MMTB determined that their preferred options were options 1 and 6. A majority of MMTB members stated that option 6 was the preferred option, with the only concern being whether or not to relocate the north – south crosswalk from the western leg of the intersection to the eastern leg of the intersection. The board directed F & V to send the proposed plans to a safety expert for review and comment, and to bring the matter back to the MMTB at the next meeting.

F & V forwarded the proposed plans to Ms. Carissa McQuiston, Non-Motorized Safety Engineering Specialist with MDOT’s Safety Programs Unit in Lansing, MI. Ms. McQuiston’s comments and recommendations are summarized in the attached letter dated March 1, 2019 from F & V. Based
on the safety analysis, and information provided by the Birmingham Police Department, F & V continues to recommend Option 6 – Splitter Island Pedestrian Crossing, which includes the north-south crosswalk relocated to the east side of the intersection. Staff has asked F & V to conduct a field visit during the PM peak hours on March 4-6, 2019 to ensure the intersection is performing in accordance with the data provided. An update will be provided at the MMTB meeting on March 7, 2019 to report any inconsistencies.

**SUGGESTED RESOLUTION:**

To recommend approval of Option 6 – Splitter Island Pedestrian Crossing as noted in F & V’s report dated March 1, 2019 to add a pedestrian refuge island to shorten the length of the E-W crosswalk and to relocate the N-S crosswalk to the east, at an approximate cost of $25,000 – $50,000.
March 1, 2019

Mr. Paul O’Meara  
City Engineer  
City of Birmingham  
151 Martin Street  
Birmingham, MI 48012

VIA EMAIL

RE: Maple Road & S. Eton Street  
Pedestrian Improvements Summary

Dear Mr. O’Meara:

The purpose of this letter is to provide additional information regarding the pedestrian improvements for consideration at the Maple Road & S. Eton Street intersection. F&V previously performed an analysis and review for this intersection as summarized in our letter dated February 1, 2019. F&V presented the findings to the Multi-Modal Transportation Board (MMTB) at the February 7, 2019 meeting and the MMTB requested a further analysis to consider:

- Safety review of the pedestrian crossing location in Option 6 by a pedestrian safety expert.

Included herein is a summary of the additional analysis performed to consider these items as noted by the MMTB.

PROJECT BACKGROUND

The preferred recommendation from the MMTB was **Option 6: Splitter Island Pedestrian Crossing**.

Advantages

- Splitter island large enough to accommodate waiting pedestrians and provide the necessary level landing space for ADA.
- The N-S pedestrian crossing across Maple Road can be relocated to the east side of the intersection, thus eliminating pedestrian conflicts with turning traffic.
- The island provides approximately 325 square feet of raised area. This is enough to maintain a small planting area.
- The total crosswalk distance is comprised of two shorter crossings of 53-feet and 18-feet, with a 13-foot pedestrian refuge. This is a 17-ft reduction in pedestrian crossing distance over the existing 88-foot crosswalk length.
- The stop-bar on S. Eton Street for the right-turn lane is able to move closer to the intersection, providing an additional queuing space (1-2 vehicles) and improved visibility for pedestrians at the intersection.
Concerns

- The existing guardrail on the north side of the intersection will need to be adjusted to accommodate pedestrian crosswalk on the east side of the intersection.
- The sight distance for the crosswalk for westbound vehicles on Maple Road would be limited by the grade differences and railroad bridge obstructing a clear line of sight.

Option 6: Splitter Island Pedestrian Crossing

MDOT SAFETY REVIEW

F&V contacted MDOT Traffic and Safety Division in Lansing, Michigan to obtain an expert opinion on the safety of locating the crosswalk on the east side of the intersection as shown above in Option 6. Specifically associated with the following concerns of the MMTB which were provided to MDOT for evaluation:

- Is there a concern with relocating the crossing to the east side of the intersection given the location of the bridge pier?
- What if pedestrians are crossing during a red phase (illegal crossings), they may be hit by a westbound driver who can’t see the pedestrian because of the bridge obstructing the sight distance.

Carissa McQuiston, PE, MDOT Non-Motorized Safety Engineering Specialist reviewed the proposed Option 6 and in particular, the proposed crosswalk location. She provided the following comments regarding the MMTB concerns.

Illegal crossings shouldn’t be the focus of the proposed pedestrian operations, unless there is an existing issue with pedestrians crossing illegally at this intersection. If there is an existing issue then it looks like there would be a sight distance issue. Other items to consider:

1. Do drivers tend to run the light so they don’t have to store under the bridge (it looks like there is minimum storage under the bridge between the two signals)?
2. Are there noted issues (illegal crossings) with the current crossing location and westbound through traffic? If so, those would likely increase if the crossing is moved to the east side of the intersection.
3. I would assume that the timing of the signal would be made to serve both the pedestrians and the vehicles, so hopefully illegal crossings would not be an issue.

4. Also, make sure the area is well lit at night to eliminate shadows from the bridge.

**ADDITIONAL ANALYSIS**

From the MDOT review, several items were identified that we further evaluated.

1. Do drivers tend to run the light so they don’t have to store under the bridge (it looks like there is minimum storage under the bridge between the two signals)?

The Birmingham Police Department provided information regarding this intersection and vehicle violations. There is no substantiated history of red-light running at this intersection; however, the BPD does not have enough violation data at this intersection to conclusively say that red light running is not a concern. The City has requested that F&V perform a field review between March 4-6, 2019 to provide additional feedback regarding red light running at this intersection. Additional information from the field reviews will be provided to the MMTB at the March 7, 2019 meeting.

2. Are there noted issues (illegal crossings) with the current crossing location and westbound through traffic? If so, those would likely increase if the crossing is moved to the east side of the intersection.

The Birmingham Police Department provided information regarding pedestrian crashes at this intersection. There has been only one pedestrian crash at this intersection in the last 10 years that occurred in 2011. If there were higher occurrences of illegal crossings, we would expect this number to be higher. Therefore, there is no substantiated history of illegal crossings at this intersection.

3. I would assume that the timing of the signal would be made to serve both the pedestrians and the vehicles, so hopefully illegal crossings would not be an issue.

The proposed crossing location would be pedestrian activated, thereby serving the pedestrians as-needed at this intersection.

4. Also, make sure the area is well lit at night to eliminate shadows from the bridge.

There is intersection lighting; however, there is currently no lighting under the bridge. The intersection lighting should be reviewed as part of a design phase with this project.

**SUMMARY**

The primary concerns from MDOT with the crosswalk location on the east side of the intersection were:

- Is there a lot of red-light running?
- Is there an issue with the existing crossing location and pedestrians crossing illegally?

We have determined that the answer to both of these questions is no. Therefore, there is no safety or operational concern with relocating the crosswalk to the east side of the intersection. Other items that should be addressed in the design phase for this project is to ensure there is adequate intersection lighting, and potentially add lighting under the bridge.

We hope that this information provides adequate clarification to address the questions of the City. If you have any questions or concerns, please contact our office.

Sincerely,

FLEIS & VANDENBRINK

Julie M. Kroll, PE, PTOE
Sr. Project Manager

JMkJmk
Engineering Countermeasures to Reduce Red-Light Running

Red-Light Running Defined

There is no simple or single reason to explain why drivers run red lights, but beginning with a definition will provide a framework for discussion. The simplest definition of red-light running (RLR) is the act of entering, and proceeding through, a signalized intersection after the traffic signal has turned red. According to the Uniform Vehicle Code (UVC), a motorist "...facing a steady circular red signal shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown..." (§11-202). An intersection is defined in the UVC as "...the area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict" (§1-132). See Figure 1.

Red-Light Running Fatalities

FHWA identified the following four elements from the Fatality Analysis Reporting System that provide a consistent definition of red-light running fatalities.

- The crash occurred at an intersection or was intersection-related;
- The intersection was controlled by an active traffic signal;
- A driver was charged with either failing to stop for a red signal or failing to obey a traffic control device; and
- A driver was going straight at the time of collision.

On average, during the 2000 to 2007 period, 916 annual RLR fatalities have resulted. In 2007, 883 RLR fatalities have occurred. This represents a reduction of 33 RLR fatalities or approximately 3.5 percent as compared to the most recent five-year average. A chart illustrating the RLR fatalities between 2000 and 2007 is shown in Figure 2.

Factors Affecting Red-Light Running

Overview
A number of intersection and human factors influence RLR. How these factors interact to increase or decrease the risk of RLR will assist in identifying the varied reasons behind RLR. Red-light runners can be categorized into intentional and unintentional violators. In general, engineering countermeasures should help address the unintentional violations, and enforcement countermeasures should help address the intentional violations.

An example of an intentional reason would be, “I was in a hurry and I thought I could beat the yellow light.” Examples of an unintentional reason for running a red light would be, “I could not see the signal, the sun was in my eyes or I tried to slow down but I was caught in the dilemma zone when the light turned red.” Research has found that more than 50% of red-light violations happen within the first 0.5-seconds of the red signal indication and 94.2% of red-light violations occur within the 2.0-seconds of the red-light onset. Engineers must look at each of these reasons, conduct field surveys of the intersections and subsequently recommend targeted engineering, enforcement, and education countermeasure programs to reduce the RLR problem. Prior to the discussion of engineering causes and countermeasures, this brief will describe several of the legal, demographic, human behavioral factors, vehicular, and intersection characteristics related to RLR.

Meaning of Yellow Indication
The meaning of the yellow indication is different in legal codes of the states. The law as stated in the UVC and the Manual on Uniform Traffic Control Devices (MUTCD) is considered a permissive yellow law, meaning that the driver can enter the intersection during the entire yellow interval and be in the intersection during the red indication as long as he/she entered the intersection during the yellow interval. As of 2009, permissive yellow rules were followed by at least half of the states. However, in other states there are two types of restrictive yellow laws that apply, namely:

- Vehicles can neither enter the intersection nor be in the intersection on red; or
- Vehicles must stop upon receiving the yellow indication, unless it is not possible to do so safely.

This will need to be considered in combination with the definition of an intersection when developing a plan to address red-light running. Any public information and education campaign would need to incorporate a learning objective regarding the meaning of the yellow indication.

Demographic Characteristics
The demographics category includes the age, gender and vehicle occupancy characteristics of the red-light runner. It also includes whether or not the red-light runner was wearing a seat belt and looks at his/her driving record.

Age. Younger drivers between the
ages of 18 to 25 years old are more likely to run red lights compared to other age groups.  

**Gender.** Red-light runners are more likely than non-runners to be male.  

**Occupancy.** Drivers have a higher probability of running red lights when driving alone compared to when passengers are in their vehicles.  

**Seat Belts.** Red-light runners are less likely to wear safety belts.  

**Driving Record.** Drivers with poor driving records and driving smaller and older cars have a higher tendency to run red lights.  

**Human Behavioral Factors**  

**Driver Inattention.** Many common distractions that cause drivers to reduce their focus on the task of driving include:  
- Drowsiness;  
- Conversing with passengers;  
- Manipulating radio and/or GPS devices;  
- Eating; and  
- The use of a cellular phone or other electronic devices.  

**Speeding.** Motorists may:  
- Accelerate when anticipating a change in signal indication, in order to make it through the intersection on the yellow. If a motorist misjudges the time of the signal change, he or she will enter the intersection against the red signal indication; and/or  
- Drive above the posted speed limit or drive too fast for conditions, increasing the distance available to react to a change in the traffic signal indication.  

**Aggressive Driving Headway.** Drivers that follow closely (headway of less than two seconds) are more likely to run a red light.  

**Vehicular Characteristics**  

**Larger-sized vehicles.** There is a significant statistical difference between the rates of RLR for following a passenger car and for following a larger-size vehicle with higher rates of RLR for driving behind a larger-size vehicle due to vertical visibility blockage of the traffic signal pole.  

**Intersection Characteristics**  

**Traffic Volumes.** The RLR frequency increases as the approach traffic volumes at intersections increases.  

**Time-of-Day Characteristics.** The average red-light violations are higher during AM and PM peak hours compared to other times of the day.  

**Approach Grade.** Drivers on downgrades are less likely to stop than drivers on level or upgrade approaches.  

**Frequency of Signal Cycles.** Many researchers recognize a correlation between the frequency of signal changes and red light running. If the cycle length increases, the hourly frequency of signal changes decreases, which should reduce the exposure of drivers to potential red-light running situations.  

**Type of Signal Control.** The type of signal control plays a role in the exposure of drivers to red-light running situations. Highway corridors with vehicle-actuated traffic control tend to produce more compact vehicle platoon configurations than permitted

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8. Ibid.  
traffic control.19 The result is an increase in the number of drivers who may be exposed to the yellow and/or red indications during “max out” phase terminations in the operation of the system and a reduction in the probability of stopping before the stop line after the light changes to yellow as long the approach is occupied. If the approach is unoccupied for a period of time, the green may reach its maximum limit and “gap out” forcing the green phase to end regardless of whether the approach is occupied. There is a greater potential for RLR as the frequency of max out increases.

**Yellow interval duration.** Both long yellow intervals which can violate driver expectancy and short yellow intervals (intervals shorter than the Institute of Transportation Engineers (ITE)-suggested values20) have resulted in a high number of RLR violations.

### Engineering Countermeasures To Reduce Red Light Running

**Overview**

ITE and the Federal Highway Administration (FHWA) developed a publication titled *Making Intersections Safer: A Toolbox of Engineering Countermeasures to Reduce Red Light Running: An Informational Report.*21

Similar work has been completed by Bonneson, Brewer, and Zimmerman. The principal objectives of these publications are to identify engineering design and operational features of an intersection that could be upgraded to reduce RLR. The engineering countermeasures can be grouped into four distinct areas:

- Improving signal visibility/conspicuity;
- Increasing the likelihood of stopping;
- Removing the reasons for intentional violations; and
- Eliminating the need to stop.

Table 1 summarizes the countermeasures that can be considered under each of the countermeasure groupings identified above. These engineering countermeasures are based on a driver characteristic called the “unintentional violator.” This type of driver may be incapable of stopping or may be inattentive while approaching the intersection due to poor judgment by the driver or in the design or operation of the intersection. A second type of driver characteristic is the “intentional violator” who, based on his/her judgment, knows they may violate the signal yet proceeds through the intersection anyway. This type of driver is most affected by enforcement countermeasures, while unintentional red-light runners are most affected by engineering countermeasures.

### Increase Signal Visibility/Conspicuity

**Signal for Each Approach Through Lane.** Section 4D.15 of the MUTCD only requires that “a minimum of two signal faces shall be provided for the major movement on the approach...” Under this standard, it would be acceptable to have only two signals on an approach with three or more through lanes. When a signal is positioned such that it is over the middle of the lane, it is in the center of the motorist’s cone of vision, thereby increasing its conspicuity. The additional signal head further increases the likelihood that a motorist will see the signal display for the approach. Placement of a primary signal head over each through lane has been demonstrated to have the lowest incidence of crashes.

**Install Backplates.** Backplates are used to improve the signal visibility by providing a background around the signals, thereby enhancing the contrast. They are particularly useful in complex visual environments, in east-west directions, and against bright sky backgrounds, but many agencies use backplates on all signals because of the conspicuity they provide. A retro-reflective yellow border strip around the

outside perimeter of signal backplates has also been found to significantly reduce nighttime crashes at signals and also helps drivers identify an intersection as signalized during a power failure.

Modify Placement of Signal Heads. Overhead-signal displays help to overcome the three most significant obstacles posed by locations that have only pole-mounted signal heads, which are: (1) they generally do not provide good conspicuity, (2) mounting locations may not provide a display with clear meaning and (3) motorists’ line-of-sight blockage to the signal head due to other vehicles, particularly trucks, in the traffic stream. Studies have shown significant reduction in crashes attributed to the replacement of pole-mounted signal heads with overhead-signal heads. However, even with overhead signals, pole-mounted supplemental signal faces should be considered to further enhance signal visibility and conspicuity.

Increase Size of Signal Displays. 12-inch signal lenses should be considered for all signals, and especially those displaying red indications, to increase signal visibility. The MUTCD requires 12-inch-diameter signal lenses for approaches where speeds are greater than 40 mph and for some other circumstances. Yet many road authorities have made it their policy to use 12-inch-diameter lenses universally for new installations, regardless of the approach speed. Studies in Michigan, North Carolina, and elsewhere have shown the safety benefits of using 12-inch lenses, even in low-speed situations.

Install Programmable Lens Signals/Visors or Louvers. Optically programmed or visibility-limited signals limit the field of view of a signal. They allow greater definition and accuracy of the field of view. The MUTCD speaks of visibility-limited signals mostly with regard to left-turning traffic at an intersection. The MUTCD permits the use of visibility limited signal faces in situations where the road user could be misdirected, particularly at skewed or closely-spaced intersections when the road user sees the signal indications intended for other approaches before seeing the signal indications for their own approach. Because the field of view is restricted and requires specific alignment, the signals require rigid mounting instead of suspension on overhead wires. There is some concern associated with glare and the limitations of seeing the signal. Signal visibility alignment requires attention both in design and in field maintenance.

Install LED Signal Lenses. LED units are used for three main reasons: they are very energy efficient, are brighter than incandescent bulbs, and have a longer life increasing the replacement interval. LED signals may be noticeably brighter and more conspicuous than an adjacent signal with the incandescent bulb. LED traffic signal modules have a service life of 6 to 10 years compared to incandescent bulbs. LED traffic signal display units have a life expectancy of only 12 to 15 months. There is a belief that LEDs are brighter and last longer and therefore provide safety benefits but this has not been quantified. Some studies have found that LED units tend to lose brightness over time instead of exhibiting an immediate failure.

Increase the Likelihood for Stopping Install Signal Ahead Signs. The MUTCD (Section 2C.29) requires an advance traffic control warning sign when “the primary traffic-control device is not visible from a sufficient distance to permit the road user to respond to the device.” In addition to the normal symbolic SIGNAL AHEAD warning sign, a sign with the legend BE PREPARED TO STOP (W3-4) can be used.

Install Transverse Rumble Strips. Rumble strips are a series of intermittent, narrow, transverse areas of rough-textured, slightly raised or depressed road surface. The rumble strips provide an audible and a vibrotactile warning to the driver. When coupled with the SIGNAL AHEAD warning sign and also the pavement marking word message—SIGNAL AHEAD—the rumble strips can be effective in alerting drivers of a signal with limited sight distance. There are no known studies reporting on how this treatment can reduce red-light violations or the resulting crashes; hence their use should be restricted to special situations. If used, they should be limited to lower-speed facilities (less than 40 mph) and be reserved for locations where other treatments have not been effective. Rumble strips should not be installed if there will be excessive noise for adjacent residential areas or there are numerous bicyclists using the facility.

Install Activated Advance Warning Flashers. The purpose of an activated advance-warning flasher (AAWF) is to forewarn the driver when a traffic
Engineering Countermeasures to Reduce Red-Light Running

signal on his/her approach is about to change to the yellow and then the red phase. This type of treatment provides a specific warning of an impending traffic signal change ahead. AAWFs inform drivers of the status of a downstream signal. Yellow flashing beacons with the sign are activated or an otherwise blank changeable message such as “Red Signal Ahead” is illuminated for several seconds. The sign and the flashers are placed a certain distance from the stop line as determined by the speed limit on the approach.

Improve Pavement Surface Condition. As a vehicle approaches a signalized intersection and slows to stop for a red light, it may be unable to stop due to poor pavement friction and as a result, proceed into the intersection. Countermeasures to improve skid resistance include asphalt mixture (type and gradation of aggregate as well as asphalt content), pavement overlays, and pavement grooving. Additionally, countermeasures can be considered such as the use of a SLIPPERY WHEN WET sign with a supplemental Advisory Speed Plate for a lower advisory speed.

Remove Reasons for Intentional Violations

Adjust Yellow Change Interval. MUTCD (Section 4D.10) provides guidance regarding the duration of yellow change interval. It indicates that the duration of the yellow change interval should be approximately 3 to 6 seconds, with longer intervals reserved for high-speed approaches. The MUTCD does not provide guidance regarding the calculation of clearance interval durations other than to provide ranges of acceptable values. ITE prepared a formula to calculate the yellow change interval that uses a number of operational parameters including perception-reaction time, deceleration rate, approach speed and grade.22

There is a correlation between the duration of the yellow interval and red light running events. Van der Horst observed a substantial reduction in the number of red-light running events after increasing the duration of the yellow interval from 3 to 4 seconds (in urban areas) and from 4 to 5 seconds (in rural areas).23 A small adjustment was observed in the drivers’ stopping behavior, which was attributed to the relatively low increase in the duration of the yellow interval.24

ITE suggests that a long change interval may encourage drivers to use it as part of the green interval and therefore maximum care should be used when exceeding five seconds. If the calculated or selected yellow change interval length exceeds 5 seconds, it may be the choice of the local jurisdiction to handle the additional time with a red clearance interval. Furthermore, using a yellow change interval length less than 3 seconds may violate driver expectancy and result in frequent entry on red indications. If the interval is too short, rear-end crashes may result.

ITE is in the process of preparing Guidelines for Determining Traffic Signal Change Intervals: a Recommended Practice (RP). In 1985 ITE published a Proposed Recommended Practice titled Determining Vehicle Change Intervals that was not ratified to become an recommended practice. Later, in 2001, ITE published the informational report A History of the Yellow and All-Red Intervals for Traffic Signals.

ITE plans to prepare the RP to reflect the current state-of-the-practice and to provide the user with a broader overview of key considerations to determine yellow change and red clearance intervals for traffic signals and their application. A separate effort is underway by the National Cooperative Highway Research Program (NCHRP Project 03-95) to

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Provide or Adjust All-Red Clearance Interval. An all-red clearance interval is an optional portion of a traffic signal cycle that can follow a yellow change interval and precede the next conflicting green interval. The purpose of the all-red interval is to allow time for vehicles that entered the intersection during the yellow-change interval to clear the intersection before the traffic-signal display for the conflicting approaches turns to green. Engineering formulas should be used to calculate whether this extra clearance interval is needed and what its duration should be based on the speeds, intersection widths and other factors. The all-red clearance interval may also be useful in mitigating the “go” decision by a motorist in the amber dilemma zone when there is not enough time to clear the intersection, particularly at high speed locations. Generally, the duration of the all-red clearance interval is from 0.5 to 3.0 seconds. The MUTCD provides guidance that the all-red clearance interval should not exceed 6 seconds (Section 4D.10).

Adjust Signal Cycle Length. Proper timing of signal-cycle lengths can reduce driver frustration that might result from unjustified short or long cycle lengths. Longer cycle lengths mean fewer cycles per hour and therefore fewer yellow-change intervals per hour and thus can reduce the number of opportunities for traffic-signal violations. On the other hand, signal cycles that are excessively long can encourage RLR because drivers do not want to have to wait several minutes for the next green interval.

Provide Dilemma Zone Protection. The “dilemma zone” has been defined recently to be the area in which it may be difficult for a driver to decide whether to stop or proceed through an intersection at the onset of the yellow-signal indication. It is also referred to as the “option zone” or the “zone of
indecision.” One potential countermeasure to reduce red-light running is to reduce the likelihood that a vehicle will be in the dilemma zone at the onset of the yellow interval. This can be accomplished by placing vehicle detectors at the dilemma zone. They detect if a car is at the dilemma zone immediately before the onset of the yellow interval. If a vehicle is there, the green interval can be extended so that the vehicle can travel through the dilemma zone and prevent the onset of the yellow while in the dilemma zone.

**Eliminate the Need to Stop Coordinate Signal Operation.**
Interconnected signal systems provide coordination between adjacent signals and are proven to reduce stops, reduce delays, decrease accidents, increase average travel speeds, and decrease emissions. An efficient signal system is also one of the most cost-effective methods for increasing the capacity of a road. With reduced stops, the opportunity to run red lights is also reduced. In addition, if drivers are given the best signal coordination practical, they may not be as compelled to beat or run a red signal.

**Remove Unwarranted Signals.**
If there is a high incidence of RLR violations, this may be because the traffic signal is perceived as being not necessary and does not command the respect of the motoring public. Sometimes signals are installed for reasons that dissipate over time. For instance, traffic volume may decrease due to changing land-use patterns or the creation of alternative routes. The removal of a traffic signal should be based on an engineering study. Factors to be considered are included in ITE’s *Traffic Control Devices Handbook*. If a signal is eliminated, the traffic engineer must continue to monitor the intersection for any potential increase in crashes.

**Construct a Roundabout.** When a roundabout replaces a signalized intersection, the RLR problem is obviously eliminated. Single-lane roundabouts and other roundabouts have been shown to have significantly less crashes (and less severe crashes) than signalized intersections. Readers should consult NCHRP 572: *Roundabouts in the United States* and FHWA’s *Roundabouts: An Informational Guide*.

**Intersection Field Assessment Form**
The following intersection field inspection form sheet is provided and can be downloaded online at http://safety.fhwa.dot.gov/intersection/redlight/redl_reports/fieldinspfrm.cfm. The field inspection form should be used to identify the extent to which an intersection approach may exhibit traffic operational or engineering design issues that could have an effect on red-light running. A separate field assessment sheet should be completed for each intersection approach. The form shows the types of information that an engineer or an engineering technician should evaluate to determine if a red-light running problem exists at a specific location. Based on the data, the transportation engineering professional can identify if the RLR problems are due to intentional or unintentional (traffic operational or engineering and design) reasons and can suggest engineering countermeasures as a first step prior to consideration of the placement of automated red light cameras at an intersection.

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**INTERSECTION FIELD INSPECTION FORM**

**LOCATION INFORMATION**

Intersection Identification: ____________________________ with ____________

Approach Name: ____________________________ Direction Heading: ____________

**PART 1. CHECK SIGNAL VISIBILITY**

Type of Signal Mounting: Span Wire Mast Arm Pole Structure

Sight Distance to the Signal: _______ feet

Requires Advance Warning Sign? Y N

Advance Signal Warning Sign Present: Y N

Is anything blocking the view of the signals? Y N If yes, describe _______________________________________________________

Can signal faces on other approaches be seen? Y N If yes, do these signals have visors, shields, or programmable lenses? Y N

**PART 2. CHECK SIGNAL CONSPICUITY**

Could visual clutter detract from the signal? Y N

Are the signal indications confusing? Y N

If yes, explain: _______________________________________________________

Are backplates present? Y N

Are backplates necessary? Y N

Are other glare-reducing steps needed? Y N

Signal lens type: Incandescent LEDs

**PART 3. CHECK SIGNAL CONTROL PARAMETERS**

Grade (as decimal) \( g = \) _______ (uphill is positive)

Approach speed \( V = \) _______ mph

Cross street width \( W = \) _______ feet

Calculate the needed change period \((CP)\) for this approach using agency practice or the following equation:

\[
CP = 1.0 + \frac{1.47 \cdot V}{(20 + 64.4g)} + \frac{W + 20}{1.47 \cdot V} \]

Yellow All-red

Actual Value Calculated Value Is Existing Adequate?

Yellow Interval ____________ ____________ Y N

All Red Interval ____________ ____________ Y N

**PART 4. CHECK OTHER FACTORS**

Is horizontal location adequate? Y N

Pavement condition on approach: Adequate Polished Severely Rutted

Should signal warranting study be conducted? Y N

Other concerns: ______________________________________________________

**PART 5. IDENTIFY PROMISING COUNTERMEASURES**

<table>
<thead>
<tr>
<th>Visibility Deficiency</th>
<th>Conspicuity Deficiency</th>
<th>Signal Timing Operation Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Install additional signals on near side</td>
<td>Add signals to achieve one per lane</td>
<td>Change yellow interval</td>
</tr>
<tr>
<td>Change signal mounting</td>
<td>Replace with LED lens type</td>
<td>Add/change all-red interval</td>
</tr>
<tr>
<td>Install SIGNAL AHEAD sign</td>
<td>Replace with 12” signal head</td>
<td>Other Measures</td>
</tr>
<tr>
<td>Install Advance Warning Flashers</td>
<td>Install double red signal</td>
<td>Determine if signal is warranted</td>
</tr>
<tr>
<td>Remove/relocate sight obstruction</td>
<td>Install/enhance backplates</td>
<td>Consider roundabout or innovative design</td>
</tr>
<tr>
<td>Install programmable lenses</td>
<td>Install rumble strips on approach</td>
<td>Improve pavement condition</td>
</tr>
<tr>
<td>Install shields and visors</td>
<td>Install near side signal</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Inspection By: ____________________________________________ Date: ____________
Resources


http://safety.fhwa.dot.gov/intersection/redlight/redl_reports/fguide_isirlr/ (HTML)

http://safety.fhwa.dot.gov/intersection/redlight/redl_reports/fieldinspfrm.cfm. (Field Inspection Form plus downloadable .pdf form)


Red Light Camera Systems Operational Guidelines, January 2005 (HTML)


http://www.hsisinfo.org/pdf/00-112.pdf


http://tcd.tamu.edu/Documents/4027-2.pdf


http://tcd.tamu.edu/Documents/4196-1.pdf
Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, March 7, 2019.

Chairwoman Johanna Slanga convened the meeting at 6:02 p.m.

1. ROLL CALL

Present: Chairwoman Johanna Slanga, Vice-Chairwoman Lara Edwards; Board Members Amy Folberg, Daniel Rontal, Katie Schafer, Doug White, Joe Zane; Student Representatives Chris Capone, Bennett Pompi

Absent: None

Present in Audience: Alternate Board Member Daniel Isaksen

Administration: Jana Ecker, Planning Director
                Scott Grewe, Police Commander
                Paul O’Meara, City Engineer
                Laura Eichenhorn, Transcriptionist

Fleis & Vanderbrink ("F&V"):
                Julie Kroll

5. MAPLE ROAD / S. ETON – PEDESTRIAN IMPROVEMENTS

City Engineer O’Meara reviewed the previous information and discussion on the item.

Julie Kroll, Traffic Consultant with F&V, presented updates on the item, explaining Ms. Kroll reached out to Carissa McQuiston, Non-Motorized Safety Engineering Specialist at MDOT, for a second opinion on whether the intersection becomes more dangerous for pedestrians if the crosswalk is moved from the west side to the east side and a pedestrian crosses against the light, given the possibility a westbound car may not see the pedestrian in advance. Ms. McQuiston said if there is an ongoing problem with pedestrians crossing against the light and vehicles running yellow and red lights, there would likely be an issue no matter what side the crosswalk is on. Ms. McQuiston recommended that the intersection be well-lit, especially underneath the bridge, in order to minimize the concerns regarding pedestrian safety.
City Engineer O'Meara noted the City is working on increasing the lighting under the bridge, but it is requiring ongoing negotiations with CN Railroad, who owns the bridge.

To follow up on Ms. McQuiston’s comments, Ms. Kroll reached out to the Birmingham Police Department and asked about the frequency of pedestrian-vehicle issues at this intersection. The Police Department had insufficient data on violations to draw a conclusion. Traffic crash data noted that there has not been a pedestrian crash in this intersection since 2010. Ms. Kroll then went out and observed the intersection on March 5, 2019 between 4 p.m. - 7 p.m. to determine how often vehicles westbound through vehicles entered the intersection on a yellow light and how often vehicles entered the intersection on a red light. With these criteria, Ms. Kroll found 46 vehicles ran yellow lights, and 5 vehicles ran red lights. That said, the traffic volume on the road is 20,000 vehicles per day, so it is a very small percentage of vehicles running yellow or red lights. In addition, the intersection has a small period of time where all lights are red in order to give illegal movements time to clear before any approach is given a green light.

It would be several seconds once a vehicle enters the intersection before a pedestrian going north and a vehicle going west would have a possible interaction, Ms. Kroll explained. The largest concern would be westbound vehicles and southbound pedestrians.

Ms. Schafer suggested that if the crosswalk remains on the west side there is more time before a westbound vehicle coming under the bridge would reach an illegally-crossing pedestrian, whereas on the east side an illegally crossing pedestrian would be immediately in front of a westbound vehicle coming under the bridge.

Ms. Kroll explained that Ms. McQuiston said illegal pedestrian crossings should not be the focus of this analysis, unless illegal pedestrian crossings are a frequent, on-going issue. According to all available information, it has been determined that there is not a problem with illegal pedestrian crossings at this intersection. Given this, moving the crosswalk to the east side of the intersection will decrease the number of conflicting traffic movements occurring in the intersection. On the west side, pedestrians will always have a conflict with left-turning vehicles; on the east side, there is no conflict with turning vehicles.

Vice-Chairwoman Edwards expressed concern that an adult with a number of children may not be able to cross the intersection in one trip given the smaller size of the proposed splitter island. She noted that a split group of pedestrians, including children, would have to wait an entire light cycle in order to rejoin on the opposite side of the street. In addition, requiring pedestrians to go east-west if they are ultimately trying to go north-south will likely feel cumbersome to those pedestrians. For those reasons Vice-Chairwoman Edwards said she would be concerned about moving the crosswalk to the east side, even though she sees it as enormously beneficial to reduce the potential interactions between pedestrians and turning cars.
Planning Director Ecker noted that moving the intersection to the east side makes it safer overall. She also noted that there is a crosswalk at Whole Foods, should a group of pedestrians want to cross together and not have to risk being split into two groups by the size of the splitter island.

Vice-Chairwoman Edwards agreed that was true, but pointed out that it would require the pedestrians to go east-west again.

Ms. Schafer said the splitter island has evolved into a place where pedestrians must stand if they are trying to cross Maple even though it is small, whereas it was originally designed to be a refuge while crossing.

Chairwoman Slanga asked the Board whether they would like to broaden the discussion beyond Options One and Six, which the Board had narrowed their discussions to at the last meeting.

Mr. Zane replied that the Board seems to prefer Option One to Option Six. He asked if anyone on the Board was advocating for Option Six.

Planning Director Ecker said it stood out that the City’s traffic consultants determined Option Six is a more safe option than Option One.

Mr. Zane acknowledged the safety findings for Option Six but also noted that some frequent users of the intersection have expressed a preference for Option One. He added that Option One is half the cost of Option Six, which is not the determining factor but is in its favor combined with the other considerations. He noted that theoretically leaving the crosswalk on the west side is less safe, but that there has not been an issue with pedestrians crossing on the west side in terms of safety.

Vice-Chairwoman Edwards agreed with Mr. Zane’s summary. She also repeated Commissioner Nickita’s recommendation that intersections be designed in accordance with where it is most convenient for pedestrians to cross. To do otherwise is to increase the likelihood of jaywalking.

Chairwoman Slanga invited the Board to make a motion, since the Board members seemed largely in agreement.

**Motion by Dr. Rontal**

*Seconded by Mr. Zane to accept Option One presented by F&V including a splitter island without moving the crosswalk.*

Chairwoman Slanga asked for public comment.

Daniel Isaksen, 1386 Yorkshire and Alternate Member of the MMTB, said he was not convinced by the argument that pedestrians would always have to cross east-west. He said there is insufficient data to prove the assertion. While he agreed that the goal of minimizing
interactions between pedestrians and left-turning vehicles is an important one, moving the crosswalk to the east side makes the intersection less intuitive which could cause drivers and pedestrians to move less appropriately, and thus less safely, move through the space.

Seeing no further comment, Chairwoman Slanga closed public comment.

**Motion carried, 7-0.**

ROLLCALL VOTE
Yeas: Rontal, Zane, Edwards, Folberg, Schafer, Slanga, White
Nays: None
DATE: July 19, 2017

TO: Joseph Valentine, City Manager

FROM: Paul T. O’Meara, City Engineer

SUBJECT: S. Eton Rd. Corridor — Maple Rd. to Lincoln Ave.  
Multi-Modal Transportation Board Recommendations

In 2016, the City Commission approved the installation of the Phase I Neighborhood Connector Route, as recommended by the Multi-Modal Transportation Board (MMTB), and originally suggested in the Multi-Modal Master Plan. The Phase I Route was intended to be installed last fall, however, no contractors responded to a bid solicitation for this work. As a result, this year it was added to a street paving project, our Contract #1-17(P), and is expected to be completed no later than September of this year. The Neighborhood Connector Route will be a system of signs and pavement markings that mark a suggested bicycle route that circles around the City. As shown on the attached map, a part of the route is intended to use the above noted half mile segment of S. Eton Rd., through the installation of signs and sharrows.

Also in 2016, the Commission appointed an Ad Hoc Rail District Committee to study the Rail District with respect to parking and traffic issues. A final report of this committee was received in December of last year. Since that time, the MMTB has studied the S. Eton Rd. recommendations at several meetings. A comprehensive set of recommendations was advertised and a public hearing was held at the Board’s regularly scheduled meeting of June 1, 2017. (All owners and residents within 300 ft. of the S. Eton Rd. corridor were notified.) At the June 1 meeting, most of the S. Eton Rd. recommendations were endorsed by the Board, with the exception of the proposed pedestrian crossing island designed for the Maple Rd. intersection. Attendees at the hearing that represented Rail District businesses that frequently use large trucks expressed concern that the proposed island would cause undue hardship to their travel in and out of the district caused the Board to hold off on finalizing this area. The Board directed staff to survey and collect data on truck traffic from all the businesses within the Rail District so that a more informed decision could be made relative to how to design this intersection. That information was collected, and the Board met again on July 20 to finalize the design of the Maple Rd. area.

The results of that discussion, as well as a summary of all of the recommendations, follows below, starting from the north end of the corridor, and proceeding south.

Maple Rd. to Yosemite Blvd.

The Ad Hoc Rail District Committee identified four suggested changes on the first block of S. Eton Rd. They are as follows:
1. **Relocate the west side curb for the entire block from its current location to a point three feet closer to the center of the road.** Relocating the curb takes the extra space currently available on the one southbound lane of S. Eton Rd., and makes it available for an enhanced 8 ft. wide sidewalk (up from the existing 5 ft.). The recommendation came from the fact that the current sidewalk is the main walking path for residents who live to the southwest, and wish to walk to other areas east of the railroad tracks. Second, since the current sidewalk is directly adjacent to the traffic lane, the wider pavement would help make the block more pedestrian friendly.

2. **Install an island within the S. Eton Rd. crosswalk.** The original design from the Rail District Committee was sized to accommodate trucks that need up to a 40 ft. turning radius. This was based on the usual convention in the City that most trucks are of this size, or smaller. The island as designed would reduce the distance for pedestrians to have to cross the road unprotected from traffic. Although the traffic signal is timed so that most pedestrians can easily cross on one signal cycle, if for some reason they have to stop in the middle, they would be able to do so. The revised plan attached to this package depicts an island that is able to accommodate trucks with a 50 ft. turning radius.

3. **Install an enlarged pedestrian waiting area adjacent to the handicap ramp on the southeast corner of Maple Rd.** Since additional right-of-way exists in this area, the additional concrete is a relatively low cost improvement that will help make the area more pedestrian friendly.

4. **Install sharrows for bicycles on both the north and southbound lanes.** Several board members expressed concern that it is unfortunate that the City is designing improved biking facilities both north and south of this area, and yet the biking environment on this block could use more improvement. Due to the limited right-of-way, and the clear need to maintain three traffic lanes, no separate bike lane facility can be recommended in this area at this time.

As noted above, three businesses represented at the June 1 public hearing took issue with designing this intersection to a 40 ft. truck turning radius standard. The business people present reminded the Board that Maple Rd. & S. Eton Rd. are the only legal roads that can be used by large trucks to get in and out of the Rail District. (Other routes, such as E. Lincoln Ave. and S. Eton Rd. south to 14 Mile Rd. have restrictions on through truck traffic.) Of particular concern was Adams Towing, which stated they regularly drive larger trucks through the intersection, and that when towing an extremely long vehicle, such as a school bus, even the existing intersection is too small. Bolyard Lumber and Downriver Refrigeration, also represented at the June 1 meeting, made similar representations that they either own and operate, or have deliveries from third parties that regularly use larger trucks.

The Board asked staff to survey all businesses in the district to better understand the frequency of this type of traffic. Over 90 Rail District businesses were sent an email asking for input by answering a short survey about the number and size of trucks that were regularly used by their business. A total of 17 businesses responded. The MMTB reviewed the results at their meeting of July 20, 2017. In order to get as much feedback about this issue as possible, staff invited the three business people that attended the public hearing to come back and discuss the matter further at their July 20 meeting. The following conclusions were drawn:
• When entering the district, trucks with a turning radius in excess of 50 ft. would generally have to enter Eton Rd. heading eastbound only. Attempting to make a left on to Eton Rd. westbound is already not feasible for most of these trucks, due to the height limitations imposed by the adjacent railroad bridge. If the intersection is designed for trucks with a 50 ft. turning radius, trucks will be able to enter the district from Maple Rd., heading from either direction (assuming that they can clear the railroad bridge).
• When exiting the district, most trucks already make a left turn on to westbound Maple Rd. Making a right turn is difficult or impossible for most large trucks even today, again due to the height and size of the railroad bridge.
• With input from F&V, the Board concluded that trucks that require a 62 ft. turning radius are not frequent in this area. Those choosing to use these large trucks will have to use Maple Rd. to the west to enter and exit the area, which they likely already do today, due to the height and location of the adjacent railroad bridge. Designing the intersection for the largest trucks would make the installation of any island impractical.

To summarize, the southwest corner of the intersection is being moved in to provide a larger sidewalk area. Moving it any further, however, would restrict the important right turn movement from Maple Rd. on to Eton Rd. Installing the modified island shown on the revised plan takes advantage of the space in the intersection that is not generally used, and will improve the pedestrian crossing for those crossing Eton Rd. on the south side of Maple Rd.

Yosemite Blvd. to Villa Ave.

Initially, the City’s consultant recommended keeping this block as is, except that the extra wide pavement on the northbound side would be marked to incorporate a buffered bike lane. However, the Board felt that this block is in need of pedestrian enhancements. They also felt that having northbound bikes ride on the west side of the street, then transition to a marked bike lane on the east side of the street for just one block was inconsistent. The Board recommended that the road be narrowed in order to provide enhanced sidewalks that are separated by a green space and City trees. The attached cross-section depicts this proposal. Features include:

• On the west side, adjacent the existing hair salon, a slightly wider City sidewalk, separated from traffic by a 4 ft. wide parkway that could support the installation of new trees.
• Two narrowed travel lanes at 15 ft. wide. The lane width would be too narrow to support parking, but is wider than the minimum to provide a more comfortable area for bikes to ride on the road. Sharrows would supplement the pavement.
• On the east side, adjacent the existing banquet hall, a wider sidewalk, separated from traffic by a 4 ft. wide parkway that could support the installation of new trees. The existing planting space between the sidewalk and the banquet hall would also remain.

Villa Ave. to Lincoln Ave.

As you may recall, the existing pavement on the majority of S. Eton Rd. consists of two center 10 ft. side travel lanes, supplemented with two 10 ft. wide concrete lanes. While there are various means to mark the pavement that could potentially work well with one or two bike lanes, the existing pavement material joint lines tend to reduce the number of choices that are
available. (It is not advisable to install pavement markings that are in conflict with the pavement joints, as motorists may be confused if asked to drive half of the vehicle on asphalt, and half on concrete.) The Ad Hoc Rail District Committee and the MMTB understand this limitation, and worked within it when considering new pavement marking options for this segment.

After much discussion, the Ad Hoc Rail District Committee recommended keeping parallel parking on both sides of the street. However, as a means to slow vehicles and encourage bicycles, the Committee recommended adding a 3 ft. wide marked buffer area between the travel lane and the parking lane. The buffer area would come from a narrowed parking lane (7 ft.), which would help keep parked cars as close to the edge of the street as possible. The buffer would also make the street feel narrower, which helps reduce speeds of vehicles. Sharrows were also recommended to encourage the sharing of the street between vehicles and bicycles.

The MMTB reviewed this recommendation and ultimately rejected it. The Board asked staff to consider various methods to work again within the limitations of the existing pavement, but to provide a means for an improved bicycle facility.

The MMTB is proposing the removal of parking on the southbound lane throughout the corridor. The extra ten feet of pavement would be marked to support an 8½ ft. wide two-way bike lane adjacent to the west side curb. The remaining 1½ ft. would be a marked buffer, supplemented with raised pavement markers that would help provide a physical separation of this area from the vehicles. If the Commission agrees with this recommendation, staff will study this item closer and provide a final, complete recommendation relative to the buffer method at a future City Commission meeting.

The idea of having northbound bicycles traveling on the west side of the street is unique, but it has been used successfully in other cities. Additional sidewalks and pavement markings would be required at the north and south ends of this segment to encourage the safe movement of bikes needing to enter or exit this area. A detailed discussion of the means of entry and exit will be provided at the meeting.

Finally, the Board recognized the need for improved pedestrian crossings on S. Eton Rd. from one side to the other. With that in mind, pedestrian bumpouts are recommended at the following intersections on the east side of S. Eton Rd., within the proposed parking lane:

- Villa Ave.
- Hazel St.
- Bowers Ave.
- Cole Ave.
- Lincoln Ave.

Bumpouts, if installed, must be designed to accommodate expected truck turning movements, and will often require underground storm sewer changes. Cost estimates for this work have not yet been developed. Bumpouts would not be installed on the west side of S. Eton Rd., as they would conflict with the proposed two-way bike lane.
Summary

At this time, staff requests direction from the Commission relative to the recommendations being provided. Past discussions have indicated that the pedestrian improvements at the Maple Rd. intersection are of the highest importance. With that in mind, the Maple Rd. work had been bid as a part of the City’s 2017 Concrete Sidewalk Program. The contractor for this program is currently working on other parts of the project, and if approval is given, the work identified above for the first block can proceed and be finished this year, at an estimated cost of $68,000, including inspection. If the Commission approves the conceptual plans for the other blocks, staff will prepare preliminary cost estimates for this work, and return with suggested timetables for budgeting this work. With respect to timing and budgets, it is noted that:

1. The cost to implement the two-way bike facility will be relatively small compared to the significant change it will bring to the corridor.
2. The cost of the suggested changes between Yosemite Blvd. and Villa Ave. will be more substantial. Due to the special benefit that this work would bring to the adjacent properties, a special assessment district will be introduced for this element of the work.
3. The cost of the bumpouts will also be significant. It is assumed that the cost of this work would be charged to the Major Streets Fund, with the exception of the work at Bowers St. In that area, the three-way intersection will result in a longer bumpout improvement that will increase the streetscape area at this intersection, which will provide a benefit to the adjacent property owner.

Finally, it is noted that the MMTB has focused on the commercial segment of S. Eton Rd. partly in response to the Ad Hoc Rail District Committee Report, and party due to the amount of input received from the public in this area. Nevertheless, the Board is aware that making recommendations about bike route improvements north of Lincoln Ave. raises questions about potential changes to the bike route south of Lincoln Ave. Given the different environment of S. Eton Rd. south of Lincoln Ave., the Board felt that it was best to focus on the commercial section first. Once that is resolved, it is their intent to study the remainder of S. Eton Rd. However, should the Commission feel that the section south of Lincoln Ave. should be studied before final decisions are made, a second resolution to defer this decision is provided below. Given the interest in proceeding with improvements in the area of Maple Rd., both resolutions are the same for that area.

SUGGESTED RESOLUTION A:

To endorse the Multi-Modal Transportation Board recommendations for S. Eton Rd. from Maple Rd. to Lincoln Ave., as described below:

1. Maple Rd. to Yosemite Blvd.
   a. Relocation of the west side curb of S. Eton Rd. from Maple Rd. to Yosemite Blvd. three feet closer to the center, allowing the installation of an 8 ft. wide sidewalk behind the relocated curb.
   b. Installation of a pedestrian island at the Maple Rd. & S. Eton Rd. intersection to improve safety for pedestrians crossing on the south side of Maple Rd.
   c. Installation of a wider sidewalk adjacent to the handicap ramp at the southeast corner of Maple Rd. & S. Eton Rd.
d. Installation of sharrows on green painted squares for both directions.

2. Yosemite Blvd. to Villa Ave.
   a. Removal of the existing parking on the west side of the street.
   b. Relocation of the curb and gutter on both sides of the street to accommodate 5 to 6.5 ft. wide sidewalks and 4 ft. wide green spaces with new City trees.
   c. Installation of sharrows on green painted squares for both directions.

3. Villa Ave. to Lincoln Ave.
   a. Removal of the existing parking on the west side of the street, replaced with an 8.5 ft. wide bi-directional bike lane and a 1.5 ft. buffer with raised markers.
   b. Sidewalk improvements as needed at Villa Ave. and Lincoln Ave. to facilitate the bi-directional bike lane.
   c. Installation of a 3 ft. wide buffer between the northbound travel lane and 7 ft. parking lane.
   d. Curbed bumpouts at marked pedestrian crosswalks on the west side of the street, at the intersections of Villa Ave., Hazel Ave., Bowers Ave., Cole Ave., and Lincoln Ave.

Further, to confirm that the work on the block south of Maple Rd. shall be included as a part of the 2017 Concrete Sidewalk Program, Contract #3-17(SW), at an estimated total cost of $68,000, to be charged to account number 202-449.001-981.0100. In addition, for the remaining sections, to direct staff to prepare cost estimates and budget recommendations for further consideration by the Commission.

SUGGESTED RESOLUTION B:

To endorse the Multi-Modal Transportation Board recommendations for S. Eton Rd. from Maple Rd. to Yosemite Blvd., as described below:

1. Relocation of the west side curb of S. Eton Rd. from Maple Rd. to Yosemite Blvd. three feet closer to the center, allowing the installation of an 8 ft. wide sidewalk behind the relocated curb.
2. Installation of a pedestrian island at the Maple Rd. & S. Eton Rd. intersection to improve safety for pedestrians crossing on the south side of Maple Rd.
3. Installation of a wider sidewalk adjacent to the handicap ramp at the southeast corner of Maple Rd. & S. Eton Rd.
4. Installation of sharrows on green painted squares for both directions.

Further, to direct the Multi-Modal Transportation Board to study and provide recommendations for bike route improvements for the area of S. Eton Rd. from Lincoln Ave. to 14 Mile Rd.
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Executive Summary

The Ad Hoc Rail District Committee was tasked with conducting research and analysis regarding parking, street design initiatives, and non-motorized safety to develop a plan with recommendations for the future of the Rail District along S. Eton. The Committee conducted a walking survey to assess the existing conditions of the Rail District. During this exercise, crosswalks issues, poor driver visibility at street corners, inconsistent sidewalks, and lack of bicycle facilities were noted. Based on the Committee’s observations, several intersection and streetscape improvements were reviewed, a parking study was completed to review current parking demand, and a buildout analysis was conducted to calculate future parking needs. The Ad Hoc Rail District Committee’s resulting findings include recommendations for intersection improvements to calm traffic and improve pedestrian comfort, exploring shared parking opportunities to more efficiently use off-street parking lots, and adding bicycle facilities to better accommodate bicyclists.

Newingham Dental – Completed 2014
District Lofts Phase 2 – Completed 2016
Irongate – Completed in 2016
Formation of the Committee

On January 11, 2016, the City Commission unanimously passed a resolution to establish the Ad Hoc Rail District Committee. The Committee was tasked with developing a plan to address the current and future parking demands, along with planning goals and multi-modal opportunities for the district in accordance with the following:

a) Review the Eton Road Corridor Plan, Multi-Modal Transportation Plan, and previous findings of the Rail District Committee in order to identify and recommend how to best incorporate these elements into an integrated approach for this district.

b) Calculate the long-term parking demands for both the north and south ends of the Rail District, while considering on-street and off-street parking, shared parking arrangements, use requirements and other zoning regulations which impact parking.

c) Review planning and multi-modal objectives for the Rail District with the findings from the long-term parking calculations and develop recommendations to integrate planning and multi-modal elements with parking solutions. Recommendations should consider:
   i. Considerations for on-street and off-street parking
   ii. Road design initiatives
   iii. Multi-modal uses
   iv. Neighborhood input
   v. Existing plans and findings

d) Compile the committee’s findings and recommendations into a single report to be presented to the City Commission by the end of the committee’s term (December 31, 2016).

Goals and Objectives of Committee

The following goals and objectives were established by the Ad Hoc Rail District Committee to guide their discussions and recommendations for the future:

Goals

i. Create an attractive and desirable streetscape that creates a walkable environment that is compatible with the adjacent residential neighborhoods.

ii. Design the public right-of-way for the safety, comfort, convenience, and enjoyment for all modes of transportation throughout the corridor.

iii. Facilitate vehicular traffic and parking without sacrificing the corridor’s cycling and pedestrian experience.

iv. Minimize the impacts of traffic on the existing residential neighborhoods.

v. Recommend updates to the Rail District zoning regulations as needed to meet goals.

Objectives

i. Use creative planning to promote a high quality, cohesive right-of-way that is compatible with the existing uses in the corridor.

ii. Implement “traffic calming” techniques, where appropriate, to reduce speeds and discourage cut-through traffic on residential streets.

iii. Enhance pedestrian connectivity through the addition of crosswalks, sidewalks, and curb extensions.

iv. Improve accommodations for bicycle infrastructure on Eton Road.

v. Create a balance between multimodal accessibility and parking provisions.
Eton Road Corridor Plan (1999)

Vision Statement: "The Eton Road Corridor will be a mixed use corridor with a range of commercial, service, light industrial and residential uses that serve the needs of the residents of Birmingham. Creative site planning will be encouraged to promote high quality, cohesive development that is compatible with the existing uses in the corridor and adjacent single-family residential neighborhoods."

Much of the success that can be observed in the District today is owed to the recommendations contained in the Eton Road Corridor Plan (ERCP). Many of the recommendations have been implemented including the eastward extension of Villa and Hazel into the northern end of the District, the creation of the MX zoning classification, associated development regulations, and the addition of streetscape requirements.

However, many recommendations contained in the ERCP have not been fully implemented that specifically impact the circulation of vehicular, pedestrian, and bicycle traffic. These recommendations are as follows:

- A series of curb extensions and "chokers" at select intersections to create better visibility for pedestrians and to encourage lower speeds for motorists;
- To accommodate at least one protected bike lane, given that S. Eton is an important link in a regional bike system; and
- To discourage front parking and to place commercial and residential buildings closer to the road.
Multimodal Transportation Plan (2013)

Vision Statement: "The City of Birmingham seeks to build upon its brand as a walkable community. The purpose of this plan is to provide a document that the Community may reference when contemplating future actions regarding infrastructure, policies and programs. It is envisioned that this plan will guide improvements designed to give people additional transportation choices, thereby enhancing the quality of life in the City of Birmingham."

Less than 3 years since its adoption, implementation of the Multimodal Transportation Plan ("MMTP") is already well underway. Many areas identified in the plan that have not yet been retrofitted are at least at the forefront of multimodal discussion in the city. The Eton Road Corridor has proven to be one of those areas.

As demonstrated in the MMTP, there is an expressed community desire for a transportation network that adequately responds to the needs of various users and trip types. In order to achieve this vision for the Rail District, the MMTP recommends the following physical improvements:

- Completing sidewalks along Cole St.;
- Installing curb extensions on S. Eton Rd. at Yosemite, Villa, Bowers, Holland, and Cole;
- Improving crossing areas at Villa, Bowers, Holland and Cole; and
- Striping bike lanes on S. Eton via parking consolidation: shared lane markings from E. Maple to Villa; buffered bike lane and shared lane markings from Villa to E. Lincoln.
Zoning Analysis

The majority of the S. Eton Corridor was zoned MX Mixed-Use, in accordance with the recommendation of the ERCP. The MX District was established with the intent to:

- Encourage and direct development within the boundaries of the Eton Road Mixed-Use District and implement the Eton Road Corridor Plan;
- Encourage residential and nonresidential uses that are compatible in scale within adjacent resident neighborhoods;
- Encourage the retention, improvement, and expansions of existing uses that help define the Eton Road Corridor;
- Allow mixed use developments including residential uses within the Eton Road Corridor; and
- Minimize the adverse effects of nonresidential traffic on the adjacent residential neighborhood.

With zero foot minimum front and side yard setback requirements, no required open space, and buildings permitted up to 4 stories in height, the MX District encourages a midrise, integrated urban form throughout the Corridor. However, a majority of the buildings in the district have not been developed to the new standards set forth in the current Zoning Ordinance. Many properties still contain single-use, one-story buildings that do not maximize their potential space.

The buildings that have been recently constructed are emblematic of the District’s goal of creating appealing mixed-use buildings that complement the adjacent residential neighborhoods. The District Lofts, for example, demonstrate the potential of the District development standards with its well-fenestrated façades that abut the front and side lot lines, ground floor retail space and residential upper floors, and its sufficient parking facilities.

A fundamental goal of the Rail District is to “minimize the adverse effects of nonresidential traffic on the adjacent neighborhood,” but the current road design does little to provide a buffer between the MX and residential zones. Traffic, parking, and safety issues still persist to this day. Actions are recommended for Eton Rd that ease the transition from the residential neighborhood to the mixed use zone and provide safe access to the area’s amenities for all modes of transportation.
Preliminary Assessment: Public Perception and Identification of Issues

Committee members reviewed and analyzed existing conditions in the Rail District. Discussion branched off into five main topics: Rail District Design and Development, Pedestrian Safety/Amenities, Parking, Traffic, and Bicycles. The committee’s comments have been summarized into bullet points below.

- The committee members are pleased with new developments in the district. The development standards for the new buildings have created an overall appealing look.
- The width of S. Eton is viewed as problematic, as it encourages cars to exceed the speed limit. Bump-out curbs are needed on S. Eton at necessary intersections between E. Maple and Sheffield as a way to narrow down the road, slow traffic, and make it easier to cross the street. This would create safer access to the parks, pool, and other amenities.
- The Committee proposed reviewing zoning uses and standards for the rail district. The recent improvements to W. Maple are also something the Committee wants to keep in mind as a good example when making recommendations for the Rail District.

- Parking was raised as a priority. The committee would like to see an evaluation of parking demand with respect to supply, and how to resolve the issue via structures, surface lots, and on-street locations.
- Parking along S. Eton, especially the southbound (west) side, was identified as a key focus of the committee. It was also mentioned that on street parking is an issue between Sheffield and 14 Mile.
- On-street parking spaces on S. Eton are seen as a problem as they inhibit the visibility of drivers and pedestrians and make it difficult for residents to back out of their driveways. Visibility should be considered in future parking studies.

- The Committee is displeased with the lack of pedestrian safety in the Rail District. Committee members emphasized the importance of safe and adequate pedestrian crossing throughout the District, especially along S. Eton Rd. The idea is to have a complete network of sidewalks and crossings that encourage people to walk through the District.
- The intersection at S. Eton and Maple is not amenable to pedestrians, especially when they are attempting to get from S. Eton to N. Eton.
- The intersection at S. Eton and Cole, especially on the commercial side, is not safe from a pedestrian or vehicle standpoint.
- The Committee is concerned with the cut-through traffic that occurs on S. Eton.
- More emphasis should be placed on non-motorized transportation in the study area. More specifically, S. Eton should be designed to be safer for bicyclists.
- The bike route transition from N. Eton to S. Eton should be improved; however, a continuous bike lane may not be a feasible means by which to do this.
- The Committee would like to widen the pedestrian area at the southwest corner of E. Maple and S. Eton in order to improve bicycle and pedestrian safety and to ease traffic flowing in and out.

- Excessive speed heading southbound on S. Eton – especially from Lincoln to 14 Mile – was identified as an issue to be addressed moving forward.
- The new Whole Foods is expected to increase the amount of traffic through the corridor, so the City should consider street designs that regulate speed and traffic, while ensuring a safe pedestrian experience.
- The new Whole Foods is expected to increase the amount of traffic through the corridor, so the City should consider street designs that regulate speed and traffic, while ensuring a safe pedestrian experience.
Preliminary Assessment: Walking Survey

Committee members conducted a walking survey and inventory of the S. Eton Corridor. Findings are outlined below and on the pages that follow.

**First stop - under the bridge at S. Eton/Maple Rd.**
- Viaduct has a “bunker” feel
- Not a good corner to cross
- Widening the sidewalk would help calm traffic
- Bump-out/plaza at corner would be effective, but difficult
- A pedestrian island would help at this intersection

**Second stop - Yosemite/S. Eton**
- Drivers are not fully aware of pedestrians around this stretch of S. Eton
- A crosswalk is needed here
- Bump-out curbs may be necessary
- A bike lane could start around here
- The street begins to narrow down closer to beauty shop
- Bump-out and bike lane might contradict each other

**Third stop – Villa/S. Eton**
- Possible bump-out curbs here
- Visibility is very obstructed at this corner

**Fourth stop – Hazel/S. Eton**
- A crosswalk is needed at the Whistle Stop
- A crosswalk would help slow traffic
- S. Eton improvements must be consistent

**Fifth stop – Bowers/S. Eton**
- This area is a destination and should receive a large crossing with different treatment, such as a plaza in the center
- This stop does not warrant a stop sign, but controls should be built to calm traffic speed
- People who come to eat at Griffin Claw don’t know where to park
Sixth stop – Haynes/S. Eton
• It was noted that parking could occur along the dividing island at Bolt Yard Tumber

Seventh stop – Holland/S. Eton
• A double crosswalk exists here but it is not a natural crossing spot

Eighth stop – Webster/S. Eton
• Curbs are terrible here
• Bump-out curbs are suggested for this location
• Yellow no parking lines may be too long next to driveways

Ninth stop – Cole/S. Eton
• Bump-outs are recommended on the four corners
• Many interesting shops to the east

Tenth stop – Lincoln/S. Eton
• This is a prominent corner
• There should be something that demarcates commercial from residential
• Well defined crosswalks here
• Future streetscape improvements should be considered
Preliminary Assessment: Walking Survey (Continued)

14th stop – Commerce/Cole
- A sidewalk in front of school property was suggested
- There are large parking lots to the north and east behind the Cole Business Center

13th stop – Commerce/Lincoln
- An industrial area with several underutilized surface lots

12th stop – Lincoln looking East
- Public parking on south side of Lincoln

11th stop – Melton/S. Eton
- This is a wide intersection, but not a four-way stop
- Vehicles can turn easily here so they go fast
- There is parking on only the west side of Eton
- Need for traffic calming
Preliminary Assessment: Walking Survey (Continued)

16th stop – Cole Business Center Lots
- There is much parking to the north and east behind Cole Business Center with underutilized parking
- Two adjoining parking lots are blocked from each other by a wall (no shared access)

15th stop – Commerce and Cole
- Sidewalks needed in front of the school property
- Several surface parking lots in front of buildings that are not full

18th stop – Northbound S. Eton
- Yellow curbing was noted in front of Down River Refrigeration
- Angled parking was not supported at this location by Multi Modal Transportation Board
- Sidewalk is incomplete in front of Roy Schacter and Voigt office
- No sidewalk connection from S. Eton to Robot Garage area

17th stop – DPS/Down River Refrigeration
- Inefficient use of parking around Down River Refrigeration
- High traffic egress area south of DPS
- Poor area lighting
Concepts Considered Within Study Area

Based on the issues identified in the preliminary assessment of the study area and a review of the ERCP and MMTP, the Committee considered numerous improvements for the right of way at specific locations. In addition to the concepts illustrated below in the area of S. Eton and Maple, the Committee discussed purchasing property on the southwest corner of the intersection to widen the sidewalk and create a pedestrian plaza at the corner to enhance pedestrian safety and comfort. Additionally, the Committee talked about improving the viaduct underpass on E. Maple through the use of paint and lighting.

S. Eton and Maple Intersection

**Existing**          **Proposed**          **Existing**          **Proposed**

**Design Concept 1**
At the southeast corner of S. Eton and Maple, there is a lot of activity but very little room to work with to make any drastic changes. As suggested during the walking tour, the pavement at this corner could be extended into the grass area to provide a more comfortable pedestrian space.

**Design Concept 2**
Another option at this location could be to create a bump-out to give motorists better visibility of pedestrians attempting to cross and to shorten the length of road crossings for pedestrians.
Design Concept 3
The Committee discussed constructing a pork chop-shaped pedestrian island as an alternative to a bump-out. A pedestrian refuge could effectively channel drivers to slow down and gives pedestrians the ability to wait on it instead of having to rush across the street during a short traffic light interval.

The committee recommended hiring a consultant to evaluate traffic calming measures and pedestrian improvements at this complex intersection.

S. Eton Intersections
Bump-out curbs were considered for the intersection of S. Eton and Yosemite (shown to the right) and could be coupled with striped crosswalks for additional safety. Having a bump-out at this intersection would help demarcate between the commercial area and residential area.

Additional bump out curbs and crosswalk improvements were also suggested along S. Eton at Villa Road, Hazel St, Webster St., Cole St, Lincoln, Melton, Sheffield and 14 Mile Road.
S. Eton and Bowers Intersection

Committee members recognized this area as being of significant importance as it marks the approximate center of the Rail District. Accent materials of different textures and/or colors could be added to intersection to remind people that it is a place for both pedestrians and cars. As shown in the suggested rendering, the concept is coupled with curb bump outs, benches, and on-street bike racks, as well as pedestrian crosswalk improvements to create a plaza condition. Alternatively, the east side of S. Eton at this intersection could be extended to narrow the street further and provide more space for street trees and plantings.

The committee recommended hiring a consultant to study possible improvements to this intersection.

S. Eton Corridor (Maple to Lincoln)

Following the recommendation of the MMTP, the Committee discussed the option of adding bicycle facilities to S. Eton by adding sharrows for northbound bicycle traffic, eliminating parking on the west side (also recommended by the MMTP), and giving southbound traffic a 10 foot protected bike lane that includes a 3 foot buffer zone.
Parking Inventory and Study

A parking inventory was completed in the study area for a better understanding of when and where parking spaces are being utilized. A map of total spaces was created for private lots and on street parking. The results are illustrated in Figure 1, and show an existing parking count of 2,480 spaces in the study area and surrounding neighborhood.

A parking study was also completed to determine parking utilization in the study area. Parking counts were conducted by city staff at 4, 5, and 6pm on Friday September 23rd and Wednesday September 30th, and the data was then analyzed.

The consulting firm Fleis and Vandenbrink was contracted to create a report for the count studies and provide summary tables showing available spaces, occupied spaces, and percent occupancy rate for the north and south zones of the study area. An analysis and conclusion based upon the findings was then made for off street and on street parking situations in each of the zones.

Count data was then entered into a map for each day and time of the study. The maps on the following pages indicate the total counts for each hour of on street and off street parking spaces, and color code the percent occupancy rate in classes for 0, 1-33%, 34-66%, and 67-100%. These maps are shown side by side to visually illustrate the intensities of parking in the district, and how the parking occupancy rates change from 4-6pm in the study area.
S. Eton Rd
- 9 out of 60 spaces on the west side are used
- 16 out of 63 spaces on the east side are used

Off Street Parking
- Parking lots off of Cole Street at or near capacity
- Griffin Claw already above 66% capacity

Residential Parking
- Yosemite and Villa experience overflow throughout the evening.
- Villa stays between 33-66% occupancy rate throughout the Friday study.
**S. Eton**
- 7 out of 60 spaces on the west side are used
- 17 out of 63 spaces on the east side are used

**Off Street Parking**
- Cole Street's highest occupancy rate for off street lots occurs on weekday during regular business hours.

**Off Street Parking**
- The majority of Cole Street parking lots clear out after 5 pm.

**Off Street Parking**
- Griffin Claw's peak parking hours increase during the evening while the rest of the parcels show a decrease in use.
- Shared Parking agreements work best when adjacent or nearby parcels have different peak parking times.
Existing Parking Analysis

For the section north of Holland Road, the parking study by Fleis and Vandenbrink concluded:

1. Off street and on-street parking demand is high and the existing spill over parking is impacting Yosemite Boulevard and Villa Road.
2. The parking garage beside Big Rock and The Reserve is underutilized.
3. Griffin Claw had the most utilized parking lot in north zone.
4. The least occupied lots were Whistle Stop and Boyard Lumber.  
   a) Together these two parcels contain 39 parking spaces, which could be an opportunity for shared parking agreement during nights and weekends.
5. During the peak hour there were no available spaces on Northbound Eton between Haynes and Palmer, or southbound Eton between Holland and Bowers.

For the section south of Holland Road, the parking study by Fleis and Vandenbrink concluded:

1. The highest parking demand in this area occurs during weekday daytime hours.
2. Many off street parking lots along Cole Street were near capacity at 4pm, then relatively vacant after 5pm.
   a) This may be an opportunity for shared parking agreements to relieve some parking demand in the north zone.
3. On street parking is not significantly impacted by the commercial properties.
4. The residential neighborhood to the west is not significantly impacted by spillover parking from the Rail District.

The parcel in front of Boyard Lumber between the street and the building contains 15 parking spaces and is considered public right of way. Based upon the data from the study, these spaces are underutilized. On Friday September 23rd at 6pm, 0 spaces in front of Boyard Lumber were used, while the east and west side of S. Eton were at or near capacity north of Holland. Better signage could be used to inform drivers and direct them into these spaces to alleviate parking congestion elsewhere.

The parking lots adjacent to Griffin Claw are also considered underutilized at evening hours. During peak parking time, Whistle Stop on the north side utilized 2 of the 11 spaces at 6pm, while 27 out of 44 spaces were utilized in the Robot Garage/Watch Hill parking lot at 6pm. Both of these parking lots have signs indicating parking is for their business only. Whistle Stop, Robot Garage, and Watch Hill have different peak parking hours with Griffin Claw which could be an opportunity for a shared parking agreement.

The on street parking south of Holland is considered underutilized as well. Zero cars parked on the west side of S. Eton between Holland and Lincoln on Friday, while the Wednesday count maxed out at 3 cars. The east side of S. Eton between Holland and Lincoln also had low parking rates. This side had a number of counts with a value of 0, and its maximum occupancy rate never reached above 66%.

Findings

The parking study shows that there is an abundance of parking throughout the study area. However, much of the parking is privately owned for a single use. Parking demand is high for restaurant uses in the evenings and weekends while the office uses have daytime peak parking periods. Shared parking arrangements throughout the study area should be encouraged to maximize the efficiency of existing parking in commercial areas and to eliminate spillover parking into residential areas.

The data from the parking study also supports the Multimodal Transportation Plan's recommendation to eliminate parking on the west side of Eton and use the space for a bike lane. The count data suggests that the study area has enough spaces to accommodate for the loss of parking on the west side of Eton. The highest count for this section was 26 on Friday, September 23rd at 6pm. If these spaces were removed, drivers could still find space in front of Boyard Lumber and S. Eton between Holland and Lincoln. Available spaces could increase if adjacent businesses entered into shared parking agreements and removed 'business parking only' signs as well, as noted above.
Build-out Analysis

A build-out analysis was conducted to determine the future parking needs of the Rail District. This study involved examining the current state of development in the Rail District and demonstrating which buildings were likely to be redeveloped to their maximum size per the MX (Mixed-Use) zoning district provisions. Recently developed buildings and businesses not likely to change within the next 20 years were highlighted in blue, while properties with the potential for redevelopment were highlighted in red. See Figure 2.

The ratio of developable parcel space vs actual building space was calculated for the properties highlighted in blue. This value is used as the Percent of Maximum Build-Out percentage. This build out rate was then used as a projection for the focus area highlighted in red. The assumption is that future buildings in the focus area will occupy a similar value of their total parcel space as those recently developed in blue.

The projected build-out square footage for the focus area was then used to calculate the additional number of parking spaces that would be required based on probable square footage and land uses.

A build-out analysis is predicated on many underlying assumptions. Presupposing the realistic and sometimes even most extreme conditions can generate a fairly accurate assessment of the issue at hand and help to envision future scenarios. The following assumptions were applied in the Rail District build-out analysis:

- All parcels in the focus area were assumed to be developed as four story, mixed use buildings, the maximum number allowed in the MX zone.
- All first floor uses were assumed to be retail/office, requiring one parking spot per 300 sq ft.
- Floors two, three, and four were assumed to be residential, requiring one parking space per 1000 sq ft of floor area.
- Percentage of Maximum Build Out = (Building Floor Area * Number of Stories) / (Parcel Area * 4 Stories)
Build-out Analysis

Existing Condition:
Figure 3 is a rendering of the Rail District’s current build out. It also includes buildings approved for construction in the near future. The blue represents buildings that are unlikely to change within the next 20 years. Note that the northern section has a higher density of recent developments that occupy a larger portion of their parcel space than the older buildings in red. The restaurants and mixed-use structures in blue are clustered together with a combination of parking uses including a three story parking deck highlighted in pink, underground parking, on street parking, and private garages.

The red area indicates buildings that have not recently been redeveloped or undergone significant renovation and still fit the previous zoning category. They are predominantly one story industrial buildings with large surface parking lots. These sites have been identified as a focus area for potential re-development in the build out analysis.

Future Buildout:
The transparent orange space pictured in Figure 4 indicates the maximum build out space for properties likely to redevelop in the Rail District. The MX zone allows up to 4 stories, and the orange is meant to help visualize the difference between the current build out in red, and what is now possible within the MX zone. The percentage of current built out space vs maximum build out is included in Tables 1 and 2 as the Current Percent of Maximum Build Out value on the far right column.
Existing Build-out Analysis

Based on development patterns over the past 15-20 years, it is rare for a landowner to use 100% of their developable space (highlighted in orange on Table 1). This is due to development standards such as side and rear setback requirements, access to parking and drop off space, required parking spaces, and right of way improvements. Table 1 compares the maximum build out values for different building uses, based on actual development that has occurred.

The addresses listed in Table 1 are properties not expected to significantly change within the next 20 years. They contain a mix of single story restaurants like Griffin Claw and The Reserve, single story industrial buildings converted into commercial uses such as the Cole Street multi-business spaces (as shown in white on Table 1), and multi-story, mixed used buildings including District Lofts and Crosswinds (as shown in blue on Table 1). The build-out rates of properties not expected to significantly change within the next 20 years range from 6% to 62%, with an average of 26%.

Griffin Claw has a build out value of only 8% because it is a large parcel with 70% of its surface area dedicated to parking. The other 30% is occupied by a one story brewery and restaurant space. Because Griffin Claw is a restaurant, it also has a higher parking requirement than retail, office, and residential uses. Parcels with large surface lot parking areas and single story uses score lower percentage values in the maximum build out analysis.

The addresses highlighted in red on Table 2 correspond with the parcels shown in red on Figure 3, and those properties that have been identified as the focus area likely for redevelopment.

<table>
<thead>
<tr>
<th>Table 1: Recent Development</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Business</strong></td>
</tr>
<tr>
<td>-------------------</td>
</tr>
<tr>
<td>Assumptions</td>
</tr>
<tr>
<td>Big Rock</td>
</tr>
<tr>
<td>The Reserve</td>
</tr>
<tr>
<td>Griffin Claw</td>
</tr>
<tr>
<td>Cole St. Multi-Business</td>
</tr>
<tr>
<td>Cole St. Multi-Business</td>
</tr>
<tr>
<td>(Combined w/ 2121)</td>
</tr>
<tr>
<td>Armstrong White</td>
</tr>
<tr>
<td>Dentist &amp; Doctor Office</td>
</tr>
<tr>
<td>Sheridan Retirement</td>
</tr>
<tr>
<td>Sheridan Retirement</td>
</tr>
<tr>
<td>CrossWinds (16 Buildings)</td>
</tr>
<tr>
<td>Future Mixed Use</td>
</tr>
<tr>
<td>District Lofts</td>
</tr>
<tr>
<td>District Lofts</td>
</tr>
<tr>
<td>Irongate</td>
</tr>
<tr>
<td>Future Mixed Use</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>
## Build-out Analysis

**Table 2: Focus Area with Potential for Redevelopment**

<table>
<thead>
<tr>
<th>Parcel Address</th>
<th>Parcel Sq. Footage</th>
<th>1st Floor Building Sq. Footage</th>
<th>% Building on Parcel</th>
<th>Est. Total Building Sq. Footage</th>
<th>Est. Max Build Out</th>
<th>Current % of Max Build Out</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assumptions</td>
<td>Building Floor Area</td>
<td>Floor Area / Parcel</td>
<td>Building Floor Area * # of Stories</td>
<td>Parcel Area * 4 Stories</td>
<td>Total Build Sq. Ft. / Max Build</td>
<td></td>
</tr>
<tr>
<td>501 S ETON</td>
<td>11,331</td>
<td>3,959</td>
<td>35%</td>
<td>3,959</td>
<td>45,326</td>
<td>9%</td>
</tr>
<tr>
<td>653 S ETON</td>
<td>54,444</td>
<td>24,705</td>
<td>45%</td>
<td>24,705</td>
<td>217,776</td>
<td>13%</td>
</tr>
<tr>
<td>677 S ETON</td>
<td>55,569</td>
<td>22,184</td>
<td>40%</td>
<td>22,184</td>
<td>222,275</td>
<td>10%</td>
</tr>
<tr>
<td>707 S ETON</td>
<td>7,335</td>
<td>2,602</td>
<td>35%</td>
<td>5,205</td>
<td>29,338</td>
<td>18%</td>
</tr>
<tr>
<td>953 S ETON</td>
<td>10,080</td>
<td>5,003</td>
<td>50%</td>
<td>5,003</td>
<td>40,320</td>
<td>12%</td>
</tr>
<tr>
<td>995 S ETON</td>
<td>11,200</td>
<td>4,263</td>
<td>38%</td>
<td>4,263</td>
<td>44,800</td>
<td>10%</td>
</tr>
<tr>
<td>925 S ETON</td>
<td>14,016</td>
<td>3,901</td>
<td>28%</td>
<td>3,901</td>
<td>56,062</td>
<td>7%</td>
</tr>
<tr>
<td>929 S ETON</td>
<td>11,104</td>
<td>7,146</td>
<td>64%</td>
<td>7,146</td>
<td>44,146</td>
<td>16%</td>
</tr>
<tr>
<td>757 S ETON</td>
<td>111,124</td>
<td>49,332</td>
<td>44%</td>
<td>55,640</td>
<td>444,496</td>
<td>13%</td>
</tr>
<tr>
<td>1041 S ETON</td>
<td>11,677</td>
<td>1,771</td>
<td>15%</td>
<td>1,771</td>
<td>46,706</td>
<td>4%</td>
</tr>
<tr>
<td>1081 S ETON</td>
<td>14,992</td>
<td>6,036</td>
<td>40%</td>
<td>6,036</td>
<td>59,968</td>
<td>10%</td>
</tr>
<tr>
<td>2203 HOLLAND</td>
<td>38,614</td>
<td>10,945</td>
<td>28%</td>
<td>10,945</td>
<td>154,456</td>
<td>7%</td>
</tr>
<tr>
<td>2200 HOLLAND</td>
<td>89,215</td>
<td>19,404</td>
<td>22%</td>
<td>19,404</td>
<td>356,860</td>
<td>5%</td>
</tr>
<tr>
<td>2275 COLE</td>
<td>55,729</td>
<td>14,241</td>
<td>26%</td>
<td>14,241</td>
<td>222,917</td>
<td>6%</td>
</tr>
<tr>
<td>2333 COLE</td>
<td>36,071</td>
<td>20,381</td>
<td>57%</td>
<td>20,381</td>
<td>144,285</td>
<td>14%</td>
</tr>
<tr>
<td>2330 COLE</td>
<td>36,451</td>
<td>13,057</td>
<td>36%</td>
<td>13,057</td>
<td>145,805</td>
<td>9%</td>
</tr>
<tr>
<td>2499 COLE</td>
<td>47,389</td>
<td>4,052</td>
<td>9%</td>
<td>4,052</td>
<td>189,554</td>
<td>2%</td>
</tr>
<tr>
<td>2388 COLE</td>
<td>33,531</td>
<td>Parking Lot</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2182 COLE</td>
<td>20,754</td>
<td>2,816</td>
<td>14%</td>
<td>2,816</td>
<td>83,017</td>
<td>3%</td>
</tr>
<tr>
<td>2254 COLE</td>
<td>36,634</td>
<td>13,011</td>
<td>36%</td>
<td>13,011</td>
<td>146,536</td>
<td>9%</td>
</tr>
<tr>
<td>2300 COLE</td>
<td>17,196</td>
<td>5,682</td>
<td>33%</td>
<td>5,682</td>
<td>68,784</td>
<td>8%</td>
</tr>
<tr>
<td>2010 COLE</td>
<td>34,468</td>
<td>7,190</td>
<td>21%</td>
<td>7,190</td>
<td>137,871</td>
<td>5%</td>
</tr>
<tr>
<td>2006 COLE</td>
<td>10,877</td>
<td>3,185</td>
<td>29%</td>
<td>3,185</td>
<td>43,507</td>
<td>7%</td>
</tr>
<tr>
<td>2388 COLE</td>
<td>22,202</td>
<td>16,429</td>
<td>74%</td>
<td>16,429</td>
<td>88,807</td>
<td>19%</td>
</tr>
<tr>
<td>2400 COLE</td>
<td>62,645</td>
<td>19,461</td>
<td>31%</td>
<td>19,461</td>
<td>250,580</td>
<td>8%</td>
</tr>
<tr>
<td>2450 COLE</td>
<td>23,422</td>
<td>9,192</td>
<td>39%</td>
<td>9,192</td>
<td>93,687</td>
<td>10%</td>
</tr>
<tr>
<td>2295 E LINCOLN</td>
<td>53,994</td>
<td>33,402</td>
<td>62%</td>
<td>33,402</td>
<td>215,978</td>
<td>15%</td>
</tr>
<tr>
<td>2125 E LINCOLN</td>
<td>38,470</td>
<td>9,739</td>
<td>25%</td>
<td>9,739</td>
<td>153,879</td>
<td>6%</td>
</tr>
<tr>
<td>2335 E LINCOLN</td>
<td>61,009</td>
<td>15,992</td>
<td>26%</td>
<td>15,992</td>
<td>244,035</td>
<td>7%</td>
</tr>
<tr>
<td>Vacant</td>
<td>65,025</td>
<td>Vacant</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Vacant</td>
<td>43,240</td>
<td>Vacant</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,139,807</strong></td>
<td><strong>349,080</strong></td>
<td><strong>31%</strong></td>
<td><strong>357,991</strong></td>
<td><strong>3,992,042</strong></td>
<td><strong>9%</strong></td>
</tr>
</tbody>
</table>
Determining Future Build-out

Figure 5 illustrates the range of current build out within the study area. The light blue and dark blue columns represent buildings that are assumed to remain the same within the next 20 years. The light blue represents existing single use buildings. These buildings have lower values because most are one story in height, and do not maximize their square footage. The Sheridan Retirement home will be four stories, but has a large surface parking area throughout its parcel. Irongate ranges from two to three stories in height, and uses garage parking to maximize its space.

The dark blue columns in Figure 5 represent mixed-use buildings that are approved to be four stories in height, and they average a 49% build out rate. These buildings score higher values because they maximize their height and square footage, and contain enclosed parking with building area above.

The focus area's current build out rate ranges from 3% to 19% with an average of 9%, which is highlighted in the red column in Figure 5. All of the buildings in the focus area are one story with large surface parking lots. For future projections, it is important to determine how the Rail District would change if the buildings in the focus area were transformed from a 9% average build out to anywhere between 30-50%, similar to recent development projects in the study area.

Figure 5: Percent of Maximum Build Out
## Future Build-out Analysis

Table 3 illustrates the parking necessary for projected build-outs in the focus area. The three scenarios increase the focus area from its current 9% build-out to 30%, 40%, and 50% build-out rates. These three values were selected by the committee based on recent development trends in the area with regards to size and mix of office/retail, restaurant, and residential uses.

Required parking spaces were then calculated from the floor area values at 30%, 40%, and 50% of maximum build out values. The first floor of the hypothetical build outs were assumed to be retail/office, requiring 1 space per 300 sq. ft, and floors 2-4 were assumed to be residential, requiring 1 parking space per 1000 sq ft. The total values are shown at the bottom of Table 3. The difference between these values and the existing number of parking spaces was then calculated to illustrate how many additional parking spaces would be required if the focus area developed at a 30%, 40%, and 50% build-out rate (see Table 4).

### Table 3: Parking Projection

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Assumptions</td>
<td>Parcel Area *4 Stories</td>
<td>Retail: 1st Floor</td>
<td>Residential: Floors 2-4</td>
<td>1 per 300 sq. ft</td>
<td>1 per 1000 sq. ft</td>
<td>100% Build Out</td>
<td>50% Build Out</td>
</tr>
<tr>
<td>501 S ETON</td>
<td></td>
<td>11,331</td>
<td>45,326</td>
<td>38</td>
<td>34</td>
<td>72</td>
<td>36</td>
<td>29</td>
</tr>
<tr>
<td>653 S ETON</td>
<td></td>
<td>54,444</td>
<td>217,776</td>
<td>181</td>
<td>163</td>
<td>345</td>
<td>172</td>
<td>138</td>
</tr>
<tr>
<td>677 S ETON</td>
<td></td>
<td>55,569</td>
<td>222,275</td>
<td>183</td>
<td>167</td>
<td>352</td>
<td>176</td>
<td>141</td>
</tr>
<tr>
<td>707 S ETON</td>
<td></td>
<td>7,335</td>
<td>29,338</td>
<td>24</td>
<td>22</td>
<td>46</td>
<td>23</td>
<td>19</td>
</tr>
<tr>
<td>(Off Site)</td>
<td></td>
<td>65,025</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>757 S ETON</td>
<td></td>
<td>111,124</td>
<td>444,496</td>
<td>370</td>
<td>333</td>
<td>704</td>
<td>352</td>
<td>282</td>
</tr>
<tr>
<td>2203 HOLLAND</td>
<td></td>
<td>38,614</td>
<td>154,456</td>
<td>129</td>
<td>116</td>
<td>245</td>
<td>122</td>
<td>98</td>
</tr>
<tr>
<td>2200 HOLLAND</td>
<td></td>
<td>89,215</td>
<td>356,860</td>
<td>297</td>
<td>268</td>
<td>565</td>
<td>283</td>
<td>226</td>
</tr>
<tr>
<td>953 S ETON</td>
<td></td>
<td>10,800</td>
<td>40,320</td>
<td>34</td>
<td>30</td>
<td>64</td>
<td>32</td>
<td>28</td>
</tr>
<tr>
<td>995 S ETON</td>
<td></td>
<td>11,200</td>
<td>44,800</td>
<td>37</td>
<td>34</td>
<td>71</td>
<td>35</td>
<td>28</td>
</tr>
<tr>
<td>2275 COLE</td>
<td></td>
<td>55,729</td>
<td>222,917</td>
<td>186</td>
<td>167</td>
<td>353</td>
<td>176</td>
<td>141</td>
</tr>
<tr>
<td>2333 COLE</td>
<td></td>
<td>36,071</td>
<td>144,285</td>
<td>120</td>
<td>108</td>
<td>228</td>
<td>114</td>
<td>91</td>
</tr>
<tr>
<td>2330 COLE</td>
<td></td>
<td>36,451</td>
<td>145,805</td>
<td>122</td>
<td>109</td>
<td>231</td>
<td>115</td>
<td>92</td>
</tr>
<tr>
<td>925 S ETON</td>
<td></td>
<td>14,016</td>
<td>56,062</td>
<td>47</td>
<td>42</td>
<td>89</td>
<td>44</td>
<td>36</td>
</tr>
<tr>
<td>929 S ETON</td>
<td></td>
<td>11,104</td>
<td>44,416</td>
<td>37</td>
<td>33</td>
<td>70</td>
<td>35</td>
<td>28</td>
</tr>
<tr>
<td>2499 COLE</td>
<td></td>
<td>47,389</td>
<td>189,554</td>
<td>158</td>
<td>142</td>
<td>300</td>
<td>150</td>
<td>120</td>
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<tr>
<td>(Off Site)</td>
<td></td>
<td>43,240</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2388 COLE</td>
<td></td>
<td>33,531</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2382 COLE</td>
<td></td>
<td>20,754</td>
<td>83,017</td>
<td>69</td>
<td>62</td>
<td>131</td>
<td>66</td>
<td>53</td>
</tr>
<tr>
<td>2254 COLE</td>
<td></td>
<td>36,634</td>
<td>146,536</td>
<td>122</td>
<td>110</td>
<td>232</td>
<td>116</td>
<td>93</td>
</tr>
<tr>
<td>2300 COLE</td>
<td></td>
<td>17,196</td>
<td>68,784</td>
<td>57</td>
<td>52</td>
<td>109</td>
<td>54</td>
<td>44</td>
</tr>
<tr>
<td>2010 COLE</td>
<td></td>
<td>34,468</td>
<td>137,871</td>
<td>115</td>
<td>103</td>
<td>218</td>
<td>109</td>
<td>87</td>
</tr>
<tr>
<td>1041 S ETON</td>
<td></td>
<td>11,677</td>
<td>46,706</td>
<td>39</td>
<td>35</td>
<td>74</td>
<td>37</td>
<td>30</td>
</tr>
<tr>
<td>1081 S ETON</td>
<td></td>
<td>14,992</td>
<td>59,968</td>
<td>50</td>
<td>45</td>
<td>95</td>
<td>47</td>
<td>38</td>
</tr>
<tr>
<td>2006 COLE</td>
<td></td>
<td>10,877</td>
<td>43,507</td>
<td>36</td>
<td>33</td>
<td>69</td>
<td>34</td>
<td>28</td>
</tr>
<tr>
<td>2295 E LINCOLN</td>
<td></td>
<td>53,994</td>
<td>215,978</td>
<td>180</td>
<td>162</td>
<td>342</td>
<td>171</td>
<td>137</td>
</tr>
<tr>
<td>2125 E LINCOLN</td>
<td></td>
<td>38,470</td>
<td>153,879</td>
<td>128</td>
<td>115</td>
<td>244</td>
<td>122</td>
<td>97</td>
</tr>
<tr>
<td>2335 E LINCOLN</td>
<td></td>
<td>61,009</td>
<td>244,035</td>
<td>203</td>
<td>183</td>
<td>386</td>
<td>193</td>
<td>155</td>
</tr>
<tr>
<td>2388 COLE</td>
<td></td>
<td>22,202</td>
<td>88,807</td>
<td>74</td>
<td>67</td>
<td>141</td>
<td>70</td>
<td>56</td>
</tr>
<tr>
<td>2400 COLE</td>
<td></td>
<td>62,645</td>
<td>250,580</td>
<td>209</td>
<td>188</td>
<td>397</td>
<td>158</td>
<td>159</td>
</tr>
<tr>
<td>2450 COLE</td>
<td></td>
<td>23,422</td>
<td>93,687</td>
<td>78</td>
<td>70</td>
<td>148</td>
<td>74</td>
<td>59</td>
</tr>
</tbody>
</table>

**Total** | 1,139,807 | 3,992,042 | 3,327 | 2,994 | 6,321 | 3,160 | 2,528 | 1,896

*Not Probable

*Not Probable
Parking Requirement for Future Build-out

Projecting future development is a complicated task. In this analysis, trends from recent developments in the Rail District are extrapolated into the focus area, and then basic assumptions are used to calculate how many extra parking spaces would be required. Although it is an inexact science, having a general idea of future parking needs is an important task. Doing so helps predict how many additional cars could be traveling through the district and how much parking is needed in the future. This can have an impact on traffic signals, road speeds, safety precautions, parking counts, and road design.

Detailed analysis of recent development trends show an average build-out of 26% within the study area. Based on these findings, the potential build out rates of 30%, 40%, and 50% were used, assuming that future developments will try to maximize available space and build four stories. The Ad Hoc Rail District Committee recommended reliance on the 30% build-out rate for the build-out analysis to allow for a combination of mixed use, four story buildings which average around 50%, and single story office and restaurant uses which average around 10%, consistent with recent development trends.

There are currently 826 parking spaces in the parking lots within the focus area. Table 4 illustrates additional parking needed based on the build-out projections, which range from an additional 1,070 parking spaces if the focus area is built out to 30%, 1,702 spaces at 40%, and 2,334 spaces if the focus area is built out to 50% buildout.

If future development trends towards buildings with less of an upfront cost than 4 stories and underground parking, the additional parking spaces required would drop substantially. Also, the 1,070 additional parking spaces at 30% build-out projection is based on an assumption that every parcel identified in red in Figure 3 and Table 2 is redeveloped. We have seen a large amount of repurposing in the Rail District, especially on Cole Street, and if future land owners choose repurposing of current buildings over redevelopment, the projected parking spaces would see a substantial drop as well.

Many of the parcels in the focus area do not have enough space to provide required parking for 4 stories of retail and residential uses unless they build an underground parking facility. Based on recent development trends in the area, this is unlikely to occur and thus, build-out rates will likely remain in the 20-30% range of maximum build-out, requiring less than 1,070 additional parking spaces in the study area. It is important to note that based on the current standards, all of these additional parking spaces must be provided by individual property owners and/or developers. Thus, the City need only focus on encouraging an efficient use of private parking facilities, and ensuring good right-of-way design to accommodate additional vehicle traffic and balance the needs of non-motorized users. The provision of additional public parking is not warranted now, nor in the near future.

Table 4: Future Parking Needs

<table>
<thead>
<tr>
<th>Focus Area Build Out Rate</th>
<th>Projected Parking Spaces</th>
<th>Projected Additional Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current</td>
<td>826</td>
<td></td>
</tr>
<tr>
<td>100%</td>
<td>6,321</td>
<td>5,495</td>
</tr>
<tr>
<td>50%</td>
<td>3,160</td>
<td>2,334</td>
</tr>
<tr>
<td>40%</td>
<td>2,528</td>
<td>1,702</td>
</tr>
<tr>
<td>30%</td>
<td>1,896</td>
<td>1,070</td>
</tr>
</tbody>
</table>

Figure 6

926 Parking Spaces in Parcels with Potential for Redevelopment
Recommendations

The following recommendations are offered by the Ad Hoc Rail District Committee.

Recommendation 1: Improve Pedestrian Crossings

**Issues:** Some crosswalks and intersections along S. Eton Road are dangerous due to the lack of visibility they create for pedestrians attempting to cross the street. Traffic is heavy and often exceeds the posted speed limit.

**Recommendation:** Construct bump-out curbs throughout the study area.

A bump-out curb is a traffic calming method in which a sidewalk is extended to reduce the crossing distance at intersection. In doing so, sight distance and sight lines for pedestrians are improved, vehicles are encouraged to slow down, and parked cars are prevented from obstructing crosswalk areas.

Building on the recommendations of the MMTP, the Committee identified additional intersections that appeared to be strong candidates for bump-out curbs. The map to the right illustrates the possible locations for bump-outs along S. Eton that were identified as priorities for further study. Intersections along S. Eton are as follows: Maple, Yosemite, Villa, Hazel, Bowers, Holland, Webster, Cole, Lincoln, Melton, Sheffield and 14 Mile Road.

Please also note the sample engineering drawing of proposed improved pedestrian crossings at Bowers and S. Eton. As demonstrated, the installation of two bump-out curbs and a curb extension at this intersection could provide a safer, more visible pedestrian crossing point without obstructing right and left turn accessibility for vehicles. The Committee further recommends the use of accent materials to create a plaza feel at this intersection. Benches, planters, and bicycle parking are also recommended.
Recommendation 2: Intersection Improvements at Maple & S. Eton

**Issues:** The intersection of E. Maple and S. Eton does not provide a safe pedestrian experience. With a crossing distance of 88 feet, pedestrians are expected to traverse a very wide street in a short amount of time. This intersection, especially at the southwest corner, exhibits visual barriers that make it difficult for vehicles turning right to detect a crossing pedestrian.

**Recommendations:** Install a splitter island at the crosswalk at S. Eton and Maple, widen the sidewalk on the west side of S. Eton, restripe S. Eton to realign lanes, and add enhanced crosswalk markings.

Elevated splitter islands are installed on roads with low visibility and high vehicle speeds as a way to call attention to an approaching intersection and to urge drivers to slow down. The splitter island also provides pedestrians with refuge for crossing traffic and provides greater detectability of the pedestrians by motorists.
Recommendation 3:  
Accommodate Bicycling on S. Eton

Issues: There are a significant number of cyclists who traverse along S. Eton Road. The current road conditions in the Rail District are not favorable to those travelling by bicycle because no demarcation exists between the parking lanes and the driving lanes. Additionally, the inconsistent pavement treatment (asphalt and concrete) along S. Eton creates a seam between the driving and parking lanes, presenting an obstacle for cyclists. Suggestions have been made to organize the street in order to make conditions safer for cyclists.

As shown in the picture above, a bicyclist rides through a narrow stretch of S. Eton where cars are parked on both sides. Bicyclists in the Corridor currently share lanes with vehicle traffic.

Preferred Option: Use of Sharrows and Buffers

* Mark 7' Parking Space – 3' Buffer – 2x10' Driving Lane – 3' Buffer – 7' Parking Space

Recommendations: Add sharrows and buffers to S. Eton from Yosemite to 14 Mile. Maintain sharrows and accommodate parking south of Lincoln where possible. See illustration to the right for the preferred street design option.

While it is common to channel on-street bicyclists using a single line to divide the street lane, there are other alternatives such as a shared lane or “sharrow,” which can comfortably accommodate bikes on the street without a designated lane.

The Committee reviewed several options for bike lanes along S. Eton, but recommended providing sharrow markings with 3' buffers. Unlike the other options that explored designated bike lanes, this design allows for comfortable bicyclist passage without the elimination of on-street parking, it works well given the current inconsistent pavement treatment along S. Eton, and allows for the addition of curb bump outs all along S. Eton.
Recommendation 4: Encourage Shared Parking

**Issue:** Many properties are dominated by excessively large parking lots that are not being efficiently used. Vast parking lots in the district are vacated after peak business hours and remain empty throughout the evening because of restricted access, while other lots overflow around restaurants in the evenings.

Shared parking is a land use strategy that efficiently uses parking capacity by allowing adjacent and/or compatible land uses to share spaces, instead of providing separate spaces for separate uses. Often, a shared parking agreement is put in place between two or more property owners and the jurisdiction to ensure parking spaces on a site are made available for other uses at different times throughout the day.

**Recommendation:** Encourage shared parking in the district by providing the zoning incentives for properties and/or businesses that record a shared parking agreement. Incentives could include parking reductions, setback reductions, height bonuses, landscape credits, or similar offers.

Amend the shared parking provisions to simplify the calculations to determine required parking based on industry standards and eliminate the need to hire a consultant to prepare shared parking studies. See table to the right for an example of a shared parking calculation from Victoria Transport Policy Institute.

### Sample Shared Parking Occupancy Rates Table

This table defines the percent of the basic minimum needed during each time period for shared parking. *(M-F = Monday to Friday)*

<table>
<thead>
<tr>
<th>Uses</th>
<th>M-F 8am-5pm</th>
<th>M-F 6pm-12am</th>
<th>M-F 12am-6am</th>
<th>Sat &amp; Sun. 8am-5pm</th>
<th>Sat &amp; Sun. 6pm-12am</th>
<th>Sat &amp; Sun. 12am-6am</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>60%</td>
<td>100%</td>
<td>100%</td>
<td>80%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Office/Warehouse/Industrial</td>
<td>100%</td>
<td>20%</td>
<td>5%</td>
<td>5%</td>
<td>5%</td>
<td>5%</td>
</tr>
<tr>
<td>Commercial</td>
<td>90%</td>
<td>80%</td>
<td>5%</td>
<td>100%</td>
<td>70%</td>
<td>5%</td>
</tr>
<tr>
<td>Hotel</td>
<td>70%</td>
<td>100%</td>
<td>100%</td>
<td>70%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Restaurant</td>
<td>70%</td>
<td>100%</td>
<td>100%</td>
<td>70%</td>
<td>100%</td>
<td>20%</td>
</tr>
<tr>
<td>Movie Theater</td>
<td>40%</td>
<td>80%</td>
<td>10%</td>
<td>80%</td>
<td>100%</td>
<td>10%</td>
</tr>
<tr>
<td>Entertainment</td>
<td>40%</td>
<td>100%</td>
<td>10%</td>
<td>80%</td>
<td>100%</td>
<td>50%</td>
</tr>
<tr>
<td>Conference/Convention</td>
<td>100%</td>
<td>100%</td>
<td>5%</td>
<td>100%</td>
<td>100%</td>
<td>5%</td>
</tr>
<tr>
<td>Institutional (non-church)</td>
<td>100%</td>
<td>20%</td>
<td>5%</td>
<td>10%</td>
<td>10%</td>
<td>5%</td>
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<tr>
<td>Institutional (church)</td>
<td>10%</td>
<td>5%</td>
<td>5%</td>
<td>100%</td>
<td>50%</td>
<td>5%</td>
</tr>
</tbody>
</table>

Courtesy of Victoria Transport Policy Institute
Recommendation 5:
Add Wayfinding Signage

Issue: Currently, the Eton Rail District lacks any uniform signage to help navigate drivers, pedestrians, and bicyclists to their desired destination. Long dead-end streets such as Cole St. and Holland St. where many businesses are located do not have any signage along S. Eton, the main thoroughfare of the Rail District.

Recommendation: Install gateway signage at the north and south ends of the study area and install wayfinding signage throughout the Rail District to direct people to destinations and parking.

Wayfinding and signage are tools that provide information relating to direction, distance, and location. Signs have an important role in the public right of way and can enhance an area’s sense of place.

Design Concept for Wayfinding Signage at S. Eton and Lincoln Entrance
Mr. Manda agreed that it is design criteria and priorities and the process involves putting those in order and evaluating. If having a medium to large size trucks in the downtown is not a desirable criteria, that will have an impact on the intersections, curves and details.

Mayor Nickita commented that we are very close. There are some subtleties to the midblock crossings. He confirmed with Mr. Manda that the width of the crossing on Maple is 10 feet. It may be too close to Old Woodward. He said that is another priority criteria issue. Surely, parking is a priority, but also designing a pedestrian crossing in the most appropriate way is a very important priority. He thinks we have to minimize the parking loss by doing it at the via and not at the Social crossing. We can explore options on how to address a couple of medians in the way we discussed achieving the goals.

Mayor Pro Tem Harris recognized we are on a tight timeline, and wondered if an additional iteration will affect the timeline.

City Manager Valentine said we are very tight on the timeline, and as we move forward, that will push things back. It would be an additional two weeks before the next meeting. Mr. Manda said that is enough time to revise and bring back. Mayor Nickita said it is very important to do this as well as we can.

Mayor Nickita clarified the items discussed which include diminishing the width of midblock crosswalks to maximize parking wherever that is possible, and some of the options for the medians in two locations. The only other median we did not discuss is the alley located by Pierce. He suggested designing something there that would be similar to the other median designs, perhaps smaller and with a rolling curb. Mr. Manda said that is a very narrow alley. Mayor Nickita suggested that we might consider recommending a traffic pattern question on whether that is done one way or the other. He suggested looking at the use at that alley to determine if there is another option.

**01-03-17 FINAL REPORT OF THE AD HOC RAIL DISTRICT REVIEW COMMITTEE**

City Planner Ecker provided background and history of the Ad Hoc Rail District Review Committee established by the City Commission on January 11, 2016, to study existing and future conditions and to develop a recommended plan to address parking, planning and multi-modal issues in the Rail District and along S. Eton Road ("the Rail Plan").

Over the past eight months, the Ad Hoc Rail District Review Committee has worked to identify issues in the Rail District and along S. Eton, and to develop a plan with recommendations to address parking, planning and multi-modal issues in the Rail District, as directed by the City Commission. The Ad Hoc Rail District Review Committee requested funds to hire a consultant to review some of the intersection design concepts discussed by the Committee, and to conduct an analysis of parking in the study area. Based on the Committee’s direction, the findings outlined in the consultant’s report, and the input of the public, a draft of the Ad Hoc Rail District Report requested by the City Commission has been prepared. On December 5, 2016, the Ad Hoc Rail District Review Committee held their final meeting to review and approve their final report. After much discussion, the Ad Hoc Rail District Review Committee voted to recommend approval of the final report to the City Commission, with minor changes. All of the requested changes have been made.
Ms. Ecker introduced Sean Campbell, Assistant Planner and Brooks Cowen, Planning Intern who provided assistance with the GIS analysis of parking and intersection design.

Ms. Ecker explained the goals and objectives of the committee which included:

**Goals:**
To create an attractive and desirable streetscape that creates a walkable environment that is compatible with the adjacent residential neighborhoods.
To design the public right-of-way for the safety, comfort, convenience, and enjoyment for all modes of transportation throughout the corridor.
To facilitate vehicular traffic and parking without sacrificing the corridor's cycling and pedestrian experience.
To minimize the impacts of traffic on the existing residential neighborhoods.
To recommend updates to the Rail District zoning regulations as needed to meet goals.

**Objectives:**
To use creative planning to promote a high quality, cohesive right-of-way that is compatible with the existing uses in the corridor.
To implement "traffic calming" techniques, where appropriate, to reduce speeds and discourage cut-through traffic on residential streets.
To enhance pedestrian connectivity through the addition of crosswalks, sidewalks, and curb extensions.
To improve accommodations for bicycle infrastructure on Eton Road.
To create a balance between multimodal accessibility and parking provisions.

Ms. Ecker said the concerns were apparent during the tour. Key areas identified were S. Eton and Maple. Discussion included widening the sidewalk on the west side of the street for a bigger safety zone for pedestrians. Widening the sidewalk on the east side of S. Eton was also suggested to create a bigger plaza area there as well. They also discussed adding a splitter island to give a pedestrian island in the middle for people walking across. Several intersections up and down S. Eton were also looked at and the need for additional bump outs, and better striping. The intersection at S. Eton and Bowers was felt to be an important area with a great deal of activity. Bump outs and using different accent material in that area to create a plaza feel which would remind vehicles to slow down in the area.

Ms. Ecker noted a parking inventory and study were conducted. The study revealed there are 2,480 parking spaces in the district as a whole. There are 941 on-street parking spaces, 1,539 parking spaces on individual private properties. The north end of the district has more a need for parking at different times. The south end is busier during the working day, but it clears out at 5:00 PM.

It was noted that the entire west side of S. Eton was never at full capacity. The highest use was around Griffin Claw with 28 out 60 spaces that were full on a Friday night.

Ms. Ecker discussed future build-outs and how they reached some of the conclusions. She explained that the issue became clear because they have to self-park, maximum build-out will not be done, and the biggest issue is that there is no shared parking in the area. That keeps the development down to roughly 26-30% of what could be done under the ordinance. Many of the parcels in the focus area do not have enough space to provide required parking for
four stories of retail and residential uses unless they build an underground parking facility. Based on recent development trends in the area, this is unlikely to occur and thus, buildout rates will likely remain in the 20-30% range of maximum build-out, requiring less than 1,070 additional parking spaces in the study area. It is important to note that based on the current standards, all of these additional parking spaces must be provided by individual property owners and/or developers. Thus, the City need only focus on encouraging an efficient use of private parking facilities, and ensuring good right-of-way design to accommodate additional vehicle traffic and balance the needs of non-motorized users. The provision of additional public parking is not warranted now, nor in the near future.

The recommendations of the committee include:
Construct bump-out curbs throughout the study area;
Install a splitter island at the crosswalk at S. Eton and Maple, widen the sidewalk on the west side of S. Eton, restripe S. Eton to realign lanes, and add enhanced crosswalk markings;
Add sharrows and buffers to S. Eton from Yosemite to 14 Mile. Maintain sharrows and accommodate parking south of Lincoln where possible.
Encourage shared parking in the district by providing the zoning incentives for properties and/or businesses that record a shared parking agreement. Incentives could include parking reductions, setback reductions, height bonuses, landscape credits, or similar offers;
Install gateway signage at the north and south ends of the study area and install wayfinding signage throughout the Rail District to direct people to destinations and parking.

Mayor Nickita commended the committee on the depth and problem solving that was undertaken.

Commissioner Bordman said the study was so thorough. She was very impressed that the committee was able to figure out the real parking needs.

Mayor Pro Tem Harris questioned what incentives there might be for shared parking. Ms. Ecker said perhaps landscaping requirements could be relaxed, but we would ask the Planning Board to study that in more detail.

Commissioner DeWeese noted there might be an economic incentive.

Commissioner Hoff asked about the southeast corner of S. Eton and Maple intersection and if the property is city property. She also asked if the Whole Foods operation was studied by the committee. Commissioner Hoff expressed concern that traffic on S. Eton will be increased. The committee's concern was with the speed of the traffic.

Mayor Pro Tem Harris asked why the committee did not recommend a dedicated bike lane. Ms. Ecker said there were a couple of issues including the bump out incompatibility as well as the pavement material issue.

Commissioner DeWeese noted that we can accept the report and use it for a general guideline. City Manager Valentine confirmed that any recommendation will be brought back to the Commission for consideration.

Mayor Nickita asked if this addressed the edge condition that has been an issue and do we need to include something in the Zoning Ordinance. Ms. Ecker said it was not discussed in
detail. She said currently there is a regulation in the ordinance that does not allow parking in the first twenty feet of depth.

Mayor Nickita said this helps bring attention to a very under-utilized area of the city, and landowners do not realize that they are sitting on potential redevelopment value if they work together at shared parking for example.

**MOTION:** Motion by Sherman, seconded by Bordman:
To accept the final report of the Ad Hoc Rail District Review Committee, and forward same to the Multi-Modal Transportation Board for their consideration in finalizing the design of the S. Eton corridor, and to the Planning Board, and direct the Planning Board to add Recommendations 4 (Encourage Shared Parking) and 5 (Add Wayfinding Signage) from the final report to their Action List for further study, and to develop a way to implement the shared parking, and to correct the crosswalk marking within the final report as discussed.

Larry Bertollini expressed concern about the recommended options, and focusing on both sides of Maple and S. Eton, and visibility concerns.

Mayor Nickita suggested going forward to study with and without parking on both sides, and how it may affect speed. We know people tend to speed up when parking is removed on one side.

**VOTE:** Yeas, 7  
Nays, None  
Absent, None

**01-04-17** MONTHLY PARKING PERMIT RATE INCREASES
City Engineer O'Meara explained that monthly permit rates at the structures have been adjusted on several occasions over the years, usually to reflect the difference in demand at the various parking structures. Recently, increases at all five structures were implemented in the summer of 2014, and again in 2015. As demand for parking spaces grew, increases were considered justified not only because of high demand, but also to help build a savings account in the parking system fund for potential upcoming construction.

In April of this year, staff reviewed the rates with the Advisory Parking Committee (APC), and recommended a package of increases that would primarily impact both the monthly and daily rates in the parking structures. Raising the lower priced meters so that all meters were $1 per hour was also suggested. Other changes were included as well, designed to reduce demand in the parking structures, and to encourage employees to consider the City's off-site parking options. The APC was not inclined to recommend any changes at that meeting.

Staff refined the package based on APC input, and also provided options on how to charge the daily rate. At the May meeting, the APC approved a recommendation that included several items, with the two significant changes impacting the monthly and daily rates in the structures.

The suggested increase for most of the lower cost parking meters was not agreed to. At the June 6, 2016 Commission meeting, the recommendations of the APC were discussed. Most of the package was approved that evening including the daily rate at the structures. The monthly rate structure was not changed at that time, and the City Commission asked at the time to consider being more aggressive.
DATE: January 27, 2017

TO: Multi-Modal Transportation Board

FROM: Paul T. O’Meara, City Engineer
       Brooks Cowan, Planning Intern

SUBJECT: Intersection Improvements at Maple Rd. & S. Eton Rd.

On January 9, 2017, the City Commission reviewed and endorsed the final recommendations of the Ad Hoc Rail District Committee. The final report, as presented to the Commission, is attached, as well as the minutes from that meeting. Today’s report focuses on the recommendation to install pedestrian improvements for the intersection of Maple Rd. and S. Eton Rd.

In the spring of 2016, the committee conducted a walking audit of the area and deemed this intersection unsafe for people who wish to cross the street. The committee found it difficult to traverse the 88 foot wide intersection within the allotted crossing time. It was determined that actions should be taken to shorten the walkable distance between the east and west part of the intersection, possibly installing a refuge island in the middle, and improving the pavement markings to increase driver awareness of pedestrian crossing areas.

A concept drawing has been provided by Fleis and Vandenbrink that encourages pedestrian friendly changes for the intersection. A splitter island is proposed between the right turn and left turn lanes on northbound Eton. This is meant to provide refuge for pedestrians who cannot cross the 88 ft wide intersection within the allotted signal time. Stop bars for the left and right turn lanes on northbound Eton would be relocated closer to Maple, adjacent to the splitter island. Widening the sidewalks on both sides from 5’ to 8’ is also proposed at this intersection. Doing so effectively reduces the crosswalk distance at Eton, provides more space and safety for sidewalk users, and narrows the adjacent driving lanes which may reduce travel speeds. Additional continental striping to increase driver awareness of the pedestrian crossing is proposed as well. Please see attached image below for designs. An engineering analysis of each follows.
The south leg of this intersection (S. Eton Rd.) was reconstructed in 2009. A part of the engineering plan sheet for this project is attached to this report, for reference.

PEDESTRIAN SPLITTER ISLAND

Construction of the splitter island is feasible at this time, provided funds are budgeted. The existing concrete could be sawcut and removed, and new concrete curbs and sidewalk could be installed. The excess space south of the island could be landscaped with perennial plantings to be maintained by the Dept. of Public Services. Only plantings that can handle the difficult conditions would be recommended (salt in winter, lack of water in summer). Other traffic islands are now being maintained by City staff in a similar manner.

The cost of this improvement is estimated at $10,000.

WIDENED SIDEWALK, WEST SIDE

As shown on the attached 2009 construction plan, there is no additional right-of-way on the southwest corner of this intersection. The Multi-Modal Master Plan suggests a widened 8 ft. wide sidewalk (up from the present 5 ft.). There is no room to do this in the direction away from the road without first purchasing right-of-way, and constructing a retaining wall to hold back the existing hill. This may prove to be a difficult venture. A second alternative, as suggested by the report, is to narrow the southbound lane of S. Eton Rd. by three feet, reconstructing the curb. This would provide new space for a widened sidewalk for this area. To maintain positive drainage, the majority of the existing sidewalk would have to be removed as well. It is important to consider that this is the only designated truck route into the Rail District commercial area. Since the splitter island would already be narrowing the intersection, and making left turns from Maple Rd. to S. Eton Rd. will be more difficult, it is recommended that the island be installed first. Actual conditions can then be monitored to see if the road narrowing on the west side is an appropriate future measure.

WIDENED SIDEWALK, EAST SIDE

The Ad Hoc Rail District plan suggested widening the existing sidewalk on Maple Rd. from the Eton Rd. ramp to the railroad bridge. However, right-of-way is again a problem. A widened sidewalk could be installed in the arc area of the walk directly south of the SE corner handicap ramp. Adding sidewalk here would not require removal of any existing concrete, and would be a simple improvement valued at about $1,000.

As a first step toward improving pedestrian conditions at this intersection, it is recommended that $11,000 be added to the 2017-18 fiscal year budget, within the Sidewalk Fund, to pay for the installation of a landscaped splitter island and widened sidewalk at the southeast corner of the intersection of Maple Rd. and S. Eton Rd.
SUGGESTED RECOMMENDATION

To recommend to the City Commission that $11,000 be budgeted within the Sidewalk Fund for pedestrian crossing improvements at the intersection of Maple Rd. and S. Eton Rd. Funding would allow the installation of a landscaped splitter island and widened sidewalk at the southeast corner of the intersection.
2000 E Maple Rd
Maple Rd. & S. Eton Rd. Looking South
Birmingham, Michigan
Street View - Aug 2015
Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, February 2, 2016.

In the absence of both the Chairperson and Vice-Chairperson, it was agreed that Ms. Slanga would take over the chair.

Chairperson Johanna Slanga convened the meeting at 6:34 p.m.

1. ROLL CALL

Present: Board Members Lara Edwards, Amy Folberg, Daniel Rontal, Johanna Slanga, Michael Surnow

Absent: Chairperson Vionna Adams; Vice-Chairperson Andy Lawson

Administration: Lauren Chapman, Asst. City Planner
               Jana Ecker, Planning Director
               Scott Grewe, Operations Commander
               Paul O'Meara, City Engineer
               Carole Salutes, Recording Secretary

Also Present: Mike Labadie from Fleis & Vandenbrink (“F&V”), Transportation Engineering Consultants.

2. INTRODUCTIONS

Lauren Chapman, Asst. Planner for the City, was introduced.

3. REVIEW AGENDA (no change)

4. APPROVAL OF MINUTES, MEETING OF DECEMBER 1, 2016

Motion by Mr. Surnow
Seconded by Mr. Rontal to approve the Minutes of December 1, 2016 as presented.
Motion carried, 5-0.

VOICE VOTE
Yeas: Surnow, Rontal, Edwards, Folberg, Slanga
Nays: None
Absent: Adams, Lawson

5. SAXON DR. AND LATHAM RD.
   Crosswalk Installation

Mr. O'Meara recalled that in 2015, the Police Dept. was approached with complaints about traffic volumes and speeds on Saxon Rd., located in the southwest corner of Birmingham. Residents expressed concerns with the amount of traffic as well as the speeds that occur in that area. It is a wide right-of-way, and the street acts as an extension of Fourteen Mile Rd. so it tends to lend itself to speeds faster than the 25 mph speed limit.

Saxon Dr. is a border street, with Beverly Hills sharing jurisdiction of this road. Working with representatives from both sides of the street, the City of Birmingham took the lead in discussing the various options with the interested residents. By the middle of 2015, various issues and ideas were explored, and it was decided that the residents would petition the City for a complete road reconstruction. Over 50% of the owners on both sides endorsed the idea, and after receiving an information booklet a neighborhood meeting was held in the summer of 2016. After the meeting, enough residents changed their minds, and decided to no longer support the project. Cost was a major factor.

Currently, there is no sidewalk connection for pedestrians to cross Saxon Dr., other than at Southfield Rd. The intersection is noted in the Master Plan as a location within Phase 3. It is provided as a suggested improvement, as Latham Rd. is listed as part of a Phase 3 neighborhood connector route. Not only would the improvement help improve the crossing for pedestrians, the pavement markings should help encourage more responsible speeds on Saxon Dr. from motorists passing through the area.

The Beverly Hills Village Board has already signed an agreement approving this project, and their commitment to 50% of the cost, based on the cost estimate of about $21,000. Staff recommends making some storm sewer changes where needed and adding painted crosswalks that would encourage drivers to watch for pedestrians and potentially slow down.

If the Multi-Modal Board endorses this project, it will be forwarded to the City Commission for final approval of the funds. The Engineering Dept. will then add it
to the 2017 Concrete Sidewalk program contract documents, and oversee the construction of this improvement during the 2017 construction season.

Dr. Rontal did not necessarily think the crosswalk lines would slow cars down. Mr. O'Meara said the residents originally asked for a stop sign but it wasn't warranted by traffic volume. If residents aren't able to help pay for more substantial improvements, this is what can be recommended. A crosswalk is an attempt to show that cars should slow down for pedestrians at this intersection. Ms. Edwards suggested adding two white lines and a middle yellow dotted line in order to get cars into a more narrow space on Saxon. However, it was noted that at 22 ft. the road is already narrow, and additionally residents have often said a line down the middle would make the road feel like a major street.

Mr. O'Meara indicated that the residents felt a crosswalk would help to calm traffic. He noted the Master Plan calls for a crossing improvement at that intersection.

Board members were in agreement that installing crosswalks would not slow the traffic and alleviate the residents' concerns. Mr. Labadie did not think painting the road would help too much. As an inexpensive solution he suggested adding a couple of flashing speed limit signs. Commander Grewe said one sign could be budgeted for this stretch of road, but only for westbound traffic.

Consensus was to go back to Beverly Hills and the residents and offer at least a speed sign for the westbound traffic and see if that helps. Perhaps Beverly Hills would be willing to split the cost of a speed sign for eastbound traffic. Staff was encouraged to discuss the speed sign, paint markings, etc., with both Beverly Hills and the residents.

6. MAPLE RD. AND S. ETON RD.
   Crosswalk Improvements

Ms. Ecker offered background. The Ad Hoc Rail District Committee was set up by the City Commission to look at a number of issues in the Rail District. They spent a year studying what is going on in that area. Tonight the board will specifically focus on the intersection of Maple Rd. and Eton Rd. The recommendations provide a way to shorten the entire width to cross Eton Rd.. A splitter island in the middle between the right and left turn lanes is suggested along with enhanced crosswalk markings, expanding the sidewalk, and changing the lane configuration. Board members agreed they don't want to encourage people to stand on the splitter island in the middle of Eton Rd.. Ms. Ecker thought that the island calms traffic, and she doesn't imagine too many pedestrians will stand on it because they can get across because of all of the
green time on Maple Rd. She likes the idea of dotted lines to direct cars coming off of westbound Maple Rd. and going south on Eton Rd.

Commander Grewe said for westbound traffic stopped on the east side of the intersection he would suggest moving the stop line further west so when a vehicle makes a left turn to go south on Eton Rd. the radius isn't so sharp. Mr. Labadie noted the stop bar needs to be located so that drivers can see the signal. Chairperson Slanga cautioned that signage should be placed far enough back so people will know which lane to be in to make their turn.

Board members recommended that Mr. Labadie should study this further to ensure large trucks can make a nice clean turn; look at adding dotted lines to show the left track turning radius coming from westbound Maple Rd. south on Eton Rd.; also study moving the westbound Maple Rd. stop bar location and possibly extending the median at that same location. Additionally, study how to accommodate bikes through that intersection. The recommendation from the Ad Hoc Rail District Study Committee was to widen the sidewalks from 5 ft. to 8 ft. on the whole block of Eton Rd. going south. The board was in agreement.

7. MAPLE RD. AND SOUTHFIELD RD.
Crosswalk Improvements

Mr. O'Meara recounted some safety issues that have occurred over the years at this intersection. In 2015 safety issues at the Maple Rd. & Southfield Rd. intersection were studied by the City's traffic consulting firm, Fleis & Vandenbrink ("F&V"). Lane configuration changes to Maple Rd. were approved, and subsequently put into place in October as a trial, and later approved for permanent status in June, 2016. During the studies, it became clear that the crash patterns at this intersection are such that safety could be improved if the intersection was relocated further west, allowing for the creation of a 90° intersection.

In 2016, it was determined that the relocation of this intersection may qualify for federal funding. Further, it was decided that since Maple Rd. is planned for reconstruction further east (in downtown), if safety funding was awarded, it would be an appropriate time to address both areas within the same construction project. The City directed F&V to apply for federal funding for this potential safety improvement. The application is currently pending, and should be announced in May of 2017.

In December, Commissioner DeWeese expressed concerns about the crosswalk that appear similar to those that have been raised in the past. The speed of northbound right turning vehicles continues to be an issue. The matter was referred to F&V in preparation for a review by the MMTB. Since a major change will require significant spending, and since a federal funding application is currently pending, F&V suggested a change in
MEMORANDUM

DATE: February 24, 2017
TO: Multi-Modal Transportation Board
FROM: Paul T. O’Meara, City Engineer
SUBJECT: Maple Rd. & S. Eton Rd. Improvements

As you know, the Ad Hoc Rail District Committee finished its work, and submitted a report of recommendations to the City Commission in December, 2016. The attached report dated January 27, 2017, summarizing suggested improvements at the Maple Rd. was reviewed by the Multi-Modal Transportation Board at its meeting of February 2, 2017. At that time, the following comments were raised:

1. There was concern that the island may not permit left turns from Maple Rd. on to southbound S. Eton Rd. Various ways to correct that were discussed, such as moving the westbound Maple Rd. stop bar west, or extending the island at the center pillar of the railroad bridge.
2. Provide a cost estimate for narrowing the street to allow for a wider sidewalk on the west side of the block.
3. Consider again how bikes may be accommodated in this area.

Staff worked with F&V to consider these items, and offers the following responses:

1. F&V considered truck turns in this area when it designed the island several months ago. The attached drawing depicts the turning radius for a 50 ft. semi-truck trailer to make the left turn from Maple Rd. on to southbound S. Eton Rd. The island allows for the turning movement. Also shown on this drawing is how right turns are also accommodated for these large trucks from S. Eton Rd. on to eastbound Maple Rd. No adjustments are needed to the island design. The other ideas that were expressed, such as moving the westbound stop bar, or extending the island at the center pillar, are not recommended.

2. In order to widen west side sidewalk from Maple Rd. to Yosemite Blvd., three feet of S. Eton Rd. must be removed, a new curb section must be installed, and then a new eight foot wide sidewalk can be installed in place of the existing five foot wide sidewalk. The total cost for this portion of the work is estimated at $53,000. The total cost of the three improvement areas now being considered are:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Splitter island</td>
<td>$20,000</td>
</tr>
<tr>
<td>Landscaping at island</td>
<td>$ 1,000</td>
</tr>
<tr>
<td>Widened handicap ramp area at SE corner</td>
<td>$ 1,000</td>
</tr>
<tr>
<td>Widened sidewalk and ramps on W side</td>
<td>$53,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$75,000</td>
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</tbody>
</table>
3. Both N. Eton Rd. & S. Eton Rd. have been part of a marked bike route for decades. It is also part of the new Neighborhood Connector route that has been approved by the City Commission, and is planned to be installed this spring. The Maple Rd. intersection, and the two blocks of Eton Rd. north and south of the intersection have always been a poor segment in the route for bicyclists. The railroad bridge conflict at this intersection is significant, and remains a multi-million dollar problem that will not be easy to fix. Further, when Eton Rd. was impacted by the railroad in 1930, a small 50 ft. right-of-way was left for these short diagonal sections, to make room for the railroad.

In order to process the large traffic demand on S. Eton Rd. at the Maple Rd. intersection, a minimum of three lanes must be provided, with two northbound storage lanes to queue while waiting to enter Maple Rd. in both directions. Once three lanes are provided, as well as sidewalks on both sides, there is no extra right-of-way left. (That is why the sidewalks are constructed immediately behind the curb on both sides of the street.)

The only extra space available on the street is currently in the southbound lane, which is now being suggested for removal, to widen the west side sidewalk. While this proposal improves the pedestrian environment, it will compromise the bicyclist experience. The MMTB may wish to consider if the $53,000 suggested improvement on the west side of S. Eton Rd. is wise when it is in fact leaving no extra space for southbound bicyclists on this Neighborhood Connector Route.

No funding is currently being provided in the current or upcoming budget for these improvements. A suggested recommendation at this time can then be moved forward to the City Commission in time for them to consider an adjustment to the recommended fiscal year 2017-18 budget:

SUGGESTED RECOMMENDATION:

To recommend to the City Commission that the City prioritize the Ad Hoc Rail District Committee’s recommendations for changes to S. Eton Rd. from Maple Rd. to Yosemite Blvd. including:

1. Landscaped splitter island to improve the S. Eton Rd. south side crosswalk at Maple Rd.
2. Enlarged handicap ramp area at the southeast corner of the intersection.
3. Relocation of the west side curb and gutter section to allow for a widened eight foot sidewalk on the entire length from Maple Rd. to Yosemite Blvd.
WIDEN SIDEWALK FROM 5' TO 8'

INSTALL SPLITTER ISLAND

CONCEPT DRAWING
Maple Road & South Eton Street
BIRMINGHAM, MI
Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, March 2, 2017.

Chairperson Vionna Adams convened the meeting at 6:04 p.m.

1. ROLL CALL

Present: Chairperson Vionna Adams; Board Members Lara Edwards, Amy Folberg, Johanna Slanga

Absent: Board Members Vice-Chairperson Andy Lawson, Daniel Rontal, Michael Surnow

Administration: Lauren Chapman, Asst. City Planner
Jana Ecker, Planning Director
Scott Grewe, Operations Commander
Paul O'Meara, City Engineer
Carole Salutes, Recording Secretary

Also Present: Mike Labadie from Fleis & Vandenbrink ("F&V"), Transportation Engineering Consultants.

2. INTRODUCTIONS (none)

3. REVIEW AGENDA (no change)

4. APPROVAL OF MINUTES, MEETING OF FEBRUARY 2, 2017

Motion by Ms. Slanga
Seconded by Ms. Folberg to approve the Minutes of February 2, 2017 as presented.

Motion carried, 4-0.

VOICE VOTE
Yeas: Slanga, Folberg, Adams, Edwards
Nays: None
Absent: Lawson, Rontal, Surnow
5. **SAXON RD. IMPROVEMENTS**
Norfolk Dr. to Southfield Rd.

Mr. O'Meara recalled that at the February Multi-Modal Transportation Board ("MMTB") meeting, the City presented a proposal to install a marked, improved crosswalk at the intersection of Saxon Dr. and Latham Dr./Norchester Rd. This is in the Multi-Modal Master Plan as a suggested improvement for the area. Also, the residents on Saxon are unhappy because there are too many cars and too much speeding.

Last month, staff presented a $21,000 improvement that both Birmingham and Beverly Hills could pay for out of their general funds. Beverly Hills has already gone on record to say that they will contribute. The ditches would be filled in, storm sewer issues would be re-worked, and concrete sidewalks could be extended across the four corners of the intersection. Pavement markings would be installed on both sides to identify the crossing.

Last month, when the idea was reviewed by the MMTB, the following questions and concerns were raised:

1. Board members were not convinced that the crosswalk improvement would make much difference in addressing the issue of traffic speeds and volumes.
2. Board members felt that other ideas had more merit:
   - Flashing speed indicator signs for both directions if suitable locations can be found.
   - Pavement markings, consisting of a skip or double yellow down the middle, and white edge lines throughout the corridor. However, Mr. Labadie, the Police, and some of the residents do not endorse that suggestion.
   - Installation of a "25" pavement marking legend for westbound traffic, west of Southfield Rd., as weather permits. Mr. O'Meara indicated that idea can be pursued.

Staff initiated conversations with the two neighborhood representatives for Saxon Rd. relative to these ideas. Ms. Susan Randall on the Birmingham side and Mr. Pete Webster on the Beverly Hills side were present to provide their input.

Mr. Pete Webster, 32906 Balmoral, said he is in close communication with the vast majority of the residents from Southfield to the Birmingham Country Club and beyond. They are well aware of the problem and aware of the need to address a number of different issues. Anything that can be done would be helpful, whether it is the flashing speed indicator; a crosswalk to help pedestrians integrate into the pedestrian network; or a raised sidewalk on the east side of the crossing.
Ms. Slanga observed that putting stripes on the road at the crosswalk doesn't solve the speeding problems or shorten the crossing. Mr. Webster said independent of that, the markings are extremely valuable because they demarcate where people should cross plus they remind drivers where people do cross. He suggested installing a traffic island in the roadway just west of Southfield to calm traffic entering the residential area. It may be beneficial to put in speed humps.

Ms. Susan Randall, 1220 Saxon, said an average of 5,500 cars a day go down their street at speeds up to 60 or 70 mph. She was in favor of the recommendations for a painted crosswalk and to make it slightly raised so that it is a hump, not a bump. She does not like the idea of a flashing light but is in favor of the "25" to be painted east of Southfield. With respect to installing an island, the residents do not want to do a U-turn out of their driveway by turning west to go east. She doesn't know if they will agree to that.

Mr. Tom Randall, 1220 Saxon, was not impressed with the flashing lights. They only work when police are present.

Mr. O'Meara said a little island isn't a bad idea from a cost standpoint, but there is a driveway issue. The idea of a raised crosswalk has not been studied. Mr. Labadie advised that with an island there would not be enough room on either side to make a U-turn.

Ms. Chris Arbor, 18837 Saxon, suggested trying removable speed bumps for a while to see if they work. Mr. O'Meara voiced the concern that this is an unimproved road with gravel shoulders and people that are irritated by the bump would just drive around it. Residents would not want that problem in front of their house.

Mr. Labadie said the speed humps are an effective way to control speed. However, right after going over the hump, people will increase their speed, similar to unwarranted STOP signs. He would like to see current speed and volume data before a decision is made on some of these ideas. He thought the sidewalk and the crosswalk are great ideas and they should be moved forward.

Motion by Ms. Edwards
Seconded by Ms. Folberg to recommend to the City Commission the approval of the following improvements for Saxon Dr. The installation of crosswalks on the east and west sides of the Latham Dr./Norchester Rd. intersection, in accordance with the Multi-Modal Master Plan. including pavement markings, to be funded 50% by the City of Birmingham, and 50% by the Village of Beverly Hills.

Motion carried, 4-0.
VOICE VOTE
Yeas: Edwards, Folberg, Adams, Slanga
Nays: None
Absent: Lawson, Rontal, Surnow

Commander Grewe said the Police Dept. has a black box that is a speed monitor/counter and goes on a tree so no one knows what it is and they don't react differently when they see it on the road. It will capture both sides of the road. It can be installed as soon as possible.

Mr. Steve Still, 1190 Saxon, hoped there would be a "Stop for Pedestrians" sign in the crosswalk.

6. MAPLE RD. AND S. ETON RD.
Crosswalk Improvements

Mr. O'Meara noted that the Ad Hoc Rail District Committee finished its work, and submitted a report of recommendations to the City Commission in December 2016. The report dated January 27, 2017, summarizing suggested improvements at Maple Rd. and S. Eton Rd. was reviewed by the MMTB at its meeting of February 2, 2017. At that time, the primary concern was whether the proposed new island was sized appropriately to allow large trucks to make a left turn from Maple Rd. onto southbound Eton Rd. It has been demonstrated that the island leaves sufficient room for a large truck to make the turn.

Ms. Ecker said at the last meeting the board had several concerns that staff has now investigated:
- It works to increase the sidewalk width from 5 ft. to 8 ft. Landscaping can be added to the splitter island at the south end.
- It is not recommended to move the westbound Maple Rd. stop bar west.
- Turn lane hash marks are not needed and they would soon be worn off.
- Paint the curbs around the new island with something reflective that makes them stand out.

Motion by Ms. Folberg
Seconded by Ms. Edwards to recommend to the City Commission that the City prioritize the Ad Hoc Rail District Committee's recommendations for changes to S. Eton Rd. from Maple Rd. to Yosemite Blvd. including:
1. Landscaped splitter island to improve the S. Eton Rd. south side crosswalk at Maple Rd.
2. Enlarged handicap ramp area at the southeast corner of the intersection.
3. Relocation of the west side curb and gutter section to allow for a widened 8 ft. sidewalk on the entire length from Maple Rd. to Yosemite Blvd.

Motion carried, 4-0.

VOICE VOTE
Yees: Folberg, Edwards, Adams, Slanga
Nays: None
Absent: Lawson, Rontal, Sumow

7. POPPLETON AVE. PAVING
   Knox Ave. to Maple Rd.

Mr. O'Meara recalled the MMTB discussed the above planned City project at its meeting of December 1, 2016. A recommendation to approve the three-lane cross-section presented at that time was passed. It was noted that this segment is identified as part of a future Neighborhood Connector Route, but that due to the lack of right-of-way, the City will be unable to make improvements to the road that would allow for an improved environment for bicyclists. The MMTB recommended that further study be given to this issue before this Connector Route is finalized in the future.

During further study of this block, it was noted that this is the only available route for trucks to enter and exit the loading dock for the adjacent Kroger store. Due to the narrow right-of-way, the existing pavement at the Maple Rd. and Poppleton Ave. intersection was not constructed to accommodate these large trucks. Due to heavy traffic volumes and the narrow street, trucks have to routinely drive over the curb to exit Poppleton Ave.

Staff’s suggested street design shows the new road to be about 18 in. wider, and a standard 25 ft. radius at both corners is recommended (the current radii, particularly on the NW corner, are smaller, and are not recommended on a truck route). To summarize, a minor expansion of the road, particularly to the west, will better accommodate the multiple trucks that need to use this intersection daily, while extending the length of the crosswalk for those crossing Maple Rd. on the west side of the intersection by about 5 ft. Doing so will remove the current ongoing maintenance issue that is present at the northwest corner of this intersection.

To ensure that this is appropriate, F&V will study the traffic signal timing to make sure that there is sufficient green time to allow pedestrians to safely cross Maple Rd. with this new condition.
DATE: April 4, 2017
TO: Joseph Valentine, City Manager
FROM: Paul T. O'Meara, City Engineer
SUBJECT: S. Eton Rd. at Maple Rd.
          Proposed Crosswalk Improvements

At the meeting of December 12, 2016, the City Commission reviewed the findings of the Ad Hoc Rail District Committee. The report was endorsed, and several boards were asked to research various recommendations further for action.

For the Multi-Modal Transportation Board (MMTB), it was determined that the proposed crosswalk improvements at the S. Eton Rd. and Maple Rd. intersection should be the first priority, given the planned opening of a new Whole Foods grocery store to the east of this intersection, and the potential increase in pedestrian traffic that this new commercial activity will bring.

F&V, the City’s traffic consultant, had prepared a conceptual drawing (to scale) of the various parts of the proposed improvement. Using that drawing as a basis for discussion, the MMTB reviewed the proposal at their meetings of February 2 and March 2, 2017. At the March 2, 2017 meeting, the following recommendation was passed:

To recommend to the City Commission that the City prioritize the Ad Hoc Rail District Committee’s recommendations for changes to S. Eton Rd. from Maple Rd. to Yosemite Blvd. including:

1. Landscaped splitter island to improve the S. Eton Rd. south side crosswalk at Maple Rd.
2. Enlarged handicap ramp area at the southeast corner of the intersection.
3. Relocation of the west side curb and gutter section to allow for a widened eight foot sidewalk on the entire length from Maple Rd. to Yosemite Blvd.

If the Commission agrees to this construction, staff would like to complete the work in the most efficient means possible. F&V has prepared a more detailed plan of the improvements (attached), to allow this work to be included in the larger 2017 Concrete Sidewalk Program bidding documents. As referenced in the MMTB recommendation, the work is composed primarily of three parts:

1. **Splitter island** – Given the current size of the intersection, a splitter island as shown can successfully be installed splitting the left and right turn lanes, while not changing the traffic patterns of the intersection. Existing concrete can be removed, replaced with new curb and gutter, and approximately 18 feet of new sidewalk that will act as a refuge area for pedestrians crossing Eton Rd. The triangular area south of the sidewalk...
could be landscaped with perennials, under the direction of the City’s landscape maintenance staff. The total construction cost of this work is estimated at $21,000.

2. **Enlarged handicap ramp area at the SE corner** – The dashed line on the plan represents the existing property lines. At the southeast corner, additional public land is available to allow for a wider, more ample waiting area at the handicap ramp. An oval shaped piece of concrete is proposed here to enhance the existing sidewalk on this corner, at a cost of $1,000.

3. **West side curb relocation** – As a part of the discussion with the Ad Hoc Rail District Committee, there was discussion about the existing sidewalks being installed immediately behind the curb, in close proximity to traffic. This was done due to the limited right-of-way available on this block. Since most of the neighborhood would use the west side sidewalk, and since the existing southbound lane is wider than normal, it was recommended that the west side curb and gutter section could be removed and replaced with a new curb three feet further east, for the entire block, as shown. Moving the curb would allow the existing five foot wide sidewalk to then be replaced with an eight foot wide sidewalk, providing extra space for pedestrians in this area. This work is estimated at $53,000.

The MMTB endorsed all three parts of the proposal. There was detailed discussion about two elements of the design:

1. Given that the road would be narrowed, there was uncertainty about how trucks turning from westbound Maple Rd. on to S. Eton Rd. would be able to maneuver in this area. After further review and discussion, F&V was able to clarify that the design provides the proper amount of space to make this turn, and once accustomed to the change, traffic should be able to manage fine.

2. There was concern that some pedestrians may feel uncomfortable if they are “trapped” on the splitter island due to the traffic signals changing. F&V noted that the green time provided for Maple Rd. is substantial, and that pedestrians will have ample time to make this crossing fully from one side of the street to the other.

No funding was authorized for this work. If the Commission authorizes the concept, funding for the current fiscal year budget will have to be authorized as a part of the contract award for the 2017 Concrete Sidewalk Replacement Program. A suggested resolution is provided below:

**SUGGESTED RESOLUTION:**

To authorize the sidewalk and crosswalk improvements at the Maple Rd. & S. Eton Rd. intersection, as recommended by the Multi-Modal Transportation Board, and to direct staff to include this work as a part of the 2017 Concrete Sidewalk Replacement Program, Contract #2-17(SW).
I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Mark Nickita called the meeting to order at 7:30 PM.

II. ROLL CALL

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

Absent, Commissioner DeWeese

Administration: City Manager Valentine, City Attorney Currier, City Clerk Brown, Police Chief Clemence, Fire Chief Connaughton, City Planner Ecker, Police Commander Grewe, Building Official Johnson, City Engineer O'Meara, DPS Director Wood

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

Mayor Nickita announced Commissioner Hoff was honored by Michigan State University's College of Communication Arts and Sciences with an Outstanding Alumni Award.

04-86-17 APPOINTMENTS TO BROWNFIELD REDEVELOPMENT AUTHORITY

Robert Runco was present and was interviewed by the Commission. Beth Gotthelf was not able to attend.

Commissioner Hoff noted both Mr. Runco and Ms. Gotthelf are seeking reappointment and were inaugural members of the Board.

MOTION: Motion by Commissioner Boutros:
To appoint Robert Runco to the Brownfield Redevelopment Authority to serve a three-year term to expire May 23, 2020.

MOTION: Motion by Commissioner Hoff:
To appoint Beth Gotthelf to the Brownfield Redevelopment Authority to serve a three-year term to expire May 23, 2020.

Vote on Robert Runco
VOTE: Yeas, 6
Nays, None
Absent, 1 (DeWeese)
Vote on Beth Gotthelf
VOTE: Yeas, 6
Nays, None
Absent, 1 (DeWeese)

04-87-17: APPOINTMENTS TO BOARD OF BUILDING TRADES APPEALS
Benjamin Stahelin and Dennis Mando were present and were interviewed by the Commission.

Mr. Stahelin confirmed for Commissioner Bordman that his wife serves on the Board of Review.

City Manager Valentine noted the Board has not met in approximately ten years.

Mr. Mando commented he has served on the Board for more than nine years. He stated he has been a mechanical contractor for 35 years and has performed work in Birmingham and surrounding communities. He verified for Commissioner Bordman that he has not worked for the City of Birmingham.

MOTION: Motion by Mayor Pro Tem Harris:
To appoint Benjamin Stahelin to the Board of Building Trades Appeals to serve a three-year term to expire May 23, 2020.

MOTION: Motion by Commissioner Bordman:
To appoint Dennis Mando to the Board of Building Trades Appeals to serve a three-year term to expire May 23, 2020.

Vote on Benjamin Stahelin
VOTE: Yeas, 6
Nays, None
Absent, 1 (DeWeese)

Vote on Dennis Mando
VOTE: Yeas, 6
Nays, None
Absent, 1 (DeWeese)

04-88-17: APPOINTMENTS TO HOUSING BOARD OF APPEALS
Neither Chris McLogan nor David Frink was able to attend. Brian Blaesing provided notice that he does not wish to be reappointed.

Commissioner Sherman pointed out both applicants are seeking reappointment. He noted one has served on the Board for 16 years and the other was interviewed by the Commission recently.

MOTION: Motion by Commissioner Sherman:
To appoint Chris McLogan to the Housing Board of Appeals to serve a three-year term to expire May 4, 2020.

MOTION: Motion by Commissioner Boutros:
To appoint David Frink to the Housing Board of Appeals to serve a three-year term to expire May 4, 2020.

Vote on Chris McLogan
VOTE: Yeas, 6
Nays, None
Absent, 1 (DeWeese)

Vote on David Frink
VOTE: Yeas, 6
Nays, None
Absent, 1 (DeWeese)

Commissioner Boutros announced an opening on the Housing Board of Appeals.

Commissioner Hoff read the qualifications for the Board, “Applicants shall be qualified by education or experience in building construction administration, social services, real estate, or other responsible positions”.

Mayor Nickita reminded residents that the City announces openings on boards on the City’s web site and at City Commission meetings.

The City Clerk administered the oath to the appointed Board members.

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

04-89-17 APPROVAL OF CONSENT AGENDA
The following items were removed from the Consent Agenda:
- Commissioner Bordman – Item G (Purchase of Larvicide Material)
- Commissioner Hoff – Item A (City Commission Minutes of March 27, 2017)
  - Item E (Medical Marijuana Operation/Oversight Grant)
  - Item F (High Intensity Drug Trafficking Area Agreement)
  - Item H (Lawn and Landscape Services Contract)

MOTION: Motion by Mayor Pro Tem Harris, seconded by Commissioner Boutros:
To approve the Consent Agenda, with items A, E, F, G, and H removed.

ROLL CALL VOTE: Yeas, Commissioner Harris
Commissioner Boutros
Commissioner Hoff
Commissioner Sherman
Commissioner Bordman
Mayor Nikita

Nays, None
Absent, 1 (DeWeese)
B. Approval of warrant list, including Automated Clearing House payments, dated March 29, 2017 in the amount of $393,256.29.
C. Approval of warrant list, including Automated Clearing House payments, dated April 5, 2017 in the amount of $342,587.68.
D. Resolution authorizing the 2017 Sidewalk Repair Program, and directing the Engineering Department to notify the owners of subject property of the City’s intention to replace sidewalks adjacent to their properties.
E. Resolution approving the purchase and planting of 106 trees from KLM Landscape for the 2017 spring tree purchase and planting project for a total project cost not to exceed $32,550.00, charged to account numbers 203-449.005-819.0000, 202-449.005-819.0000, 203-449.005-729.0000 and 202-449.005-729.0000, and authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.
F. Resolution awarding the Springdale Pavilion New Concrete Floor Contract to Luigi Ferdinandi & Son Cement Co. in an amount not to exceed $57,900.00, charged to account number 401-751.001-981.0100 and authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.

The Commission agreed to discuss the removed items at this time.

04-90-17 PURCHASE OF LARVICIDE MATERIAL
Commissioner Bordman reminded the public of the importance of patrolling one’s property and removing standing water to eliminate the ability of mosquitos to lay eggs or for the eggs to hatch.*

MOTION: Motion by Commissioner Bordman, second by Commissioner Sherman:
To approve the purchase of the larvicide material from Clarke Mosquito Control in the amount not to exceed $8,109.40, waiving the normal bidding requirements based on the government regulated pricing for this type of material, charged to account number 590-536.002-729.0000.

VOTE: Yeas, 6
Nays, None
Absent, 1 (DeWeese)

04-91-17 PARKS AND CITY PROPERTY LAWN AND LANDSCAPE SERVICES CONTRACT
Commissioner Hoff asked why the City’s current vendor, Birmingham Lawn Maintenance & Snow Removal, Inc., increased their price by a significant amount. DPS Director Wood said Birmingham Lawn did not offer an explanation for the price increase, but she noted the new contract contains an increased scope of work over the current contract.

Director Wood confirmed for Commissioner Hoff:
• The City has been satisfied with Birmingham Lawn’s work.
• Progressive Irrigation, Inc. is familiar to the City and had favorable reference checks.
• The subject quote does not include irrigation service.
• Progressive Irrigation is the current contractor for irrigation services with the City.
• The subject contract includes mowing of grass and noxious weeds for lots in violation of City ordinance, the costs of which are recouped by charging the violators.
MOTION: Motion by Commissioner Hoff, second by Commissioner Bordman:
To award the Parks and City Property Lawn and Landscape Services Contract to Progressive Irrigation, Inc. DBA Pro Turf Management Lawn for a four (4) year Agreement in the amount of $541,320.00 plus amounts for ordinance enforcement and fertilization/weed control services, charged to account numbers 203-449.003-937.0400, 202-449.003-937.0400, 101-751.000-811.0000, 101-441.003-811.0000, and 591-537.002-811.0000, and authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.

VOTE: Yeas, 6
Nays, None
Absent, 1 (DeWeese)

04-92-17   APPROVAL OF CITY COMMISSION MINUTES OF MARCH 27, 2017
Commissioner Hoff explained that the indented paragraph on Page 4 should be omitted.

MOTION: Motion by Commissioner Hoff, second by Commissioner Bordman:
To approve the City Commission minutes of March 27, 2017 as corrected.

VOTE: Yeas, 6
Nays, None
Absent, 1 (DeWeese)

04-93-17   2017 MICHIGAN MEDICAL MARIJUANA OPERATION AND OVERSIGHT GRANT SUB RECIPIENT AGREEMENT; and
04-94-17   2017 HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) SUB RECIPIENT AGREEMENT
In response to Commissioner Hoff's request for more information Police Chief Clemence explained the agreements secure the City's portion of Federal grant funding in the case of the HIDTA Grant and of state grant funding in the case of the MMOO Grant. He further noted both grants are specifically allocated to cover overtime for narcotics enforcement activities. He indicated $4,100 is expected from HIDTA, and a little over $7,000 from MMOO.

MOTION: Motion by Commissioner Hoff, second by Commissioner Sherman:
To approve the 2017 Michigan Medical Marijuana Operation and Oversight Grant Sub recipient Agreement between the City of Birmingham and Oakland County and authorizing the Mayor and City Manager to sign the agreement on behalf of the City.

VOTE: Yeas, 6
Nays, None
Absent, 1 (DeWeese)

MOTION: Motion by Commissioner Hoff, second by Commissioner Boutros:
To approve the Program Year 2017 High Intensity Drug Trafficking Area (HIDTA) Sub recipient Agreement between the County of Oakland and the City of Birmingham and authorizing the Mayor and City Manager to sign the agreement on behalf of the City

VOTE: Yeas, 6
Nays, None
Absent, 1 (DeWeese)
V. UNFINISHED BUSINESS

VI. NEW BUSINESS

04-95-17  PUBLIC HEARING – SLUP AMENDMENT AT 250 N. OLD WOODWARD – EMAGINE PALLADIUM/FOUR STORY BURGER

Mayor Nickita opened the public hearing at 7:59 PM.

City Planner Ecker provided background information:
- In December of 2016 the petitioner changed the business name and concept to Four Story Burger. The City’s Zoning Ordinance requires approval from the City Commission for a name change.
- During the liquor license renewal hearings the City Commission set a public hearing for April 13, 2017 to consider terminating the Special Land Use Permit (SLUP).
- The petitioner submitted a complete application to the Planning Department seeking a SLUP amendment for the name change. There is no change in ownership.
- The Planning Board, on March 22, 2017, recommended approval of the SLUP amendment.
- No exterior signage is proposed at this time. The building owner would pursue any exterior changes separately.

Commissioner Sherman confirmed the City received a letter from Mr. Jon Goldstein, CH Birmingham, LLC, DBA Emagine Palladium, indicating that neither he nor Mr. Paul Glanz would be available to attend the public hearing. Commissioner Sherman stated the Commission had made it clear their attendance was necessary as the owners. He desired to postpone the public hearing because of Mr. Goldstein’s and Mr. Glantz’s absence.

Commissioner Bordman supported postponing the public hearing and stated her disappointment that the owners have been unable meet with the Commission on an item of such importance to them and to the City.

Mayor Pro Tem Harris questioned the business’ ability to sell liquor and operate should the Commission postpone consideration of a SLUP Amendment. City Manager Valentine confirmed the business would continue to operate at status quo.

Mayor Nickita pointed out the owners have had three opportunities for a dialogue with the Commission on the issue of the SLUP violation and have consistently failed to appear.

Commissioner Hoff supported postponing the public hearing because it is an important issue, and she has questions for the owners. She felt the situation is more than a name change.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Bordman:
To postpone until May 8, 2017 the public hearing to consider an amendment to the Special Land Use Permit and Final Site Plan Review for 250 N. Old Woodward, Emagine Palladium Theatre and Ironwood Grill restaurant to allow the establishment to change their name to Emagine Palladium Theatre and Four Story Burger.

Patrick Howe, attorney representing CH Birmingham, LLC, was present and introduced the third owner of Emagine Palladium, Lauren Goldstein. Mr. Howe confirmed he and Ms. Goldstein are
authorized to act on behalf of Mr. Goldstein and Mr. Glantz. He was unable to confirm whether they would be available on May 8, 2017.

Mrs. Goldstein confirmed she is one of three owners of the business. She admitted the name change in violation of the SLUP was done in the wrong way and in the wrong order and, with apology, stated her commitment to rectifying the situation.

Commissioner Hoff indicated she believes violation is very serious and wants to talk to the two main partners.

Commission Boutros said he would respect Ms. Goldstein’s position as an owner, believes Mr. Goldstein’s letter to the Commission expresses a sincere wish to correct the SLUP, and stated he does not support postponing the public hearing.

Mayor Pro Tem Harris remarked on the seriousness of the SLUP process and commented he believes the owners are sincere in their wish to address the situation. He stated he has no objection to holding the public hearing as scheduled and noted the Planning Board has recommended unanimously that the SLUP amendment be approved.

Commissioner Sherman was firm in his belief that Mr. Goldstein and Mr. Glantz are making the business decisions and that Ms. Goldstein is not involved in the day-to-day operation. He was in favor of postponing the public hearing so that Mr. Goldstein and Mr. Glantz could attend.

Commissioner Bordman expressed her belief that Mr. Howe, having represented the owners in the original request for the SLUP, should have known Commission approval was required for a name change.

Mr. Howe indicated he was not asked to assist with the name change. Ms. Goldstein confirmed Mr. Howe was not consulted until the City notified the owners they were in violation of the SLUP.

Mayor Nickita stated he does not recall another entity causing such complexity and having such inconsistent representation from the ownership team. He said he wants to know who is in charge and what is actually going on. Mr. Howe clarified that he was brought in two weeks ago to take over and finish the project. He reiterated he was not involved in the name change or in past discussion regarding the SLUP amendment.

Commissioner Bordman called the question.

VOTE:   Yeas,  4
        Nays,  2 (Harris, Boutros)
        Absent, 1 (DeWeese)

The public hearing was postponed until May 8, 2017.

**04-96-17**   **PUBLIC HEARING — SLUP TERMINATION AT 250 N. WOODWARD — EMAGINE PALLADIUM/IRONWOOD GRILL**

Mayor Nickita opened the public hearing at 8:18 PM.
City Planner Ecker confirmed the Commission set the public hearing based on concerns over the SLUP violation and that the two public hearings are tied together.

MOTION: Motion by Harris, seconded by Sherman:
To postpone until May 8, 2017, the public hearing to consider termination of the Special Land Use Permit at 250 N. Woodward – Emagine Palladium/Ironwood Grill.

VOTE: Yeas, 6  
Nays, None  
Absent, 1 (DeWeese)

04-97-17  SPECIAL EVENT – HAVDALAH IN THE PARK.
Deborah Morosohk, Director of Education at Temple Beth Al El*, explained Havdalah is an approximately 10-minute short Jewish blessing ceremony at end of Sabbath consisting of singing with guitar accompaniment. The event is proposed for two Saturdays, 6:30 – 7:30 and is intended to be a fun family event for people from the synagogue. She confirmed for Commissioner Hoff that the service will take place in Shain Park, that the event is open to the public, and that attendance is anticipated to be around 30 people.

Commissioner Hoff expressed concern about the July 22 date because the Day on the Town event is the same day.

City Manager Valentine confirmed that Day on the Town will end just before Havdalah in the Park begins.

Clerk Brown confirmed for Commissioner Hoff that Temple Beth Al sent out the required notice letter.

MOTION: Motion by Commissioner Bordman, seconded by Commissioner Sherman:
To approve a request from Temple Beth El to hold Havdalah in the Park in Shain Park, on June 17, 2017 and on July 22, 2017 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

VOTE: Yeas, 6  
Nays, None  
Absent, 1 (DeWeese)

04-98-17  SPECIAL EVENT – HIGH OCTANE EVENT ON WILLITS STREET.
Mr. Darakjian explained he is requesting the closure of Willits Street for the safety of attendees and so the cars can be parked at an angle to allow for more cars to be displayed. He noted the event typically fills the parking spaces on both sides of the street with approximately 30 cars, and additional cars are parked in the Bates Street lot.

Fire Chief Connaughton explained closing the road poses problems should the Fire Department have to respond to a fire. The response would be within three minutes with two engines, an aerial truck, a rescue truck, and there would not be time for the cars to be moved if they were in the way. Normally all operations would happen on Willits Street because a minimum of 18 feet is need for set up, and there is not enough room in Willits Alley.
Mayor Nickita and all five of the Commissioners who were present liked the idea of the event but did not support closing Willits Street due to the concerns expressed by Chief Connaughton. Commissioners also cited concerns with traffic flow due to the Old Woodward closures.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Hoff:
To deny a request from Darakjian Jewelers to hold High Octane on Willits Street between N. Bates St. and N. Old Woodward Ave. on June 25, July 16, August 20, September 17, and October 8, 2017 based on objections to the closing of Willits Street from the Fire Department, Police Department, and Engineering.

**VOTE:** Yeas, 6
Nays, None
Absent, 1 (DeWeese)

**04-99-17 SIDEWALK AND CROSSWALK IMPROVEMENTS AT MAPLE AND S. ETON INTERSECTION.**
City Engineer O'Meara explained both the Ad Hoc Rail District Review Committee and the Multi-Modal Transportation Board have reviewed the proposal and, in conjunction with Fleis & Vandenbrink (F&V), the City’s traffic consultant, recommend improvements consisting of three primary parts:

1. **Splitter island.** Given the current size of the intersection, a splitter island as shown can successfully be installed splitting the left and right turn lanes, while not changing the traffic patterns of the intersection. Existing concrete can be removed, replaced with new curb and gutter, and approximately 18 feet of new sidewalk that will act as a refuge area for pedestrians crossing Eton Rd. The triangular area south of the sidewalk could be landscaped with perennials, under the direction of the City’s landscape maintenance staff. The total construction cost of this work is estimated at $21,000.

2. **Enlarged handicap ramp area at the southeast corner.** At the southeast corner, additional public land is available to allow for a wider, more ample waiting area at the handicap ramp. An oval shaped piece of concrete is proposed here to enhance the existing sidewalk on this corner, at a cost of $1,000.

3. **West side curb relocation.** As a part of the discussion with the Ad Hoc Rail District Committee, there was discussion about the existing sidewalks being installed immediately behind the curb, in close proximity to traffic. This was done due to the limited right-of-way available on this block. Since most of the neighborhood would use the west side sidewalk, and since the existing southbound lane is wider than normal, it was recommended that the west side curb and gutter section could be removed and replaced with a new curb three feet further east, for the entire block, as shown. Moving the curb would allow the existing five foot wide sidewalk to then be replaced with an eight foot wide sidewalk, providing extra space for pedestrians in this area. This work is estimated at $53,000.

The entire package is estimated to be about $75,000.00.

City Engineer O'Meara stated staff would like to include the sidewalk and crosswalk improvements in the 2017 Concrete Sidewalk Program, if the Commission approves the proposal.
In response to questions from Commissioner Hoff, City Engineer O’Meara and City Planner Ecker confirmed:

- The sidewalk on Eton would be 8’ wide.
- The sidewalk on Maple would be 5’ wide with a grass buffer between the sidewalk and the road.
- There would be no grass bumper on the Eton side, just as it exists currently, because the right-of-way is too narrow.
- The design contains no bump outs. The island will be curbed, and the whole west side of the block will be removed and replaced closer into the road so the southbound driving lane would be narrower.
- The City’s traffic engineering consultant, F&V, provided the design plans which do show the following turns could be made: turning onto Maple, turning from Maple onto Eton, turning westbound from Maple, and making a left onto Eaton.

Mayor Nickita asked for details about the process that took the plan from a conceptual idea to the design specifications as presented.

City Engineer O’Meara confirmed he was not involved in development of the design drawing and that the Multi-Modal Transportation Board considered the same drawing that is before the Commission.

City Planner Ecker noted:

- The Ad Hoc Rail District Committee was tasked to look at several issues on the South Eton corridor, which they did in 2016.
- The biggest complaints about the corridor were that it is not pedestrian friendly, the road is too wide, cars are going every which way, pedestrians not protected, and vehicular speed is too fast.
- The Committee discussed three alternatives and chose the proposal being considered by the Commission as the best alternative.
- The Committee received approval from the Commission to hire F&V to review the plan to determine its practicality.
- The Committee came up with conceptual idea, and F&V detailed the specifics.

Mayor Nickita commented he agrees with some aspects of the conceptual idea such as diminishing the amount of exposed crosswalk and providing a mid-crossing island for pedestrians. He was very concerned, however, with other aspects. He explained:

- The intersection is currently challenging and unsafe for pedestrians,
- When Whole Foods opens pedestrian and non-motorized traffic is going to increase.
- The acute angle for southbound turns from westbound Maple is fundamentally problematic.
- The white stop bar is almost always ignored by motorists, and at this intersection it is located 30’ from the crosswalk. Cars are going to ignore the stop bar and encroach into the crosswalk, resulting in cars turning left from Maple either clipping the car in the crosswalk or having to slow down to maneuver around the car. Trucks trying to make the turn may require the car in the crosswalk to back up.

Mayor Nickita concluded the design does not take into account the way people will actually use the intersection, which creates a difficult situation with the threat of crashes and congestion. He commented he does not feel the logistics have been explored thoroughly enough to resolve the
issues in a manner that would be best for the intersection, best for the users, and that will actually be used in the way it is designed to be used.

Commissioner Bordman noted she had similar concerns with vehicular encroachment into the crosswalks. She also questioned the plan’s lack of consideration for bicyclists.

City Planner Ecker responded that the Multi-Modal Transportation Board met at 5:30 today and discussed, among other items, the cross section for South Eton. The Ad Hoc Rail District Review Committee Report did not recommend a specific bike lane. The Committee recommended parking, three foot buffer zones for the opening of car doors, and two 10’ lanes for sharrows. The Multi-Modal Board is now leaning toward a multi-directional bike lane. City Planner Ecker relayed the thought that perhaps the Maple and S. Eton intersection improvements should be postponed to consider the impacts of including a bi-directional bike lane in the plan.

Commissioner Sherman suggested sending this back with the comments that have been made for further review.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Boutros:
To refer the proposal for sidewalk and crosswalk improvements at the Maple Road and S. Eton Road intersection back to Multi-Modal Transportation Board for further study based on the City Commission’s comments and to consider the idea of including a multi-directional bike lane.

City Manager Valentine commented changes may impact the timing of construction. He explained the intersection improvements, being mostly concrete work, would be included in the sidewalk project which is being completed this year. Changes may delay the project.

Mayor Nickita wanted to know if there is a way to get the project done this year.

City Engineer O’Meara confirmed that the sidewalk program has already been put out to bid and consideration of awarding the bid is planned to be on the Commission’s April 24, 2017 agenda. He suggested the costs of the proposed intersection improvements remain in the contract with the understanding that the concept may change. Any changes to the intersection improvement plan could be made in time for construction to still happen between now and August.

City Manager Valentine noted changing the scope of the intersection project may change the cost, but pointed out price can’t be known at this point. He felt the City could proceed as suggested by City Engineer O’Meara with the idea that the intersection the project may need to be eliminated from the contract at some point. He clarified any decisions as to the addition of bike lanes or modifications to the sidewalks are yet to be determined.

Commissioner Hoff wondered if there were incremental improvements that could be made while waiting for revised plans and commencement of construction. City Engineer O’Meara commented that any incremental steps would be temporary and therefore not cost effective. He felt there is time for the Multi-Modal Board to reconsider the project in light of the Commission’s comments and still keep in sync with the time frame of the Whole Foods opening.

In response to a question from Mayor Pro Tem Harris, City Engineer O’Meara confirmed the bidders for the 2017 sidewalk program are aware of the intersection project because it is included in the bid document.

11 April 13, 2017
Commissioner Boutros emphasized the importance of completing the intersection improvements this year. City Engineer O’Meara confirmed changes in the intersection project could be addressed as change orders to the contract.

Resident Benjamin Stahelin agreed with the need to widen the sidewalk, believed the white stop bar will be ignored, felt spending $75,000 on the project as presented would be a waste of money, and felt the safest and most cost effective solution would be to install stop signs at each intersection.

VOTE: Yeas, 6
Nays, None
Absent, 1 (DeWeese)

04-100-17 ORDINANCE AMENDING PART II OF CHAPTER 74, OFFENSES AGAINST PROPERTY.

Police Commander Grewe confirmed the reason to amend the ordinance is to address identity theft and fraud. He noted the amendments mirror state law.

Commissioner Bordman explained that due to recent personal experience with her credit card being used fraudulently, this issue is close to her heart. She asked why “debit card” is not specifically listed as one of the instruments. She noted the omission of “debit card” is inconsistent with other language. Attorney Currier responded the way the state law reads “any instrument” would include debit card. Commissioner Bordman felt “debit card” ought to be mentioned since “credit card” is specifically mentioned.

Commissioner Hoff asked why the fine is limited to “not more than $500”. Attorney Currier explained the City is limited by the City Charter as to the amount of fines for misdemeanors. Commissioner Hoff was concerned that the fine was too limited for larger thefts. Attorney Currier explained that restitution is not precluded.

In response to a question from Mayor Pro Tem Harris, Attorney Currier explained the City is authorized to charge civil infractions and misdemeanors through local ordinance.

MOTION: Motion by Sherman, seconded by Boutros:
To amend Part II of the City Code, Chapter 74, Offenses, Article IV, Offenses against Property to include the following eight new ordinances and authorizing the Mayor and the City Clerk to sign the ordinance amendments on behalf of the City:

1. Section 74-101: Illegal Use of State Personal Identification Card and Section 74-101(A) – Penalty for Violation of Section 74-101; and
2. Section 74-102: Definitions; and
3. Section 74-103: Stealing, Taking Title, or Removing Financial Transaction Device; Possession of Fraudulent or Altered Financial Transaction Device and Section 74-103(A) – Penalty for Violation of Section 74-103; and
4. Section 74-104: Use of Revoked or Cancelled Financial Transaction Device with Intent to Defraud and Section 74-104(A) – Penalty for Violation of Section 74-104; and
5. Section 74-105: Sales to or Services Performed for Violator and Section 74-105(A) – Penalty for Violation of Section 74-105; and
DATE: April 28, 2017
TO: Multi-Modal Transportation Board
FROM: Paul T. O'Meara, City Engineer
       Jana Ecker, Planning Director
       Scott Grewe, Operations Commander
SUBJECT: S. Eton Rd. – Maple Rd. to Lincoln Ave. Multi-Modal Improvements

At the March and April meetings, the Multi-Modal Transportation Board (MMTB) discussed the recommendations of the Ad Hoc Rail District Committee. A recommendation was also passed on to the City Commission focused on changes at Maple Rd.

Maple Rd. to Yosemite Blvd.

The MMTB sent a recommended plan of improvements to the far north block of S. Eton Rd. to the City Commission, which was reviewed at their meeting of April 13, 2017. Minutes of that meeting are attached. The Commission expressed concern relative to certain design elements, and encouraged the Board to consider a larger bumpout at the southwest corner of the Maple Rd. intersection.

Other concerns expressed by the Commission included:

- The acute turn for vehicles from eastbound Maple Rd. to S. Eton Rd. is problematic.
- The white stop bars may be ignored, causing problems for both motorists and pedestrians.
- The Board should consider the inclusion of a multi-directional bike lane.

F&V prepared the attached memo and conceptual plan that considers this option. Highlights of the memo include:

1. The City can reduce the length of the S. Eton Rd. pedestrian crossing using either plan included in the memo. The most significant benefit of the original recommendation with the refuge island includes a shorter crosswalk length with an intermediate break. While there was concern expressed about the proposed locations of the stop bars, the design actually allows the stop bars to be closer to the intersection than they are currently.

2. The design without the refuge island keeps the intersection more open. The design reduces the angle for turning traffic from westbound Maple Rd. on to S. Eton Rd. However, it makes the angle for eastbound traffic on to S. Eton more extreme. As a result, the stop bar must be left in its current position, further back from the
intersection. The resulting crosswalk length is approximately five feet longer than that with the island design, and there is no refuge.

As has been discussed previously by the Board, all agree that the design does not provide any enhancement for bike traffic. However, the narrow right-of-way in this area, plus the clear need for three lanes of traffic at this intersection, requires that bikes be encouraged through the intersection with the use of sharrows. The only way to provide space for a separate bike lane facility would be to purchase right-of-way, construct a retaining wall on the west side and make significant changes to the existing road. It is presumed that the City is not in a position to make such an investment at this time.

The Board is asked to consider the benefits and drawbacks of both designs, and provide a new recommendation to the Commission.

SUGGESTED RECOMMENDATION:

After further review, the Multi-Modal Transportation Board recommends that the City Commission authorize improvements to S. Eton Rd. from Maple Rd. to Yosemite Blvd. that include:

1. To improve the south leg crosswalk at the Maple Rd. intersection.
2. An enlarged sidewalk ramp area at the southeast corner.
3. Relocation of the west side curb from Maple Rd. to Yosemite Blvd., and the construction of an eight foot wide sidewalk on the west side of the block.

Further, while the Board acknowledges that improved bike features would be beneficial, existing right-of-way and traffic demands do not allow improvements other than sharrows and bike route signs (as a part of the previously approved Neighborhood Connector Route) at this time.

Yosemite Blvd to Lincoln Ave. Bike Lane Proposal

The MMTB first discussed the Ad Hoc Rail District’s recommendation for the typical cross-section at its regular April meeting. The majority of the Board chose not to affirm the Ad Hoc committee recommendation of installing pedestrian bumpouts at several intersections, keeping parking legal on both sides of the street, and adding sharrows for bike traffic in both directions. Due to the continued desire to reduce sight distance issues on the west side of the street, the Board asked staff to explore the feasibility of a two-directional bike lane on the west edge of the road, using the existing southbound parking lane area. F&V has prepared the attached plan accordingly. The following features are noted:

1. The block between Yosemite Blvd. and Villa Rd. is different from the others in that there are commercial uses on both sides of the street. Parking is legal on the southbound side, and is an important feature for the adjacent businesses. Parking is not legal on the northbound side, but the northbound lane is wider as a result. It is recommended that southbound bikes continue sharing the road with traffic, similar to the block to the north. For northbound bikes, a buffered bike lane can be provided as a good transition
from the section to the south (discussed below) to the shared traffic mode required to the north.

2. The remaining section from Villa Rd. to Lincoln Ave. would all be treated similarly. Parking would be removed for southbound traffic, providing a 10 ft. wide area for a marked, two-directional bike facility. While unique in this area, such facilities have been implemented elsewhere with success. The following features are noted:

- Signs and sidewalk/crosswalk changes would be required at Villa Rd. to allow northbound bikes to transition from the west side of the road back to the east side of the road. A diagonal section of concrete would be constructed southwest of the intersection to encourage bikes to use the west and north leg marked crosswalks to cross both streets. When using these facilities, bike riders are required to dismount and walk their bikes. There are not any officially endorsed signs in Michigan for this purpose. Examples of suggested signs for this purpose appear in the pictures below. They would be added at the beginning of the diagonal concrete section as bicyclists leave the road. Input from the Board as to which sign is preferable is requested. Wide 10 ft. ramps and marked crosswalks are proposed on the west and north legs of the intersection to encourage joint use between bikes and pedestrians. Northbound bikes would then begin using the buffered single direction bike lane as they proceed north of the intersection.

- The unique bike lane feature may come as a surprise to unsuspecting motorists wishing to enter S. Eton Rd. from the various intersecting streets. As noted on the plan, a new unique sign is recommended, added to each stop sign currently posted along the district, warning motorists to look both ways for bikes before proceeding.

- At Lincoln Ave., sign and sidewalk/crosswalk changes are required, similar to Villa Rd. The north, west, and south legs of the intersection would be widened to 10 ft. each, and signs would encourage northbound Eton Rd. bikes, as well as eastbound Lincoln Ave. bikes using the Connector Route to dismount and use the crosswalks to get in the correct location for use of the bi-directional bike lane.

- As was noted previously, the Ad Hoc Committee recommended bumpouts at several intersections. If the bi-directional bike lane is provided, bumpouts would only be built on the east sides of the selected intersections, in order to safely accommodate bike traffic.

**Implementation**

The timing of the above features are on different tracks. The changes in the area of Maple Rd. have not been budgeted, but are considered a priority in order to provide improvements to this area in conjunction with the planned opening of the adjacent Whole Foods grocery store. In
order to fast-track this work, funding was included in the recently awarded 2017 Concrete Sidewalk Program. It is hoped that a final design can be endorsed by the Commission in time to allow construction in either July or August of this year.

The proposed bike lane facility represents a significant change to the corridor that will impact both the commercial and residential property owners in the area. It is suggested that a public hearing wherein all owners within 300 ft. of the corridor be invited to the next MMTB meeting to provide input before a final recommendation is prepared. You may recall in the summer of 2016, the Board recommended Phase I of a Neighborhood Connector Route that provided a bike loop around Birmingham. We attempted to implement this work late last year, but failed to get any bidders to this small contract. It has been rebid as part of a larger construction contract, and should now be implemented this summer. The design approved last summer included simple sharrows for this leg of S. Eton Rd. We plan to delay the connector route work in this area until a final design is approved by the Commission, with the hope that the pavement markings and sidewalk changes can still be implemented during the 2017 construction season. The more extensive bumpout work at several intersections involves more work that will have to be budgeted in a future budget cycle.

Given the above time parameters, it is hoped that the Board can arrive at a final recommendation in June, and then prepare a final complete recommendation involving both elements for the Commission to consider thereafter. A resolution setting a public hearing is provided below.

SUGGESTED RESOLUTION:

To set a public hearing regarding the S. Eton Rd. corridor bi-directional bike lane proposal for the regular Multi-Modal Transportation Board meeting of June 1, 2017, at 6 PM.
April 13, 2017

VIA EMAIL

Mr. Paul O’Meara
City Engineer
City of Birmingham
151 Martin Street
Birmingham, MI 48012

RE: Maple Road & S. Eton Crosswalk

Dear Mr. O’Meara,

The purpose of this letter is to provide an overview of the proposed S.Eton Road approach at Maple Road and compare to an alternate intersection design. This evaluation provides a summary of the differences from the proposed design and the alternate design. The figures associated with the proposed design and the alternate are attached.

Proposed Intersection Design (Splitter Island)

As part of the study F&V performed for the Ad Hoc Rail District Commission the addition of pedestrian islands on South Eton was evaluated. The existing pedestrian crossing on the south leg of the intersection is approximately 88 feet due to the skew of the intersection. According to the AASHTO Guide for Planning, Design, and Operation of Pedestrian Facilities a pedestrian refuge should be considered when crossing distance exceeds 60 feet. The proposed raised splitter island, as shown in the attached figure would give the pedestrian a refuge for crossing traffic and provide greater detectability of the pedestrians by motorists. In addition, the splitter island has been designed to accommodate the right-turn movement of trucks and the stop-lines have been located accordingly as shown on the figure. The key findings with this design are summarized below:

- Stop-lines are moved closer to the intersection, providing an additional queuing at the intersection for two vehicles (one in each lane).
- The total crosswalk distance is 59-feet, with a 23-foot pedestrian refuge.

Alternate Intersection Design (Bump-out)

The alternate intersection design considered realigning the approach, with reduced radius on the west approach, from the existing 34-feet to 25-feet; thus, reducing the crossing distance without the construction of a splitter island. This alternative design was evaluated to determine the impact on the stop-line location and pedestrian crossing distance. The key findings with this design are summarized below:

- Stop-lines remain unchanged from the existing condition.
- The total crosswalk distance is 65-feet.
- Significant drainage modification would be required to accommodate the bump-out on the approach.
Stop Line Location

The following guidance regarding stop lines is provided in the MMUTCD Section 3B.16:

- Stop lines shall consist of solid white lines extending across approach lanes to indicate the point at which the stop is intended or required to be made.
- Stop lines should be 12 to 24 inches wide and should be placed a minimum of 4 feet in advance of the nearest crosswalk line at controlled intersections.
- Stop lines should be located no less than 40 feet and no more than 180 feet from the signal heads. Where the nearest signal head is located between 150 feet and 180 feet beyond the stop line, engineering judgment of the conditions shall be used to determine if the provision for a supplemental near-side signal face would be beneficial.

The existing stop-line location provides a distance of 110 feet from the stop-line to the signal head and the proposed design is 85 feet from the stop-line to the signal head.

Conclusions

- The results of the analysis show the proposed design with pedestrian splitter island provides less conflicting crossing distance overall, by providing a pedestrian refuge.
- The proposed design will move the stop-lines closer to the intersection than the existing condition, providing additional queueing at this intersection for two vehicles.
- Both the existing and proposed stop-lines provide acceptable placement.

If you have any questions, please feel free to contact us.

Sincerely,

FLEIS & VANDENBRINK

Michael J. Labadie, PE
Group Manager

Attached: Figures 1-3
Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, May 4, 2017.

Vice Chairman Andy Lawson convened the meeting at 6 p.m.

1. **ROLL CALL**

   **Present:** Vice Chairman Andy Lawson; Board Members Lara Edwards, Amy Folberg, Daniel Rontal, Michael Surnow; Alternate Member Katie Schaefer

   **Absent:** Chairperson Vionna Adams; Board Member Johanna Slanga

   **Administration:** Jana Ecker, Planning Director  
   Scott Grewe, Operations Commander  
   Paul O'Meara, City Engineer  
   Carole Salutes, Recording Secretary

   **Also Present:** Julie Kroll and Mike Labadie from Fleis & Vandenbrink ("F&V"), Transportation Engineering Consultants

2. **INTRODUCTIONS**

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

4. **APPROVAL OF MINUTES, MEETING OF APRIL 13, 2017**

   Motion by Mr. Rontal  
   Seconded by Mr Surnow to approve the Minutes of April 13, 2017 as presented.

   Motion carried, 6-0.

   **VOICE VOTE**
   Yeas: Rontal, Surnow, Edwards, Folberg, Lawson, Schaefer  
   Nays: None  
   Absent: Adams, Slanga
5. **LAWNDALE AVE. RECONSTRUCTION**

Mr. O'Meara recalled that last month the board discussed a parking restriction on the block of Lawndale Ave. north of Oakland Blvd. This discussion pertains to the block south of Oakland Blvd., which operates as a one-way street (northbound only), and is currently signed for No Parking. Funds were budgeted for spot concrete patching. Upon close review this past month, it appeared that most of the street should be replaced and staff concluded that a change in width may be appropriate.

In the 1970’s, the crossover at Oakland Blvd. was closed, making it more difficult to use Oakland Blvd. from downtown and traffic demand on Lawndale Ave. likely was cut by over 50%. Currently it is only a benefit to residential traffic headed to the immediate neighborhood. With the reduced traffic demand, the one-way traffic configuration, and no parking, the 24 ft. width seems excessive.

Presently, large trucks sit on Lawndale Ave. adjacent to the Holiday Inn Express to unload packages. When this occurs, there needs to be enough width to drive past the truck to enter the neighborhood. With that in mind, a 20 ft. width pavement would be sufficient.

A review of the Multi-Modal Master Plan confirmed that there is a proposal to add a sidewalk along the south side of Oakland Blvd. between Lawndale and Woodward Ave. and relocate the crosswalk. The existing handicap ramps at the corner of Oakland Blvd. will be updated to meet current standards as a part of this project. In terms of adding landscaping in the median, it was discussed that street trees could be added along Lawndale that would be tall enough to see underneath. A permit from MDOT will be needed to complete a portion of the landscaping.

Given that the purpose for this street has changed over the years, and since other modes of traffic such as bikes would have a difficult time accessing this street from Woodward Ave., staff sees this as a good opportunity to reduce the amount of pavement and to save some money.

**Motion by Mr Rontal**

**Seconded by Ms. Folberg** to recommend to the City Commission the approval of the plan for a 20 ft. wide road on Lawndale Ave. between Oakland Ave. and Woodward Ave., and to encourage staff to work with MDOT to improve the Woodward Ave. crosswalk in conjunction with their project, and also explore the possibility of landscaping with trees on the eastern side of the triangular island.
Ms. Folberg thought that Parks and Recreation should be informed of this change.

At 6:15 there were no comments from the public.

**Motion carried, 6-0.**

**VOICE VOTE**

**Yeas:** Rontal, Folberg, Edwards, Lawson, Schaefer, Surnow

**Nays:** None

**Absent:** Adams, Slanga

6. **S. ETON RD. - MAPLE RD. TO LINCOLN AVE.**

Ms. Ecker recalled that at the March and April meetings, the MMTB discussed the recommendations of the Ad Hoc Rail District Committee. A recommendation was also passed on to the City Commission focused on changes to the intersection of S. Eton and Maple Rd.

**Maple Rd. to Yosemite Blvd.**

The Commission expressed concern relative to certain design elements, and encouraged the board to consider a larger bumpout at the southwest corner of the Maple Rd. intersection.

Other concerns expressed by the Commission included:

- The acute turn for vehicles from eastbound Maple Rd. to S. Eton Rd. is problematic.
- The white stop bars may be ignored, causing problems for both motorists and pedestrians.
- The Board should consider the inclusion of a multi-directional bike lane.

Ms. Julie Kroll indicated as far as the stop bar location F&V looked at a couple of options. The first option was the addition of a splitter island. By proposing the splitter island they were able to move the stop bars closer to the intersection than they currently are. That adds two more spaces for vehicle queuing and also improves sight distance for the intersection.

The other option they looked at was a bumpout. That increased the crosswalk distance and reduced queuing space for vehicles, compared to the splitter island proposal. It was noted that it is not possible to do both the splitter island and the bumpout.
Ms. Ecker thought the splitter island is the best way to go. More people will be legally stopping where they are supposed to. The intersection is not perfect because it is at an odd angle.

Mr. O'Meara recalled that board members agreed previously that the design does not provide any enhancement for bike traffic because of the narrow right-of-way in this area, plus the clear need for three lanes of traffic at this intersection.

Moving south of Villa Ave., Ms. Kroll demonstrated how a bi-directional bike lane on the west side of S. Eton Rd. would work along with some additional signage. Board members expressed some concerns about the ingress/egress of a biker and discussed a protected bike lane along with the possibility of walking bikes across S. Eton Rd. at the Yosemite or Villa intersection in order to continue north in the bike lane.

Everyone liked the bi-directional bike lane except it would have to cut off at the most needed point where the road narrows. The bike lane should go all the way north to Maple Rd. on the west side where people can walk across Maple Rd. in the crosswalk and then continue on N. Eton Rd. where there are bike lanes on each side.

The board wanted staff to go back and look at the option, regardless of how much it costs, of keeping the bi-directional bike lane all the way up to Maple Rd. The Board would like to see what is involved in acquiring land, installing a retaining wall, how much it would cost, and then coming back. This would be Plan A to take to the public and then send to the Commission.

Discussion continued regarding Plan B if land acquisition is not possible. Plan B is as shown from Lincoln to Villa, with a bi-directional bike lane on the west side of the street, currently as shown 5 ft. in each direction. Bumpouts on the east side of the street could be installed at several of the intersections with enhanced crossings. From Villa to Yosemite, add enhanced sharrows with a green background, eliminate the on-street parking for the businesses on the west side, and all the way down to Lincoln.

After much discussion, the Board favored the elimination of the northbound bike lane, adding 3 ft. to the sidewalks on either side (8 ft. sidewalks), and a 4 ft. landscaped grass area with street trees on the east and west sides from Villa to Yosemite. From Yosemite to Maple Rd. the proposal would stay as before with an 8' wide expanded sidewalk on the west side of S. Eton.

Commander Grewe suggested that maybe the alternative in that area is to encourage bikers to get on the sidewalk and walk their bikes.
Board members went on to explore various buffers that would protect the bike lanes. It was concluded that the center line in the bi-directional bike lanes could be eliminated. If that doesn’t work, a centerline can always be added later. Low profile barriers were preferred within 1.5 ft., such as turtle bumps, oblong low bumps, and linear barriers.

It was suggested that a public hearing wherein all owners within 300 ft. of the corridor be invited to the next MMTB meeting to provide input before a final recommendation is made. It is planned to delay the connector route work in this area until a final design is approved by the Commission, with the hope that the pavement markings and sidewalk changes can still be implemented during the 2017 construction. The more extensive bumpout work at several intersections involves more work that will have to be budgeted in a future budget cycle.

**Motion by Dr. Rontal**

Seconded by Ms. Folberg to set a public hearing regarding the S. Eton Rd. corridor bi-directional bike land proposal as amended this evening for the regular Multi-Modal Transportation Board meeting of June 1, 2017 at 6 p.m.

Modifications made tonight are from Villa to Yosemite to add enhanced sharrows, eliminate parking on the west side, and eliminate the northbound bike lane on the east side as shown on the plans and make both sidewalks on the east and west side an additional 3 ft. wide (8 ft.) plus a 4 ft. green boulevard with street trees up to Yosemite. Then from Yosemite to Maple Rd., continue with the plans as shown which are enhanced sharrows and a widened sidewalk to 8 ft. on the west side of the street. The bi-directional bike lane will be 8.5 ft. plus 1.5 ft. for a buffer of some sort, whether it be turtle bumps, oblong low, or linear barriers.

No one from the public wished to discuss the motion at 8:10 p.m.

**Motion carried, 6-0.**

**VOICE VOTE**

Yeas: Rontal, Folberg, Edwards, Lawson, Schaefer, Surnow

Nays: None

Absent: Adams, Slanga

The Vice-Chairman asked board members to travel this route on their bikes before the public meeting next month.

7. **MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA**
As you know, the Multi-Modal Master Plan, finalized in 2014, proposed changes to the above half-mile collector street that also serves as the westerly boundary of the Rail District. In March, 2016, the City Commission approved the installation of a Neighborhood Connector Route that would provide a marked, signed route for bicyclists circling around the City. The signing and pavement markings are now incorporated in a larger project that has been awarded, and implementation is set for this summer. For this segment, this initial plan called for leaving the road operating as it is, but adding sharrows through this half mile corridor.

Soon after, amid continued requests for changes from the community, the City Commission appointed the Ad Hoc Rail District Committee to study parking demand and multi-modal issues in this area. Their final report was submitted to the City Commission in December, 2016.

Early this year, the Multi-Modal Transportation Board (MMTB) focused on potential improvements to the Maple Rd. & S. Eton Rd. intersection. In April, the City Commission reviewed a recommended design that featured the installation of a “splitter island” between the two northbound Eton Rd. lanes, providing a refuge for pedestrians crossing Eton Rd. at Maple Rd. The proposal also recommended the relocation of the west side curb for the block between Maple Rd. and Yosemite Blvd., which allows the widening of the west side sidewalk for the entire block. The Commission had reservations about the intersection design, and directed the matter back to the MMTB for further discussion.

At the May, 2017 meeting, staff presented a new concept for S. Eton Rd. from Yosemite Blvd. to Lincoln Ave., generally proposing a two-lane bike lane along the west side of the road, resulting in the removal of parking on this section. The Board generally endorsed the plan, but made several suggestions for the block north of Villa Ave. Those changes were incorporated in a revised plan, which is attached. A public hearing to present these ideas to the community was scheduled for the June 1, 2017 meeting. Hundreds of postcards were sent to all owners and tenants within 300 ft. of the S. Eton Rd. corridor, inviting them to submit comments or attend the hearing. The following summarizes the current plan:

MAPLE RD. TO YOSEMITE BLVD.

As requested, the MMTB again studied the design for Multi-Modal improvements on this block. The alternate design for installing a bumpout on the southwest corner was considered. However, since it resulted in a longer crossing for pedestrians, it was rejected in favor of the
splitter island design. Discussion was also held about the lack of a bike lane opportunity in this area. The Board determined that due to the lack of right-of-way, and the need for three vehicular lanes, the installation of sharrows is all that can realistically be envisioned at this time.

The Board also discussed the issue of the location of the stop bars relative to the proposed island. It was noted that the new stop bar locations are actually closer to the intersection than the current ones. The consultant is recommending large hatched pavement markings in front of the left lane stop bar, to help discouraging drivers from occupying this area. Since it is not clear to what extent this problem will exist, it is recommended that these markings be placed after construction, if needed.

The Board continues to support the relocation of the west side curb in order to widen the west side sidewalk for the entire block.

**Yosemite Blvd. to Villa Ave.**

The plan presented by staff at the last meeting had proposed maintaining parking on the west side, and installing a buffered bike lane for northbound traffic. The board made several suggestions, which have been incorporated on the new attached plan and cross-section. Features of the new plan include:

- Removal and replacement of the sidewalks so that they would be a consistent 8 ft. wide.
- Relocation of the curb and gutter section on both sides of the street to accommodate both the wider sidewalks, as well as a 4 ft. wide green space with City trees.
- Removal of the public parking on the west side of the street (consistent with the proposal further south).
- Installation of enhanced sharrows for both directions.

Now that this block has been laid out using actual measurements, it is noted that the southbound lane will remain wider than the southbound lane, as it is currently. We do not recommend using this extra space for some form of marked bike lane, as it is important that northbound bikes cross Eton at Villa Ave., where sight distance is better. If a marked bike lane was provided for just southbound bikes on this block, it may encourage northbound bikes to use this area as well, which is not recommended.

**Villa Ave. to Lincoln Ave.**

The plan has been refined in this area with the following features:

- The centerline pavement marking has been removed from the two-way bike lane.
- The bike lane has been narrowed to 8.5 ft., to allow for a 1.5 ft. wide buffer area that will be supplemented with some form of raised markers. If this proposal moves forward to construction, staff will investigate various options to determine which one will work best.
- Though not called out on the plan, the public hearing notice identified the following locations for suggested bumpouts on the west side of the street, in accordance with the Ad Hoc Rail District Committee recommendation: Villa Ave., Hazel Ave., Bowers Ave., Cole Ave., and Lincoln Ave.
The design otherwise remains the same. Should the Board wish to proceed with this design, a suggested recommendation follows.

SUGGESTED RECOMMENDATION:

To recommend that the City Commission approve and budget for the following Multi-Modal improvements to S. Eton Rd. from Maple Rd. to Lincoln Ave.:

1. **Maple Rd. to Yosemite Blvd.**
   - Installation of a splitter island at the Maple Rd. pedestrian crosswalk, located between the two northbound lanes of S. Eton Rd.
   - Relocation of the west side curb and gutter to accommodate an 8 ft. wide sidewalk along the entire block.
   - Installation of a wider sidewalk adjacent to the handicap ramp at the southeast corner of Maple Rd.
   - Installation of sharrows on green painted squares for both directions.

2. **Yosemite Blvd. to Villa Ave.**
   - Removal of the existing parking on the west side of the street.
   - Relocation of the curb and gutter on both sides of the street to accommodate 8 ft. wide sidewalks and 4 ft. wide green spaces with new City trees.
   - Installation of sharrows on green painted squares for both directions.

3. **Villa Ave. to Lincoln Ave.**
   - Removal of the existing parking on the west side of the street, replaced with an 8.5 ft. wide bi-directional bike lane and a 1.5 ft. buffer with raised markers.
   - Sidewalk improvements as needed at Villa Ave. and Lincoln Ave. to facilitate the bi-directional bike lane.
   - Installation of a 3 ft. wide buffer between the northbound travel lane and 7 ft. parking lane.
   - Curbed bumpouts at marked pedestrian crosswalks on the west side of the street, at the intersections of Villa Ave., Hazel Ave., Bowers Ave., Cole Ave., and Lincoln Ave.
Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, June 1, 2017.

Chairperson Vionna Adams convened the meeting at 6:01 p.m.

1. ROLL CALL

Present: Chairperson Vionna Adams; Board Members Lara Edwards, Amy Folberg, Vice-Chairman Andy Lawson, Daniel Rontal, Johanna Slanga, Michael Surnow

Absent: Alternate Members Daniel Isaksen, Katie Schaefer

Administration: Mark Clemence, Police Chief  
Jana Ecker, Planning Director  
Austin Fletcher, Asst. City Engineer  
Scott Grewe, Operations Commander  
Paul O'Meara, City Engineer  
Lauren Chapman, Asst. City Planner

Also Present: Julie Kroll and Mike Labadie from Fleis & Vandenbrink ("F&V"), Transportation Engineering Consultants

2. INTRODUCTIONS

Daniel Isaksen, new alternate board member.

3. REVIEW AGENDA (no change)

4. APPROVAL OF MINUTES, MEETING OF MAY 4, 2017

Motion by Mr. Rontal  
Seconded by Mr. Surnow to approve the Minutes of May 4, 2017 as presented.

Motion carried, 7-0.
The public hearing opened at 6:06 p.m.

Mr. O'Meara recalled that at the May, 2017 meeting, staff presented a new concept for S. Eton Rd. from Yosemite Blvd. to Lincoln Ave., generally proposing a two-way bike lane along the west side of the road, resulting in the removal of parking on this section. The board generally endorsed the plan, but made several suggestions for the block north of Villa Ave. Those changes were incorporated in a revised plan. A public hearing to present these ideas to the community was scheduled for the June 1, 2017 meeting and notices were sent to all owners and tenants within 300 ft. of the S. Eton Rd. corridor.

Mr. O'Meara's presentation covered three sections along S. Eton Rd.:

Maple Rd./S. Eton Rd. Intersection
The proposal was to add a raised island that would allow pedestrians to cross S. Eton Rd. at Maple Rd. with a break in the middle, along with other design features. The main adjustment, based on new information from users, was to change the northwest corner of the island and to move the left turn lane stop bar back where it is today. This allows large vehicles to make the turn from Maple Rd. onto S. Eton Rd.

Mr. Labadie said this scheme makes the intersection more controlled. He thought people would pay more attention and it would be safer for pedestrians.

Yosemite Blvd. to Villa Ave.
In this block there are businesses on both sides of the street. Last month the board came up with several suggestions, including eliminating parking on the southbound side; and narrowing the street so that the sidewalk would be 8 ft. wide on both sides and there would be room for a 4 ft. grass strip with trees on both sides. There would not be space for a bike lane but there would be sharrows. It is important that northbound bikes cross Eton Ave. at Villa Ave., where the sight distance is better.

Villa Ave. to Lincoln Ave.
It is proposed to remove parking on the southbound side and open up the space for a two-way bike corridor with a 1.5 ft. wide buffer area that would be supplemented with some form of raised markers. Bumpouts are suggested at Villa Ave., Hazel Ave., Bowers Ave., Cole Ave., and Lincoln Ave. It is cautioned
that every time someone stops to make a left turn everyone else is stopping as well. Discussion considered that two bollards may be needed on the north end of the bike lane to force bikers to stop and get off. The south side is a little less busy.

At this time the chairperson opened up discussion from the public.

Mr. Michael Kopmeyer, 1351 Bennaville, thought the bike lane proposal trivializes bicycle travel. Bikes have a right to be on the road and they should be respected by automobile drivers and not be trivialized.

Mr. Terry Adams, Bob Adams Towing, 2499 Cole; and Mr. Brian Bolyard, Bolyard Lumber, 777 S. Eton, recited some issues that could occur with the proposed design on the corner. If the stop line on northbound Eton Rd. can be kept where it is, it would be a great plus for the corner. A stop bar closer to Maple Rd. would cause more of an issue with tractor-trailers. Mr. Adams indicated the majority of truck traffic will head west off of S. Eton Rd. because of the 13 ft. 2 in. bridge to the east. Mr. Bolyard noted 42 to 48 ft. combined length trailers need to turn off of S. Eton Rd. every day. Mr. Adams commented the overall length that he could tow is 78 ft. Mr. Labadie advised that you don’t design for the one extreme situation. This plan will accommodate a WB 40, which means a 45 ft. long trailer tractor, and that encompasses most everything that goes through there today.

Ms. Ecker noted this board’s job is to balance not just the automobile traffic, but all of the users. The point of looking at this intersection is to make it more friendly for all modes of travel. She hasn’t seen any plans come across for the Rail District that would require large vehicles, other than during construction.

Mr. Andrew Haig, 1814 Banbury, thanked the board for proposing an island that would make it easier for pedestrians. However, he suggested removing the island, pulling the stop line back, and moving the crossing and lights further south, away from the intersection. For the bike lanes, raise the height of the road two or three inches overall, and perhaps add bollards.

Ms. Melanie Mansenior with Downriver Refrigeration, 925 S. Eton Rd. was worried about the amount of trucks going in and out of the S. Eton Rd./Maple Rd. intersection because that is the only ingress and egress for truck traffic through the Rail District. She received clarification that 30 to 40% of currently accessible parking on S. Eton Rd. will be eliminated. Ms. Ecker added a detailed parking study was done last year that indicated there is not a parking problem overall in that area. Ms. Mansenior replied that it will impact her particular location if the parking spots across the street are eliminated. Currently there not enough spots and people park in their lot. More people will do so if the spaces across the street are removed.
Ms. Ecker noted the board has to balance everyone’s interests. They have heard repeatedly in the past from residents that they want those spaces to go away because of concerns with site distance pulling in and out of their driveways along with being blocked in.

Ms. Cindy Cherum, 1622 S. Eton Rd., a member of the Ad Hoc Rail District Review Committee, wanted this group to remember that in this plan there is an entire side of S. Eton Rd. that has not been looked at. Mr. O’Meara responded that the board decided to focus on the section north of Lincoln Ave. first, and then study the area to the south.

Ms. Sherry Markus, 1382 Ruffner, expressed her confusion about why they would slow down the traffic so much and spend so much money for that pedestrian area. Presently traffic is backed up all the way to Coolidge in the evening. This plan will slow things down even more. Mr. Labadie advised the whole intersection and its access points will change. A recent study has concluded that delays on Maple Rd., even with the additional traffic from Whole Foods, should improve. There will be push buttons for pedestrians that will allow Maple Rd. to get more time.

In response to Ms. Markus, Ms. Ecker explained that over the last several years there have been many complaints about issues in this area. Crossings are not safe, traffic goes too fast, no one stops for pedestrians. Further, people have complained about sight distance, pulling in and out, about where trucks are parking, and where employees are parking. Therefore, the City Commission created the Ad Hoc Study Committee. The splitter island affords a safe haven for pedestrians when they are crossing the street.

Ms. Markus thought the bike lane is silly and goes nowhere. She observed that with parking on Cole St. cars cannot get through. It was discussed that everything in the plan has been designed specifically to slow traffic along S. Eton Rd. Dr. Rontal noted the concept of the bike lane to nowhere is a little disingenuous because Birmingham has had a 20-year plan that creates a bike route for people to commute through the City. The plan is being completed in a phased fashion.

Mr. Larry Bertollini, 1301 Webster, asked if a mockup could be created that includes the splitter island. He hoped that trucks pulling out of side streets would have enough slop so there would not be head-on collisions. He would like to see some diagrams showing other areas where there is a bump-out that would prove turning trucks have space to get in and out of where they are going. Mr. O’Meara responded they won’t neglect that. Mr. Bertollini added his main concern is for bikes wanting to cross where the transition is made. That is scary, and therefore he is not really sold on the concept. He would not object to eliminating the two-way and going back to a lane on the other side.
Mr. Michael Kompeyer spoke again to say he fully endorses the idea of moving the crosswalk back a bit. He suggested stop signs at Haynes and Villa to give a pause for pedestrians to establish themselves in the intersection.

Mr. Andrew Haig came forward once more to inform the group that Auto Europe vehicles don't have much ground clearance and can't clear a curb at all.

The chairperson wrapped up the public comments part of the evening at this time.

Mr. O'Meara asked Mr. Labadie to comment on the idea of moving the Maple Rd. crosswalk further south. Mr. Labadie said moving the crosswalk has other ramifications about being able to see the pedestrians and a few other things that are not accepted practice. Visibility of the signals would be substandard as well. The suggested option addresses everything they are trying to accomplish and still stays within accepted practice.

Ms. Slanga was not convinced that in the future people would not optimize their supply chains and go with fewer deliveries and larger trucks. Therefore she advocated cutting back the island a little more to make it a bit easier for the large trucks to get through. The 50 ft. truck is accommodated by the plan right now but it doesn't accommodate the 62 ft. truck. Mr. Labadie indicated they can work on that when it goes into design. Mr. Bolyard noted they are all for the design, but it has to get better. Driver capabilities must be factored in. Mr. Surnow's thought was to make the island whatever the bare minimum is to accommodate the trucks, but yet provide a margin of safety to the pedestrians.

Discussion considered why this is the only place trucks can come and go from the Rail District. Mr. O'Meara indicated that Lincoln and S. Eton further south are considered residential streets.

The Chairperson took public comments.

Mr. Adams said this design concerns any delivery truck that is bringing commodities to the businesses in the Rail District and is exiting to go east on Maple Rd. They will make the turn, but either the light pole or the walk or don't walk post is going down. The driver cannot protrude out enough to turn and make the trailer axels stay outboard of the curb.

Mr. Lawson announced there is opposition to the proposed design that would cut commerce off to the Rail District. He didn't see how the board could vote for the splitter island. Dr. Rontal added the board now has dramatically different information. They thought a 50 ft. trailer would be long enough to accommodate, but they are hearing from the businesses in the District that 50 ft. is probably not
long enough. More information about the number of trucks coming and going into the district is needed. He thinks the board needs some time to review the new data.

Motion by Mr. Lawson
Seconded by Dr. Rontal to recommend that the City Commission approve and budget for the following Multi-Modal improvements to S. Eton Rd. from Maple Rd. to Yosemite Blvd.:

a. Further study of installation of a splitter island at Maple Rd.
b. Relocation of the west side curb and gutter to accommodate an 8 ft. wide sidewalk along the entire block.
c. Installation of a wider sidewalk adjacent to the handicap ramp at the southeast corner of Maple Rd.
d. Installation of sharrows on green painted squares for both directions.

Mr. Lawson amended his motion but the amendment failed and therefore the board voted on his original motion.

Motion carried, 5-2.

ROLLCALL VOTE
Yeas: Rontal, Adams, Edwards, Folberg, Surnow
Nays: Lawson, Slanga
Absent: None

Mr. O'Meara clarified that everything from Maple Rd. to Lincoln Ave. must be agreed upon as a package before this is returned to the Commission.

The public hearing closed.

6. OAKLAND AVE - WOODWARD AVE. TO LAWNDALE AVE.

Mr. O'Meara advised that last month, MMTB reviewed and approved plans to reconstruct Lawndale Ave. south of Oakland Ave. The plan was forwarded to the City Commission for their meeting of May 22, 2017, and was subsequently approved.

While reviewing the plan, further questions were raised about the pedestrian environment on this section of Oakland Ave. The existing handicap ramp at the southeast corner of the Oakland Ave. & Lawndale Ave. intersection encourages pedestrians to cross in the middle of the Lawndale Ave. intersection, which is not
DATE: July 14, 2017

TO: Multi-Modal Transportation Board

FROM: Paul T. O'Meara, City Engineer

SUBJECT: S. Eton Rd. – Maple Rd. to Lincoln Ave.

At the Multi-Modal Transportation Board (MMTB) meeting of June 1, a public hearing was held to review and discuss the various components of multi-modal improvements now being considered for S. Eton Rd. between Maple Rd. and Eton Rd. The Board was ready to approve the majority of the proposal, outside of the pedestrian island at Maple Rd. New information found that week determined that the proposal to build an island that could accommodate 40 ft. truck turning radii may be too small caused the Board to hesitate on this feature. The Board asked staff to survey all businesses in the Rail District, and return the issue at the following meeting.

A survey was distributed to all businesses in the Rail District, allowing for quick response through the internet. A total of 99 businesses were sent the message requesting input, and 17 responses back were received; details are attached. Only one business responded indicating that they have trucks longer than 60 ft., while that one and another indicated that they receive deliveries from trucks longer than 60 ft. A larger number received deliveries from trucks in the 40 to 60 ft. range (7), while only one again actually owned such large vehicles. The sample size was disappointingly small.

The three Rail District businesses that appeared at the public hearing last time have been invited to come back for this meeting as well.

To assist with this discussion, additional truck turning radius drawings generated by a computer program have been attached for your reference. The drawings now include:

1. A picture of all three turning movements when driving a truck with a 50 ft. turning radius.
2. A picture of all three turning movements when driving a truck with a 62 ft. turning radius.
3. A picture of the proposed island now modified to allow for a 50 ft. truck turning radius.

At this time, the Board must make the decision about what type of pedestrian improvement is appropriate for this location. Here are some things to consider:

1. It appears that trucks greater than 40 ft. may be more common than was thought, but from the data given, it is unclear if the majority of those would fall between 40 and 50 ft., or not. Hopefully additional information can be gathered at the meeting.
2. The Board may wish to not consider the right turn movement out of S. Eton Rd. As shown on the drawings, even the 40 ft. turning radius cannot make this turn if the island is provided. At the last meeting, it appeared that such turns are not common now, given the tight turn already required to keep clear of the railroad bridge center column. Drivers of trucks needing to leave the district can make a left turn on to Maple Rd. with any of the designs.

3. If the Board determines that the intersection needs to be designed to accommodate the largest standard truck (62 ft.), then no island feature can be installed. The currently proposed road narrowing on the west side of the block could proceed.

4. Even if no island is installed a more enhanced bumpout on the southwest corner cannot be installed if the intersection is going to accommodate either a 50 or 62 ft. truck turning radius.

5. Generally, beneficial street designs should not be removed to accommodate a vehicle that does not generally get driven through the area. Extremely large vehicles, such as the example of Adams Towing pulling a bus, is a rare circumstance. They have indicated that such tows are already difficult through this intersection, and that other routes are often selected to make this trip.

It is recommended that the results of the truck survey be reviewed, input from the public be received, and then a decision made on what sized trucks the Board feels that this intersection should be designed to. The entire S. Eton corridor package then needs to be formalized in a recommendation to the Commission. Two suggested recommendations are listed below that provide alternatives for the above question on which size trucks should be accommodated. Recommendation B eliminates the island at Maple Rd. from the recommendation. Only the block directly south of Maple Rd. has been changed from the recommendation prepared for the last meeting:

SUGGESTED RECOMMENDATION A (DESIGNED FOR 50 FT. TRUCK TURNING AT MAPLE RD.):

To recommend to the City Commission the following package of multi-modal transportation improvements for S. Eton Rd. from Maple Rd. to Lincoln Ave.:

1. Maple Rd. to Yosemite Blvd.
   a. Relocation of the west side curb of S. Eton Rd. from Maple Rd. to Yosemite Blvd. three feet closer to the center, allowing the installation of an 8 ft. wide sidewalk behind the relocated curb.
   b. Installation of a pedestrian island at the Maple Rd. & S. Eton Rd. intersection to improve safety for pedestrians crossing on the south side of Maple Rd.
   c. Installation of a wider sidewalk adjacent to the handicap ramp at the southeast corner of Maple Rd. & S. Eton Rd.
   d. Installation of sharrows on green painted squares for both directions.

2. Yosemite Blvd. to Villa Ave.
   a. Removal of the existing parking on the west side of the street.
   b. Relocation of the curb and gutter on both sides of the street to accommodate 8 ft. wide sidewalks and 4 ft. wide green spaces with new City trees.
   c. Installation of sharrows on green painted squares for both directions.

2
3. **Villa Ave. to Lincoln Ave.**
   a. Removal of the existing parking on the west side of the street, replaced with an 8.5 ft. wide bi-directional bike lane and a 1.5 ft. buffer with raised markers.
   b. Sidewalk improvements as needed at Villa Ave. and Lincoln Ave. to facilitate the bi-directional bike lane.
   c. Installation of a 3 ft. wide buffer between the northbound travel lane and 7 ft. parking lane.
   d. Curbed bumpouts at marked pedestrian crosswalks on the west side of the street, at the intersections of Villa Ave., Hazel Ave., Bowers Ave., Cole Ave., and Lincoln Ave.

**SUGGESTED RECOMMENDATION B (DESIGNED FOR 62 FT. TRUCK TURNING AT MAPLE RD.):**

To recommend to the City Commission the following package of multi-modal transportation improvements for S. Eton Rd. from Maple Rd. to Lincoln Ave.:

1. **Maple Rd. to Yosemite Blvd.**
   a. Relocation of the west side curb of S. Eton Rd. from Maple Rd. to Yosemite Blvd. three feet closer to the center, allowing the installation of an 8 ft. wide sidewalk behind the relocated curb.
   b. Installation of a wider sidewalk adjacent to the handicap ramp at the southeast corner of Maple Rd. & S. Eton Rd.
   c. Installation of sharrows on green painted squares for both directions.

2. **Yosemite Blvd. to Villa Ave.**
   a. Removal of the existing parking on the west side of the street.
   b. Relocation of the curb and gutter on both sides of the street to accommodate 8 ft. wide sidewalks and 4 ft. wide green spaces with new City trees.
   c. Installation of sharrows on green painted squares for both directions.

3. **Villa Ave. to Lincoln Ave.**
   a. Removal of the existing parking on the west side of the street, replaced with an 8.5 ft. wide bi-directional bike lane and a 1.5 ft. buffer with raised markers.
   b. Sidewalk improvements as needed at Villa Ave. and Lincoln Ave. to facilitate the bi-directional bike lane.
   c. Installation of a 3 ft. wide buffer between the northbound travel lane and 7 ft. parking lane.
   d. Curbed bumpouts at marked pedestrian crosswalks on the west side of the street, at the intersections of Villa Ave., Hazel Ave., Bowers Ave., Cole Ave., and Lincoln Ave.
DATE: July 13, 2017

TO: Multi-Model Transportation Board

FROM: Scott Grewe / Operations Commander

SUBJECT: Commercial Traffic on S. Eton

In an attempt to obtain more information regarding the amount and size of commercial vehicles used on S. Eton a survey was sent to addresses in the Rail District. On June 21st post cards were sent out requesting their participation in the survey. On July 13th the surveys were reviewed and below are the results.

1. 58% of respondents stated their business requires the use of a commercial vehicle.
   a. Respondents who stated the use commercial vehicles estimated how many times per day their vehicles used S. Eton.
      i. 17.65% 1 to 3 times.
      ii. 17.65% 4 to 7 times.
      iii. 11.76% 7 to 10 times.
      iv. 11.76% 15 or more times.

   b. They also provided the estimated truck lengths used by their business.
      i. 5.88% 10' to 20' vehicle.
      ii. 29.41% 20' to 40' vehicle.
      iii. 5.88% 40' to 60' vehicle.
      iv. 5.88% 60' to 80' vehicle.

2. 87.5% stated they receive deliveries from companies using commercial vehicles.
   a. Respondents estimated how many deliveries they received per week.
      i. 41% 1 to 3 deliveries.
      ii. 35.29% 4 to 7 deliveries.
      iii. 11.76% 7 to 10 deliveries
      iv. 11.76% more than 10 deliveries.

   b. Estimated length of delivery vehicles.
      i. 31.25% 0 to 20' vehicle.
      ii. 12.5% 20' to 40' vehicle.
      iii. 43.75% 40' to 60' vehicle.
      iv. 12.5% 60' to 80' vehicle.

All responses have been attached for review.
City of Birmingham S. Eton Commercial Traffic Review

Q1

What is the name and address of your business?

Answered: 17  Skipped: 0

Q2

Does the operation of your business require the use of commercial vehicles?

Answered: 17  Skipped: 0
Q3

**Approximately how many times per day do your commercial vehicles use S. Eton in a day?**

Answered: 17  Skipped: 0

- 1 to 3 times a day: 17 (65%) 3 responses
- 4 to 7 times a day: 17 (65%) 3 responses
- 7 to 10 times a day: 11 (41.18%) 2 responses
- 10 to 15 times a day: 0 (0%) 0 responses
- 15 or more times a day: 11 (41.18%) 2 responses
- Not applicable: 41 (16%) 7 responses

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Q4
What is the overall length of your largest commercial vehicle including the trailer?

Answered: 17  Skipped: 0

- Not applicable: 52.94% (9 responses)
- 10 to 20 feet: 5.88% (1 response)
- 20 to 40 feet: 29.41% (5 responses)
- 40 to 60 feet: 5.88% (1 response)
- 60 to 80 feet: 5.88% (1 response)
- Other (please specify): 0.00% (0 responses)

Q5

Do you receive deliveries from companies using commercial vehicles?

Answered: 16  Skipped: 1

- Yes: 87.50% (14 responses)
- No: 12.50% (2 responses)

Total: 16
Q6

How many times per week (on average) do you receive deliveries?

Answered: 17  Skipped: 0

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<th>Responses</th>
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<td>11.76%</td>
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<td>More than 10</td>
<td>11.76%</td>
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Total 17

Q7

How long do you believe is the longest commercial vehicle used to make your deliveries?

Answered: 16  Skipped: 1

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Q1: What is the name and address of your business?
   Bob Adams Towing Inc
   2499 Cole St
   Birmingham, MI 48009

Q2: Does the operation of your business require the use of commercial vehicles?
   Yes

Q3: Approximately how many times per day do your commercial vehicles use S. Eton in a day?
   15 or more times a day.

Q4: What is the overall length of your largest commercial vehicle including the trailer?
   60 to 80 feet.

Q5: Do you receive deliveries from companies using commercial vehicles?
   Yes

Q6: How many times per week (on average) do you receive deliveries?
   1 to 3

Q7: How long do you believe is the longest commercial vehicle used to make your deliveries?
   60 to 80 feet.
Q1: What is the name and address of your business?
Downriver Refrigeration Supply
925 S. Eton

Q2: Does the operation of your business require the use of commercial vehicles?
Yes

Q3: Approximately how many times per day do your commercial vehicles use S. Eton in a day?
1 to 3 times a day.

Q4: What is the overall length of your largest commercial vehicle including the trailer?
20 to 40 feet.

Q5: Do you receive deliveries from companies using commercial vehicles?
Yes

Q6: How many times per week (on average) do you receive deliveries?
4 to 7

Q7: How long do you believe is the longest commercial vehicle used to make your deliveries?
60 to 80 feet.
Q1: What is the name and address of your business?
2015 Hazel st., Ste. C, Birmingham, MI 48009

Q2: Does the operation of your business require the use of commercial vehicles?
No

Q3: Approximately how many times per day do your commercial vehicles use S. Eton in a day?
Not applicable.

Q4: What is the overall length of your largest commercial vehicle including the trailer?
Not applicable.

Q5: Do you receive deliveries from companies using commercial vehicles?
No

Q6: How many times per week (on average) do you receive deliveries?
1 to 3

Q7: How long do you believe is the longest commercial vehicle used to make your deliveries?
0 to 20 feet
Q1: What is the name and address of your business?
2051 Villa Rd. #202

Q2: Does the operation of your business require the use of commercial vehicles?
No

Q3: Approximately how many times per day do your commercial vehicles use S. Eton in a day?
4 to 7 times a day.

Q4: What is the overall length of your largest commercial vehicle including the trailer?
Not applicable.

Q5: Do you receive deliveries from companies using commercial vehicles?
Yes

Q6: How many times per week (on average) do you receive deliveries?
1 to 3

Q7: How long do you believe is the longest commercial vehicle used to make your deliveries?
Respondent skipped this question
Q1: What is the name and address of your business?
   - Big Rock Chophouse
   - The Reserve

Q2: Does the operation of your business require the use of commercial vehicles?
   Yes

Q3: Approximately how many times per day do your commercial vehicles use S. Eton in a day?
   7 to 10 times a day.

Q4: What is the overall length of your largest commercial vehicle including the trailer?
   20 to 40 feet.

Q5: Do you receive deliveries from companies using commercial vehicles?
   Yes

Q6: How many times per week (on average) do you receive deliveries?
   More than 10.

Q7: How long do you believe is the longest commercial vehicle used to make your deliveries?
   40 to 60 feet
Q1: What is the name and address of your business?  
Lauren Associates, 2254 Cole  
Many other tenants in building that use commercial vehicles

Q2: Does the operation of your business require the use of commercial vehicles?  
Yes

Q3: Approximately how many times per day do your commercial vehicles use S. Eton in a day?  
4 to 7 times a day.

Q4: What is the overall length of your largest commercial vehicle including the trailer?  
40 to 60 feet.

Q5: Do you receive deliveries from companies using commercial vehicles?  
Yes

Q6: How many times per week (on average) do you receive deliveries?  
More than 10.

Q7: How long do you believe is the longest commercial vehicle used to make your deliveries?  
40 to 60 feet
Q1: What is the name and address of your business?
Canine Academy

Q2: Does the operation of your business require the use of commercial vehicles?
Yes

Q3: Approximately how many times per day do your commercial vehicles use S. Eton in a day?
1 to 3 times a day.

Q4: What is the overall length of your largest commercial vehicle including the trailer?
10 to 20 feet.

Q5: Do you receive deliveries from companies using commercial vehicles?
Yes

Q6: How many times per week (on average) do you receive deliveries?
1 to 3

Q7: How long do you believe is the longest commercial vehicle used to make your deliveries?
0 to 20 feet
Q1: What is the name and address of your business?
Roy, Shecter & Vocht, P.C.

Q2: Does the operation of your business require the use of commercial vehicles?
No

Q3: Approximately how many times per day do your commercial vehicles use S. Eton in a day?
Not applicable.

Q4: What is the overall length of your largest commercial vehicle including the trailer?
Not applicable.

Q5: Do you receive deliveries from companies using commercial vehicles?
Yes

Q6: How many times per week (on average) do you receive deliveries?
4 to 7

Q7: How long do you believe is the longest commercial vehicle used to make your deliveries?
0 to 20 feet
Q1: What is the name and address of your business?
Deneweth Properties
707/717 S. Eton

Q2: Does the operation of your business require the use of commercial vehicles?
No

Q3: Approximately how many times per day do your commercial vehicles use S. Eton in a day?
Not applicable.

Q4: What is the overall length of your largest commercial vehicle including the trailer?
Not applicable.

Q5: Do you receive deliveries from companies using commercial vehicles?
Yes

Q6: How many times per week (on average) do you receive deliveries?
4 to 7

Q7: How long do you believe is the longest commercial vehicle used to make your deliveries?
20 to 40 feet
Q1: What is the name and address of your business?

Newingham Dental Center
2425 E. Lincoln St. #110
Birmingham, MI 48009

Q2: Does the operation of your business require the use of commercial vehicles?

No

Q3: Approximately how many times per day do your commercial vehicles use S. Eton in a day?

Not applicable.

Q4: What is the overall length of your largest commercial vehicle including the trailer?

Not applicable.

Q5: Do you receive deliveries from companies using commercial vehicles?

Yes

Q6: How many times per week (on average) do you receive deliveries?

1 to 3

Q7: How long do you believe is the longest commercial vehicle used to make your deliveries?

0 to 20 feet
Q1: What is the name and address of your business?
2205 Holland Street

Q2: Does the operation of your business require the use of commercial vehicles?
Yes

Q3: Approximately how many times per day do your commercial vehicles use S. Eton in a day?
15 or more times a day.

Q4: What is the overall length of your largest commercial vehicle including the trailer?
20 to 40 feet.

Q5: Do you receive deliveries from companies using commercial vehicles?
Yes

Q6: How many times per week (on average) do you receive deliveries?
1 to 3

Q7: How long do you believe is the longest commercial vehicle used to make your deliveries?
40 to 60 feet
Q1: What is the name and address of your business?
2305 Cole Street

Q2: Does the operation of your business require the use of commercial vehicles?
No

Q3: Approximately how many times per day do your commercial vehicles use S. Eton in a day?
Not applicable.

Q4: What is the overall length of your largest commercial vehicle including the trailer?
Not applicable.

Q5: Do you receive deliveries from companies using commercial vehicles?
Yes

Q6: How many times per week (on average) do you receive deliveries?
4 to 7

Q7: How long do you believe is the longest commercial vehicle used to make your deliveries?
40 to 60 feet
Q1: What is the name and address of your business?
Griffin Claw Brewery
575 S. Eton

Q2: Does the operation of your business require the use of commercial vehicles?
Yes

Q3: Approximately how many times per day do your commercial vehicles use S. Eton in a day?
Not applicable.

Q4: What is the overall length of your largest commercial vehicle including the trailer?
Not applicable.

Q5: Do you receive deliveries from companies using commercial vehicles?
Yes

Q6: How many times per week (on average) do you receive deliveries?
7 to 10

Q7: How long do you believe is the longest commercial vehicle used to make your deliveries?
40 to 60 feet
Q1: What is the name and address of your business?
Dogtopia

Q2: Does the operation of your business require the use of commercial vehicles?
No

Q3: Approximately how many times per day do your commercial vehicles use S. Eton in a day?
Not applicable.

Q4: What is the overall length of your largest commercial vehicle including the trailer?
Not applicable.

Q5: Do you receive deliveries from companies using commercial vehicles?
Respondent skipped this question

Q6: How many times per week (on average) do you receive deliveries?
1 to 3

Q7: How long do you believe is the longest commercial vehicle used to make your deliveries?
0 to 20 feet
Q1: What is the name and address of your business?
1081 S Eton Street

Q2: Does the operation of your business require the use of commercial vehicles?
Yes

Q3: Approximately how many times per day do your commercial vehicles use S. Eton in a day?
1 to 3 times a day.

Q4: What is the overall length of your largest commercial vehicle including the trailer?
Not applicable.

Q5: Do you receive deliveries from companies using commercial vehicles?
Yes

Q6: How many times per week (on average) do you receive deliveries?
7 to 10

Q7: How long do you believe is the longest commercial vehicle used to make your deliveries?
20 to 40 feet
Mayor Nickita was comfortable with Logo #1, but agreed a unified agreement by the Commission was preferred.

Brief discussion ensued regarding options for next steps.

Commissioner DeWeese strongly supported an icon in the logo. He stated he will vote against his own motion because the Commission should be unified in the decision. Commissioner DeWeese commented the logo needs to be something people will accept and identify with.

Commissioner Deweese moved to withdraw his motion. Mayor Pro Tem Harris did not support the motion to withdraw.

VOTE: Yeas, 2 (Harris, Boutros)
Nays, 5 (Bordman, DeWeese, Hoff, Nickita, Sherman)
Absent, 0

Motion failed.

Mark Canavan, McCann Detroit, explained that identity of a logo is a day-forward process, meaning a logo gains meaning with every touchpoint and is meant to grow over 10 or 20 years.

Mayor Nickita asked what the next step is that will help build consensus, stating he wants to build on momentum, not falter. He asked if meeting with McCann Detroit or taking City Manager Valentine’s suggestion of workshops should be the next step.

The McCann Detroit representatives indicated time is needed to think about the next step. Mayor Nickita felt it would probably be worthy of the effort to have McCann Detroit put together some suggestions for how to move forward to create consensus.

Commissioner Boutros favored focusing on refining Logo #1.

Commissioners Hoff and Bordman expressed interest in showing the logos to other people to gauge reactions. Commissioner Bordman wondered if receiving reactions from others would crystalize her thoughts and help her determine if one of the logos is the right one.

No action was taken.

07-211-17 S. ETON RD. CORRIDOR – MAPLE RD. TO LINCOLN AVE. MULTIMODAL TRANSPORTATION BOARD RECOMMENDATIONS

City Engineer O'Meara's report to City Manager Valentine, dated July 19, 2017, is excerpted in regard to four suggested changes on the first block of S. Eton Rd.:

The Ad Hoc Rail District Committee identified four suggested changes on the first block of S. Eton Rd. They are as follows:

1. Relocate the west side curb for the entire block from its current location to a point three feet closer to the center of the road. Relocating the curb takes the extra space currently available on the one southbound lane of S. Eton Rd., and makes it available for an enhanced 8 ft. wide sidewalk (up from the existing 5 ft.). The recommendation came from the fact that the current sidewalk is the main
walking path for residents who live to the southwest, and wish to walk to other areas east of the railroad tracks. Second, since the current sidewalk is directly adjacent to the traffic lane, the wider pavement would help make the block more pedestrian friendly.

2. **Install an island within the S. Eton Rd. crosswalk.** The original design from the Rail District Committee was sized to accommodate trucks that need up to a 40 ft. turning radius. This was based on the usual convention in the City that most trucks are of this size, or smaller. The island as designed would reduce the distance for pedestrians to have to cross the road unprotected from traffic. Although the traffic signal is timed so that most pedestrians can easily cross on one signal cycle, if for some reason they have to stop in the middle, they would be able to do so. The revised plan attached to this package depicts an island that is able to accommodate trucks with a 50 ft. turning radius.

3. **Install an enlarged pedestrian waiting area adjacent to the handicap ramp on the southeast corner of Maple Rd.** Since additional right-of-way exists in this area, the additional concrete is a relatively low cost improvement that will help make the area more pedestrian friendly.

4. **Install sharrows for bicycles on both the north and southbound lanes.** Several board members expressed concern that it is unfortunate that the City is designing improved biking facilities both north and south of this area, and yet the biking environment on this block could use more improvement. Due to the limited right-of-way, and the clear need to maintain three traffic lanes, no separate bike lane facility can be recommended in this area at this time.

As noted above, three businesses represented at the June 1 public hearing took issue with designing this intersection to a 40 ft. truck turning radius standard. The business people present reminded the Board that Maple Rd. & S. Eton Rd. are the only legal roads that can be used by large trucks to get in and out of the Rail District. (Other routes, such as E. Lincoln Ave. and S. Eton Rd. south to 14 Mile Rd. have restrictions on through truck traffic.) Of particular concern was Adams Towing, which stated they regularly drive larger trucks through the intersection, and that when towing an extremely long vehicle, such as a school bus, even the existing intersection is too small. Bolayr Lumber and Downriver Refrigeration, also represented at the June 1 meeting, made similar representations that they either own and operate, or have deliveries from third parties that regularly use larger trucks.

The Board asked staff to survey all businesses in the district to better understand the frequency of this type of traffic. Over 90 Rail District businesses were sent an email asking for input by answering a short survey about the number and size of trucks that were regularly used by their business. A total of 17 businesses responded. The MMTB reviewed the results at their meeting of July 20, 2017. In order to get as much feedback about this issue as possible, staff invited the three business people that attended the public hearing to come back and discuss the matter further at their July 20 meeting. The following conclusions were drawn:

- When entering the district, trucks with a turning radius in excess of 50 ft. would generally have to enter Eton Rd. heading eastbound only. Attempting to make a left on to Eton Rd. westbound is already not feasible for most of these trucks, due to the height limitations imposed by the adjacent railroad bridge. If the intersection is designed for trucks with a 50 ft. turning radius, trucks will be able to enter the
district from Maple Rd., heading from either direction (assuming that they can clear the railroad bridge).

- When exiting the district, most trucks already make a left turn on to westbound Maple Rd. Making a right turn is difficult or impossible for most large trucks even today, again due to the height and size of the railroad bridge.
- With input from F&V, the Board concluded that trucks that require a 62 ft. turning radius are not frequent in this area. Those choosing to use these large trucks will have to use Maple Rd. to the west to enter and exit the area, which they likely already do today, due to the height and location of the adjacent railroad bridge. Designing the intersection for the largest trucks would make the installation of any island impractical.

To summarize, the southwest corner of the intersection is being moved in to provide a larger sidewalk area. Moving it any further, however, would restrict the important right turn movement from Maple Rd. on to Eton Rd. Installing the modified island shown on the revised plan takes advantage of the space in the intersection that is not generally used, and will improve the pedestrian crossing for those crossing Eton Rd. on the south side of Maple Rd.

In response to a question from Commissioner Bordman, City Engineer O'Meara explained:

- The third drawing is the only one being recommended, and the width of the island at the widest point, on the Maple Road frontage, is approximately 11’.
- The island shown in the first two drawings is the same, and is approximately 15’ long on the Maple Road frontage.
- The design with the larger island does not accommodate 50’ trucks.

Mayor Nickita commented:

- The primary concern for this construction season is the Maple/S. Eton intersection.
- The rest of the street is planned for next season.
- The goal is to accommodate the expected increase in pedestrian traffic when Whole Foods opens, and to provide safety for pedestrians.

In response to questions from Mayor Nickita regarding the deadline for the City Commission to approve the project for the current construction season, City Engineer O'Meara noted:

- The work was bid as a part of the City's 2017 Concrete Sidewalk Program.
- The contractor will be here through all of August.
- It will be tight if the Commission doesn’t approve the project until August 14, but he believes the project can still be completed this year.
- Parts 2 and 3 of the S. Eton Road plans require further study.

Mayor Nickita stated the Commission did not receive the drawings from the City Clerk’s office until 3:00 today, and it would be inappropriate for the Commission to move forward without having had adequate time to study the drawings.

Commissioner DeWeese asked for better scale in the drawings, and Mayor Nickita asked for the three options to be labeled.

Commission Sherman:

- Received confirmation from City Engineer O'Meara that the majority of the truck traffic is coming from the west and making a right turn onto Eaton.
• Suggested not allowing trucks heading west to make a left turn on that section of Eton, which solves a lot of issues and concerns, because the intersection would only be dealing with automobiles as opposed to 50' trucks.

Mayor Nickita received consensus from the Commission to postpone the decision on the intersection until the August 14, 2017 Commission meeting, but to move forward with discussion with the City's traffic consultant and the public in attendance.

Commissioner Hoff supported having the drawings identified such as version 1, 2, and 3, and asked for some dimensions on the drawings, too, stating they are very hard to read.

Commissioner Sherman pointed out there is a scale on the upper corner of the drawings. Commissioner DeWeese commented the scale cannot be read unless the Commission receives engineering-sized drawings.

Mayor Nickita, addressing traffic consultant Mike Labadie from Fleis & Vandenbrink, stated:
• The key issue is pedestrian safety.
• The subject intersection has no pedestrian relief in the long distance from curb to curb.
• A notable increase in pedestrian traffic will ensue when Whole Foods opens.
• He would like Mr. Labadie to address whether the criteria for the design is pedestrian safety or accommodating trucks.

Mr. Labadie explained there is only one option, and the three different drawings show three different truck sizes.

City Engineer O'Meara clarified the first two drawings show the original 40' truck turning radius, but the recommendation from the Multi-Modal Transportation Board (MMTB) recommends 50' trucks be accommodated because there is enough turning radius.

Mayor Nickita again stated pedestrian safety is priority number one, and asked:
• How will access, which is very important for people who live, work and play in the district, and safety be accommodated while also accommodating the needs of business owners.
• Has the MMTB thoroughly discussed and studied all the options.

Mr. Labadie affirmed the MMTB has studied the options, and commented:
• The two components, truck movements and improving pedestrian movement, or making pedestrians safer by shortening the distance in which they are exposed to traffic, are competing with each other.
• There is the minimum room necessary for a 50’ truck to get through the intersection with a pedestrian island.
• The island should not be thought of as a refuge island, because there is going to be a big change at the signal operation when Whole Foods opens which will provide adequate time for pedestrians to cross the intersection.
• The pedestrian island is not needed, and he would hope pedestrians would not use it as a refuge.
• The idea to address the two competing interests is to have both truck and car movements slowed and to encourage more careful driving.
• It can't be made narrower because the trucks won't fit.
Mayor Nickita asked if a study has been conducted on the number of trucks coming from the east and making a left turn at the intersection, and if it is known that it is not a problem for trucks to come from the west to turn. Mayor Nickita confirmed for Mr. Labadie that he would like traffic counts separated by trucks and size of trucks.

Commissioner Sherman noted:
- It appears there is not a lot of truck traffic coming from the east going west and making a left turn.
- Restricting trucks from making a left turn would mean the island could be designed without concern for the radius of trucks.
- We are designing the intersection to make it more pedestrian friendly and safer.
- The issue that remains is if trucks can make a right turn onto Eton, are pedestrians safe and have we made this intersection more user friendly.

Mayor Nickita stated the central island can be designed to accommodate an occasional left turn by using rolling curbs rather than solid curbs. He asked again if the MMTB has explored these options so that safety is maximized for pedestrians on this corner and the concerns of the business community and the public are still addressed.

Mr. Labadie confirmed that is exactly what the MMTB has done. Mayor Nickita disagreed, saying the result doesn’t support it. He indicated he’ll get into the questions at the next meeting.

Commissioner Bordman supported no left turn by trucks of a certain size, but expressed concern about smaller trucks that can easily make the turn.

Mayor Pro Tem Harris:
- Echoed Mayor Nickita and Commissioner Sherman’s remarks, but also cautioned that consideration has to be given to beer trucks, UPS trucks and other types of trucks that can fit and make the turn.
- Said he wants to hear more data and more analysis.
- Received confirmation from City Engineer O’Meara that the proposed crosswalk markings will be consistent with the new policy.

Commissioner DeWeese commented:
- He would like to see a limit on the size of trucks allowed to make a turn, suggesting a limit of 40’ or 50’ and, noting that some people may cheat, suggested it be built to handle 45’-50’ trucks.
- The precedent has already been set in the decisions made for downtown where our fire truck has make turns in a certain direction.
- Expectations for the subject intersection have been applied to the City’s fire department.

Commissioner Hoff said that, in addition to trucks, she is very concerned with the amount of traffic and the safety of pedestrians because there will be a big increase in traffic when Whole Foods opens in November. City Engineer O’Meara indicated the intersection would be built in late August.

Jake Bolyard, Bolyard Lumber, explained his business utilizes trucks that are in excess of 68’ and the project as proposed is going to prohibit deliveries and impact his business tremendously.
Commissioner Sherman pointed out trucks have to be able to get through the intersection coming from the west. Mayor Pro Tem Harris asked the maximum length of a truck that would be allowed heading east on Maple going south on Eton. City Engineer O'Meara replied a 62' truck is barely clearing on a right turn, so left turns can be banned but we still have to deal with right turns.

Mr. Bolyard noted his trucks cannot go east because of the bridge and estimated his business has six to eight trucks per day. He confirmed for Commissioner Hoff trucks can make it to the business with the way the intersection is currently configured. He verified for Commissioner Hoff that the island is the deterrent.

Mayor Nickita explained if the island has a rolling curb trucks can drive over it and requested a drawing showing a radius for westbound 62’ trucks.

Brian Bolyard said he has been attending the MMTB meetings and has the same problem as the Commission understanding the drawings. He noted the need for an updated drawing with a westbound 62’ truck to show the effect on the turning radius.

Commissioner DeWeese requested, for the next meeting, a clear understanding of how the transition for bicycles in the second block will work both in theory and in practice, and a report on the safety of the configuration.

The Commission requested the action item be moved to the next meeting agenda.

No action taken.

07-212-17 361 E. MAPLE – HISTORIC DESIGNATION REMOVAL REQUEST
Senior Planner Baka reported:
- The owner of the property located at 361 E. Maple has requested that the City Commission consider removing the historic designation of their building as a contributing historic resource within the City of Birmingham.
- The property owner has submitted an application to the Planning Board requesting to demolish the building as part of a redevelopment proposal.
- The process for removing designation from a property or structure as a contributing historic resource is outlined in section 127-5 of the City Code.
- The first step in the process towards considering eliminating the historic designation of this property is for the City Commission to pass a resolution directing the Historic District Study Committee to commence with the creation of a study committee report as outlined in section 127-4 of the City Code.

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Boutros:
To adopt the resolution directing the Historic District Study Committee to prepare a study committee report for 361 E. Maple as outlined in section 127-4 of the City Code. Formal resolution appended to minutes as Attachment B.

VOTE: Yeas, 7
Nays, 0
Absent, 0

07-213-17 REQUEST FOR CLOSED SESSION – PERFORMANCE EVALUATION
MEMORANDUM

DATE: August 4, 2017

TO: Joseph Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Maple Rd. & S. Eton Rd. Intersection Multi-Modal Transportation Board Improvements

At the City Commission meeting of July 28, 2017, a package of recommendations from the Multi-Modal Transportation Board (MMTB) for S. Eton Rd. (Maple Rd. to Lincoln Ave.) was prepared for the agenda. Information prepared at that time did not have complete data relative to current demands for trucks turning in the area. Since the matter was postponed, staff took advantage of the additional time to collect actual truck turning and pedestrian count data for this intersection, which is now attached, and summarized in Appendix A. Also attached is a recommendation from the City’s consultant to the MMTB, Fleis & Vandenbrink.

TRAFFIC ISLAND DESIGN

Although more detailed findings are listed in Appendix A, the important findings from the traffic counts are as follows:

- A relatively significant number of trucks use this intersection on a daily basis. Large truck movements to and from the bridge are not as restricted as had been thought from statements made at the previous public hearing. An even more significant number of pedestrians use the intersection, which is expected to increase in the future.
- The design recommended in this package features both a street narrowing on the SW corner of the intersection, and a traffic island that can accommodate a WB-50 truck.
- On the Thursday that was counted, a total of ten trucks in the WB-62 category drove through this intersection. Five of those trips were turning on to S. Eton (three making a right turn, two making a left). Based on the truck turning diagram, the right turn movement will require driving on the island as much or more than the left turn movement. Given the frequency of these movements, installation of a landscape area will be impractical. Likewise, banning left turns into the district would cause additional travel on other streets, as well as inconvenience, while not allowing any improvements to the traffic island design.

Based on the above, the traffic island has been modified to have the following design features:

1. Mountable curbs will be used on all sides so that trucks can drive over it when necessary.
2. The previously proposed landscape area will be removed and replaced with concrete to reduce ongoing maintenance problems. A colored or patterned concrete can be installed in this area if so desired.
3. No signs or upright markers can be installed on the island. Drivers will see the island based on pavement markings, raised concrete, etc.

The other design elements of the S. Eton corridor (other than the area near Maple Rd.) were not discussed at the previous City Commission meeting. This area includes Yosemite to Lincoln. In order to ensure a coordinated corridor, the section of S. Eton from Lincoln to 14 Mile will be brought to the Multi-Modal Transportation Board for review in conjunction with the section from Yosemite to Lincoln. From a timing perspective, we can incorporate the construction of the changes north of Yosemite in the 2017 Sidewalk Contract and have them completed in conjunction with the opening of the Whole Foods project this year. The remaining sections of the corridor will be studied further down to 14 Mile and a complete plan will be presented for approval at a later date.

S. ETON RD. - MAPLE RD. TO YOSEMITE BLVD.

SUGGESTED RESOLUTION:

To endorse the Multi-Modal Transportation Board recommendations as modified for S. Eton Rd. from Maple Rd. to Yosemite Blvd., as described below:

1. Relocation of the west side curb of S. Eton Rd. from Maple Rd. to Yosemite Blvd. three feet closer to the center, allowing the installation of an 8 ft. wide sidewalk behind the relocated curb.
2. Installation of a traffic island at the Maple Rd. & S. Eton Rd. intersection to improve safety for pedestrians crossing on the south side of Maple Rd.
3. Installation of a wider sidewalk adjacent to the handicap ramp at the southeast corner of Maple Rd. & S. Eton Rd.
4. Installation of sharrows on green painted squares for both directions

AND

To confirm that the work on the block south of Maple Rd. shall be included as a part of the 2017 Concrete Sidewalk Program, Contract #3-17(SW), at an estimated total cost of $70,000, to be charged to account number 202-449.001-981.0100.

AND

To direct the Multi-Modal Transportation Board to study and provide recommendations for bike route improvements for the area of S. Eton Rd. from Lincoln Ave. to 14 Mile Rd., then return to the City Commission with a package of Multi-Modal recommendations for the entire corridor.
August 4, 2017

VIA EMAIL

Mr. Paul O'Meara  
City Engineer  
City of Birmingham  
151 Martin Street  
Birmingham, MI 48012  

RE: Maple Road & S. Eton Proposed Intersection Design

Dear Mr. O'Meara,

The purpose of this letter is to provide an interpretation of the traffic count information contained in Appendix A and the previously prepared truck turning analysis, road geometrics and user surveys. This interpretation is intended to assist in the decision making process regarding the installation of a channelized right-turn island on the south leg of South Eton at Maple. This improvement was included in the recommendations from the Ad Hoc Rail District Committee as part of the overall multi-modal improvements planned for South Eton in the Rail District.

The Ad Hoc Committee presented recommendations and island design to the Multi-Modal Transportation Board, who subsequently modified the design to accommodate WB-50 truck turning movements at this intersection.

This letter includes a summary of the of “pros” and “cons” associated with the proposed design to aid the City in the consideration of the proposed improvement at this intersection.

Pros

- The proposed right-turn island incorporates the following measures traffic calming: 1) Narrowing the real or apparent width of the street and 2) deflecting (introducing curvature to) the vehicle path. A traffic island will calm all traffic movements entering and exiting South Eton at Maple. This improvement is in the location of the intersection for all road users, and especially pedestrians which will benefit from the “calmed” traffic movements.

- The proposed island is consistent with the City’s goal of a multi-modal community by improving the safety of the intersection for all road users, and especially pedestrians which will benefit from the “calmed” traffic movements.

- The proposed raised channelized right-turn island will provide greater detectability of the pedestrians by motorists. In addition, the Federal Highway Administration recommends channelized right-turns at signalized intersections to reduce crashes by providing increased visibility for vehicles turning right and though vehicles coming from the left on the cross-street. (NCHRP Report 500 / Volume 12: A Guide for Reducing Collisions at Signalized Intersections, Strategy B2).

- The island will be designed to accommodate all movements of trucks and buses at this intersection and will not be a hazard for snow removal equipment. This design will include an concrete island with mountable curb, no landscaping, and geometric features to accommodate a WB-50 turning radius.
Cons

- To accommodate all movements of trucks at this intersection, there is a need to include mountable curb with no landscaping.
- The island could be perceived to be a “pedestrian refuge” island by pedestrians. The “walk time” provided by the traffic signal at this intersection will allow pedestrians to walk the entire distance across the approach so a pedestrian refuge is not necessary. Considering the paths that the trucks make pedestrians standing on this island would not be appropriate.

Recommendation

- We support placing a channelized right-turn island at this location. The number of pedestrians that cross at this location are higher than the few number of trucks that may use this intersection. In addition, trucks that make this turn should be aware of their surroundings when making turns and should not make their turn if pedestrians are waiting on the island.

If you have any questions, please feel free to contact us.

Sincerely,

FLEIS & VANDENBRINK

Michael J. Labadie, PE
Group Manager
In order to provide more definitive information about the current demand for truck traffic entering and exiting the Rail District commercial area via this intersection, traffic count data was taken using cameras on Thursday, July 27, from 7 AM to 7 PM. Only vehicles traveling on S. Eton directly south of Maple Rd. were counted. Pedestrians were also counted at the intersection, which includes data regarding the total number of people that used the Eton Rd. crosswalk where the channelized right-turn island is proposed and the Maple Rd. crosswalk over the course of the 12-hour period.

Focusing on items of interest with respect to the design of a channelized right-turn island on the south leg of the intersection, the following can be drawn from the data:

- A total of 21 buses were counted, a number that likely increases dramatically when school is in session. School buses are smaller than a WB-40 truck and subsequently requires a smaller turning radius, therefore they are not a determining factor in the design.
- For arterial intersections with collectors, the WB-40 design vehicle is generally appropriate and the WB-50 should be used where specific circumstances warrant. For arterial-arterial intersections, the WB-62 design vehicle should be considered.
- The WB-40 truck category is an intermediate semi-trailer, and we commonly use this category truck to design turning movements in the downtown area. This assumption is used because it is difficult in general to maneuver a truck any larger than this in a dense urban environment, and this is generally understood by the trucking industry. A total of 22 trucks were counted in the 12-hour period. The distribution shows that the various turning movements are relatively evenly distributed:

<table>
<thead>
<tr>
<th>TURNING MOVEMENT</th>
<th>Quantity</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>W. Bound Left (from under bridge) to S. Bound Eton</td>
<td>4</td>
<td>18%</td>
</tr>
<tr>
<td>N. Bound Right (heading under bridge) to E. Bound Maple</td>
<td>6</td>
<td>27%</td>
</tr>
<tr>
<td>N. Bound Left to W. Bound Maple</td>
<td>5</td>
<td>23%</td>
</tr>
<tr>
<td>E. Bound Right to S. Bound Eton</td>
<td>7</td>
<td>32%</td>
</tr>
</tbody>
</table>

- The WB-50 is also classified as an intermediate semi-trailer and the representation of this category at the intersection was very small. Only 2 trucks were counted during the 12-hour period.
- The WB-62 is an interstate semi-trailer and is the largest truck generally seen on City streets. They are typically used for long distance deliveries and limited access freeway trips. A total of 10 trucks were counted in this category, distributed as described below:

<table>
<thead>
<tr>
<th>TURNING MOVEMENT</th>
<th>Quantity</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>W. Bound Left (from under bridge) to S. Bound Eton</td>
<td>2</td>
<td>20%</td>
</tr>
<tr>
<td>N. Bound Right (heading under bridge) to E. Bound Maple</td>
<td>1</td>
<td>10%</td>
</tr>
<tr>
<td>N. Bound Left to W. Bound Maple</td>
<td>4</td>
<td>40%</td>
</tr>
<tr>
<td>E. Bound Right to S. Bound Eton</td>
<td>3</td>
<td>30%</td>
</tr>
</tbody>
</table>
After input from Rail District business representatives, the MMTB thought that these trucks could not make it under the bridge, and movements to or from the east could be neglected. During the 12-hours of data collection on the day counted, they represented 30% of the turning movements.

The pedestrian counts represent the total number of people that used the Eton Rd. crosswalk where the channelized right-turn island is proposed (45), and the total number of people that used the Maple Rd. crosswalk over the course of the 12-hours (76). The counts do not distinguish which direction the pedestrians are walking. The number counted for the Eton Rd. crossing averages to 3.75 people per hour, with a low of 0 for the hour starting at 11:00 AM, and a high of 9 for the hour starting at 2 PM. For the Maple Rd. crossing, the average number of pedestrians was 6.33 people per hour, with a low of 1 for the hour starting at 7:00 AM, and a high of 19 for the hour starting at 5:00 PM. When school returns to session and Whole Foods opens there may be an increase in pedestrian activity at this intersection.
### Traffic Study Performed For:
**City of Birmingham, Engineering Dept.**

**Project:** Birmingham Truck Study  
**Type:** 12 Hr. Video Turning Movement Count  
**Weather:** Sunny/ Pt. Cldy, Dry Deg. 80's  
**Count By:** Miovision Video SCU 34N  

<table>
<thead>
<tr>
<th>E. Maple Road Westbound</th>
<th>S. Eaton Street Northbound</th>
<th>E. Maple Road Eastbound</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Start Time</strong></td>
<td><strong>Thru</strong></td>
<td><strong>Left Peds</strong></td>
</tr>
<tr>
<td>07:00 AM</td>
<td>0</td>
<td>41</td>
</tr>
<tr>
<td>07:15 AM</td>
<td>0</td>
<td>48</td>
</tr>
<tr>
<td>07:30 AM</td>
<td>0</td>
<td>47</td>
</tr>
<tr>
<td>07:45 AM</td>
<td>0</td>
<td>71</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>0</td>
<td>207</td>
</tr>
<tr>
<td>08:00 AM</td>
<td>0</td>
<td>49</td>
</tr>
<tr>
<td>08:15 AM</td>
<td>0</td>
<td>61</td>
</tr>
<tr>
<td>08:30 AM</td>
<td>0</td>
<td>67</td>
</tr>
<tr>
<td>08:45 AM</td>
<td>0</td>
<td>66</td>
</tr>
<tr>
<td><strong>Total</strong></td>
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<td>283</td>
</tr>
<tr>
<td>09:00 AM</td>
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<td>62</td>
</tr>
<tr>
<td>09:15 AM</td>
<td>0</td>
<td>54</td>
</tr>
<tr>
<td>09:30 AM</td>
<td>0</td>
<td>50</td>
</tr>
<tr>
<td>09:45 AM</td>
<td>0</td>
<td>43</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>0</td>
<td>209</td>
</tr>
<tr>
<td>10:00 AM</td>
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<td>59</td>
</tr>
<tr>
<td>10:15 AM</td>
<td>0</td>
<td>46</td>
</tr>
<tr>
<td>10:30 AM</td>
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</tr>
<tr>
<td>10:45 AM</td>
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</tr>
<tr>
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<tr>
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<td>54</td>
</tr>
<tr>
<td>11:15 AM</td>
<td>0</td>
<td>57</td>
</tr>
<tr>
<td>11:30 AM</td>
<td>0</td>
<td>55</td>
</tr>
<tr>
<td>11:45 AM</td>
<td>0</td>
<td>63</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>0</td>
<td>229</td>
</tr>
<tr>
<td>12:00 PM</td>
<td>0</td>
<td>50</td>
</tr>
<tr>
<td>12:15 PM</td>
<td>0</td>
<td>61</td>
</tr>
<tr>
<td>12:30 PM</td>
<td>0</td>
<td>52</td>
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### Traffic Study Performed For:
**City of Birmingham, Engineering Dept.**

#### Project: Birmingham Truck Study

- **Type:** 12 Hr. Video Turning Movement Count
- **Weather:** Sunny/ Pt. Cldy, Dry Deg. 80's
- **Count By:** Miovision Video SCU 34N

**Groups Printed:** Pass Cars - Single Units - Buses - 40 - 50 - 62

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<th>S. Eaton Street Northbound</th>
<th>E. Maple Road Eastbound</th>
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</tr>
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**Comments:** 12 hour video traffic study conducted during typical weekday (Thursday) from 7:00 AM - 7:00 PM peak hours. Signalized "T" intersection, ped. signals for west & south legs. Video SCU camera was located within SW intersection quadrant. Turning movements recorded only by vehicle classification for following six (6) classifications 1) Passenger Cars (cars, pick ups, SUV's) 2) Single Units (SU-30 Delivery Trucks, Cement / Rental / Waste Trucks) 4) AASHTO WB-40 5) AASHTO WB-50 6) AASHTO WB-62 (Interstate Trucks includes Double Trailers).
Project: Birmingham Truck Study
Type: 12 Hr. Video Turning Movement Count
Weather: Sunny/Partly Cloudy, Dry, Deg. 80's
Count By: Miovision Video SCU 34N

File Name: TMC_1 EMaple&SEaton_7-27-17
Site Code: TMC_1
Start Date: 7/27/2017
Page No.: 3

Pass Cars
Single Units
Buses
WB-40
WB-50
WB-62

07:00 AM
06:45 PM

E. Maple Road
S. Eaton Street

North
Traffic Data Collection, LLC

tdccounts.com

Phone: (586) 786-5407

Traffic Study Performed For:
City of Birmingham, Engineering Dept.

Project: Birmingham Truck Study
Type: 12 Hr. Video Turning Movement Count
Weather: Sunny/ Pt. Clay, Dry Deg. 80's
Count By: Miovision Video SCU 34N

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<th>App. Total</th>
<th>Rgt</th>
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<th>Peds</th>
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<th>Thru</th>
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<td>75</td>
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<td>24</td>
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<td>11</td>
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<td>12</td>
<td>0</td>
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<td>56</td>
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<td>334</td>
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<tr>
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Peak Hour Analysis From 08:00 AM to 09:45 AM - Peak 1 of 1
Peak Hour For Entire Intersection Begins at 08:45 AM

Pass Cars | 247 | 247 | 269 | 53 | 1 | 323 | 58 | 0 | 4 | 62 | 832 |
% Pass Cars | 98.0 | 98.0 | 98.2 | 89.8 | 100 | 96.7 | 90.6 | 0 | 100 | 1 | 91.2 | 96.6 |
Single Units | 5 | 5 | 5 | 6 | 0 | 11 | 3 | 0 | 0 | 3 | 19 |
% Single Units | 2.0 | 2.0 | 2.0 | 2.0 | 0 | 3.3 | 4.7 | 0 | 0 | 0 | 4.4 | 2.9 |
Buses | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
% Buses | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
WB-40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
% WB-40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
WB-50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
% WB-50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
WB-62 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
% WB-62 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
WB-62 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
% WB-62 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Diagram of E. Maple Road and S. Eaton Street showing traffic volumes and flow.
### Traffic Data Collection, LLC

**Project:** Birmingham Truck Study  
**Type:** 12 Hr. Video Turning Movement Count  
**Weather:** Sunny/Partly Cloudy, Dry, Deg. 80's  
**Count By:** Miovision Video SCU 34N

**File Name:** TMC_1 EMaple&SEaton_7-27-17  
**Site Code:** TMC_1  
**Start Date:** 7/27/2017  
**Page No.:** 5

---

### Traffic Flow Analysis

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<th>E. Maple Road Eastbound</th>
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<td>Peds</td>
</tr>
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</tr>
<tr>
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<td>0</td>
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</tr>
<tr>
<td>12:00 AM</td>
<td>0</td>
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<td>0</td>
</tr>
<tr>
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**Total Volume:**

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**PHF:**

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**Pass Cars:**

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<td>219</td>
<td>274</td>
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**Pass Cars:**

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<td>0</td>
<td>219</td>
<td>274</td>
<td>51</td>
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<td>325</td>
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**Single Units:**

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<td>219</td>
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<td>325</td>
</tr>
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<td>8</td>
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**Buses:**

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<td>325</td>
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**Diagram:**

- **Pass Cars:**
  - E. Maple Road Westbound
  - S. Eaton Street Northbound
  - E. Maple Road Eastbound
  - WB-40
  - WB-50
  - WB-62

- **Single Units:**
  - E. Maple Road
  - S. Eaton Street

- **Buses:**
  - E. Maple Road
  - S. Eaton Street

- **Legend:**
  - 229 E. Maple Road
  - 285 S. Eaton Street

---

**Notes:**

- Peak Hour Analysis: From 11:30 AM to 12:15 PM
- Peak Hour for Entire Intersection Begins at 11:30 AM
- Peak Hour Analysis For: Birmingham Truck Study, Type: 12 Hr. Video Turning Movement Count, Weather: Sunny/Partly Cloudy, Dry, Deg. 80's
**Traffic Data Collection, LLC**

*tdccounts.com*

*Phone: (586) 786-5407*

**Traffic Study Performed For:**

**City of Birmingham, Engineering Dept.**

**Project:** Birmingham Truck Study  
**Type:** 12 Hr. Video Turning Movement Count  
**Weather:** Sunny/Pt. Clay, Dry Deg. 80’s  
**Count By:** Miovision Video SCU 34N

### Int. Total

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**Pass Cars**

**Single Units**

**Buses**

**WB-40**

**WB-50**

**WB-62**

---

**69**

**E. Maple Road**

**S. Eaton Street**

**Peak Hour Analysis From U2: UU HM to Ub: 45 NM - Peak 1 of 1**

**Peak Hour for Entire Intersection Begins at 05:00 PM**

---

**File Name:** TMC_1 EMaple&SEaton_7-27-17  
**Site Code:** TMC_1  
**Start Date:** 7/27/2017  
**Page No:** 6
Project: Birmingham Truck Study
Type: 12 Hr. Video Turning Movement Count
Weather: Sunny/Pt. Clay, Dry Deg. 80's
Count By: Miovision Video SCU 34N

File Name: TMC_1 EMaple&SEaton_7-27-17
Site Code: TMC_1
Start Date: 7/27/2017
Page No: 7

Aerial Photo

TMC_1 E. Maple Rd. & S. Eaton St.
are tied into together, they’re straight. As soon as you deviate from that, the poles are bent, and they’re going to lay down.

- DTE is going to need an easement from the primary to the secondary on the other side of the river, and the City is going to need this easement cleared out.

Mayor Nickita commented:

- It’s important to note this piece of land is not a park, it’s a City-owned property within the water shed, and it has a limited amount of use.
- The City will be mindful of the trees that are removed and what DTE will do, and will be working with the residents to replace the trees.
- The proposal has been studied extensively, and the result will be receiving funds to replace the trees that are removed, to add many more trees, and to clean up the site.
- The new easement is valuable to the City because the electricity that connects the center of the city to the north is susceptible to failure in storms, and according to what DTE has said this easement will diminish the likelihood the north side of the City losing power.

VOTE: Yeas, 7  
Nays, 0  
Absent, 0

08-227-17  MAPLE RD. & S. ETON RD. INTERSECTION MULTI-MODAL TRANSPORTATION BOARD IMPROVEMENTS

City Engineer O’Meara reported:

- Tonight we met out at the intersection of S. Eton, to discuss the potential approval of an island as well as other improvements to the intersection
- Julie Kroll from Fleis & Vandenbrink is present.
- A professional count was taken of both truck and pedestrian traffic making the turn in and out of Eton. Ten of the largest truck category, the WB-62 category, were counted. That is the size of the truck used tonight at the on-site demonstration.
- The MMTB thought some turning movements could be disqualified based on some of the reports heard during the public meeting, but in practice trucks are turning in and out in all directions possible.
- Staff is now suggesting a mountable island that is entirely concrete in the area that is not typically driven or walked on, which would slow traffic and make pedestrians feel safer traversing through the area.
- The island is not intended to be a refuge. The traffic signals will be set so that pedestrians should be able to walk through the entire intersection without feeling like they have to stop in the middle.

In response to comments from Mayor Nickita, Ms. Kroll stated Fleis & Vandenbrink was tasked with a concept to make the intersection safer as well as more pedestrian friendly, and to determine if trucks can navigate. Before the island can be designed as to materials, type of curb, etc., the Commission has to determine whether or not they want an island, and, if so, what size.

Commissioners were split on the question installing the island, with Commissioner DeWeese in favor of the smaller island to slow traffic and Commission Hoff feeling installing a mountable curb on a pedestrian island is in conflict. She suggested waiting and observing what happens.
with traffic signal adjustments. Commissioner Boutros suggested moving the island 5’ east. Mayor Nickita was strongly in favor of an island.

Generally the Commissioners agreed the right turn lane on Eton, which is supposed to be one lane, is being used by cars as two turn lanes, and the final plan needs to discourage cars from using it as two turn lanes while still allowing trucks room to turn.

Commissioner Hoff introduced discussion of waiting on the island but moving forward with widening the sidewalk and installing the ADA ramp as part of the 2017 Concrete Sidewalk Program, although she expressed concern with encouraging people to walk on that side of Eton and cross Eton at the subject crosswalk. Commissioner Bordman agreed, stating there are too many options regarding the island and she is not comfortable voting on it. Commissioner DeWeese agreed there was no disadvantage to expanding the sidewalk now, noting it would give pedestrians more space and narrow the road, which causes cars to be more careful.

Mayor Nickita noted it is a matter of scheduling. The Commission either votes to move forward now with a plan that is not fully designed because of an anticipated increase in the number of pedestrians when Whole Foods opens, on hold off until mid-summer 2018. He pointed out Whole Foods is opening in late October, so there will be more pedestrian traffic without any safety installations.

Commissioner Sherman observed pedestrians choose to cross further north at the top of the hill where Eton is narrower and suggested eliminating the subject crosswalk and moving it to where pedestrians are crossing. He noted the experienced truck driver was crossing the yellow line when turning onto Eton. He noted two cars are making right turns next to each other in a lane meant for one car. He said he didn’t have an opinion on the island because there are too many variables. Commissioner Sherman said the area being reviewed should be expanded beyond just the intersection.

Mayor Nickita commented:
- This is about creating a safe environment.
- People are going to cross where they want to cross and where it makes sense to cross.
- People do not want to walk more than they need to, and they definitely do not want to cross two streets when they can cross one, even if the one is not very good.
- The subject crosswalk needs to be made safe for pedestrians.
- The amount of time pedestrians are in an unsafe environment needs to be diminished, and the way to do that is to narrow the street edge to edge, add something in the middle which diminishes their exposure, and adding as much crosswalk and signage as needed.
- There are too many unanswered questions to make a decision.
- Safety is priority number one, congestion is another concern, and access for trucks is another concern, in that order.
- The only thing the Commission needs to consider right now is whether to widen the sidewalk on the west side, or take the whole project into next year for further investigation.

Commissioner DeWeese indicated in urban planning and walkability literature, having narrow sidewalks next to busy streets is not conducive to walkability. He felt widening the sidewalk will make it friendlier. He also commented putting yellow on the curbs to make them stand out, particularly from the west to the east and turning, to slow traffic. He saw no downside to
extending the sidewalk because it does not seem to make a difference for what the future
design will be for the crosswalk.

Mayor Pro Tem Harris supported the extension of the west side sidewalk for the reasons that
have been stated. He asked Mayor Nickita which of the four items recommended by staff for
the S. Eton Rd. – Maple Rd. to Yosemite Blvd. section he is advocating.

Mayor Nickita explained if the west side curb is widened now it might have to be redone to
accommodate the final crosswalk plan.

City Engineer O'Meara remarked it would be helpful to have the whole design at once because if
the crosswalk is widened to the new 12' crosswalk standard, the other corner will have to be
bigger, and it would be nice to coordinate the crosswalk markings all at once. If they change
next year they are going to get scratched up, and they are not going to look as good if they are
moved and put back a different way.

Mayor Nickita pointed out the importance of safety. The design of a street changes the way
people use it, particularly the actions of the drivers. If the street is narrowed, an island is
added, a crosswalk is added with a continental pattern of 12" wide, 2" strips, with 2" gaps, that
street would be significantly safer. The question is do we try it one more time and bring it back
before the end of the season, or do we take more time to look it over and address it for next
year.

Commissioner DeWeese indicated the issue should go back to the MMTB. The Commission
should have better options, context, awareness of the whole situation and the trade-offs.
Doing the curb on the west side is not going to change anything very much right now. He noted
he would make the intersection work for larger trucks, and he fully supported the island,
because even if it does not serve much point in terms of pedestrians it will serve a point in
slowing down traffic.

Commissioner Hoff was in favor of waiting until next year, as was Commissioner Bordman,
because there are currently too many variables.

Mayor Nickita stated:
- Truck access from the westbound to Eton worked well conceptually with the island, and
there is enough room for it. I do not anticipate that truck making that left from
westbound Maple. I think we should very seriously consider eliminating truck-turning
from that. We allow trucks to make that left already, we allow trucks to make that turn
under the bridge, we know there are a number of trucks that will not go that way
anyway, we recognize that routes are generally from the west, from Adams or
Woodward, and so with that being the case that obtuse angle allows the trucks to go,
and there is a reasonable amount of room if we have something like this island.
- The gap that allows cars to double up and turn right needs to be addressed.
- We have to recognize the fact that trucks are going to be limited in a day so typically
there will not be trucks going there when pedestrians are walking there, so for the most
part the design needs to be for the majority of the period when it is used with an
accommodation for when trucks are present. The intersection has to work for everyone
else all the time.
- Staff and the design team need to give us some clarity on those things, so that when we
or the MMTB see it again we can actually review those things more specifically and
hopefully get us to where we need to go, so that we are looking at an approval and not designing at the table.

Mayor Pro Tem Harris agreed with everything that has been said, and gave further direction to staff to collect data on multiple days with different lengths and frequency of trucks, the feasibility of having the island, the likelihood of vehicles stopping, and what happens if they do not.

Commissioner Bordman asked that data be collected after Whole Foods opens.

The Commission took no action.

### VI. NEW BUSINESS

08-228-17 PUBLIC HEARING FOR 211 S. OLD WOODWARD – BIRMINGHAM THEATER SPECIAL LAND USE PERMIT AND FINAL SITE PLAN

Commissioner Sherman recused himself based on a conversation with the City Attorney, and left the Commission room at 9:48 p.m.

Mayor Nickita opened the public hearing at 9:47 p.m.

City Planner Ecker reported:

- The subject site, Birmingham Theater, is located at 211 S. Old Woodward, on the east side of S. Old Woodward at Merrill.
- The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District.
- The applicant, Birmingham Teatro, LLC, is applying for a Special Land Use Permit (SLUP) to operate with a Class C liquor license under the new ordinance allowing a movie theater to operate with a liquor license.
- Birmingham Teatro is owned equally by Daniel Shaw and Nicholas Lekas, who in addition to operating the theater, are also part owners of Birmingham Theater, LLC, which is the sub-landlord for 211 S. Old Woodward.
- Article 2, section 2.37, B4 (Business-Residential) District requires that any establishment with alcoholic beverage sales (on-premise consumption) shall obtain a Special Land Use Permit.
- On July 12, 2017, the Planning Board conducted a public hearing and voted unanimously to recommend approval to the City Commission of the Special Land Use Permit ("SLUP") and Final Site Plan for 211 S. Old Woodward, Birmingham Theater, with no conditions.
- No exterior changes to the Birmingham Theater building are proposed.

Answering questions from commissioners, City Planner Ecker explained:

- Alcohol will be sold only on the upper level. Patrons may buy alcohol and take it down to the lower level.
- Birmingham Teatro is owned by Daniel Shaw and Nicholas Liekas, both of whom are also part owners of Birmingham Theater, the EA Fuller Oak Mgmt., and Fuller Oak Mgmt. One or more of the principals who are involved in Birmingham Teatro are also involved in the other organizations, but the SLUP resolution and the contract is with Birmingham Teatro LLC. So if the two owners in Birmingham Teatro LLC change or if they add a new owner, then they would have to come back.
DATE: December 27, 2018
TO: Multi-Modal Transportation Board
FROM: Jana Ecker, Planning Director  
      Scott Grewe, Police Commander  
      Paul T. O’Meara, City Engineer
SUBJECT: Maple Rd. & N. Eton Rd. Intersection – Signal Timing

Over the past several months, City staff have received numerous complaints regarding the timing and configuration of the signal at Maple and N. Eton Road. Specifically, concerns are related to drivers turning left out of the western Whole Foods driveway onto westbound Maple that are not yielding as required to the drivers turning right coming southbound on S. Eton to head westbound on Maple.

Accordingly, the City reached out to the Road Commission for Oakland County to determine if any timing changes had recently been made. In addition, City staff asked our transportation consultant, Fleis & Vandenbrink (“F & V”), to study the intersection timing, circulation and flow and recommend any changes or improvements that may be needed. Please find attached a report from F & V outlining their recommendations for your review.

SUGGESTED RESOLUTION:

To recommend approval of Alternative 1 as noted in F & V’s report dated December 27, 2018 to add a permissive flashing yellow left turn arrow for northbound left turning vehicles exiting the western Whole Foods driveway, at a cost of $6050.

OR

To recommend approval of Alternative 2 as noted in F & V’s report dated December 27, 2018 to add both a permissive flashing yellow left turn arrow and a protected green left turn arrow for northbound left turning vehicles exiting the western Whole Foods driveway at a cost of $7260.
December 27, 2018

VIA EMAIL

Mr. Paul O’Meara
City Engineer
City of Birmingham
151 Martin Street
Birmingham, MI 48012

RE: Maple Road & Eton Street Intersection Operations
Whole Foods Drive Approach

Dear Mr. O'Meara,

The purpose of this letter is to address concerns regarding the signal operations at the Maple Road & Eton Street; specifically, the Whole Foods drive opposite the N. Eton Street approach. Included herein is an overview of the existing PM peak signal operations on the Whole Foods approach, concerns that have been raised, mitigation that has been implemented and additional mitigation measures that may be considered by the City to address operational concerns.

EXISTING CONDITIONS

The existing signal operations on the Whole Food approach is a “Shared Signal Face”. As summarized in the Michigan Manual of Uniform Traffic Control Devices (MMUTCD, Sections 4D.17-20), this type of signal face controls both the left-turn movement and the adjacent movement (usually the through movement) and can serve as one of the two required primary signal faces for the adjacent movement. A shared signal face always displays the same color of circular indication that is displayed by the signal face or faces for the adjacent movement.

With this type of operation, the left-turning vehicles must yield to opposing traffic and through and right-turning vehicles have the right-of-way. The source of confusion at this intersection is that the opposing (N. Eton Street) approach does not allow southbound through vehicles, so the opposing traffic is only southbound right-turns. Additional signage was added facing the Whole Foods approach to help remind drivers that left-turning must yield to oncoming traffic.

Despite the additional signage, there have been no changes in driver behavior. Drivers continue to be observed making left-turns despite not having the right-of-way and causing crashes and near misses with southbound right-turning vehicles.
ALTERNATIVES ANALYSIS

To improve the safety of the intersection, several alternatives were evaluated. These alternatives all involve the addition of a signal head to the Whole Foods approach, with the operations varying by signal operations. For the purpose of this analysis, only the PM peak hour operations were evaluated, as the PM peak volumes were significantly larger than all other peak periods. The alternatives considered are summarized below.

Alternative 1: Permissive Only Left-turns

This alternative maintains the existing intersection operations, but adds a permissive only signal head for the northbound left-turning vehicles on the Whole Foods approach. This left-turn signal head is the same that is currently displayed for the N. Eton Street approach.

Alternative 2: Permissive/Protected Left-turns

This alternative maintains the existing permissive operations and adds a protected movement for northbound left-turning vehicles on the Whole Foods approach. The addition of a protected movement on this approach will impact the overall intersection operations as summarized in Table 1.

Alternative 3: Protected Only Left-turns

This alternative would permit northbound left-turns only as a protect movement. The N. Eton Street approach would maintain the existing permissive operations and Whole Foods approach would have a separate phase just for left-turns. It is also feasible to add protected southbound left-turns with this alternative; however, the N. Eton Street signals would also need to be changed to accommodate protected southbound left-turns. The cost associated with protected southbound and northbound left-turns would be similar to that of Alternative 4. The protected only northbound left-turn movement on this approach will impact the overall intersection operations as summarized in Table 1.
Alternative 4: Split Phasing

This alternative would permit all northbound and southbound movements as a protected only movement. The N. Eton Street approach also need to be changed to reflect a split phasing operation. The split phasing will impact the overall intersection operations as summarized in Table 1.

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<td>Overall</td>
<td>20.8</td>
<td>C</td>
<td>20.6</td>
<td>C</td>
</tr>
</tbody>
</table>
COST ESTIMATE COMPARISON

The estimated costs associated with each of the alternatives is summarized in Table 2. This information is provided for use in consideration with the alternatives for implementation.

### TABLE 2: COST ESTIMATE

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Approach</th>
<th>Alternative 1</th>
<th>Alternative 2</th>
<th>Alternative 3</th>
<th>Alternative 4</th>
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<tr>
<td></td>
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<td>Permissive/Protected</td>
<td>Protected Only</td>
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<td>$7,260.00</td>
<td>$12,100.00</td>
<td>$12,100.00</td>
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SUMMARY

The results of the analysis show that the existing permissive operations provide the best overall intersection operations. Since there is continued driver confusion associated with the existing “green ball” permissive operations, the installation of flashing yellow arrow associated with Alternative should be considered to help reduce confusion associated with permissive operations.

An additional option for consideration is a permissive/protected movement with Alternative 2. This would provide both a permissive (flashing yellow arrow) and a protected (green arrow) movement. There is some additional delay associated with adding a protected movement and additional cost with a four-section head (vs. three section head).

Alternatives 3 and 4 are not recommended. These have higher associated costs and overall higher delay. In addition, alternatives 1 and 2 can adequately address the operational concerns as noted at this intersection.

If you have any questions or concerns, please contact our office.

Sincerely,

FLEIS & VANDENBRINK

Julie M. Kroll, PE, PTOE
Sr. Project Manager

JMK:jjs: jmk
Hi Commander Grewe,

Per our earlier conversation please find attached the following signal timings for Maple & Eton:

Co 283_rev4 (Installed 10/26/17)
Co 283_rev5 (Installed 10/12/18)

The signal times have not been changed between rev 4 and rev 5, however the operation has been modified which should be an improvement in the intersection efficiency. The change was to bring up the WB LT green after the EB thru at Eton (S) (ie the west side of the bridge). This should bring up this WB LT a few seconds earlier; in rev 4 it didn’t come on until after the EB signals at Eton (N) (ie on the East side of the bridge). Hope this makes sense.

The change is noted on the rev 5 paperwork.

We had a crew check the signal last week and they found the signal operating per paperwork. I have an engineer out there now rechecking the controller, clock, signal operation etc. I’ll let you know what we find.

Please contact me if you require further info and / or to discuss the timings.

Thanks,

Rachel

Rachel Jones

Signal Operations Engineer
Traffic Operations Center
Road Commission For Oakland County
1200 N.Telegraph Road, West 49
Pontiac, MI 48341-0421
Phone (248) 858 7250
Fax (248) 858 7251
Email rjones@rcoc.org

--
Scott Grewe
Operations Commander
Birmingham Police Department
151 Martin St.
Birmingham, MI. 48009
(248)530-1867

2 attachments

- 283_rev5_timing.pdf
  6244K
- 283_rev4_timing.pdf
  6000K
Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, January 3, 2019.

Chairperson Johanna Slanga convened the meeting at 6:05 p.m.

01-01-19

1. ROLL CALL

Present: Chairperson Johanna Slanga; Board Members Katie Schafer, Doug White; Alternate Board Members Daniel Isaksen, Joseph Zane

Absent: Board Members Vice-Chairperson Lara Edwards, Amy Folberg, Daniel Rontal; Student Representative Alex Lindstrom

Administration: Lauren Chapman, City Planner
Jana Ecker, Planning Director
Austin Fletcher, Asst. City Engineer
Scott Grewe, Police Dept. Commander
Carole Salutes, Recording Secretary

Fleis & Vanderbrink ("F&V"): Julie Kroll

Rowe Engineering: Jill Bauer
Michael Labadie

01-06-19

6. MAPLE RD. / N. ETON RD. SIGNAL TIMING

Commander Grewe advised the only complaints the Police Dept. gets regarding Eton Rd. and Maple Rd. is the left turning traffic coming out of the western entrance to Whole Foods to go westbound on Maple Rd. conflicting with the southbound N. Eton Rd. traffic that is making a right turn to go west on Maple Rd. They both think they have the right-of-way and they are both going. Legally, the left turning traffic has to yield the right-of-way to the right turn. A sign has been added in the middle of intersection that says Left Turn Must Yield but he doesn’t know that it has helped.
Staff asked the City’s transportation consultant, F&V, to study the intersection timing, circulation and flow and recommend any changes or improvements that may be needed.

Ms. Kroll said she was surprised how busy it was when she went out there at 5:30 p.m. It wasn’t just the left turns; some of the issues have to do with vehicles queuing underneath the bridge and the short time that is available for the vehicles on the Whole Foods approach. It only allowed for about one vehicle to get through each cycle length which is 120 seconds. If the queue length is six vehicles and only one can get through every 120 seconds you can see why people are getting frustrated. They are taking chances by creeping up on the stop bar and trying to get into the intersection so they can make it through and not have to sit for another two minutes.

F&V has looked at four different alternatives for the signal head on that approach:
1. Add a new three section signal head for the left turning lane exiting the western drive of Whole Foods with permissive phasing;
2. At same location, add a new four section signal head which is flashing yellow with protected left turn movement. That would provide permissive phasing for when it is not busy and allow the queue lanes to clear. Just during peak periods additional time is needed for the left turn movement;
3. At same location, add a new three section signal head with protected only movement where there would be no permissive turns during the off-peak time. However, the concern would be that vehicles would be sitting when there are no cars when the time could be used for vehicles to clear the intersection;
4. Add a new three section signal head with split phasing where the Whole Foods approach would go separate from the other approaches and they would have no conflicting traffic.

Ms. Kroll advised that after running studies, the best results were achieved with alternative 2. In coordination with this they would do some adjustments to the signal timing on the other approaches because there are some issues with the intersection as a whole that can be improved. This would just be one part of that improvement.

Mr. Isaksen said that after viewing the tables it looks to him as though alternative 1 and alternative 2 have very similar levels of service except that the southbound right turn lane loses some quality of service because of being told to yield.

Ms. Kroll explained there is a really long southbound right turn phase so they took some time away from it and that is why the level of service reduces there. However, they didn’t change the time on the northbound left. It still remained at 15 seconds, the max that they had for that approach. The same number of northbound left turn vehicles can get through the intersection whether it is permissive or protected.
Ms. Ecker explained that makes it more orderly because vehicles only go when they have the protected green and the other vehicles are not coming. So the conflicts of the two of them coming at once are not happening as often.

The cost estimate between alternatives 1 and 2 was reviewed. For alternative 1 the estimate was $8,550 and for alternative 2 it was $10,260, for a difference of $1,710.

Mr. Isaksen said his instinct is to proceed incrementally. Alternative 1 seems to be a minimal tweak to try. Chairman Slanga thought if they spend the $8,500 and they find the need to add the protected status, then they will need to spend it again.

Ms. Kroll said she will take a look to see if some of the issues under the bridge can be fixed. The two intersections are clustered so they operate together. She will try to find how to increase the time under the bridge so backups will be decreased. To increase the time under the bridge she will have to reduce the time on S. Eton Rd. They have to make sure that doing something in one place doesn’t impact something elsewhere.

Chairperson Slanga opened up discussion from the public at 6:55 p.m.

Mr. Dave Underdown, who is one of the owners of N. Eton Plaza, agreed that is a tough intersection to get through and he is looking forward to anything that can be done to make it move better. The customers are saying they don’t come because it is hard to get out of his center at certain times because traffic is so backed up. Anything that can be done would certainly help his tenants.

Mr. Steve Kalczynski, 1883 Shipman Blvd. said when he goes to LA Fitness anywhere between 4 p.m. to 7:30 each evening, that is when he sees the most issues arising with traffic building up. In his opinion if they could put more time into the lights to relieve the pressure on vehicles going east and west, that may resolve a lot of problems. He does not see a lot of pedestrians.

Mr. Zane agreed that giving everybody more time during that period is a difficult balancing act. He would trust the experts on this tough intersection.

Chairperson Slanga said if alternative 1, permissive only, doesn’t work it doesn’t seem very cost effective to spend almost $19,000 total for permissive / protected. She thought they need to look at this intersection in total again now that Whole Foods is in and established. The whole intersection is operating below where people would want it, which is one of the reasons why people are frustrated. She hoped F&V could come back with more thoughts and opportunities.

Ms. Kroll noted that issues have been identified on certain movements during certain times of day and they want to see if they can make it better. There will be additional discussion about the S. Eton Rd. leg with regard to pedestrian improvements.
Responding to the chairperson, Commander Grewe said the complaints they have received are strictly about the turning. Typically they are coming from a person that is on N. Eton Rd. making a right turn to go west on Maple Rd. The concern is about being cut off by people making a left turn out of Whole Foods and not yielding to them as they are making a right turn. However, the accident data is not there to support that there is a serious problem. It is just that drivers are frustrated. Maybe taking a step back to look at everything again is probably a better way to go.

Ms. Kroll said they go out in the field as she did today to see if their model matches what is actually happening. By doing the field observations she can pinpoint the issues and then go back to her model and revise it to see if they can fix the problems.

The consensus of board members was not to make a resolution on this matter, but to request a broader look at what is happening at different times and different days versus the model now that Whole Foods is in.
DATE: January 31, 2019

TO: Multi-Modal Transportation Board

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

SUBJECT: Maple Rd. & N. Eton Rd. Intersection – Signal Timing

Recent issues that have been raised about the operation of this traffic signal were discussed at the January meeting of the Multi-Modal Transportation Board (MMTB). After discussions with the Board and input from the public, F&V requested the opportunity to investigate the matter more fully before finalizing recommendations. A revised report is now attached.

In addition to addressing the foremost issue of ongoing conflicts between northbound and southbound traffic, F&V is also suggesting changes that should improve delays for northbound traffic coming from S. Eton Rd. F&V will be prepared to demonstrate the proposed changes using computer modeling.

After this further analysis, Alternate 3 has been identified as the superior option. After reviewing the report, staff endorses this suggestion.

SUGGESTED RESOLUTION:

To recommend approval of Alternate 3 referenced in the F&V report dated January 26, 2019, creating a protected left turn phase for northbound vehicles turning left from the Whole Foods approach, at an estimated cost of $8,550.
January 26, 2019

VIA EMAIL

Mr. Paul O'Meara
City Engineer
City of Birmingham
151 Martin Street
Birmingham, MI 48012

RE: Maple Road & Eton Street Intersection Operations
    Whole Foods Drive Approach
    Revised Study

Dear Mr. O'Meara,

The purpose of this letter is to address concerns regarding the signal operations at the Maple Road & Eton Street; specifically, the Whole Foods drive opposite the N. Eton Street approach. Concerns that have been raised regarding the existing signal operations and the safety of the Whole Foods Drive approach. The purpose of this study is to summarize what mitigation has been implemented and what additional mitigation measures that may be considered by the City to address operational and safety concerns.

F&V previously performed an analysis for this intersection as summarized in our letter dated December 27, 2018. F&V presented the findings to the Multi-Modal Transportation Board (MMTB) at the January 3, 2019 meeting and the MMTB requested a further analysis to consider:

- Existing signal timing improvements
- Impacts to S. Eton Street
- Impacts to Maple Road
- Proposed pedestrian improvements on S.Eton Street
- Coordination with adjacent signals on Maple Road

Included herein is a revised analysis that considered these items as noted by the MMTB and additional items that were further evaluated by F&V.

EXISTING CONDITIONS

The existing signal operations on the Whole Food approach is a “Shared Signal Face”. As summarized in the Michigan Manual of Uniform Traffic Control Devices (MMUTCD, Sections 4D.17-20), this type of signal face controls both the left-turn movement and the adjacent movement (usually the through movement) and can serve as one of the two required primary signal faces for the adjacent movement. A shared signal face always displays the same color of circular indication that is displayed by the signal face or faces for the adjacent movement.

With this type of operation, the left-turning vehicles must yield to opposing traffic and through and right-turning vehicles have the right-of-way. The source of confusion at this intersection is that the opposing (N. Eton Street) approach does not allow southbound through vehicles, so the opposing traffic is only southbound right-turns. Additional signage was added facing the Whole Foods approach to help remind drivers that left-turning vehicles must yield to oncoming traffic.
Despite the additional signage, there have been no changes in driver behavior. Drivers continue to be observed making left-turns despite not having the right-of-way and causing crashes and near misses with southbound right-turning vehicles.

**FIELD REVIEW**

F&V performed field observations and identified the following existing operational concerns.

1) The southbound right-turns on N. Eton Street have a continuous movement with a green arrow at the same time the Whole Foods approach has a permissive left-turn movement. The right-turn volumes fill the limited queue area between N. Eton Street and S. Eton Street (underneither the railroad bridge). When there is an available gap in traffic for the left-turns exiting the Whole Foods drive, there is no place for the left-turning vehicles to queue because the space has been filled with N. Eton Street vehicles. It was observed that many drivers on the Whole Foods approach had to wait several cycle lengths to make a left-turn exiting the site due to lack of queuing space under the bridge.

2) The westbound left-turns on Maple Road at the Whole Foods driveway operates with a protected left-turn movement during all hours of the day, except 4-6PM, when the left-turn operates with a permissive only movement. The demand for left-turns at this driveway is very low, with the highest volumes occurring during the PM peak hour (13 veh/hr) with the permissive phasing. By providing a protected movement for left-turns for all other hours the S. Eton Street operations were observed to have significant delays.

3) The intersection is running as an isolated signal with a 130 second cycle length. The adjacent signals on Maple Road in the City of Birmingham are running 90 second cycle lengths. The adjacent signals in the City of Troy are running SCATS; however, based on the signal timing permits the intersections are typically running 120 second cycle lengths. With the Eton/Maple intersection running 130 seconds, it would be very difficult to have any type of coordination along the corridor.

**ALTERNATIVES ANALYSIS**

To improve the safety of the intersection, several alternatives were evaluated. These alternatives all involve the addition of a signal head to the Whole Foods approach, with the operations varying by signal operations. The alternatives considered are summarized below.

**Alternative 1: Permissive Only Left-turns**

This alternative maintains the existing intersection operations, but adds a permissive only signal head for the northbound left-turning vehicles on the Whole Foods approach. This left-turn signal head is the same that is currently displayed for the N. Eton Street approach. The operations and vehicle queueing with a permissive only left-turn (existing conditions) are summarized in Table 1 and Table 2 respectively.
Alternative 2: Permissive/Protected Left-turns

This alternative maintains the existing permissive operations and adds a protected movement for northbound left-turning vehicles on the Whole Foods approach. The addition of a protected movement on this approach will impact the overall intersection operations and vehicle queuing as summarized in Table 1 and Table 2 respectively.

Alternative 3: Protected Only Left-turns

This alternative would permit northbound left-turns only as a protect movement. The N. Eton Street approach would maintain the existing permissive southbound left-turn operations, however the southbound right-turns would be stopped while the Whole Foods approach has a separate phase just for left-turns. The protected only northbound left-turn movement on this approach will impact the overall intersection operations and vehicle queuing as summarized in Table 1 and Table 2 respectively.

Alternative 4: Split Phasing

This alternative would permit all northbound and southbound movements as a protected only movement. The N. Eton Street approach also need to be changed to reflect a split phasing operation. The split phasing
will impact the overall intersection operations and vehicle queuing as summarized in Table 1 and Table 2 respectively.

**Table 1: Intersection Operations Summary**

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Peak Period</th>
<th>Approach</th>
<th>Existing / Alternative 1</th>
<th>Alternative 2</th>
<th>Alternative 3</th>
<th>Alternative 4</th>
</tr>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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<td>Permissive / Protective</td>
<td>NB Protected Only</td>
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<tr>
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<td>Delay (s/veh)</td>
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* Indicates No Volume Present
### Table 2: Vehicle Queuing Summary

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<th>Intersection</th>
<th>Peak Period</th>
<th>Approach</th>
<th>Existing / Alternative 1</th>
<th>Alternative 2</th>
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<th>Alternative 4</th>
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<td>Permissive / Protective</td>
<td>NB Protected Only</td>
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<td></td>
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* Indicates No Volume Present
COST ESTIMATE COMPARISON
The estimated costs associated with each of the alternatives is summarized in Table 3. This information is provided for use in consideration with the alternatives for implementation.

### TABLE 3: COST ESTIMATE

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<tr>
<th>Intersection</th>
<th>Approach</th>
<th>Alternative 1</th>
<th>Alternative 2</th>
<th>Alternative 3</th>
<th>Alternative 4</th>
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CONCLUSIONS

- Alternative 1 is not recommended. This is essentially the same as the existing conditions and the southbound right-turning vehicles on N. Eton Street will continue to fill up the available queuing space under the bridge.
- Alternative 2 is not recommended. This maintains a permissive phase for a portion of available signal timing, with the remaining time on the split to a protected movement. During the permissive phase the southbound right-turning vehicles on N. Eton Street will continue to fill up the available queuing space under the bridge and when there is a protected phase for the left-turns there would not be any place for the vehicles to queue.
- Alternative 3 is recommended. The implementation of this operation would require the southbound right-turns to stop during same phase as the northbound left-turns. This eliminates 1) the conflicting traffic volumes within the intersection and 2) provides the queue space under the bridge to the Whole Foods traffic. In addition, the southbound right-turns have a very long right-turn overlap phase that runs concurrent with the eastbound left-turns on Maple Road, so the elimination of right-turns during the same split as the Whole Foods approach will not have a significant impact on the operations of this movement.
- Alternatives 4 is not recommended. This alternative impacts the operations on Maple Road by decreasing the time available for through traffic. In addition, Alternative 3 can adequate address the operational concerns at this intersection as noted above.

RECOMMENDATIONS

Based on the field observations performed by F&V and the alternatives operational analysis performed the following improvements are recommended:

- Run a 120 second cycle length at Maple Road & Eton Street intersection. Include signal timing offsets to improve coordination between adjacent signals on Maple Road.
- Run a permissive only left-turn movement on the westbound left-turn movement at the Whole Foods Drive (currently only run the during the 4-6PM time period)
- Prohibit southbound right-turns during the same phase as the Whole Foods approach. Provide a protected left-turn signal head. (Alternative 3)

The recommended improvements were used as the baseline conditions in evaluation of the proposed pedestrian improvements on S.Eton Street.
If you have any questions or concerns, please contact our office.

Sincerely,
FLEIS & VANDENBRINK

Julie M. Kroll, PE, PTOE
Sr. Project Manager

JMK:jjs:jmk
Minutes of the regular meeting of the City of Birmingham Multi-Modal Transportation Board held Thursday, February 7, 2019.

Chairperson Johanna Slanga convened the meeting at 6:02 p.m.

1. ROLL CALL

Present: Chairperson Johanna Slanga, Vice-Chairperson Lara Edwards, Amy Folberg, Daniel Rontal, Katie Schafer (arrived 6:10 p.m.), Joe Zane (arrived 6:06 p.m.); Alternate Board Member Daniel Isaksen

Absent: Board Member Doug White; Student Representative Alex Lindstrom

Administration: Jana Ecker, Planning Director
Scott Grewe, Police Commander
Paul O'Meara, City Engineer
Laura Eichenhorn, Transcriptionist

Fleis & Vanderbrink ("F&V"): Julie Kroll

5. MAPLE ROAD / N. ETON – SIGNAL TIMING
Planning Director Ecker reviewed the previous information and discussion on the item.

City Engineer O'Meara then invited Ms. Kroll from F&V to continue with the item.

Ms. Kroll explained F&V did some additional field investigation at the intersection, creating two different timing plans: one for the period between 4:00 p.m. - 6:00 p.m., and one outside the period of 4:00 p.m. - 6:00 p.m. She continued:

- At this signal there is a 130-second cycle length, whereas the cycle length at the intersections to the east is 120 seconds. The intersections to the west run a 90-second cycle length. With the 130-second cycle length the timing was not going to work. A 90-second cycle length was too short for the offset intersections, so the option of running a 120-second cycle length was recommended.
- Outside of the 4:00 p.m. - 6:00 p.m. time period, there were significant queues on S. Eton, particularly around 3:30 p.m.
Vice-Chairperson Edwards noted that school lets out at 3:30 p.m.

Ms. Kroll continued her presentation, adding:

- The long queues on S. Eton around 3:30 p.m. were caused by the protected left turn going into the Whole Foods parking lot. F&V looked at the possibility of eliminating the protected left turn and replacing it with permissive left turns which operate between 4:00 p.m. - 6:00 p.m.

- Southbound right turns on N. Eton have a green arrow during two periods each cycle: once as an overlap phase with adjacent signals when S. Eton is running, and once during the 17 seconds the intersection allows for the Whole Foods approach. The right-turn arrow times ended up totalling approximately seventy seconds per cycle. Eliminating the 17 second leg still left about 50 seconds of southbound right turns, allowing for the clearance of southbound right turns.

- As a result, F&V recommends turning off the southbound right-turns at the same time the northbound lefts are exiting the Whole Foods approach. This eliminates the conflict beneath the bridge.

Chairperson Slanga reminded the Board that at the N. Eton intersection the only concerns were the two turning lanes. The table of alternatives shared at the Board’s January 3, 2019 meeting had Alternatives 1 & 2 with permissive turns which feature flashing lights that allowed both lanes to turn together. Alternative 3 would allow each lane an opportunity to turn. The change being proposed is a revised cost and a recommendation to look at Alternative 3.

Ms. Kroll explained to Chairperson Slanga that Alternative 2 is only different from Alternative 1 in that it provides a short amount of time for protected turns. Alternative 3, in contrast, turns off the southbound right turns because F&V found the right-turn lane already had enough time during the 120-second cycle length to clear. The northbound left turns only have 17 seconds, so F&V wanted to make sure that all 17 seconds were given to the Whole Foods approach in order to allow the Whole Foods approach to clear those vehicles and to avoid the southbound turns filling up the queue space under the bridge.

Ms. Kroll confirmed for Mr. Rontal there will be a red right arrow shown to the southbound right turn lane during the 17 seconds allotted for northbound right turns.

Vice-Chairperson Edwards said Alternative 3 would not improve the efficiency of the traffic flow at the intersection, but would make the intersection safer. She said drivers heading southbound into the intersection and attempting to turn right encounter a lower level of service. She also confirmed that she understood why Alternative 3 was being suggested, but that some people driving the intersection might be displeased with the change.

Mr. Isaksen pointed out that the level of service for the southbound right turn is still one of the highest on the table, and suggested that as a result the southbound right turns will be least negatively impacted by a small loss in level of service.

Vice-Chairperson Edwards agreed with Mr. Isaksen, just saying that some of the neighbors of the intersection are grumbling about the possible change.

Ms. Kroll noted the southbound right turns are still ranked ‘C’ for level of service in Alternative
3, which is adequate and only causes an additional 10-12 second wait for the turn. She also explained she used the recommendations from Alternative 3 as the baseline conditions to evaluate all the alternatives listed for Maple Road / S. Eton – Pedestrian Improvements, in order to clarify their compatibility.

The Board was then shown modelling of the existing conditions as well as Alternative 3.

Dr. Rontal explained that the westbound left-turn out of Whole Foods would be synchronized with the eastbound left-hand turn out of N. Eton. The southbound N. Eton traffic turning left to go eastbound onto Maple is synchronized with northbound left-turn going westbound into Whole Foods.

Ms. Kroll confirmed, adding the southbound left is permissive between 4:00 - 6:00 p.m., causing cars to yield to any traffic leaving the Whole Foods driveway.

Vice-Chairperson Edwards expressed concern that when parents go to pick up their children from Pembroke School around 3:50 p.m. the intersection gets overwhelmed with cars heading south and trying to make a left.

Mr. Isaksen suggested that maybe there should be another time of day where the signal operation is different to address the school traffic.

Ms. Kroll said that during school drop-offs northbound right turns back up under the bridge due to a westbound protected left turn occurring at the same time. Alternative 3 proposes to create a permissive westbound left turn outside the hours of 4:00 p.m. - 6:00 p.m. in order to allow the northbound right turns to flow more freely.

Motion by Mr. Isaksen
Seconded by Mr. Rontal to recommend approval of Alternate 3 referenced in the F&V report dated January 26, 2019, creating a protected left turn phase for northbound vehicles turning left from the Whole Foods approach, at an estimated cost of $8,550.

Motion carried, 7-0.

VOICE VOTE
Yeas: Isaksen, Rontal, Schafer, Zane, Slanga, Edwards, Folberg
Nays: None
Absent: White
INTRODUCTION:
At the meeting of March 25, 2019, the City Commission held a public hearing of necessity to create a special assessment district relative to the improvement of the Pierce St. Alley between Pierce St. and E. Merrill St. Although the assessment district was authorized, certain modifications to the design that was presented were requested.

BACKGROUND:
At the meeting of March 25, the following modifications were requested relative to the design:

a. The frequency of the exposed aggregate panels running through the center of the alley should be increased. Further, the mix used for the exposed aggregate concrete must be sufficiently textured and colored to ensure that it is well distinguished from the regular concrete.
b. The use of exposed aggregate at the northerly 90° bend should be reduced, since trash trucks will need to stop, start, and back up on this pavement on a regular basis, which could result in premature failure.

A modified version of the design has been included in this report to respond to the requested changes. The number of exposed aggregate panels has been increased 75% from the previous design. The exposed aggregate design at the 90° bend has been reduced, as shown. Finally, the Engineering Dept. will ensure that the specifications that require the concrete to match the exposed aggregate mix in the downtown City sidewalk exposed aggregate areas will be supplied for this project.

LEGAL REVIEW:
The suggested special assessment district is consistent with the City Charter, and past precedence. No legal review is required.

FISCAL IMPACT:
It is estimated that the extra cost for this work will increase the cost of the assessment district from $300 to $310 per foot. The additional cost has been reflected in the assessment roll now being confirmed.
SUMMARY

It is recommended that the City Commission approve the conceptual design as presented for the Pierce St. Alley Paving Project.

ATTACHMENTS:

- Revised conceptual plan of paving project area, as prepared by MKSK.
- Information assembled from the previous reports, for reference.

SUGGESTED RESOLUTION:

To approve the conceptual design of the Pierce Alley Paving Project, dated March 29, 2019.
GOALS AND OBJECTIVES

1. Create a pedestrian-friendly alley that is well-lit, well-drained, clutter-free, and visually appealing.

2. Integrate existing operational needs including waste disposal, parking/vehicular access, and emergency vehicles.

3. Develop paving material concepts that emphasize public/private delineation, as well as celebrate the terminating vista at Churchill's.

Change in material is needed to emphasize public ROW and terminating vistas.

Existing streetlights to be updated to match two lights by Churchill's.

Existing entrance from Merrill Street.

Existing light post and signage.

Existing light post and signage.

Existing entrance from Merrill Street.
MARCH 28, 2019

PIERCE ALLEY CONCEPT REVIEW

- CITY PROPERTY LINE
- DUMPSTERS (2) ARRANGE TO AVOID DOORS
- EXISTING LIGHT POST
- SCREEN
- COMPACTOR
- LARGE SCREEN
- EXISTING LIGHT POST SCREEN
- DUMPSTERS TO ARRANGE TO AVOID DOORS
- SCREEN
- EXPOSED AGGREGATE ACCENT
- WAYFINDING SIGNAGE
MEMORANDUM

DATE: March 14, 2019
TO: Joseph A. Valentine, City Manager
FROM: Paul T. O'Meara, City Engineer
SUBJECT: Pierce St. Alley Paving – Pierce St. to E. Merrill St.
Special Assessment District
Public Hearing

INTRODUCTION:
At the meeting of February 25, 2019, the City Commission set the date of March 25 to
conduct a public hearing of necessity to create a special assessment district relative to the
improvement of the Pierce St. Alley between Pierce St. and E. Merrill St.

BACKGROUND:
More detail relative to this project can be found in the attached memo dated February 15,
2019, which introduced the project, and recommended that a public hearing date be set.
Since that time, the following work has been conducted:

a. Notices have been sent to the property owners within the district. The official notice
and information letter are attached to this package. No comments have been received
from the property owners or tenants relative to the project, to date.

b. The Engineering Dept. has discussed the project with some property owners and
tenants, focusing on the use of the two trash compactors that currently operate on
private property just off the edge of the public alley. The compactor operation has
also been discussed with the trash disposal company that operates the compactors.
The information gained has been helpful relative to verifying that the proposed screens
will not disrupt the operation of the compactors, and to identify who is using which
trash area, so as to help distribute the cost of the screens fairly. However, we are not
certain that our knowledge of the trash compactor usage is complete at this time.
Once the project is in full design, we plan to hold meetings with tenants to further
discuss the construction process, at which time we hope to gain additional information
about this topic.

c. As was referenced in the February 15 memo, the pavement and dumpster screening
design concepts that were initiated with the Hamilton Alley project in 2015 have
proven to be successful, and is recommended for continuation on this project. The
City’s planning consultant MKSK has prepared the attached plan view of the alley to
demonstrate how the pavement jointing concept will be implemented on this alley.
The design also shows where dumpster screening will be required. Also attached are
3D elevations of the dumpster screen areas that were prepared for the Hamilton Alley
project. The same design features will be used here as well.

Also attached are photos of the two remaining existing City street lights that were installed
in the alley, likely in the 1960’s. These two street lights will be replaced with the City’s
current downtown standard light post and fixture, to match the two currently installed near the north end of the alley (see existing photo).

LEGAL REVIEW:
The suggested special assessment district is consistent with the City Charter, and past precedence. No legal review is required.

FISCAL IMPACT:
As referenced in the first memo, costs will be split into two categories:

a. The Sewer Fund will be charged for the cost of the main line sewer repairs, as well as all sewer lateral replacements. The extent of this work has not been finalized, but is expected to be in the range of $50,000. The cost of the sewer lateral replacements will be charged to the benefitting property owners, in a separate special assessment district that will be created at the time of the contract award.
b. The remaining costs, including pavement improvements, dumpster screens, street lights, and via wayfinding signs will all be charged to the special assessment district.

Final cost estimates will be established once the project has been designed and bids have been received.

SUMMARY
It is recommended that the City Commission declare necessity for the Pierce St. Alley Paving Project, and to conduct the previously set public hearing to confirm the special assessment roll as currently estimated, at its meeting of April 8, 2019.

ATTACHMENTS:
- Conceptual plan of paving project area, as prepared by MKSK.
- Photographs of existing street lights to be replaced and sample street light to remain (behind Churchill’s, 116 S. Old Woodward Ave.).
- February 15, 2019 memo to Commission to introduce project and to recommend setting the public hearing for this project.
- Map of assessment district.
- Spreadsheet of properties and estimated costs for special assessment district (adjusted from previous memo).
- Pierce St. Alley plan from City’s Alleys and Passageways Master Plan (2012).
- Sample drawings and elevations prepared for the Hamilton Alley assessment district.

SUGGESTED RESOLUTION:
WHEREAS, The City Commission has endorsed the rehabilitation and improvement of its public alleys within the Central Business District; and

WHEREAS, The City Commission is of the opinion that construction of the improvement herein is declared a necessity; and

WHEREAS, The City Commission has not declared it practicable to cause estimates of cost thereof and plans to be made at this time, now therefore be it,
RESOLVED, that there be constructed an improvement to be hereinafter known as:

PIERCe ST. ALLEY – PIERCE ST. TO E. MERRILL ST.

consisting of the construction of An 18 foot wide concrete pavement (face to face) with exposed aggregate concrete accents, be it further

RESOLVED, that at such time as the Assessor is directed to prepare the assessment roll, one-hundred percent (100%) of the estimated cost be levied against the assessment district; be it further

RESOLVED, that there be a special assessment district created and special assessments levied in accordance with benefits against the properties within such assessment district, said special assessment district shall be all properties, both public and private, within the following district:

"Assessor’s Plat No. 24"
Lots 1-6 inclusive, lot 7 except for the northerly 79.26 ft. of the easterly 80.46 ft., lots 8-18 inclusive.

be it further

RESOLVED, that the Commission shall meet on Monday, April 8, 2019, at 7:30 P.M., for the purpose of conducting a public hearing to confirm the roll for the paving of the Pierce St. Alley, Pierce St. to E. Merrill St.
GOALS AND OBJECTIVES

1. Create a pedestrian-friendly alley that is well-lit, well-drained, clutter-free, and visually appealing.

2. Integrate existing operational needs including waste disposal, parking/vehicular access, and emergency vehicles.

3. Develop paving material concepts that emphasize public/private delineation, as well as celebrate the terminating vista at Churchill’s.

Change in material is needed to emphasize public ROW and terminating vistas.
Existing streetlights to be updated to match two lights by Churchill’s.
Existing light post and signage.
Existing entrance from Merrill Street.

1. Create a pedestrian-friendly alley that is well-lit, well-drained, clutter-free, and visually appealing.

2. Integrate existing operational needs including waste disposal, parking/vehicular access, and emergency vehicles.

3. Develop paving material concepts that emphasize public/private delineation, as well as celebrate the terminating vista at Churchill’s.

Goals and Objectives
DUMPSTERS (2) ARRANGE TO AVOID DOORS

EXISTING LIGHT POST

CITY PROPERTY LINE

EXISTING LIGHT POST SCREEN

COMPACTOR

LARGE SCREEN

SCREEN

EXPOSED AGGREGATE ACCENT

EXISTING LIGHT POST

SCREEN

MERRIL ST
INTRODUCTION:
The City Commission has requested that alleys within the Central Business District be prioritized and improved to allow them to function not only as service areas, but as passageways consistent with the Alleys and Passageways Master Plan. Given its current condition, the Pierce St. Alley has been identified by staff as the next priority for such improvements.

BACKGROUND:
Unlike public streets, the City does not receive any source of outside funding for public alleys. Further, alleys tend to be a secondary access point for properties that is in addition to their street frontage. While minor maintenance and pavement patching is paid for by the General Fund, major capital improvements have historically been subject to a 100% special assessment. Most recently, in 2015, the City completely reconstructed both the sewer system and the concrete pavement on the Hamilton Alley (Hamilton Ave. to Park St.). During the planning phase, an architect was hired to help present a new concrete paving concept that was eventually approved and constructed. The paving concept used standard concrete panels, accented with large exposed aggregate panels in the center at regular intervals. The revised concept was designed with longevity and future maintenance in mind. To date, the larger panels are performing well. The same concept was used in 2017 in the private section of the alley directly south of the Willits Building.

Another design feature used on the Hamilton Alley was to condense the placement of dumpsters to defined locations. Once dumpster areas are defined, custom made steel screens were fabricated and installed at each end of the dumpster areas. The screens do not block access to the dumpsters, but rather help to reduce their visual impact, thereby improving the overall aesthetic of the alley.

The conditions in the Pierce Alley are similar to the Hamilton Alley. The City property is typically 18 ft. wide, with one 90° bend. Several properties use the alley as an access to parking areas, while other buildings have no such space. We envision two designated dumpster areas (adjacent to restaurants) where the installation of dumpster screens will be appropriate. There are also two large trash compactors that can be screened on one side to improve their appearance. Once the dumpster areas are constructed and screened, all dumpsters will either have to be placed on private property, or within one of the two identified screened areas. Existing dumpster areas that are on private property, but accessed by the alley, will have to be improved in accordance with the newly updated dumpster ordinance in Chapter 90 of the City Code.
Typically, alleys are lit using lights mounted on private buildings. The Pierce Alley has four City street lights mounted on concrete bollards (to avoid damage from vehicles). Two of the street lights have been updated to the current City Central Business District standard model when an adjacent building was renovated. The two remaining lights are out of date. It is recommended that they be replaced with the City standard street lights as well, and charged to the special assessment district.

We have hired planning firm MKSK to prepare a sketch similar to the ones contained in the package for the Hamilton Alley. They will be ready for the Commission’s review at the time of the public hearing.

The plan prepared for this alley in the City’s Alleys and Passageways Plan was reviewed for this report. The following features show consistency with the report:

1. Dumpster areas are designated by red “x’s” on the plan. The proposal is consistent with the plan:
   - Area 1 and the unnumbered location located just north of the Merrillwood Building represent the two existing trash compactors, which will be screened on one side to reduce their visual impact.
   - Areas 2 and 4 represent locations where existing restaurants must use City right-of-way to store dumpsters. New screens will be installed at each end of the dumpster areas to reduce their visual impact.
   - Area 3 represents an existing dumpster area located on private property. As the plans are developed, staff will advise the property owners relative to the revised dumpster ordinance, and require them to make needed improvements to these areas in terms of location, appearance and cleanliness.

2. The existing street lights will be maintained or improved as suggested above.

3. The perpendicular parking area is located on private property, and is outside of the scope of this project. Access to the parking area will remain after completion.

4. Existing NO PARKING signs will be reviewed with the Police Dept., and supplemented as needed to ensure proper enforcement of parking regulations.

5. The proposed potential crosswalk locations shown at each end of the alley are outside of the construction zone. It is recommended that pedestrian activity in this alley, and the adjacent ones, be monitored. If demand for pedestrian crossings increases, crosswalk improvements can be added in the future as appropriate.

6. Though not a part of the Alleys and Passageways Plan, the City’s current standard “Via” signs will be installed at each end to encourage pedestrian activity in the newly improved alley, charged to the special assessment district.

Finally, while preparing this report, staff consulted with the owner and development team for the status of the planned new building at the Varsity Shop site (277 Pierce St.). Given the location of this upcoming project, it would not be feasible to complete the needed work in the alley if this project was underway adjacent to its main access (on Merrill St.). The owner is aware of the proposal to potentially improve this alley. If we proceed to complete the work such that the project is completed in September or October, it would be their intent to start their building project soon after. With that in mind, the City will design the alley with the overall final concept, but will not remove the existing asphalt adjacent to this site. The owner of the 277 Pierce St. site will then be able to use a small part of the alley as a staging area for their project. Upon completion of the new building, the owner will be obligated to install new concrete
on this segment, full width, at their cost, (consistent with the approved alley design) as a condition of their site plan extension (which has not yet been approved).

LEGAL REVIEW:
The suggested special assessment district is consistent with the City Charter, and past precedence. No legal review is required.

FISCAL IMPACT:
Attached is a preliminary spreadsheet of the suggested special assessment district. The base charge per foot will include all costs related to paving, as well as the fabrication and installation of a “Via” wayfinding sign at each end of the alley. The estimated cost to be charged is $300 per foot, which includes all contractor costs, as well as all planning, design, and administration costs. Since all frontages are private, 100% of these costs are eligible for special assessment. The total cost of the project is estimated at $300,000. Dumpster screens will be apportioned to those properties that are using dumpsters that require screening, so a separate charge will apply. (The estimated assessments list attached to this report is subject to change as additional information relative to the compactors that serve more than one property is determined.) Individual assessments will vary from a low of about $6,700 to a high of about $54,900. Property owners will be offered the chance to pay over a 10-year period, with interest charges on the remaining balance applied.

The combined sewer that drains the alley has been internally inspected, and is generally in good condition. While some repair locations are being identified, the sewer is planned to remain in service. Several sewer connections for the various buildings are anticipated to be older than 50 years, and should be replaced. Once plans have been prepared and bids have been received, a separate sewer lateral assessment district will apply for those buildings that require the replacement of their sewer lateral. Costs will be charged to the Sewer Fund, with all work eligible for special assessment.

SUMMARY:
It is recommended that the City Commission set a public hearing for the meeting of March 25, 2019 to consider the creation of a special assessment district to reconstruct the pavement, update street lighting, and add dumpster screens and wayfinding signs for the Pierce St. Alley, from Pierce St. to E. Merrill St.

ATTACHMENTS:
- Map of proposed assessment district.
- Spreadsheet of properties and estimated costs for assessment district.
- Pierce St. Alley sheet from the Alleys and Passageways Master Plan.
- Sample drawings and elevations prepared for the Hamilton Alley special assessment district.

SUGGESTED RESOLUTION:
RESOLVED, that the City Commission shall meet on Monday, March 25, 2019 at 7:30 P.M., for the purpose of conducting a public hearing of necessity for the improvement proposed herein.

FURTHER RESOLVED, if necessity is determined on March 25, a hearing to review the assessments and to confirm the roll will be held on April 8, 2019, at 7:30 P.M.
<table>
<thead>
<tr>
<th>SIDWELL / PARCEL #</th>
<th>PROPERTY ADDRESS</th>
<th>FRONTAGE (LFT)</th>
<th>DUMPSTER SCREEN COST ESTIMATE</th>
<th>TOTAL PAVING ASSESSMENT</th>
<th>TOTAL</th>
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<td><strong>$262,647.00</strong></td>
<td><strong>$293,119.30</strong></td>
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</tbody>
</table>
**Churchill's Alley**

**Existing Characteristics**

**Classification:** Active

**2016 Plan Type:** Alley

**Width:** Approximately 18 feet wide

**Surface:** Asphalt

**Surface Condition:** Poor

**Existing Services:** Trash & deliveries

**Screening:** None

**Vehicles:** Cars and trucks

**Speed Limit:** Not posted

**Parking:** "No Parking in Alley" signs, however, parallel parking occurs. There is perpendicular parking in a bump out & covered parking adjacent to the alley

**Bicycle Facilities:** No existing facilities

**Lighting:** 3 City street lamps, some small wall-mounted lights

**Furniture:** None

**Plaza/Gathering Space:** No

**Landscaping:** Climbing vines on two buildings

**Pedestrian Scaled Architecture:** Alley entrance to Biggby's coffee, back doors of businesses and a few windows

**Outdoor Commercial Uses:** None

**Signage:** Small wall sign for Biggby's Coffee entrance; one business has a decal on its back door

**Wayfinding Signage:** None

**Visual Features/Art:** Corners break up the length of the alley, climbing vines

**Other Notes:** A busy service alley with good vista opportunities. This alley could benefit from more clear delineation of pedestrian & service uses
HAMILTON ALLEY
ALLEY PATHWAY

DITCHED LOW POINT AT CENTER OF PATHWAY
DUMPSTER SCREEN OPTION A

- SOLID METAL BASE / FRAME
- METAL LOUVER PANELS
### NOTICE OF PUBLIC HEARINGS
#### BIRMINGHAM CITY COMMISSION
#### PUBLIC HEARING OF NECESSITY
#### PUBLIC HEARING OF CONFIRMATION

| Meeting Date, Time, Location: | HEARING OF NECESSITY FOR SPECIAL ASSESSMENT DISTRICT  
Monday, March 25, 2019, 7:30 PM  
Municipal Building, 151 Martin, Birmingham, MI |
| Location: | Pierce St. Alley from Pierce St. to E. Merrill St.  
(Pierce Alley Pavement Project) |
| Nature of Improvement: | Improvements consistent with the Alleys and Passageways Master Plan. |
| City Staff Contact: | Paul O’Meara 248.530.1836  
pomeara@bhamgov.org |
| Notice Requirements: | Mail to affected property owners  
Publish March 10th and March 17th, 2019 |
| Approved minutes may be reviewed at: | City Clerk’s Office |

You or your agent may appear at the hearings to express your views; however, if you fail to protest either in person or by letter received on or before the date of the hearing, you cannot appeal the amount of the special assessment to the Michigan Tax Tribunal. Mail any correspondence to: City Clerk, P.O. Box 3001, Birmingham, MI 48012.

The property owner may file a written appeal of the special assessment with the State Tax Tribunal within 30 days after the confirmation of the special assessment roll if that special assessment was protested at the hearing held for the purpose of confirming the roll.

All special assessments, including installment payments, shall, from the date of the confirmation thereof, constitute a lien on the respective lots or parcels assessed, and until paid shall be charged against the respective owners of the lots or parcels assessed.

Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk’s Office at 248.530.1880 (voice) or 248.644.5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.
MEMORANDUM
Finance Department

DATE: March 29, 2019

TO: Joseph A. Valentine, City Manager

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

SUBJECT: Resolution for Confirming S.A.D. # 889 – Pierce Street Alley Paving Project-Pierce Street to E Merrill Street

To cover the cost of paving the Pierce Street Alley, it is requested that the City Commission adopt the following resolution confirming S.A.D. No. 889 at the regular City Commission meeting of April 8, 2019. Comments during the hearing of confirmation are limited to those questions specifically addressing the assessment roll pursuant to Section 94-9 of the City Code. The hearing declaring the necessity of the Special Assessment District was held at the City Commission meeting of March 25, 2019. At this meeting, changes in the design were discussed increasing the use of exposed aggregate concrete which increased the cost per square foot from $300.00 to $310.00.

SUGGESTED RESOLUTION:
To confirm Special Assessment Roll No. 889, to defray the cost of construction of new concrete and exposed aggregate concrete pavement on Pierce Street Alley-Pierce Street to E Merrill Street:

WHEREAS, Special Assessment Roll, designated Roll No. 889, 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 03-071-19 provided it would meet this 8th day of April, 2019 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this April 8, 2019, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll as determined in Section 94-9 of the Code of the City of Birmingham,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 889 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 and one half percent (6.5%) on all unpaid installments.

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<tr>
<th>Parcel Number</th>
<th>Property Address</th>
<th>Amount</th>
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$298,593.20
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<td>$ 298,593.20</td>
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</table>
1. Create a pedestrian-friendly alley that is well-lit, well-drained, clutter-free, and visually appealing.

2. Integrate existing operational needs including waste disposal, parking/vehicular access, and emergency vehicles.

3. Develop paving material concepts that emphasize public/private delineation, as well as celebrate the terminating vista at Churchill’s.

Goals and Objectives:

- Change in material is needed to emphasize public ROW and terminating vistas.
- Existing streetlights to be updated to match two lights by Churchill's.
- Existing entrance from Merrill Street.

Existing entrance from Merrill Street.
- City Property Line
- Compactor
- Large Screen
- Existing Light Post
- Screen
- Dumpsters to arrange to avoid doors
- Exposed Aggregate Accent
- Wayfinding Signage
- Exposed Aggregate Accent
- Merril St
<table>
<thead>
<tr>
<th><strong>NOTICE OF PUBLIC HEARINGS</strong></th>
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<tr>
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<th><strong>Location:</strong></th>
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<tr>
<th><strong>Nature of Improvement:</strong></th>
<th>Installation of sewer and water laterals within the Quarton Lake Reconstruction project area</th>
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</thead>
</table>

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<tr>
<th><strong>City Staff Contact:</strong></th>
<th>Paul O'Meara 248.530.1836 <a href="mailto:pomeara@bhamgov.org">pomeara@bhamgov.org</a></th>
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<tr>
<th><strong>Notice Requirements:</strong></th>
<th>Mail to affected property owners Publish March 17th and March 24th, 2019</th>
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<th><strong>Approved minutes may be reviewed at:</strong></th>
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Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at 248.530.1880 (voice) or 248.644.5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.
MEMORANDUM

DATE: March 29, 2019

TO: Joseph A. Valentine, City Manager

FROM: Paul T. O’Meara, City Engineer

SUBJECT: Quarton Lake Subdivision Reconstruction – Phase 1
Water & Sewer Lateral Special Assessment District
Public Hearing

INTRODUCTION:
At the Commission meeting of March 11, 2019, the City Commission set a date of April 8, 2019 to hold a public hearing of necessity for the replacement of water and sewer laterals located within the limits of the Quarton Lake Subdivision Paving Project. Also at that meeting, a confirmation hearing date of April 22, 2019 was set, should the assessment district be authorized.

BACKGROUND:
All owners in the district have been sent the attached letter and public hearing notice. To date, our office has received a small number of calls asking for clarifications about the upcoming project, as well as queries about estimated costs. We are not aware of any objections at this time.

LEGAL REVIEW:
The suggested special assessment district is consistent with the City Charter, and past precedence, with the exception that the two homes that currently have lead water services will have them replaced all the way to the water meter at no charge, in accordance with the revised requirements of the Michigan Dept. of Environmental Quality (MDEQ). No legal review is required.

FISCAL IMPACT:
The costs being charged will cover the City’s costs payable to the contractor relative to the pipe installation. As has been done traditionally, the City is subsidizing this program to a small degree in that inspection and restoration costs are covered by the City as a part of the overall cost of the project.

SUMMARY:
It is recommended that the City Commission conduct the public hearing, and authorize the special assessment district to defray the cost of the installation of new water and sewer laterals within the project area of the Quarton Lake Subdivision Paving Project, Contract #1-19(P).

ATTACHMENTS:
- Public Hearing notice from the City Clerk.
- Recently distributed letter of explanation prepared by the Engineering Dept.
• Memo of March 4, 2019, recommending the setting of a public hearing.
• Map of proposed assessment district.
• Proposed special assessment roll (sections of 4 streets).

SUGGESTED RESOLUTION:

WHEREAS, The City Commission has established a policy requiring the replacement of undersized or lead water lateral lines and sewer laterals in excess of fifty years old when the City street is open for repairs or reconstruction; and

WHEREAS, The City Commission is of the opinion that replacement of water and sewer laterals not meeting current criteria as a part of the planned road paving project is declared a necessity; and

WHEREAS, formal bids have been received and the actual cost per foot for replacement of the water and sewer laterals has been determined,

RESOLVED, that all sewer and water laterals not meeting current criteria located within the limits of the following streets shall be replaced as a part of the Quarton Lake Subdivision Paving Project (Contract #1-19(P)):

N. Glenhurst Dr. – Raynale St. to Oak St.
Raynale St. – N. Glenhurst Dr. to Chesterfield Ave.
Brookwood – N. Glenhurst Dr. to Raynale St.
Kenwood Ct. – N. Glenhurst Dr. to 220 ft. east.

RESOLVED, that at such time as the Assessor is directed to prepare the assessment roll, of which 100% of the contractor’s charge to replace water and sewer lateral (calculated at the rate of $55.00 per foot for water laterals and $70.00 per foot for sewer laterals) shall be charged to the adjoining property owners benefiting from the said laterals,

RESOLVED, that there be a special assessment district created and special assessments levied in accordance with benefits against the properties within such assessment district, said special assessment district shall be all properties, within the following district:

"Harrowgate"
Lots 78-82 inclusive, the westerly 52.5 ft. of lot 85, lots 86-88 inclusive, the northerly 47 ft. of lot 89, lot 91, unplatted parcel tax I.D. #19-26-179-013, lots 92-94 inclusive, lot 96, lots 143-146 inclusive, the southerly 35 ft. of lot 147, lots 149-152 inclusive, the southerly 40 ft. of lot 153, lots 174 & 175, the northerly 50 ft. of lot 176, lots 180-183 inclusive, lots 185-187 inclusive, lots 207 & 208.

RESOLVED, that the Commission shall meet on Monday, April 22, 2019, at 7:30 P.M., for the purpose of conducting a public hearing to confirm the roll for the replacement of water and sewer laterals within the Quarton Lake Subdivision Paving Project.
March 13, 2019

TO: Property Owners

RE: 2019 Quarton Lake Subdivision Reconstruction Project
     Water & Sewer Lateral Replacement

The City of Birmingham has scheduled significant work on your street during the 2019 construction season. Upgrades to the water and sewer system, and complete street replacement are planned. More information relative to the project itself will be mailed to you at a later date.

Accompanying this letter is a public hearing notice regarding a meeting scheduled to occur on April 8, 2019. The public hearing is to consider a Special Assessment District for replacing the water and sewer laterals to each individual home. This letter is to help clarify what is being discussed.

As a part of all street paving projects, the City has found that significant savings can be attained both for the City and adjacent property owners when underground pipelines, such as the water and sewer systems, are repaired or replaced if needed when the pavement is removed. Traditionally, the City has taken advantage of these opportunities, and replaced public water mains and sewers during these projects, at significant savings to the ratepayers.

Each homeowner typically has one water service supplying fresh water to the house and one sewer lateral to drain wastewater extending from the front of the house, through the front yard, and into the public right-of-way to connect with the public water main and sanitary sewers. The distance from the property line, one foot off the sidewalk towards the house, to the City’s sewer and water lines can vary between 15 and 45 feet, depending on their locations within the roadway. The water and sewer laterals were generally installed at the time the house was built, at the expense of the builder or owner. Since these services only benefit one property, they are not considered a part of the City’s public system, and maintenance and repair of them is the responsibility of each individual property owner.

The majority of Birmingham’s original homes are now over 50 years old. In a small number of homes, the water laterals built at that time no longer meet the current standard of being a minimum 1-inch diameter pipe. Similarly, the typical service life of a sewer lateral is 50 years. Many sewer laterals in Birmingham are nearing the end of their service life and should be replaced. Unexpected failures of sewer laterals can result in flooded basements and damage to personal property. Repair of a sewer lateral in such an emergency situation can often cost over $8,000. Recent experience has shown that replacing the water and sewer laterals as a part of our paving projects can substantially reduce the cost. In addition, it is in the public’s best interest to replace all of the existing old pipelines prior to replacing the pavement, so that additional cuts into the pavement can be reduced in the future, extending the service life of the road. With that in mind, City policy requires that all water and sewer laterals that do not meet current standards be replaced on such paving projects, at property owner expense.

If you are receiving this letter, our records indicate that your water and/or sewer laterals do not meet current standards, and it is our intent to have the lateral(s) within the City right-of-way only, removed
and replaced as a part of this project. The actual cost of replacing the water and/or sewer lateral will be charged to you, and will vary depending on the actual location of the City mains, and any other obstacles, such as trees, that are in the way. The unit rate that will be charged is $55 per linear foot of 1-inch water pipe, and $70 per linear foot of 6-inch sewer pipe installed by the contractor, for all homes along these blocks. If your home is newer, or if upgrades have been made previously, you will not be subject to these charges.

After the work is completed, the actual amount of pipe installed will be measured, and an invoice will be generated and sent to the property owner of record. Payment in full will be expected within 30 days of receipt. If you are not in a position to pay off the charge in one payment, it can be broken into as many as 10 annual payments. An annual interest charge on the remaining balance, currently about 5%, will apply. If you would like to know the actual amount estimated for your property, please contact our office at (248) 530-1850, and ask for the Engineering Dept. For those homes receiving only a new sewer lateral, as is the case for the majority of the homes affected by this project, it is expected that most owners will see a total charge of $1,000 to $3,000 each. If you were to have this work done on an independent basis, the cost would be approximately $6,000 to $8,000. Therefore, the opportunity to complete this work now represents a substantial improvement to each property at a significant discount.

If you feel that the water or sewer lateral has been judged unfairly, you may submit an appeal in writing within 30 days of receipt of this letter. The appeal must have attached written invoices clarifying that replacement or repair has occurred which has renewed this pipe. If that is not available, submit an internal inspection videotape documenting the condition of the sewer pipe. The videotape will have to clarify that the pipe was constructed of PVC materials meeting current standards. Submittal of a videotape showing a sewer lateral in good working order, but made of outdated materials such as cast iron, orangeburg, or clay will not be sufficient. Due to the low prices being quoted above, all sewer laterals of this nature must be replaced, even if they are in good working order today. In the long run, saving the lateral will end up costing the property owner much more to replace later, not to mention the damage to the street.

You also have the right to comment directly to the City Commission about the policy in general, at the public hearing noticed on the attached announcement. Questions or concerns particular to your water or sewer lateral are best handled individually by the Engineering Department, rather than the City Commission.

Those homeowners struggling financially with respect to this issue should also contact our office, and we can review with you other programs that the City has available to ensure that you are able to maintain your home and get these needed improvements done as well.

Please contact our office at (248) 530-1850, if you have any questions.

Sincerely,

[Signature]

Paul T. O’Meara, P.E.
City Engineer
INTRODUCTION:
On March 1, the Engineering Dept. opened bids for Contract #1-19(P), which will reconstruct the water, sewer, and pavement on several street segments within the Quarton Lake Subdivision. In accordance with the City’s policy, it is our intention to replace all water service laterals that are less than 1 inch diameter, as well as any sewer service laterals that are older than 50 years. The replacement of laterals is considered an improvement to the benefitting property owners, the cost of which may be special assessed. The City Commission will be asked to consider the creation of a special assessment district to defray the cost of these improvements.

BACKGROUND:
Contract #1-19(P) will renew the water and sewer systems on sections of N. Glenhurst Dr., Raynale St., Brookwood, and Kenwood Ct. As recommended under separate cover, it is anticipated that this construction contract will be awarded to DiPonio Contracting, Inc., with their low bid of $2,124,010. In the past, the City has compared the low bidder’s price for this work item with the other bidders, to ensure the price of this work, which will be assessed, reflects the actual value of the work. A list of the water and sewer lateral bid prices for all the bidders follows below:

<table>
<thead>
<tr>
<th>CONTRACTOR</th>
<th>BID PRICE (PER FOOT) SEWER</th>
<th>BID PRICE (PER FOOT) WATER</th>
</tr>
</thead>
<tbody>
<tr>
<td>DiPonio Contracting, Inc.</td>
<td>$70.00</td>
<td>$55.00</td>
</tr>
<tr>
<td>V.I.L. Construction, Inc.</td>
<td>$75.00</td>
<td>$33.00</td>
</tr>
<tr>
<td>FDM Contracting, Inc.</td>
<td>$80.00</td>
<td>$65.00</td>
</tr>
<tr>
<td>Angelo Iafrate Construction Co., Inc.</td>
<td>$45.00</td>
<td>$22.00</td>
</tr>
<tr>
<td>Verdeterre Contracting, Inc.</td>
<td>$100.00</td>
<td>$58.50</td>
</tr>
<tr>
<td>Pamar Enterprises, Inc.</td>
<td>$51.00</td>
<td>$45.00</td>
</tr>
<tr>
<td><strong>Average Price Per Foot</strong></td>
<td><strong>$70.17</strong></td>
<td><strong>$46.42</strong></td>
</tr>
</tbody>
</table>

Per the table, the low bidder’s per foot price for a sewer lateral is very close to the average bid, while the water price per foot is $8.58 higher than average. Interestingly, due to the tendency toward larger water services in this area, only two homes need a new water service replacement for a size upgrade. The average cost to a homeowner obtaining just a new sewer service is $1,860. Only one homeowner will receive both a new
sewer and water lateral at a total estimated cost of $3,340. Considering the cost of this type of work with a private contractor is typically approaching $10,000, we feel that these costs are very reasonable, and add value to each property well in excess of the amount being charged.

LEGAL REVIEW:
The suggested special assessment district is consistent with the City Charter, and past precedence. No legal review is required.

New this year is the impact of the new Lead & Copper Rule being enforced by the Michigan Dept. of Environmental Quality (MDEQ). The new rule requires that the City replace all lead water services encountered on this project from the water main to the water meter in the house. Our records indicate that there are two such homes that will require a lead water service replacement within the project area. The City Attorney’s office helped develop forms for our office to use when requesting permission to enter private property. The City has discussed the issue with both homeowners, and both have signed releases authorizing the work. Based on the prices bid, the cost of this work is estimated to total $10,900.

One of the main concerns that water system agencies have expressed relative to the new rule is the requirement that the system cannot charge the owner of the property directly for these improvements. There are questions about the constitutionality of this requirement. Several agencies have combined together to file a lawsuit against the MDEQ asking for relief. The suit is currently awaiting a hearing to be scheduled. So as to not be in violation of the rule, the Engineering Dept. is prepared to replace these services as required by the current rule.

FISCAL IMPACT:
Similar to previous special assessment districts of this type, the City is charging 100% of the cost charged by the contractor for the sewer and water service installations to the benefitting property owners. There will be collateral expenses involved in this program, such as sidewalk restoration and extra inspection time spent overseeing this work. However, the City benefits in the long run by reduced cutting and patching of the new street pavement for many years to come.

As referenced in the section above, the two homes that have lead water services to be replaced are not being charged for the planned water service lateral replacement improvement, in accordance with requirements as stated by the MDEQ.

SUMMARY
It is recommended that the City Commission set a public hearing date of April 8, 2019 for a hearing of necessity to consider the creation of a special assessment district to defray the cost of sewer and water service laterals on Contract #1-19(P), at the unit rates of $70.00 per foot for sewer lateral replacement, and $55.00 per foot for water lateral replacement. Further, should the assessment district be approved, to set a public hearing date of April 22, 2019 to confirm the special assessment roll.

ATTACHMENTS:
- Map of proposed district.
- Proposed special assessment roll (sections of 4 streets).
SUGGESTED RESOLUTION:

RESOLVED, that the City Commission shall meet on Monday, April 8, 2019, at 7:30 P.M., for the purpose of conducting a public hearing of necessity for the installation of water and sewer laterals within the Quarton Lake Reconstruction project area. Be it further

RESOLVED, that the City Commission shall meet on Monday, April 22, 2019, at 7:30 P.M. for the purpose of conducting a public hearing to confirm the roll for the installation of water and sewer laterals within the Quarton Lake Reconstruction project area.
## SEWER & WATER LATERAL CHART
### 2019 Quarton Lake Sub. Reconstruction Phase 1 Contract #1-19(P)

<table>
<thead>
<tr>
<th>Material</th>
<th>Unit</th>
<th>Cost Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sewer, 6&quot; PVC</td>
<td>LF</td>
<td>$70.00</td>
</tr>
<tr>
<td>Water, 1&quot;</td>
<td>LF</td>
<td>$55.00</td>
</tr>
</tbody>
</table>

### N. Glenhurst - Oak to Raynale
#### WEST SIDE

<table>
<thead>
<tr>
<th>Address</th>
<th>Street</th>
<th>Type of Pipe</th>
<th>Date</th>
<th>SAD?</th>
<th>Est Feet</th>
<th>Estd Cost</th>
<th>Water</th>
<th>SAD?</th>
<th>Estd Feet</th>
<th>Estd Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>917</td>
<td>N. Glenhurst</td>
<td>6&quot; PVC</td>
<td>2002</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>1&quot; Lead</td>
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<td>34</td>
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<td>$0</td>
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<tr>
<td>945</td>
<td>N. Glenhurst</td>
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<td>---</td>
<td>Y</td>
<td>15</td>
<td>$1,050</td>
<td>1&quot; COPPER</td>
<td>N</td>
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<td>$0</td>
<td>$1,050</td>
</tr>
<tr>
<td>967</td>
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<td>6&quot; O.B.</td>
<td>1953</td>
<td>Y</td>
<td>23</td>
<td>$1,610</td>
<td>1&quot; COPPER</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>$1,610</td>
</tr>
<tr>
<td>991</td>
<td>N. Glenhurst</td>
<td>Unknown</td>
<td>---</td>
<td>Y</td>
<td>30</td>
<td>$2,100</td>
<td>1&quot; COPPER</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>$2,100</td>
</tr>
<tr>
<td>1011</td>
<td>N. Glenhurst</td>
<td>6&quot; O.B.</td>
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<td>25</td>
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<td>N</td>
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<tr>
<td>1025</td>
<td>N. Glenhurst</td>
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<td>2016</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>1&quot; COPPER</td>
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<td>0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>1043</td>
<td>N. Glenhurst</td>
<td>6&quot; PVC</td>
<td>2013</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>1&quot; COPPER</td>
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<td>$0</td>
<td>$0</td>
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<tr>
<td>1065</td>
<td>N. Glenhurst</td>
<td>6&quot; O.B.</td>
<td>1950</td>
<td>Y</td>
<td>14</td>
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<td>1&quot; COPPER</td>
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<td>0</td>
<td>$0</td>
<td>$980</td>
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<tr>
<td>1087</td>
<td>N. Glenhurst</td>
<td>6&quot; O.B.</td>
<td>1950</td>
<td>Y</td>
<td>15</td>
<td>$1,050</td>
<td>1&quot; COPPER</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>$1,050</td>
</tr>
<tr>
<td>1099</td>
<td>N. Glenhurst</td>
<td>On Raynale</td>
<td>1947</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>1&quot; COPPER</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>$0</td>
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#### TOTAL
<table>
<thead>
<tr>
<th>Address</th>
<th>Street</th>
<th>Type of Pipe</th>
<th>Date</th>
<th>SAD?</th>
<th>Est Feet</th>
<th>Estd Cost</th>
<th>Water</th>
<th>SAD?</th>
<th>Estd Feet</th>
<th>Estd Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
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### EAST SIDE

<table>
<thead>
<tr>
<th>Address</th>
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<th>Type of Pipe</th>
<th>Date</th>
<th>SAD?</th>
<th>Est Feet</th>
<th>Estd Cost</th>
<th>Water</th>
<th>SAD?</th>
<th>Estd Feet</th>
<th>Estd Cost</th>
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<tbody>
<tr>
<td>920</td>
<td>N. Glenhurst</td>
<td>On Oak St.</td>
<td>2012</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>3/4&quot; COPPER</td>
<td>Y</td>
<td>20</td>
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<td>$1,100</td>
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<tr>
<td>940</td>
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<td>2013</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>1&quot; COPPER</td>
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<td>$0</td>
<td>$0</td>
</tr>
<tr>
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<td>6&quot; O.B.</td>
<td>1952</td>
<td>Y</td>
<td>32</td>
<td>$2,240</td>
<td>3/4&quot; COPPER</td>
<td>Y</td>
<td>20</td>
<td>$1,100</td>
<td>$3,340</td>
</tr>
<tr>
<td>986</td>
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<td>Y</td>
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<td>$1,610</td>
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<tr>
<td>1010</td>
<td>N. Glenhurst</td>
<td>6&quot; PVC</td>
<td>2011</td>
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<td>0</td>
<td>$0</td>
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<td>33</td>
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<td>Y</td>
<td>35</td>
<td>$2,450</td>
<td>1&quot; COPPER</td>
<td>N</td>
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</tr>
<tr>
<td>1060</td>
<td>N. Glenhurst</td>
<td>4&quot; HDPE</td>
<td>2014</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>1&quot; Lead</td>
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<tr>
<td>1076</td>
<td>N. Glenhurst</td>
<td>Unknown</td>
<td>1941</td>
<td>Y</td>
<td>37</td>
<td>$2,590</td>
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<td>N</td>
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#### TOTAL
<table>
<thead>
<tr>
<th>Address</th>
<th>Street</th>
<th>Type of Pipe</th>
<th>Date</th>
<th>SAD?</th>
<th>Est Feet</th>
<th>Estd Cost</th>
<th>Water</th>
<th>SAD?</th>
<th>Estd Feet</th>
<th>Estd Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

### RATIOS:
- 12 out of 20 = 60%
- 2 out of 20 = 10%

*CITY WILL PAY FOR LEAD SERVICE REPLACEMENT*
<table>
<thead>
<tr>
<th>Material</th>
<th>Unit</th>
<th>Cost Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sewer Service, 6&quot; PVC</td>
<td>LF</td>
<td>$70.00</td>
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<tr>
<td>Water Service Connection, 1&quot;</td>
<td>LF</td>
<td>$55.00</td>
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### Raynale - N. Glenhurst to Chesterfield

#### NORTH SIDE

<table>
<thead>
<tr>
<th>Address</th>
<th>Street</th>
<th>Type of Pipe</th>
<th>Date</th>
<th>SAD?</th>
<th>Estd Feet</th>
<th>Estd Cost</th>
<th>Water</th>
<th>SAD?</th>
<th>Estd Feet</th>
<th>Estd Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1120</td>
<td>N. Glenhurst (On Glenhurst)</td>
<td>1951</td>
<td>N</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>(On Glenhurst)</td>
<td>N</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1121</td>
<td>Lyonhurst (On Lyonhurst)</td>
<td>---</td>
<td>N</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>(On Lyonhurst)</td>
<td>N</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1120</td>
<td>Lyonhurst 6&quot; O.B.</td>
<td>1949</td>
<td>Y</td>
<td>35</td>
<td>$2,450</td>
<td>1&quot; COPPER</td>
<td>N</td>
<td>0</td>
<td>0</td>
<td>$0</td>
<td>$2,450</td>
</tr>
<tr>
<td>1115</td>
<td>Brookwood (On Brookwood)</td>
<td>---</td>
<td>N</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>(On Brookwood)</td>
<td>N</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>1122</td>
<td>Brookwood 6&quot; O.B.</td>
<td>1946</td>
<td>N</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>(On Brookwood)</td>
<td>N</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1125</td>
<td>Chesterfield (On Chesterfield)</td>
<td>2016</td>
<td>N</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>(On Chesterfield)</td>
<td>N</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**Total Cost:** $2,450

### SOUTH SIDE

<table>
<thead>
<tr>
<th>Address</th>
<th>Street</th>
<th>Type of Pipe</th>
<th>Date</th>
<th>SAD?</th>
<th>Estd Feet</th>
<th>Estd Cost</th>
<th>Water</th>
<th>SAD?</th>
<th>Estd Feet</th>
<th>Estd Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1973</td>
<td>Raynale 6&quot; O.B.</td>
<td>1959</td>
<td>Y</td>
<td>22</td>
<td>$1,540</td>
<td>1&quot; COPPER</td>
<td>N</td>
<td>0</td>
<td>0</td>
<td>$0</td>
<td>$1,540</td>
</tr>
<tr>
<td>1935</td>
<td>Raynale 6&quot; O.B.</td>
<td>1959</td>
<td>Y</td>
<td>22</td>
<td>$1,540</td>
<td>1&quot; COPPER</td>
<td>N</td>
<td>0</td>
<td>0</td>
<td>$0</td>
<td>$1,540</td>
</tr>
<tr>
<td>1851</td>
<td>Raynale 6&quot; O.B.</td>
<td>2016</td>
<td>N</td>
<td>20</td>
<td>$1,400</td>
<td>1&quot; COPPER</td>
<td>N</td>
<td>0</td>
<td>0</td>
<td>$0</td>
<td>$1,400</td>
</tr>
<tr>
<td>1787</td>
<td>Raynale 6&quot; PVC</td>
<td>1953</td>
<td>N</td>
<td>0</td>
<td>0</td>
<td>1&quot; PLASTIC</td>
<td>N</td>
<td>0</td>
<td>0</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>1097</td>
<td>Chesterfield (On Chesterfield)</td>
<td>1953</td>
<td>N</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>(On Chesterfield)</td>
<td>N</td>
<td>0</td>
<td>0</td>
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</tr>
</tbody>
</table>

**Total Cost:** $4,480

**RATIOS:**

- 4 out of 11
- 36%
- 0 out of 11
- 0%

---

2019 Quarton Lake Sub. Reconstruction Phase 1 Contract #1-19(P)
### Material

<table>
<thead>
<tr>
<th>Material</th>
<th>Unit</th>
<th>Cost Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sewer Service, 6&quot; PVC</td>
<td>LF</td>
<td>$70.00</td>
</tr>
<tr>
<td>Water Service Connection, 1&quot;</td>
<td>LF</td>
<td>$55.00</td>
</tr>
</tbody>
</table>

---

### Brookwood - N. Glenhurst to Raynale

**NORTH/WEST SIDE**

<table>
<thead>
<tr>
<th>Address</th>
<th>Street</th>
<th>Type of Pipe</th>
<th>Date</th>
<th>SAD?</th>
<th>Estd Feet</th>
<th>Estd Cost</th>
<th>Water</th>
<th>SAD?</th>
<th>Estd Feet</th>
<th>Estd Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>911</td>
<td>Brookwood</td>
<td>4&quot; PVC</td>
<td>1999</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>1-1/2&quot; COPPER</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>921</td>
<td>Brookwood</td>
<td>4&quot; PVC</td>
<td>1999</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>1-1/2&quot; COPPER</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>977</td>
<td>Brookwood</td>
<td>Unknown</td>
<td>1939</td>
<td>Y</td>
<td>20</td>
<td>$1,400</td>
<td>1&quot; COPPER</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>$1,400</td>
</tr>
<tr>
<td>1001</td>
<td>Brookwood</td>
<td>6&quot; Cast Iron</td>
<td>1940</td>
<td>Y</td>
<td>17</td>
<td>$1,190</td>
<td>1&quot; COPPER</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>$1,190</td>
</tr>
<tr>
<td>1069</td>
<td>Brookwood</td>
<td>Unknown</td>
<td>1939</td>
<td>Y</td>
<td>19</td>
<td>$1,330</td>
<td>1&quot; COPPER</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>$1,330</td>
</tr>
</tbody>
</table>

**SOUTH/EAST SIDE**

<table>
<thead>
<tr>
<th>Address</th>
<th>Street</th>
<th>Type of Pipe</th>
<th>Date</th>
<th>SAD?</th>
<th>Estd Feet</th>
<th>Estd Cost</th>
<th>Water</th>
<th>SAD?</th>
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<tbody>
<tr>
<td>900</td>
<td>Brookwood</td>
<td>Unknown</td>
<td>1939</td>
<td>Y</td>
<td>33</td>
<td>$2,310</td>
<td>1&quot; COPPER</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>$2,310</td>
</tr>
<tr>
<td>952</td>
<td>Brookwood</td>
<td>6&quot; PVC</td>
<td>2009</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>2&quot; COPPER</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>998</td>
<td>Brookwood</td>
<td>4&quot; CROCK</td>
<td>1944</td>
<td>Y</td>
<td>34</td>
<td>$2,380</td>
<td>1-1/2&quot; COPPER</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>$2,380</td>
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<tr>
<td>1004</td>
<td>Brookwood</td>
<td>6&quot; Unknown</td>
<td>1941</td>
<td>Y</td>
<td>44</td>
<td>$3,080</td>
<td>2&quot; COPPER</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>$3,080</td>
</tr>
<tr>
<td>1020</td>
<td>Brookwood</td>
<td>Unknown</td>
<td>---</td>
<td>Y</td>
<td>44</td>
<td>$3,080</td>
<td>1&quot; COPPER</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>$3,080</td>
</tr>
<tr>
<td>1084</td>
<td>Brookwood</td>
<td>4&quot; O.B.</td>
<td>1950</td>
<td>Y</td>
<td>27</td>
<td>$1,890</td>
<td>1&quot; COPPER</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>$1,890</td>
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**Total Cost**: $3,920 + $12,740 = $16,660

**RATIOS**: 8 out of 11 (73%) 0 out of 11 (0%)
## 2019 Quarton Lake Sub. Reconstruction Phase 1 Contract #1-19(P)

<table>
<thead>
<tr>
<th>Material</th>
<th>Unit</th>
<th>Cost Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sewer Service, 6” PVC</td>
<td>LF</td>
<td>$ 70.00</td>
</tr>
<tr>
<td>Water Service Connection, 1”</td>
<td>LF</td>
<td>$ 55.00</td>
</tr>
</tbody>
</table>

### Kenwood Ct. - N. Glenhurst to cul-de-sac

#### NORTH SIDE

<table>
<thead>
<tr>
<th>Address</th>
<th>Street</th>
<th>Type of Pipe</th>
<th>Date</th>
<th>SAD?</th>
<th>Estd Feet</th>
<th>Estd Cost</th>
<th>Water</th>
<th>SAD?</th>
<th>Estd Feet</th>
<th>Estd Cost</th>
<th>Total Cost</th>
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</thead>
<tbody>
<tr>
<td>1906</td>
<td>Kenwood</td>
<td>6” CLAY</td>
<td>1940</td>
<td>Y</td>
<td>30</td>
<td>$2,100</td>
<td>1” COPPER</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>$2,100</td>
</tr>
<tr>
<td>1888</td>
<td>Kenwood</td>
<td>6” O.B.</td>
<td>1961</td>
<td>Y</td>
<td>25</td>
<td>$1,750</td>
<td>1” COPPER</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>$1,750</td>
</tr>
<tr>
<td>1886</td>
<td>Kenwood</td>
<td>6” PVC</td>
<td>1991</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>1-1/2” COPPER</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

**Total Cost:** $3,850

#### SOUTH SIDE

<table>
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<tr>
<th>Address</th>
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<th>Type of Pipe</th>
<th>Date</th>
<th>SAD?</th>
<th>Estd Feet</th>
<th>Estd Cost</th>
<th>Water</th>
<th>SAD?</th>
<th>Estd Feet</th>
<th>Estd Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1901</td>
<td>Kenwood</td>
<td>Unknown</td>
<td>1940</td>
<td>Y</td>
<td>25</td>
<td>$1,750</td>
<td>1” COPPER</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>$1,750</td>
</tr>
<tr>
<td>1895</td>
<td>Kenwood</td>
<td>PVC</td>
<td>1991</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>1-1/2” COPPER</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>1885</td>
<td>Kenwood</td>
<td>PVC</td>
<td>1991</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>1-1/2” COPPER</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>1881</td>
<td>Kenwood</td>
<td>PVC</td>
<td>1991</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>1-1/2” COPPER</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>1791</td>
<td>Kenwood</td>
<td>PVC</td>
<td>1991</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>1-1/2” COPPER</td>
<td>N</td>
<td>0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

**Total Cost:** $1,750

**RATIOS:**

- 3 out of 8 38%
- 0 out of 8 0%
MEMORANDUM

DATE: March 25, 2019

TO: Joseph A. Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer
Mark Gerber, Finance Director

SUBJECT: City-Owned Fiber Optic Network
Lease Agreement & Ordinance
Lease Rate Structure
Agreement with Telecommunications Consultant

INTRODUCTION:

As a part of the underground improvements completed on the 2018 Old Woodward Ave. Reconstruction Project, the City installed a new fiber optic telecommunications conduit network. The impetus for the system was to reduce the amount of future damage that could be sustained to the streetscape if telecommunications providers desired to install underground communication connections to various customers within the project area in the future. By installing an empty conduit system prior to paving, the City will be able to require all future telecommunications providers to use the City’s system, rather than installing their own. The City will have the right to charge an annual lease fee to telecommunications providers wishing to service customers within this area.

The following memo requests authorization of the ordinance mandating use of the system, the lease agreement that shall be used, the rate structure that will be charged, and the agreement to hire a telecommunications consultant to assist the City during the rental and installation process.

BACKGROUND:

a. Fiber Optic System – Old Woodward Ave.

During the design phase of the Old Woodward Ave. project, the City's engineering consultant Nowak & Fraus determined the need to hire a subconsultant to assist in the design of a fiber optic network as a part of the project. With the assistance of Turnkey Network Solutions, several plans sheets were developed as a part of the bid package laying out a conduit system that was designed to service all property owners that would like to participate in future telecommunications upgrades for their buildings. The system as installed contains four 4” PVC conduits bundled together as a unit, interconnected with shallow manholes at regular intervals. One of the four conduits was further improved with three smaller ducts, offering future users the option of using a 1¼ inch, 1 inch, or microduct sized conduits, depending on the user’s needs.

Prior to construction, the Engineering Dept. offered all building owners the option to have a 4 inch conduit installed from the nearest manhole up to their basement wall (at the
point of their choosing) so that a future telecommunications provider can bring improved telecommunications services to tenants in the future. Based on initial estimates, the Engineering Dept. requested that a contact information form be completed and returned, along with a check for $1,500 for each connection, to show interest. As it turned out, the $1,500 estimate was almost exactly what it cost to have our contractor install the individual conduits to their building foundation walls. Details of the actual system as installed is included with the plans attached to this package.

As you know, the City plans to continue with further construction projects within the Central Business District, primarily on Maple Rd. and S. Old Woodward Ave. It is our intent to extend the fiber optic system into those project areas. Once completed, the ordinance, lease agreement terms, and rate structure referenced below would apply to the enlarged system as well.

b. Ordinance Amendment, Chapter 30, & Lease Agreement
Now that the system is installed, at least three telecommunication services providers have expressed verbal interest in participating in our system. With that in mind, the attached ordinance amendment has been prepared. The ordinance establishes that the conduit system is owned by the City of Birmingham, and that no outside party may use the conduit system without first signing the attached lease agreement which sets the terms of operation. A separate lease agreement shall be signed and approved by the City Commission for each telecommunications provider that wishes to service customers within the project area. The attached standard agreement form has been developed by the City Attorney’s office with input from City staff to create a standard form that future tenants of the system will be asked to sign.

c. Telecommunications Consultant
As referenced above, during planning and construction, the Engineering Dept. relied upon Turnkey Network Solutions as a subconsultant to our engineering consulting firm, Nowak & Fraus. They were instrumental in helping get the design finalized, and advising the City in proper protocol during construction, which was then inspected by our inspectors.

Since the City inspection team has only a rudimentary knowledge of telecommunication networks, we feel it is prudent to rely on an outside expert to guide us, particularly at the beginning of this venture. We do not want to approve applicants or methods that could in the future leave our network damaged or compromised. Turnkey has offered to assist in reviewing plans, as well as meeting with the telecommunications companies during a pre-construction meeting to ensure that proper procedures and protocol are followed. Given their suggested rates and time schedules, we suggest that a flat $1,500 application fee be charged to each company wishing to rent space in the new system. That will allow the City to cover its ongoing costs with Turnkey.

As referenced in the attached cover letter, it is also our intent to hire Turnkey for a one-time tutorial wherein their inspector would teach our staff on items to look for when inspecting the installation of new conduit in our system, for a one-time fee of $952.00.

As a professional service provider, Turnkey would be authorized to act on our behalf as needed in the future for input and direction in items concerning the management and maintenance of our new network. The suggested agreement is attached.
d. Rate Structure
There are currently very few municipalities in Michigan that are constructing and owning telecommunication networks for rent. In order to determine the appropriate rate, we considered some other examples, including AT&T, the City of Grand Rapids, and the City of Milwaukee, WI. Information regarding their rate structures can be found in Appendix A to this report below.

Reviewing the available information, Finance Director Mark Gerber prepared a suggested rate structure similar to that used in Grand Rapids, which is based on the cost to construct and maintain, based on a fifty year life span. The system as built contains variable sizes, as recommended by our consultant, including 4 inch, 1¼ inch, 1 inch, and microduct. If one takes a straight percentage of space being used, rates are generated as suggested on the attached sheets. As covered in more detail in the Appendix, AT&T’s current rate for rental of microduct throughout Michigan is currently $0.39 per foot per year. Given the value gained by the leaser for a microduct compared to a 1 inch or larger duct, and given the market currently being charged, we recommend starting at a minimum rate matching AT&T for the microduct, but using our own calculations for the larger ducts. The rates as suggested are noted below:

<table>
<thead>
<tr>
<th>Duct Size</th>
<th>Rate Per Foot Per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 inch</td>
<td>$4.84</td>
</tr>
<tr>
<td>1¼ inch</td>
<td>$1.61</td>
</tr>
<tr>
<td>1 inch</td>
<td>$1.61</td>
</tr>
<tr>
<td>Microduct</td>
<td>$0.39</td>
</tr>
</tbody>
</table>

An amendment to the fee schedule as prepared is attached.

It is also recommended that a permit fee be charged to applicants wishing to use or expand their use of the system. Similar to telecommunications applicants throughout the City, the applicant would be required to:

1. Currently be approved as a valid telecommunications utility approved to operate in the City of Birmingham through a METRO Act agreement.
2. Submit an application to the Engineering Dept. including plans for review.
3. Submit proof of insurance and payment of review fee and inspection deposit.
4. Agree to attend a pre-construction meeting to review plans and installation protocol.

Applicants using the new telecommunications network would be charged an application fee, as well as a refundable inspection deposit, which covers the anticipated cost of an inspector spending up to 25 hours both at the pre-construction meeting, and monitoring their work in the field during installation. If less time is actually spent, a refund in unused funds would be processed back to the applicant. The application rates are noted below:

<table>
<thead>
<tr>
<th>Rate</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Fee</td>
<td>$1,500</td>
</tr>
<tr>
<td>Refundable Deposit</td>
<td>$1,500</td>
</tr>
</tbody>
</table>
LEGAL REVIEW:
The City Attorney’s office has prepared and reviewed the standard telecommunications rental agreement and ordinance revision, as well as the suggested agreement between the City and Turnkey Network Solutions, and recommends proceeding as suggested.

FISCAL IMPACT:
The rate schedule as recommended is designed to be representative of the market, as well as to allow the City to begin recouping its investment in this fiber optic network. Application fees and inspection deposits are designed to allow ongoing submittals and pipeline insertions to be self-sustaining at no additional cost to the City. The one-time cost from the consultant for internal staff training is estimated at $952. The Finance Dept. will be accounting for these funds within a new department under the General Fund section of the budget, under which costs and expenditures can be tracked.

SUMMARY
The following actions are recommended at this time:

1. Approve the amendments to Section 30 of the City Code regarding the ability to lease a City-owned fiber optic network to telecommunications providers.
2. Approve the standard form agreement that telecommunication system providers will be asked to sign if they wish to insert their facilities into the City owned network.
3. Approve the changes to the fee schedule setting annual lease rates for use of the fiber optic network, as well as application fee and inspection deposit to be charged at the time of lease commencement.
4. Approve the professional services agreement between the City and Turnkey Network Solutions to allow the Engineering Dept. to use their expertise as we learn how to manage the new fiber optic network.

ATTACHMENTS:
- Ordinance Amendment, Chapter 30 of the City Code
- Standard Form Conduit Lease Agreement for Telecommunications providers wishing to participate in the use of the new Fiber Optic network.
- Appendix A pertaining to suggested rate structure calculations, plus information regarding other systems rate structures, such as AT&T, City of Grand Rapids, and City of Milwaukee, WI.
- Modified sections of City Fee Schedule as recommended.
- Appendix A, Development of Rental Rates Report, with detailed calculations relative to recommended rate structure.
- Current telecommunication duct rental rates from the City of Grand Rapids.
- Current telecommunication duct rental rates (in ordinance form) from the City of Milwaukee, WI.
- Signed professional services agreement for Turnkey Network Solutions, and cover letter of recommended services.
- Plans of Fiber Optic Network as installed in the 2018 Old Woodward Ave. Reconstruction project area.
SUGGESTED RESOLUTION:

To amend Chapter 30, Cable Communications, Article X, Telecommunications Rights-of-way, to add Section 308, Telecommunications Infrastructure: City Conduit System.

AND

To approve the standard form Conduit Lease Agreement with future lessees of the fiber optic network system as now installed and to be expanded in the Central Business District.

AND

To approve modifications to the Fee Schedule under the Engineering section, as it pertains to rental fees and application fees for telecommunication systems wishing to use the City’s new Fiber Optic Network.

AND

To approve professional services agreement with Turnkey Network Solutions for services described in the attached letter of February 13, 2019 for a three-year period.
AN ORDINANCE TO AMEND THE CITY CODE, CHAPTER 30. CABLE COMMUNICATIONS, ARTICLE X. TELECOMMUNICATIONS RIGHTS-OF-WAY, TO ADD SEC. 308. TELECOMMUNICATIONS INFRASTRUCTURE: CITY CONDUIT SYSTEM.

THE CITY OF BIRMINGHAM ORDAINS:

The City Code, Chapter 30. Cable Communications, Article X. Telecommunications Rights-of-Way, Sec 308. Telecommunications Infrastructure, City Conduit System shall read as follows:

Sec. 308. - Telecommunications Infrastructure, City Conduit System.

(a) Definitions. For the purposes of this chapter, the following definitions apply:

City means the City of Birmingham.

Conduit system refers to a collection of conduit, innerduct, manholes and hand holes, installed and owned by the City of Birmingham, designed for enclosing telecommunication wires, cables, and other applicable technology.

Rights-of-way means the areas in, upon, above, along, across, under, and over the public streets, sidewalks, roads, lanes, courts, ways, alleys, rights-of-way, boulevards, buildings and any other public places owned by or subject to the control of the City as provided by Constitution, law or ordinance.

Telecommunications network means data, voice, video or other information provided for by a collection of wire, fiber optic cable or other technology, whether owned by the City or owned by others.

(b) Use of city conduit requirement. No person shall install a conduit system, or other similar underground system, in the rights-of-way without the City’s permission. The City has installed a conduit system within certain rights-of-way within the City. Where such City owned conduit system exists, from the date of completion onward, it shall be the sole conduit system of use for underground telecommunications networks. All telecommunication wires, cables, and other applicable technology available to be placed underground shall be placed in the City owned conduit system, unless the City permits otherwise.

(c) Lease agreement. Within the rights-of-way wherein the City owned conduit system exists, no person shall install or operate, in whole or in part, telecommunications networks in the City conduit system in the rights-of-way without first agreeing to the City’s terms and conditions as provided for in the City’s conduit system lease agreement. The City reserves to itself discretion in entering into any lease agreement as it determines to be in the best interest of the City and its citizens.

(d) Technical standards and specifications. Lessee shall comply with all technical standards and specifications provided for in the lease agreement.
(e) *Compliance with applicable law.* The City in reviewing and entering into a lease agreement, and the lessee, in the establishment and operation of any telecommunications networks, shall comply with all applicable federal and state laws.

(f) *Fees.* Lessee shall pay to the City all applicable fees in the amounts provided for in the lease agreement.
CONDUIT SYSTEM LEASE AGREEMENT

This Conduit System Lease Agreement (hereinafter “Agreement”) is made and entered into by and between the City of Birmingham, Michigan, a municipal corporation, 151 Martin Street, Birmingham, MI 48009 (hereinafter referred to as “City”), and _____________________, a corporation organized and existing under the laws of the State of ______________, having its principal office at _____________________, (hereinafter referred to as “Lessee”), as of the Effective Date (as hereinafter defined).

WHEREAS, City owns a system of conduit, innerduct, manholes and hand holes (hereinafter “Conduit System”), as generally depicted in Exhibit B, within and under certain public street and sidewalk Right of Way within section of Old Woodward and Maple as depicted on the map attached hereto as Exhibit B, and it is the intent of the City to provide the Conduit System for the use of telecommunication providers, and for the purpose of providing broadband connectivity; and

WHEREAS, the Conduit System is intended (i) to limit the number of utility street cuts by colocation of broadband facilities within the City’s Right of Way located in the area that comprises the Conduit System (these public Rights of Way being collectively referred to in this Agreement as the “ROW”) and (ii) to increase the availability of broadband to broadband users; and

WHEREAS, Lessee desires to install, use and maintain its telecommunication cables, appurtenances and other technologies that are applicable (“Lessee Facilities”) in the Conduit System, all at the sole cost and expense of the Lessee.

NOW, THEREFORE, in consideration of the foregoing and the following covenants and agreements, it is hereby agreed by and between City and Lessee (hereinafter “Parties”) as follows:

1. USE OF CONDUIT SYSTEM. City hereby leases space in the Conduit System (hereinafter “Space”) to Lessee on a non-exclusive basis, for Lessee to install, use and maintain Lessee Facilities, in a single innerduct as assigned by City, in all or any part of the Conduit System, including all future additions to the Conduit System as the City may build or acquire, inclusive of Main Line Extensions and Building Extensions as defined in Exhibit A hereto.

2. TERM.

(a) Term. The term of this Agreement shall begin on the Effective Date, and shall end on the date that is five (5) years from the Effective Date, unless earlier terminated as provided herein (“Term”).

(b) Renewal Term. If Lessee desires to renew this conduit agreement for an additional term, it shall, not less than one hundred eighty (180) days before expiration of the current lease, give written notice to the City requesting renewal. The parties shall negotiate in good faith on all issues including compensation.
Within ninety (90) days after receiving a written renewal request, the City Engineer shall grant or deny the request in whole or in part. If the renewal request is denied, the written determination shall include the reason(s) for non-renewal. The decision to grant or deny a renewal request shall be based upon the following standards:

(i) The continuing capacity of the Right of Way or the conduit system to accommodate the Lessee's existing facilities;

(ii) Lessee's compliance with the requirements of this conduit lease agreement; and

(iii) Such other factors as may demonstrate that the continued grant to use the Right of Way and conduit system will serve the community interest, including indications of significant customer satisfaction or dissatisfaction with Lessee’s provision of services.; and

(iv) Mutual agreement on compensation issues. If the parties are in agreement on compliance with standards in subsection (b)(i)-(iii) but have not reached agreement on subsection (b)(iv), the Lessee shall be allowed to continue its operations under the existing terms and conditions until agreement or a decision to recommend denial is reached.

3. MONTHLY RENT.

(a) During the Term of this Agreement, Lessee agrees to pay rent in the amount of $0.66 (sixty-six cents) per foot per month.

(b) Initial Payment. Billing for conduit occupancy will commence on the first day of the month following the date this Agreement is entered into. Subsequent payments shall be due monthly thereafter, on the first day of each succeeding month.

(c) Late Payment. In the event any payment is not received within thirty (30) days from the first day of each month, Lessee shall be assessed a late fee of 5% of the payment due and shall be assessed interest at the rate of 8 1/2%, compounded annually.

(d) Pre-payment. Lessee may pre-pay all or part of this rent for the Term in an amount to be mutually agreed upon.

Adjustment of Fee Structure. The fee structure shall be reviewed and adjusted annually with the Consumer Price Index for the Detroit/Ann Arbor area and reevaluated every five (5) years from initial date of the lease.

4. STANDARDS AND SPECIFICATIONS. Lessee shall design, construct, install, secure, use, operate and maintain the Lessee Facilities according to the Technical Standards and Specifications (“TSS”) set forth in Exhibit A hereto. Lessee shall notify City in writing in advance of any proposed changes to the TSS, which shall constitute a proposed amendment to
this Agreement. City shall have thirty (30) business days to review such proposed changes before Lessee implements them. If City objects to the changes within the thirty (30) business day period, the Parties shall negotiate in good faith to reach an agreement respecting the changes. Absent an agreement, the changes shall not be implemented or become a part of this Agreement.

5. OTHER USE. This Agreement shall be subject to and subordinate to City’s right to maintain and use the Conduit System, and to use, alter or excavate any portion of the ROW or utilities; provided however that City shall use commercially reasonable efforts to minimize any adverse impact on Lessee Facilities or Lessee’s rights under this Agreement. In the event that the City desires to make planned changes to the Conduit System, the City shall provide Lessee not less than ninety (90) days prior written notice setting forth a description of any changes in the Conduit System that could reasonably result in a material diminution or reduction of Lessee’s rights under this Agreement. Upon receipt of such notice as described above, Lessee shall have the right to terminate the affected portions of this Agreement without further liability.

6. CITY’S TITLE. City is the owner and/or holder of the property comprising the ROW associated with the Conduit System and shall be the owner of the Conduit System, subject in each case to the terms and limitations under which they are owned or held, including but not limited to covenants, conditions, restrictions, easements, including pre-existing fiber optic easements or licenses, reversionary interests, bond mortgages and indentures, and other matters, including but not limited to encroachments, licenses and permits, whether or not of record, and to the rights of tenants and lessees in possession. The rights granted herein are subject to each and every limitation, restriction or reservation affecting the same; provided however, that City shall use commercially reasonable efforts to acquire and maintain the rights necessary to provide the Space leased hereunder in accordance with the terms of this Agreement and Lessee shall have the right to terminate the affected portions of this Agreement without further liability in the event that any limitation, restriction or reservation in such rights has a material adverse impact on Lessee’s ability to use the Space leased hereunder.

7. RESTRICTION. Lessee shall not (a) create, or permit to exist, any lien, encumbrance or other property interest in the Conduit System, or (b) subject to the provisions of Section 24 below, directly or indirectly sell or otherwise transfer any interest hereunder to any person or entity without the prior approval of City, which approval may be denied for reasonable cause shown. Without limiting the foregoing, City need not approve a sale or transfer hereunder unless in connection therewith such purchaser or transferee shall agree in writing to be bound by the terms and conditions of this Agreement (including without limitation those provisions which limit the liability of the Parties hereto), and Lessee’s permitted successors or assigns shall be primarily liable for the performance of all of the obligations under this Agreement. Lessee shall not sub-lease its Space in the Conduit System to any third party. The foregoing notwithstanding, Lessee is not restricted in the normal sale or lease of products and services that utilize Lessee Facilities installed within the Conduit System, including but not limited to selling or leasing dark fiber in Lessee Facilities to third parties including Incumbent or Competitive Local Exchange Carriers and providers of Commercial Mobile Radio Service.
8. ACCEPTANCE.

(a) Pre-acceptance Inspection. Lessee shall have sixty (60) days from the Effective Date to inspect and accept the Conduit System. All costs associated with pre-acceptance inspection shall be borne by Lessee. The City shall cooperate with inspection operations and participate if requested, but at Lessee’s sole cost and expense. Lessee shall provide City at least five (5) days’ notice of Lessee’s desire for City participation.

(b) Lessee-built Assets. Assets constructed or installed, and work performed related to the construction of said Assets within the ROW and attached to the Conduit System, by Lessee in compliance with the TSS shall be considered acceptable to the City. Acceptance shall not be unreasonably withheld or delayed by the City. Assets not accepted shall be brought into compliance with the TSS by Lessee. If physical conditions in the ROW prevent Lessee from satisfying the TSS, the Lessee and City shall work together to reach a solution mutually agreeable to both Parties. In the event a mutually agreeable solution is not reached, City shall make the decision in the exercise of its reasonable discretion.

9. OWNERSHIP. The Conduit System shall at all times be and remain the property of City. Lessee Facilities shall at all times be and remain the property of Lessee. Lessee shall install and maintain the Lessee Facilities at Lessee’s own expense and risk. Building extensions shall be under the ownership of the Lessee who first supplies a particular building using the extensions. Further, facilities and equipment, including but not limited to conduit, innerduct, and fiber optic cable, installed by Lessee in the ROW or on private property and connected to the Conduit System for the sole purpose of interconnecting the Conduit System with the Lessee Facilities shall at all times be and remain the property of Lessee and shall be considered a part of the Lessee Facilities and shall not be a part of the Conduit System.

10. INTENDED USE. City certifies the continuity and integrity of the Conduit System, that it is acceptable for its intended use. When notified in writing by Lessee of deficiencies in the Space, the City shall correct such deficiencies expeditiously at City’s sole cost and expense, or assign different Space to Lessee. During the pre-acceptance inspection described in Section 8(a) above, Lessee may refuse to accept the Conduit System and terminate this Agreement in the event City fails to correct said deficiencies within sixty (60) days of receipt of written notice from Lessee.

11. OBLIGATIONS.

(a) Lessee Obligations.

(i) During the Term of this Agreement, Lessee shall maintain the Lessee Facilities in a functional and safe condition. All installation and maintenance of the Lessee Facilities shall be the responsibility of Lessee and shall be performed under its direction by contractors approved by City, such approval not to be unreasonably withheld. Lessee shall perform such maintenance as is reasonably necessary and customary for normal use of the Lessee Facilities in the manner described in Exhibit A. The installation and maintenance of the Lessee Facilities shall be performed in a manner that minimizes any interruption or disruption of the ROW, utilities, communications or streets (including traffic control devices and systems) and shall restore the
ROW, utilities, communications and streets (including traffic control devices and systems) in accordance with Exhibit A. The Lessee shall follow reasonable guidance and instructions from City for this purpose which need not be the lowest cost or most cost effective method for Lessee.

(ii) If, in the course of Lessee’s monitoring and maintenance of the Lessee Facilities, Lessee identifies any degradation in service, failures or defects in the Conduit System, Lessee shall promptly report such degradation in service, failures or defects to the City.

(iii) In accordance with the Birmingham Ordinances, Lessee shall be responsible for all damage, loss, and expense which may result by reason of defective material and/or workmanship in connection with work performed by Lessee under this Agreement, arising within a period of one (1) year from acceptance of said work by the City pursuant to Section 8(b) above. Lessee shall promptly repair such defect and pay, or cause to be paid, all expenses associated with said repair; and Lessee shall save and hold the City harmless from all damages, loss, and expense occasioned by or resulting from such defect.

(b) City Obligations.

(i) Ongoing maintenance and repair of the Conduit System shall be the responsibility of the City and at City’s sole expense, except that damage or degradation of the Conduit System that is attributable to the use or negligence of the Lessee shall be at the expense of the Lessee. The City shall maintain the Conduit System in good working condition, ensuring continuity between manholes, and hand holes, usable for its intended purpose. Building extensions have been provided to specific buildings where requested by building owner, and shall be ready for use from a point within 18 inches of the outside building wall. Lessee shall be responsible for all work and incur all costs to excavate as required to access building extensions and extend into the customer’s building. All said work in making building connection shall be subject to the issuance of a Utility ROW permit issued by the City Engineer. In the event that Lessee believes that the City has failed to maintain the Conduit System as provided herein, Lessee shall provide the City with ninety (90) days written notice specifying any maintenance failures, and if the City fails to take corrective action within the ninety (90) day period, Lessee may perform or cause to be performed the maintenance and repair of the Conduit System and the costs thereof shall be credited against monthly Rent due hereunder.

(ii) Subject to construction notification requirements, the City shall keep confidential and not disclose to other occupants of the Conduit System, or otherwise make public, information concerning any Asset construction by Lessee, whether planned, in progress, or completed, until thirty (30) days after Acceptance of the Asset by the City.

12. LESSEE USE OF CONDUIT SYSTEM.

(a) Third Party Contracts. Lessee shall not act in any way which would interfere with City's performance of City contracts for provision of communication services utilizing the Conduit System.

(b) Damage from Misuse. Lessee shall not use the Conduit System except as intended under this Agreement. If Conduit System damage is attributable to misuse or abuse by Lessee,
then Lessee shall pay City for the repair or replacement of the affected portion of Conduit System and any damage to City property in accordance with City schedule of time and material charges then in effect. The City may, in its discretion, obtain reimbursement for the above by making a claim under Lessee’s performance bond. The provisions of this Section shall survive the expiration, completion or earlier termination of this Agreement.

(c) Use in Accordance with Law. By agreeing to this Agreement, Lessee agrees to obey and comply with all applicable governmental ordinances laws, rules, regulations, or restrictions. Subject to City ordinance, City permitting requirements, and Exhibit A, Lessee shall have unrestricted access to the Conduit System for purposes of operating, repairing, installing, inspecting, and removing Lessee Facilities, interconnecting with the Space and the Lessee Facilities, and extending the Conduit System.

13. REMOVAL OF LESSEE FACILITIES UPON EXPIRATION OR TERMINATION OF AGREEMENT. Upon one hundred and eighty (180) days’ written notice by the City pursuant to the expiration or termination pursuant to Section 17, Lessee shall promptly, safely and carefully remove Lessee’s property (including fiber optic cable) from the Conduit System. If Lessee fails to complete this removal work on or before the one hundred and eighty (180) days subsequent to the issuance of notice pursuant to this Section 13, then the City, upon written notice to Lessee, shall have the right at the City's sole election, but not the obligation, to perform this removal work and charge Lessee for the reasonable and actual costs and expenses, including, without limitation, reasonable administrative costs. Lessee shall pay to the City the reasonable and actual costs and expenses incurred by the City in performing any removal work and any storage of Lessee’s property after removal within thirty (30) days of the date of a written demand for this payment from the City. The City may, in its discretion, obtain reimbursement for the above by making a claim under Lessee's performance bond. After the City receives the reimbursement payment from Lessee for the removal work performed by the City, the City shall promptly return to Lessee the property belonging to Lessee and removed by the City pursuant to this Section 13 at no liability to the City. If the City does not receive the reimbursement payment from Lessee within such thirty (30) days, or if City does not elect to remove such items at the City's cost after Lessee's failure to so remove prior to one hundred and eighty (180) days subsequent to the issuance of notice pursuant to this Section 13, any items of Lessee's property remaining in the Conduit System or stored by the City after the City's removal thereof may, at the City's option, be deemed abandoned and the City may dispose of such property in any manner allowed by Law. Alternatively, the City may elect to take title to such abandoned property, whether the City is provided by the Lessee, an instrument satisfactory to the City transferring to the City the ownership of such property, or not. The provisions of this Section shall survive the expiration or earlier termination of this Agreement.

14. INDEMNIFICATION. To the fullest extent permitted by law, the Lessee and any entity or person for whom the Lessee 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 Lessee 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.

The City agrees that the contractors shall be solely responsible for job site safety and all contractors shall be required in the City’s contract with such contractors to indemnify the Lessee for any liability incurred by the Lessee as a result of the contractor’s negligent acts or omissions. However, such indemnification shall not extend to liability resulting from the negligence of the Lessee.

15. INSURANCE. Lessee shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required by this paragraph. All certificates of insurance shall be with insurance carriers licensed and admitted to do business in the State of Michigan. All coverages shall be with insurance carriers acceptable to the City of Birmingham. Lessee shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:

(a) **Workers' Compensation Insurance**: Lessee shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.

(b) **Commercial General Liability Insurance**: Lessee shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than $3,000,000 per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.

(c) **Motor Vehicle Liability Insurance**: Lessee shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than $3,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

(d) **Additional Insured**: The Commercial General Liability and Motor Vehicle Liability, as described above, shall include an endorsement stating the following shall be Additional Insureds: The City of Birmingham including all elected and appointed officials, all employees, all boards, commissions and/or
authorities and board members. This coverage shall be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance required from Lessee under this Section.

(e) **Professional Liability Insurance:** If Professional Liability Insurance is available, Professional Liability Insurance with limits of not less than $2,000,000 per claim if Lessee will provide service that are customarily subject to this type of coverage.

(f) **Cancellation Notice:** Workers' Compensation Insurance, Commercial General Liability Insurance, Professional Liability Insurance and Motor Vehicle Liability Insurance as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal shall be sent to: Director of Finance, City of Birmingham, P.O. Box 3001, 151 Martin Street, Birmingham, Michigan 48009.

(g) **Proof of Insurance Coverage:** Lessee shall provide the City at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City, as listed below.

   1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;

   2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;

   3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;

   4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;

(h) **Coverage Expiration:** If any of the above coverages expire during the term of this Agreement, Lessee shall deliver renewal certificates and/or policies to the City at least (10) days prior to the expiration date.

16. **SURETY/PERFORMANCE BOND.** Prior to performing any work necessary under this Agreement, and with respect to all such work, Lessee will deliver to the City a valid performance bond in the sum of Ten Thousand dollars ($10,000), issued by a surety company acceptable to the City's Finance Director in the form attached hereto as Exhibit C. Lessee agrees and acknowledges that it will obtain a bond which allows for the use of the bond to cover incidental expenses and costs, removal expenses, restoration expenses, damages and fees not covered by any insurance policies including but not limited to: interest, charges by the City to remove Lessee’s Facilities (including but not limited to fiber optic cables) and unpaid permit and administrative fees. Lessee shall keep such surety bond, at its expense, in full force and effect.
until the sixtieth (60th) day after the expiration or other termination hereof, to insure the faithful performance by Lessee of all of the covenants, terms and conditions of this Agreement. Such bond shall provide thirty (30) days prior written notice to the City of cancellation or material change thereof. In the event of any non-extension of the bond, Lessee shall replace such security with another form permitted hereunder at least ten (10) days prior to expiration and if Lessee fails to do so the City shall be entitled to present its written demand for payment of the entire face amount of such bond and to hold the funds so obtained as the security deposit required hereunder. Any unused portion of the funds so obtained by the City shall be returned to Lessee upon replacement of the bond or deposit of cash security in the full amount required hereunder.

17. TERMINATION.

(a) Material Breach. If either Party defaults in the performance of any material term of this Agreement and does not substantially cure default within thirty (30) days after receiving written notice of such default, then the non-defaulting Party may terminate this Agreement by providing ten (10) days prior written notice of termination to the defaulting Party.

(b) Bankruptcy or Insolvency. Either Party may terminate this Agreement effective upon written notice stating its intention to terminate in the event the other Party: (1) makes a general assignment of all or substantially all of its assets for the benefit of its creditors; (2) applies for, consents to, or acquiesces in the appointment of a receiver, trustee, custodian, or liquidator for its business or all or substantially all of its assets; (3) files, or consents to or acquiesces in, a petition seeking relief or reorganization under any bankruptcy or insolvency Laws; or (4) files a petition seeking relief or reorganization under any bankruptcy or insolvency Laws is filed against that other Party and is not dismissed within sixty (60) days after it was filed.

18. VIOLATIONS. If at any time in the performance of this Agreement, Lessee should violate any material law(s) including but not limited to Lessees’ Broadband Franchise, material standard(s) of good practice, or a material term of this Agreement, including Exhibit A, City may notify Lessee in writing of said violation, and Lessee shall have thirty (30) days to cure said violation to City’s satisfaction, or such longer period as may be reasonably necessary under the circumstances provided that Lessee commences to cure such failure within such thirty (30) day period and thereafter diligently pursues such cure. If Lessee does not cure said violation to City’s satisfaction within said period, City may summarily terminate this Agreement, upon ninety (90) day advance written notice to Lessee.

(a) Dispute Resolution. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party’s claim exceeds $1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator’s and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL §600.5001 et seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to
this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.

19. NOTICES. City and Lessee agree to keep contact information complete and updated. Except as otherwise provided in this Agreement, any notice or other communication shall be given in writing and sent by registered or certified mail, postage prepaid, return receipt requested or by recognized overnight delivery, or by email provided the email if followed in writing by one of the aforementioned methods within seventy-two (72) hours. Except as otherwise specifically provided, notices and other communications shall be deemed given and received three days after the date of mailing or, in the case of notices or other communications delivered in person, when received at the recipient's designated address for notices. The addresses for notice may be changed by giving written notice in accordance with this Section.

(a) City. City’s representative for notice and communications with Lessee is:

City of Birmingham
Attn: City Engineer
151 Martin Street, P.O. Box 3001
Birmingham, MI 48009

(b) Lessee. Lessee’s representative for notice and communications with City is:

_______________________
_______________________
_______________________
_______________________

20. BINDING UPON SUCCESSORS. This Agreement, shall bind both Parties hereto, and their successors and permitted assigns.

21. ANNUAL PERFORMANCE REVIEW. Representatives of City and representatives of Lessee shall meet together on or about each anniversary of the execution of this Agreement, to review the performance of this Agreement, identify problems, discuss areas of concern, and make suggestions for future performance and cooperation. By mutual agreement, the Parties may waive the said meeting.

22. MISCELLANEOUS.

(a) Headings. The front page of this Agreement and the heading of the paragraphs of this Agreement are strictly for convenience and shall not in any way be construed as amplifying or limiting any of the content of this Agreement as set forth in the body of such paragraphs.

(b) Entire Agreement. This Agreement, with all its attached exhibits, constitutes the entire agreement between the Parties with respect to the subject matter to which it refers and supersedes all previous agreements, whether written or oral, between City and Lessee or their
predecessors in these regards. Nothing herein is intended to benefit any person or entity not a party hereto.

(c) Counterparts. This Agreement may be executed by the Parties in two (2) separate counterparts, each of which shall be deemed to be an original copy, but which shall constitute but one agreement.

(d) Computation of Time. The time in which any act provided by this Agreement is to be done shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or holiday, and then it is also excluded.

(e) No Partnership, Joint Venture or Franchise. The relationship between the Parties to this Agreement shall not be that of partners, joint ventures, or franchisor/franchisee, and nothing contained in this Agreement shall be deemed to constitute a partnership, joint venture or franchise. Neither Party hereto may represent to any third party that this relationship is one of partnership, joint venture or franchise.

(f) Rules of Construction. The headings of the Sections in this Agreement are strictly for convenience and shall not in any way be construed as amplifying or limiting any of the content of this Agreement as set forth in the body of such Sections. The singular herein shall include the plural, and the plural herein shall include the singular, where appropriate. Related forms of capitalized terms shall carry the implied meaning of the defined term.

(g) Force Majeure. Neither Party shall be in breach of its obligations under this Agreement (other than payment obligations) or incur any liability to the other Party for any losses or damages of any nature whatsoever incurred or suffered by that other if and to the extent that it is prevented from carrying out those obligations by, or such losses or damages are caused by, a Force Majeure Event. "Force Majeure Event" means the occurrence of: an act of war, invasion, terrorism or civil disorder, a strike, labor disputes, explosion, embargo, earthquake, lightning, cyclones, hurricanes, floods, droughts or such other extreme weather or environmental conditions, unanticipated geological or ground conditions, epidemic, famine, plague or other natural calamities and acts of God.

(h) Waiver. The failure of either Party at any time to require performance by the other Party of any provision of this Agreement shall not effect in any way the full right to require such performance at any subsequent time; not shall the waiver by either Party of a breach of any provision of this Agreement be taken or held to be a waiver of the provision itself.

23. EFFECTIVE DATE. The Effective Date of this Agreement shall be the later of the date on which it is executed by the City or Lessee.

24. ASSIGNMENT. Neither Party shall assign, encumber or otherwise transfer this Agreement to any other Person without the prior written consent of the other Party, which consent shall not be unreasonably withheld. Notwithstanding the foregoing, each Party shall have the right, without the other Party's consent, but with prior written notice to the other Party, to assign or otherwise transfer this Agreement (i) as collateral to any institutional lender of such Party subject to the prior rights and obligations of the Parties hereunder; and (ii) to any affiliate,
parent or subsidiary of such Party, or to any entity into which such Party may be merged or consolidated or which purchases all or substantially all of the equity or assets of such Party; provided that such Party shall not be released from its obligations hereunder without the other Party’s consent. Any assignee or transferee shall also be subject to all of the provisions of this Agreement.

25. **LIMIT OF OBLIGATIONS.** Nothing contained herein pertaining to the use of or attachment to the Conduit System, or City control thereof, shall be construed as imposing an obligation on Lessee with regard to any fiber optic or other telecommunication facilities owned and/or operated by Lessee outside the ROW unless specifically noted in this Agreement and approved by Conduit System Manager, it being understood that “ROW” under this Agreement strictly refers to City Right of Way located in the area that compromised the Conduit System in portions of Old Woodward and Maple as depicted on the map attached hereto as Exhibit B. Similarly, no such obligations shall be imposed on Lessee’s equipment or facilities, existing or in the future, not specifically constructed or installed under this Agreement.

26. **LIMITS OF LIABILITY.** Except as provided in this Agreement or otherwise agreed in writing, the City and Lessee shall not be subject to any other obligation or liability, whether arising out of breach of contract, warranty, tort or other theories of law, with respect to the subject matter of this Agreement, or the undertakings, acts or omissions related thereto. Under no circumstances will either City or Lessee be liable for any incidental or consequential damages, or for any other loss, damage or expense of any kind, including loss of profits, arising in connection with this Agreement or with the use of the Conduit System or liability for the City’s services under this Agreement.

[Signatures follow on the next page.]
IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the dates set forth below.

CITY OF BIRMINGHAM, MICHIGAN, 
a municipal corporation,

________________________________   ______________________________

_______________________________, Mayor ______________________, City Clerk

Date: ___________________________ Date: ___________________________

APPROVED:

________________________________   ______________________________

_______________________________, City Manager ____________________, City Attorney
(Approved as to substance) (Approved as to form)

________________________________   ______________________________

_______________________________, City Engineer _______________, Director of Finance
(Approved as to substance) (Approved as to financial obligation)

LESSEE:

By: ______________________________

Name: ___________________________

Title: ___________________________

Date: ___________________________
Exhibit A

Technical Standards and Specifications

These standards and specifications pertain only to use of the Conduit System as relates to this Agreement. The Conduit System is located at Old Woodward and Maple as shown in Exhibit B of this Agreement.

I. DEFINITIONS

A. “Main Line” means the portion of the Conduit System consisting of manholes, hand holes and 4” conduit, the running line of which is as generally depicted in Exhibit B.

B. “Main Line Extension” means any extension of the Main Line subsequent to the Effective Date, whether constructed by the City or by any tenant in the Conduit System, including Lessee.

C. “Building Extension” means that portion of the Conduit System, located within the ROW, originating at a manhole or hand hole in the Main Line and extending to a building entrance point, excluding the building entrance point.

II. CONSTRUCTION STANDARDS

A. Materials

i. Main Line Extensions. All Steel, Fiberglass, PVC or HDPE conduit installed with the intent of becoming a Main Line Extension are to be 4” minimum in size and match the existing number of conduits in place. Steel conduit will be joined with threaded collars, Zap-Lok, or welding. All split steel conduit shall be flanged. All 4” conduits will be installed in such a manner as to allow for the installation of four (4) innerducts, three (3) innerducts will be 1 ¼” SDR 13.5 HDPE innerduct and one (1) 1” SDR 13.5 HDPE innerduct. All directional changes will be made with sweep 90 degree elbows and at no time will the conduit installations restrict the number of innerducts able to be installed to less than four (4). All Main Line Extension conduit locations and materials will be subject to approval by the City Engineer. Where site conditions warrant and at the request of the Lessee, the City Engineer may approve the installation of six (6) 1 ¼” SDR 11 innerducts as a mainline extension.

ii. Building Extensions. If the Lessee seeks to serve a customer in a building along the route of the main line innerduct where no building extension currently exists, the Lessee shall submit plans containing a survey of all existing above ground and underground improvements in the area of the proposed work, and apply for a Utility R.O.W. permit. The City Engineer shall review the plans for compliance with the City’s standards and issue a permit upon payment of the $50 review fee, and submittal of suitable plans. The Lessee shall clarify if the work shall be performed by their forces, or if it will be contracted out. If contracted out, proper insurance
coverage for the contractor shall be demonstrated prior to issuance of the permit. Once constructed, the Lessee shall be the owner of the building extension from the main line innerduct to the building wall, and shall be responsible for all future maintenance, including MISS DIG markings as needed.

iii. Several building owners along the route of the new main line innerduct have requested and paid for the installation of a feasibly located building extension that will be used for future building penetration. In these locations, the Lessee shall use the partially completed building penetration for extending service to the building, and shall submit a plan detailing how the final building penetration shall be installed such that a minimum of surface disruption shall occur within the right-of-way. It is anticipated that no more than 5 sq.ft. of sidewalk shall be removed and replaced to accomplish said building penetration, working within the existing concrete joints, so as to match the existing conditions upon completion to the largest extent possible. Permitting rules and future ownership status of the entire building extension shall apply here matching the terms listed in II.A.ii above. Once the building extension is wired the maintenance will become the responsibility of the building owner.

iv. All Building Extensions are to consist of three (3) 1 ¼” SDR 13.5 ducts and one (1) SDR 13.5 innerduct, which may be installed within 4” HDPE conduit, or an equal alternate approved by the City Engineer. Where site conditions warrant and at the request of the Lessee, the City Engineer may approve the installation of a six (6) cell MaxCell sock inside a building entry conduit.

v. **Main Line Innerduct.** Any unoccupied 4” Main Line conduit in which Space is assigned to Lessee and which Lessee desires to utilize shall be first filled with a minimum of four (4) innerducts, three (3) innerducts will be 1 ¼” SDR 13.5 HDPE innerduct and one (1) 1” SDR 13.5 HDPE innerduct by Lessee prior to use. The use of smooth wall or corrugated exterior innerducts will be approved by City Engineer on a case by case basis. Alternates must be approved in writing by the City in advance. Lessee will properly identify leased innerducts with cable tags.

vi. **Hand holes.** Unless otherwise approved by City, all hand holes will be located in the green spaces/landscaped areas or sidewalks. All hand holes will have a minimum size of 30” x 48” x 36”. All hand holes will be installed in accordance with ASSHTO-H20-44 Load rating and conform to the City of Birmingham Traffic Standards and Specifications.

vii. **Communication Cabling.** It is the intent of the City to increase the use of broadband connectivity within the City. Therefore, the desired communication cable to be used within the Conduit System will be fiber optic cable. However, equitable alternates applicable to the Conduit System may be used.
viii. **Locate Wire.** Locate wire will be placed inside all segments of the Conduit System. Locate wire will consist of a minimum of #14 stranded core PVC coated copper wire. An equitable alternate may be approved upon written request to the City. All locate wires will be attached with anchor clips to the walls of the manholes in a clean, secure and orderly manner. Locate wires will connected to termination blocks installed by the contractor no more than 10” below the manhole or hand hole lid.

ix. **Subdivisions Extension Specifications.** Lessee and City shall cooperate in good faith to jointly develop reasonable specifications with respect to extension of the Conduit System for installation within the downtown area.

B. **General:**

i. **Construction Plans.** Preliminary plans shall be submitted for each new construction or installation project at the time of application for a Conduit Access Permit. No construction of conduit shall be allowed until a permit has been issued by the Engineering Department. After completion of construction on each project, final as-built construction facility maps shall be submitted to the City Engineer. Such as-built maps shall be based upon post-construction inspections to verify location. Copies of as-built maps in a digital format and level of accuracy acceptable to the City shall be submitted to the City Engineer.

ii. **Depth.** Unless agreed to in writing in advance by the City, the depth of installed facilities shall be, at a minimum, as follows:
   a. Forty-two (42) inches in soil,
   b. Forty-two (42) inches below a projected slope from the flow line of a ditch at a three (3) horizontal and one (1) vertical slope;
   c. Forty-two (42) inches under a roadway measured from the surface of said roadway to the top of the installation;
   d. Forty-two (42) inches under a storm water or creek channel design flow line;
   e. In all other locations, including subdivisions and other predominantly residential/non-central/non-arterial neighborhoods and locations, depth standards will be agreed upon by the City and Lessee utilizing appropriate construction standards; and
   f. Lessee shall cross under all existing utility lines at a depth of twenty-four (24) inches.
   g. City may require Lessee's facilities be placed at a greater depth than minimum depths as defined by local, state, or federal standards to avoid conflicts with other existing utilities.

iii. **Backfilling/Testing.** Excavations shall be promptly backfilled according to the City of Birmingham Standard Specifications for Municipal Construction on file with the Engineering Department and the surface shall be restored to original grade to assure
no hazard to vehicular, animal, or pedestrian traffic. Lessee shall perform all necessary compaction tests in accordance with the latest design and construction specifications approved and disseminated by the Engineering Department setting forth requirements for backfill and paving cut repairs (e.g., standard concrete pavement cut and repair; standard asphalt pavement cut and repair, etc.). All work within the public right-of-way shall conform to all relevant requirements within Chapter 98 of the Birmingham City Code.

iv. Pavement Cutting. Lessee, Lessees’ contractors and subcontractors shall comply with the latest City paving cut standard and applicable terms and conditions of the Birmingham Municipal Code prior to cutting any pavement.

v. Restoration and Replacement. If public or private property is disturbed or damaged, Franchisee shall restore the property with like materials to as-good or better condition. The replacement of any sidewalk, curb, any driving surface, and the base of any roadway shall be the responsibility of Lessee paving cut contractor, unless otherwise approved by the Engineer. The Lessee's paving cut contractor must be approved by the Engineer and in good standing with the City. In the absence of an approved Lessee paving cut contractor, The City shall make repairs per the terms of the Birmingham Municipal Code, at the expense of the Lessee, through the payment of the standard Trench Maintenance Fee.

All repairs and replacements shall comply with the City's Engineering Standards, pursuant to engineering plans on file with the City and will require additional removal to the nearest joint in all directions. Surface replacements shall be completed no later than ten (10) calendar days from completion of the underlying construction project. Specialty pavement sections must be constructed to restore the pavement to its original or an improved condition.

If weather or other conditions do not permit the complete restoration required by this section; the Lessee shall temporarily restore the affected ways or property. Such temporary restoration shall be at the Lessee's cost, and Lessee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration.

All restoration work is subject to inspection and final approval by the City. If restoration is not made to the reasonable satisfaction of the City within the established time frame (or without notice where the disturbance or damage creates a risk to public health or safety, or cause delay or added expense to a public project or activity), the City may cause the repairs to be made at Lessee’s expense and recover the cost of those repairs from Lessee. Lessee shall pay the City within thirty (30) days of receipt of an itemized list of those costs, including the costs of labor, materials and
equipment.

vi. **Trenching.** Lessee shall not proceed with additional trench work exceeding a maximum of one hundred (100) feet of open trench without the approval of the City Engineer. All excavation spoils and/or construction debris will be removed immediately.

vii. **Crossings.** All underground crossings of paved roadways and storm water and creek channels shall be made by a bore method approved by the City Engineer. Any alternate method shall be reviewed and subject to approval by the City Engineer. Voids and all holes shall be properly grouted. Crossings shall be at approximately right angles to the roadway and in no case shall any facility be placed in any culvert or drainage pipe or within ten (10) feet of a culvert or storm sewer unless approved by City Engineer.

viii. **Boring Specifications:**
   a. Casing pipe or Conduit shall be placed as indicated on the drawings and shall be as specified in the section entitled “Materials.”
   b. Casing pipe or Conduit shall be placed to the minimum depths indicated on the drawings. The horizontal tolerance shall be plus or minus 0.5 foot and the vertical alignment plus or minus 0.5 foot.
   c. The method of placement when indicated on the drawings as Boring shall mean that the casing or Conduit is placed between two points (either at grade or from an excavated bore pit) without disturbing the ground in between. Unless otherwise required by permit, all bores shall be guided and tracked by equipment that gives continuous, accurate monitoring of the drill bit position. All guidance equipment shall be subject to the acceptance of the Engineer. Auger bores are acceptable when required by permit entities. This could possibly apply to RR crossings.
   d. Bore methods and procedures shall follow industry established best practices.
   e. Non-guided boring (such as what has been referred to as “missile” or “thumper”) shall not be permitted at any location within the corporate limits of the City of Birmingham.
   f. The contractor is responsible to protect all existing utilities and private property. Existing utilities shall be potholed prior to boring. Drill fluid shall be bentonite based compatible with the environment. Waste oil or environmentally non-compatible polymers cannot be part of the composition.
   g. Used drilling fluid shall be properly, immediately and legally, disposed of.
   h. The contractor shall continuously monitor boring operations for the possible frac-out of drill fluid. Any frac-out or surface uplifting shall be immediately reported to the engineer, contained, repaired and cleaned up. Any drill fluid released into waterways shall be immediately reported to the City Engineer, contractor and permit agency governing the water. In water, the frac-out shall be contained, in
accordance with the permit. Clean up shall be in accordance with the permits. Drill fluid shall not be allowed to remain in the water.

i. The contractor shall be responsible for dewatering, diverting water, and controlling water surface runoff that would affect downstream water turbidity as required for the site conditions.

j. At bore locations with lengths in excess of 600 feet as indicated on the drawings, the contractor may be allowed to establish intermediate bore pits. The City Engineer shall make the determination on the acceptability of intermediate bore pits.

k. Where pipe bends are required to be made in the field, such bends shall be made with approved bending tools, and following the pipe manufacture’s approved method of procedure.

ix. **Erosion.** Erosion prevention measures shall be incorporated into all work within the ROW in accordance with the Soil Erosion and Sedimentation Control Standards as detailed by the Oakland County Water Resources Commissioner. All gutters, ditches, and other drainage features shall be maintained free and unobstructed of sediment, dirt, and debris. The handling, grading, excavating, or moving of excess construction materials or the movement or cleaning of construction vehicles or equipment shall be conducted in such a manner that materials and washout will not be deposited into catch basins, gutters, ditches, or areas where runoff may carry materials into any public or private storm water system.

x. **Inspection.** All construction inspection shall be coordinated with the City Engineer.

xi. **MISS Dig System, Inc.** Lessee and any contractor or subcontractor working on behalf of the Lessee agree to comply with the State’s notification/location system, known currently as MISS Dig System, Inc. Lessee will be responsible for all locates of existing and post-acceptance newly constructed Conduit System occupied by Lessee. Lessee shall be responsible for locating Lessee Facilities as provided for under MISS DIG.

xii. **Damages.** Lessee agrees to perform construction in such a manner as to avoid possible damage to the Conduit System. Should Lessee become aware of damage to the Conduit System or the facilities of its tenants, Lessee agrees to notify the City of damages. If damage is attributable to Lessee negligence, Lessee agrees to bear full responsibility for all cost associated with the repair and restoration of the affected area. Lessee and the City Engineer shall cooperate to determine the best means of restoration. The contractor performing repairs shall be approved by the City Engineer, provided contractor is qualified and in good standing with the City.

xiii. **Due Care.** All Facilities and connections in, over, under, and upon the streets of the City, wherever situated or located, shall at all times be kept and maintained in a safe,
suitable, and substantial condition, and in good order and repair.

III. USE OF CONDUIT SYSTEM

A. Installation Procedures.

i. Permit Requirements.

a. Lessee shall be responsible for any third party supervision charges relating directly to damages attributable to Lessee negligence.
b. Lessee will meet all requirements under Chapter 30, Article X in order to receive a permit prior to beginning any construction in the Conduit System.
c. Lessee agrees to comply with the “Call MISS Dig System” or any successor utility location system requirements prior to beginning construction.
d. Construction Zone Identification. Whenever the Lessee or Lessee’s agent excavates or obstructs any portion of the ROW, Lessee shall erect a temporary sign displaying either:
   i. The names of Lessee, any contractors and/or subcontractors involved in the project, and the City permit number authorizing said activity; or
   ii. The names of the Lessee and a local telephone number or toll free number manned during regular business hours by a person who is knowledgeable about the construction project. The sign shall be visible from any adjacent traffic lane and shall be maintained throughout the duration of the project.

e. Vehicle Identification. All vehicles used, parked, or stored by or on behalf of Lessee or Lessee’s agent within a permitted construction zone shall be clearly marked, providing the name of Lessee or Lessee’s agent. Any unmarked vehicles shall be subject to all moving and parking ordinances. Private vehicles shall be allowed to be parked or stored within any permitted work zone at any time if done so in a manner that they are not disrupting the use of the right-of-way for others, or creating sight distance hazards. All private vehicles parked elsewhere shall comply with all local parking ordinances and restrictions.
f. Cable Identification. Lessee will attach cable identification tags to lessee-owned fiber cables within the downtown area.
   i. Cable identification tags will contain the name and contact information for the lessee and be located in each System manhole and hand hole where lessee-owned cable is present.

ii. Access.

a. Standard Access. Advance notice as specified below is required prior to Lessee accessing the Conduit System. After receiving notification of access, the City will notify all parties with product in the affected area of the date and time of proposed access. Lessee can opt to have a representative on site at the time of access to
monitor all construction activities. The Lessee will be responsible for any cost to
the City associated with this access.

i. Manholes – 5 business days written notification to City Engineer or
designee is required prior to accessing manholes.

ii. Hand holes – 5 business days written notification to City Engineer or
designee is required prior to accessing hand holes.

b. Emergency Access. In the event of an emergency, Lessee shall endeavor to
provide City with notice immediately prior to accessing or working around the
Conduit System, but in any case shall notify City within 4 hours of
commencement of work or access into the Conduit System. On the first available
business day City may notify all parties with product in the affected area.

c. Supervision. Any customary charge incurred by the City for a City technician to
supervise the installation, maintenance, or emergencies of the Lessee project will
be the responsibility of the Lessee. In addition, Lessee shall be responsible for any
3rd party supervision charges relating directly to damages attributable to Lessee
negligence. The City will provide Lessee with a City Inspector rate sheet.

d. Notification. City will notify Lessee of any emergency access to, or work
performed around, the Conduit System on the first available business day after an
Emergency Access by the City or any third party. Regarding Standard Access
described in III (ii.)(a.) above, the City shall provide Lessee with not less than
five (5) days prior notice of proposed access to the Conduit System by the City or
any third party.

iii. Core bore location.

a. All manholes core bore locations or similar access will be subject to the approval
of the City Engineer. Such request must be made in writing, accompanied with a
set of plans showing the location of all existing core bore locations in the manhole.
The City shall take no more than fourteen (14) days to respond to core bore
requests.

b. All hand hole core bores or similar access locations will be subject to the approval
of the City Engineer. Such requested must be made in writing, accompanied with a
set of plans showing the location of all existing core bore locations in the hand
hole. The City shall take no more than fourteen (14) days to respond to core bore
requests.

c. Core bores will be accomplished using generally accepted industry practices.
Requests will not be unreasonably delayed or denied by the City.

iv. Open Cut.

a. Removal of Spoil. Any/all spoil from excavation, trenching, boring or other
construction activity shall be removed from the ROW the same day it is excavated.
No spoil will be left on the street, sidewalk, or any other traveling surface overnight.

b. Approval of Backfill. Cement-based flow-able fill or Class A aggregate base compacted to 95% standard modified proctor as described in the City of Birmingham Standard Specifications for Municipal Construction shall be used as backfill under a street or alley. At no time shall any excavation spoil be used as backfill. At no time shall sand be used as bedding or backfill material. Only cement-based flow-able fill or other equal material will be approved for use by the City Engineer.

c. Plating of open trench. Any trench in the roadway to be left unattended for any length of time shall be plated.

v. Pulling or Blowing Communication Cabling.

a. All fiber optic cable shall be installed using a powered pulling winch and hydraulic powered assist pulling wheels. The maximum pulling force to be applied to the fiber optic cable shall be 600 pounds. Sufficient pulling assists will be available and used to insure the maximum pulling force is not exceeded at any point along the pull. The cable can also be installed via other methods as long as maximum pulling force on the cable does not exceed 600 pounds. All cables shall be lubricated with Polywater or approved equal. A pulling swivel with a break-away rated at 600 pounds shall be used at all times during the pulling operation.

b. All splices and splice cases will be contained in manholes with locations of splice cases within the manholes to be approved by City Engineer. Splices will not be approved in hand hole locations.

c. Slack loops for Main Line cables will be fifty foot (50’) maximum length of cable and may be installed in every Main Line manhole where space exists. Slack loops for Building Extension cable will be a maximum of twenty-five foot (25’) in length and located in hand holes where space exists. The City Engineer will review and approve all locations for slack loops. All slack loops and splice cases will be securely mounted to the manhole wall using generally accepted industry practices and will not interfere with conduit, innerduct, or manhole access. Slack loops may be prohibited in hand holes and manholes where physical space is not available or where the addition of slack may cause the hand hole or manhole to be unusable in the sole discretion of the System manager. No slack will be allowed on the manhole floor.

d. Splice cases may be installed in any Main Line manhole. All mounting locations for splice cases and equipment racks will be approved by City Engineer.

e. All manholes and hand holes will be kept clean and free of trash, unsecured slack loops, unsecured splice cases, and or other debris at all times.

f. All conduits, innerducts, locate wire and fiber shall have a lubricant applied at each conduit ingress and egress location and during the pull operation. Lubricant shall be Polywater (type specific to be approved per project) or equal.
B. Restoration.

i. Street.

a. Lessee shall comply with the terms and conditions of the Birmingham Ordinances prior to cutting any pavement.

b. The replacement of any sidewalk, any driving surface, and the base of any roadway shall comply with City of Birmingham Standard Specifications for Municipal Construction, pursuant to engineering plans on file with the Engineering Department and will require additional removal to the nearest joint in all directions. This removal and all pavement restoration shall be the responsibility of the Lessee. The Lessee contractor shall be approved by the City Engineer, which approval shall not be unreasonably withheld provided contractor is qualified and in good standing with the City, with all work done at the expense of the Lessee as set forth in the Birmingham Ordinances.

ii. Alley.

a. All restoration in alleys shall comply with City of Birmingham Standard Specifications for Municipal Construction, pursuant to engineering plans on file with the Engineering Department. City Engineer shall determine proper size, scope, and material used to repair alleys on a case by case basis.

b. All public alleys shall be considered and treated as public rights-of-way, subject to the same requirements as public streets.

iii. Contractor / Subcontractor Qualifications. All Lessee contractors and subcontractors will meet the requirements set forth by the Engineering Department and be in good standing with the City.

iv. Traffic Control and Safety.

a. Lessee, while occupying any portion of ROW in connection with access to the Conduit System, shall erect a barrier around the perimeter of any excavation and provide any and all traffic-control devices, signs, and lights appropriate to the level of complexity of the activity in order to protect, warn, and guide the public (vehicular and pedestrian) through the work zone. The manner and use of these devices shall be described within a traffic-control plan in accordance with the Michigan Manual on Uniform Traffic Control Devices and approved by the City Engineer prior to commencing construction.

b. Lessee shall implement each traffic-control plan and agrees to be in compliance at all times with all applicable city, state, and federal requirements and maintain all devices in good repair. Lessees with open excavations awaiting final restoration shall maintain all devices until repair is complete.

c. Lessee shall designate a safety officer. The safety officer shall be responsible for safety-related issues affecting both the public and the Lessee’s field employees and
contractors for all job sites within the ROW.

v. **Safety.** Lessee agrees to perform all work in strict accordance with all applicable federal, state, local rules and laws regarding safety and environmental issues, including those set forth by OSHA and the EPA.

vi. **Timeline.** Lessee agrees to perform all construction and attempt with all reasonable effort to complete projects in a timely manner.
Exhibit C

Performance Bond

KNOW ALL MEN BY THESE PRESENTS that we, the undersigned ___________________________________________ as Principal, and ___________________________________________ as Sureties, are hereby held and firmly bound unto the CITY OF BIRMINGHAM, MICHIGAN in the sum of Ten Thousand Dollars ($10,000.00), in lawful money of the United States, for the payment of which we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns this ___________ day of _______________________, 201__.  

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

___________________________________________________________________________  

___________________________________________________________________________  

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

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

NOW, THEREFORE, the condition of the above obligation is such that if the Principal shall fully perform the annexed contract according to the terms thereof, or as such terms may be changed or modified by mutual agreement, and shall guarantee all work furnished against all defects and incidental damage to other property for a period of one (1) year following final acceptance of the work, then this obligation shall be void, otherwise the same shall remain in full force and effect.
This Bond is provided in compliance with and subject to the provisions of Act 213 of the Public Acts of Michigan for 1963, as amended by Act 351 of the Public Acts of Michigan for 1972, also known as MCL §129.201 et. seq.

WITNESSED:

_____________________________________        _______________________________

_____________________________________        _______________________________

_______________________________        _______________________________

_____________________________________        _______________________________

_____________________________________        _______________________________

_____________________________________        _______________________________

_________________________________

Principal

_____________________________________
## FEE SCHEDULE

### ENGINEERING

<table>
<thead>
<tr>
<th><strong>Bidding Document Fee</strong></th>
<th><strong>EXISTING FEE</strong></th>
<th><strong>PROPOSED FEE</strong></th>
<th><strong>CHANGE CODE</strong></th>
<th><strong>Staff</strong></th>
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<td>CD Copy (any size)</td>
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<td>(Copy fee waived for Plan Room and Advertising Services)</td>
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**Cable Communications Permit (30-133 (j))**

Cable Franchise Insurance: Standard Insurance requirements plus excess liability insurance (or umbrella policy) on an "occurrence basis", with limits of liability not less than $5,000,000 per occurrence; and indemnification provisions (see Section 30-190)

**Curb Closings (See Streets & Sidewalks)**

**Driveways (See Streets & Sidewalks)**

**Parking Structures**

- **High Demand (Areas Inside Central Core of Business District)**
  - Less than 2 hours: $ 1.50 per hour
  - Less than 3 hours: $ 2.00
  - Less than 4 hours: $ 4.00
  - Less than 5 hours: $ 6.00
  - Less than 6 hours: $ 8.00
  - Over 6 hours: $ 10.00
  - Over 7 hours: $ 10.00
  - Over 8 hours: $ 10.00
  - Maximum Fee After 10:00PM: $ 5.00

- **Lower Demand (Areas Outside Central Core of Business District)**
  - Less than 2 hours: free
  - Less than 3 hours: $ 1.00 per hour

**Parking Structure Permit Parking Activation Fee**

- Deposit (any cards returned after six-months not eligible for refund): $ 20.00
- Activation fee per AVI card: $ 30.00
- Returned checks: $ 30.00

**Permit Parking At Meters (3 Months)**

- Lot 6 - Regular: $ 210.00
- Lot 6 - Restricted: $ 150.00
- Ann St. North: $ 180.00
- South Old Woodward: $ 120.00
- Lot 11 - NW Corner Maple & Woodward: $ 180.00
- Lot 12 - SE Corner Maple & Woodward: $ 180.00

**Right-of-Way Permits**

- Permit Fee: $ 50.00
- Trench Maintenance: $ 900.00
- Water Service Inspection Fee: $ 400.00
- Sewer Service Inspection Fee: $ 400.00
- Cash Bond (Refundable): $ 1,000.00

**Sidewalks (See Streets & Sidewalks)**

**Soil erosion and sediment control permit fees:**

- Less than 1 acre site: $ 50.00
- 1-2 acre site: $ 100.00
- 2-3 acre site: $ 150.00

The permit fee shall increase for every acre or portion thereof in excess of the above examples.

**Inspection deposits:**

- Less than 1 acre site: $ 1,560.00
- 1-2 acre site: $ 3,120.00
- 2-3 acre site: $ 4,680.00

The inspection deposit shall increase $1,560.00 per additional acre or portion thereof in excess of the above examples.
**ENGINEERING**

<table>
<thead>
<tr>
<th><strong>Soil Filling Permit (Chapter 50)</strong></th>
<th><strong>EXISTING FEE</strong></th>
<th><strong>PROPOSED FEE</strong></th>
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<td>Application fee</td>
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<td>Permit fee, per cubic yard</td>
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**Small Cell Monthly License**

- Tier 1 - Per Month Per Pole: $75.00
- Tier 2 - Per Month Per Pole: $150.00
- Performance Bond: $10,000.00
- Administrative Fee: $500.00

**Stormwater runoff (Chapter 114)**

- Permit per acre of affected area: $100.00
- Minimum: $50.00

**Storm Water Utility Fee Related Charges**

- Storm Water Utility Fee Credit Application or Renewal: $50.00
- Low Impact Development Determination: $50.00
- Storm Water Utility Appeals Board Application: $50.00

**Storm Water Utility Fee - Credit Schedule**

<table>
<thead>
<tr>
<th>CREDIT</th>
<th>APPLIES TO</th>
<th>ANNUAL VALUE</th>
<th>RENEWAL PERIOD</th>
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<td>Infiltration Trench/Dry Well</td>
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<td>$30 (&gt;400 Sq. Ft.)</td>
<td></td>
</tr>
<tr>
<td>Disconnect Footing Drain</td>
<td>SFR/Non-SFR</td>
<td>$40</td>
<td>10 years</td>
</tr>
<tr>
<td>LID Building Measures</td>
<td>Non-SFR</td>
<td>ESWU reduction</td>
<td>N/A</td>
</tr>
<tr>
<td>LID Site Measures</td>
<td>Non-SFR</td>
<td>ESWU reduction</td>
<td>N/A</td>
</tr>
<tr>
<td>Enhanced Retention</td>
<td>Non-SFR</td>
<td>ESWU reduction</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Those credits marked with an asterisk (*) will be multiplied by the relative size of the parcel the improvement makes on the property, provided that the improvement truly captures at least 50% of the impervious area that is draining directly to the sewer system, according to the following schedule:

<table>
<thead>
<tr>
<th>CREDIT</th>
<th>MULTIPLICATION FACTOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>SFR CLASS</td>
<td></td>
</tr>
<tr>
<td>Classes A &amp; B</td>
<td>1</td>
</tr>
<tr>
<td>Class C</td>
<td>1.6</td>
</tr>
<tr>
<td>Class D</td>
<td>2.4</td>
</tr>
<tr>
<td>Class E</td>
<td>3.2</td>
</tr>
<tr>
<td>Class F</td>
<td>4.6</td>
</tr>
</tbody>
</table>

**Streets & Sidewalks:**

There shall be a minimum charge of $85.00 for all curb closing, curb, cuts, driveways and sidewalk permits.

- Curb closings (98-91):
  - Permit per linear foot: $3.00
  - Minimum: $30.00

- Curb cuts (98-91):
  - Permit per linear foot: $3.00
  - Minimum: $30.00

- Driveways (98-91):
  - Permit: $30.00

- Sidewalks (98-57):
  - Permit, per square foot: $0.40
  - Minimum: $20.00

- Excavations (98-26):
  - Permit: $50.00

Plus deposit to be determined by city engineer to cover estimated cost of possible city expenses, minimum

Moving buildings (98-3 - 98-28):
<table>
<thead>
<tr>
<th>Obstructions (98-26):</th>
<th>EXISTING FEE</th>
<th>PROPOSED FEE</th>
<th>CHANGE CODE</th>
<th>Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit</td>
<td>$ 50.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plus deposit to be determined by city engineer to cover estimated cost of possible city expenses, minimum</td>
<td>$ 1,000.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>harmless agreement</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Telegraphic System: (30-308)</th>
<th>EXISTING FEE</th>
<th>PROPOSED FEE</th>
<th>CHANGE CODE</th>
<th>Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 inch duct (per foot per year)</td>
<td></td>
<td>$4.84</td>
<td>E</td>
<td>(New)</td>
</tr>
<tr>
<td>1¼ inch duct (per foot per year)</td>
<td></td>
<td>$1.61</td>
<td>E</td>
<td>(New)</td>
</tr>
<tr>
<td>1 inch duct (per foot per year)</td>
<td></td>
<td>$1.61</td>
<td>E</td>
<td>(New)</td>
</tr>
<tr>
<td>Microduct (per foot per year)</td>
<td></td>
<td>$0.39</td>
<td>E</td>
<td>(New)</td>
</tr>
<tr>
<td>Application Fee</td>
<td></td>
<td>$1,500.00</td>
<td>E</td>
<td>(New)</td>
</tr>
<tr>
<td>Deposit (Refundable)</td>
<td></td>
<td>$1,500.00</td>
<td>E</td>
<td>(New)</td>
</tr>
</tbody>
</table>
The City of Grand Rapids built a combination underground and overhead electrical system several decades ago in order to own and operate their own street lighting system. Rental of poles and conduits to the local electric utility was started many years ago. More recently, with the advent of telecommunications utilities, the City has also offered to rent its underground and overhead systems to telecommunications providers as well. The attached rate study was prepared by a consultant in order to review their rate structure, and to make adjustments to fit current market rates.

Within the rate study that was prepared, the consultant relies on typical rate study principals wherein the utility attempts to recoup their initial construction cost over the expected life of the asset, as well as their ongoing operation and maintenance costs. Using principals approved by the Federal Communications Commission (FCC), the following sheets document the rate calculations that were generated by the Finance Dept.:

The numbers arrived at generally compare well with what is being charged both by the City of Grand Rapids, and AT&T. (The City of Grand Rapids current rates are attached following the City of Birmingham’s calculations.) As the original telephone company, AT&T has been required to allow its competitors to rent underground duct space from it when its available by the Michigan Public Services Commission (PSC). The rates that AT&T charges, therefore, are subject to approval by the PSC. Their current rates are $0.39 per foot per year for microduct, and $0.58 per foot per year for a full duct.

For a comparison of what is being charged in another state, two pages of the City of Milwaukee’s City Code are attached to this report. The majority of Milwaukee’s rates are generally higher than those in Michigan, and different rates are provided depending on the nature of the communication services being provided, which may have to do with their historical relationship with cable companies versus telecommunications companies.

Looking again at Birmingham’s suggested rates, it is anticipated that offering the microduct at the calculated rate offers lessees a value that would make it very desirable versus the larger ducts. Since a rate of $0.39 has been approved throughout the state for AT&T to charge, we suggest that it would be appropriate to not offer access to the system at a rate any lower than that. Therefore, the final rates as recommended are:

<table>
<thead>
<tr>
<th>Duct Size</th>
<th>Rate Per Foot</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 inch</td>
<td>$4.84</td>
</tr>
<tr>
<td>1¼ inch</td>
<td>$1.61</td>
</tr>
<tr>
<td>1 inch</td>
<td>$1.61</td>
</tr>
<tr>
<td>Microduct</td>
<td>$0.39</td>
</tr>
</tbody>
</table>
CITY OF BIRMINGHAM
LEASE RATES FOR UNDERGROUND DUCT

FORMULA IS BASED ON THE FOLLOWING:

% OF DUCT CAPACITY X NET LINEAR COST OF DUCT X CARRYING CHARGE

<table>
<thead>
<tr>
<th>SIZE OF DUCT</th>
<th>% OF DUCT</th>
<th>NET LINEAR COST/FT.</th>
<th>CARRYING CHARGE</th>
<th>RATE PER FOOT</th>
</tr>
</thead>
<tbody>
<tr>
<td>4&quot;</td>
<td>25.00%</td>
<td>$100.30</td>
<td>19.298%</td>
<td>$4.84</td>
</tr>
<tr>
<td>1.25&quot;</td>
<td>8.33%</td>
<td>$100.30</td>
<td>19.298%</td>
<td>$1.61</td>
</tr>
<tr>
<td>1&quot;</td>
<td>8.33%</td>
<td>$100.30</td>
<td>19.298%</td>
<td>$1.61</td>
</tr>
<tr>
<td>MICRODUCT</td>
<td>1.20%</td>
<td>$100.30</td>
<td>19.298%</td>
<td>$0.23</td>
</tr>
</tbody>
</table>

$0.39 Recommended

THIS IS BASED ON FEDERAL COMMUNICATION COMMISSION DUCT USE FORMULA
CITY OF BIRMINGHAM
NET LINEAR COST OF DUCT

<table>
<thead>
<tr>
<th>FISCAL YEAR</th>
<th>COST</th>
<th>FOOTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018-2019</td>
<td>$332,000</td>
<td>3,310</td>
</tr>
</tbody>
</table>

TOTAL $332,000 3,310

AVERAGE $100.30
CITY OF BIRMINGHAM
CARRYING CHARGE CALC
FY 2018-2019

<table>
<thead>
<tr>
<th></th>
<th>ANNUAL</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>SYSTEM COST</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ADMINISTRATIVE BUDGET</td>
<td>$20,000</td>
<td>$332,000</td>
</tr>
<tr>
<td>MAINTENANCE BUDGET</td>
<td>$20,000</td>
<td>$332,000</td>
</tr>
<tr>
<td>DEPRECIATION</td>
<td>$6,640</td>
<td>$332,000</td>
</tr>
<tr>
<td>RETURN ON INVESTMENT</td>
<td></td>
<td>5.250%</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>19.298%</td>
</tr>
</tbody>
</table>

ASSUMPTIONS
(1) COVERS COST OF MARKING SPOTS FOR MISS DIG
(2) COVERS POTENTIAL MAINTENANCE OF SYSTEM CURRENTLY AND IN FUTURE
(3) ASSUMES A 50 YEAR LIFE OR 2%
(4) 1% OVER BOND BUYER INDEX
these costs to the overall industry rates, this study recommends the adoption of the following
User fees for the City FY2018:

<table>
<thead>
<tr>
<th>Pole Line &amp; Description</th>
<th>Rate</th>
<th>Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duct System</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pole Attachment</td>
<td>$3.74</td>
<td>Per pole</td>
</tr>
<tr>
<td>Full 4” Duct</td>
<td>$4.66</td>
<td>Per foot</td>
</tr>
<tr>
<td>1” Duct</td>
<td>$0.78</td>
<td>Per foot</td>
</tr>
<tr>
<td>Microduct with existing cable</td>
<td>$0.39</td>
<td>Per foot</td>
</tr>
<tr>
<td>Microduct – empty innerduct</td>
<td>$0.26</td>
<td>Per foot</td>
</tr>
<tr>
<td>Micro-Cells</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pole Type</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fiberglass</td>
<td>$902.18</td>
<td>Per Pole</td>
</tr>
<tr>
<td>Ornamental</td>
<td>$1,976.68</td>
<td>Per Pole</td>
</tr>
<tr>
<td>Square Tapered Steel</td>
<td>$1,866.87</td>
<td>Per Pole</td>
</tr>
<tr>
<td>Wood</td>
<td>$361.55</td>
<td>Per Pole</td>
</tr>
</tbody>
</table>

4. DEFINITIONS

The following definitions shall apply to terms used in this Rate Study. Other terms shall be as defined in the Ordinance.

**Carrying Charge:** an accounting tool which provides a method of allocating the annual cost of operating a system based upon a percentage of the total infrastructure investment.

**Duct:** a pipe owned by the City placed under or above the surface of the ground for the purpose of providing space for the placement of power or communications cables or wires. This term is synonymous with Conduit.

**Duct Bank:** an underground group of pipes arranged in a defined array or pattern, and encased in concrete. Refer to drawings D3 and D4, and photographs P3 through P8.

**Duct Riser:** a transition system used to provide aerial cable access to the underground ducts. Refer to photograph P13.

**Handhole:** a shallow access hole large enough for a hand to be inserted for maintenance, repair, and access to the ducts and its contents.

**Innerduct:** a small (1” to 1¼” in diameter) plastic pipe that is installed in a duct (in groups of 4, 5, or 6) for the purpose of housing multiple cables in one duct. Refer to drawing D3 and photographs P9 and P11.

**Make-ready:** the cost associated with preparing a pole for a requesting party to be able to make an attachment to a pole. These costs often include correcting potential safety violations in order to maintain compliance with the National Electrical Safety Code (NESC), or relocating other attachments to make room for the new attachment. These costs also apply to placing innerduct in the conduit system for communications to use.
Manhole: an underground concrete chamber built in-place or delivered to the site for the purpose of providing regular access to the ducts. Refer to drawing D2 and photographs P4, and P9 through P12.

Microduct: a small pipe that is installed in innerduct to further subdivide the duct for the purpose of housing multiple communications cables in one innerduct.

Ordinance: the City of Grand Rapids Ordinance #2011-29 adopted in 2011 to establish the System.

Pole: a City owned utility or street lighting pole.

Pole Attachment: a physical attachment of a cable or device to a wooden City pole. The attachment shall meet the space and elevation requirements of the City, and of the National Electrical Safety Code. Refer to photograph P2.

Pole Attachment Rate: the annual User fee per pole attachment as approved by the City Commission.

Pole Line: two or more poles in a row or otherwise in proximity to one another such that power or communications cables or wires could be strung from one of the poles to one or more other poles.

Rate: the rate applicable for a particular Use of the System.

Revenue Bond Act: the 1933 PA 94, as amended, MCL 141.101 et seq.

System: the Grand Rapids Pole Line and Duct System consisting of all poles, pole attachments, ducts, pipes, works, instrumentalities, copper communications cable innerducts, lines, fiber cable, traffic signals, electric power lines and equipment, contract rights, and properties now or hereafter existing, used or useful in connection with such facilities and equipment.

Use: the use of pole lines, ducts, pipes, equipment or other parts of the System by attaching or installing wire, fiber cable, channels, antennas or other lines or equipment on or within such parts of the System and includes even such wire, fiber channels, antennas or other lines or equipment that is not operated until such time as it has been removed or is permitted by the City to stay in place even though it is not operated.

User charge: a fee or charge payable by a User for Use of any part of the System or for costs related to that Use.

User: the person or company who owns the wires, fiber, antennas, or other lines or equipment placed on or within any portion of the System or a person or company other, than the owner of the premises who, according to the provisions of the Ordinance, has the responsibility to pay rates, fees and charges for the Use of any portion of the System.
completed operations, damage of underground equipment and collapse of property.

b-3. Indicating comprehensive liability coverage, automobile liability coverage and umbrella coverage in amounts established by the city attorney.

b-4. Naming the city as an additional insured as to whom the coverage required is in force and applicable and for whom defense will be provided as to all such coverage.

b-5. Requiring that the city attorney shall be notified 30 days in advance of cancellation of the policy.

c. If the person is a corporation, a copy of the certificate required to be filed under Wisconsin statutes as recorded and certified to by the secretary of state.

4. The class or classes of service to be provided on the registrant's transmission facility and the specific locations or areas within the city in which each class of service will be available:
   a. During the next calendar year; and
   b. For the 5 years following the next calendar year.

5. Contemplated conduit occupancy locations:
   a. Specific locations and the beginning and ending dates of all projects to be commenced during the next calendar year.
   b. Tentative locations and beginning and ending dates for all projects contemplated for the 5 years following the next calendar year.

6. Evidence of authorization from the federal communications commission or the Wisconsin public service commission to operate a telecommunication service, or evidence of authorization from the state of Wisconsin to operate a cable service, video service or an open video system.

7. The permittee shall keep all of the information listed in this section current at all times by providing to the department of public works by December 1 of each year an operations plan. Such plan shall be submitted using a format designated by the commissioner of public works and shall contain the information determined by the commissioner to be necessary to facilitate the coordination of conduit occupancy use and the frequency of excavations and obstructions of rights-of-way.

8. The permittee shall notify the department of public works of any projects which have been or are to be deleted from the conduit occupancy operations plan. Notification of changes in any information listed in this subsection shall be submitted to the department of public works within 15 days following the date on which the permittee has knowledge of any change.

98-11. Registration Fee; Fee in Addition to Conduit System Occupancy Fees.

1. Registration review and processing costs shall be paid at the time of registration with the department of public works for conduit occupancy.

2. Make-ready and conduit pulling costs for approved occupancy shall be separately reimbursable.

98-13. Conduit System Occupancy Fees. A use and occupancy fee shall be paid for each class of service delivered on all or a portion of the transmission system. For purposes of calculating occupancy fees pursuant to this chapter, linear distance shall be defined as the point-to-point linear distance of each portion of the facility used to deliver each class of service. The following minimum use and occupancy fees shall apply for conduit occupancy agreements having a term of 15 years:

1. CLASS ONE: The minimum fee for conduit system occupancy for transmission facilities used for the delivery of cable services or video services, pursuant to a franchise or license agreement and subject to payment of a franchise or license fee, shall be:
   a. $1.65 per foot per year for sub duct occupancy of up to one-third of a conduit duct.
   b. $1.95 per foot per year for sub duct occupancy of more than one-third but less than two-thirds of a conduit duct.
   c. $2.25 per foot per year for full occupancy of a conduit duct.
   d. Class one occupancy fees are not applicable to any portion of the conduit system which crosses under any river or is attached to a bridge.

2. CLASS TWO: The minimum fee for conduit duct occupancy for transmission facilities used for the delivery of
telecommunications services not subject to payment of a franchise or license fee shall be:

a. **$1.95** per foot per year for sub-duct occupancy of up to one-third of a conduit duct.
b. **$2.25** per foot per year for sub-duct occupancy of more than one-third but less than two-thirds of a conduit duct.
c. **$2.55** per foot per year for occupied conduit duct.
d. Class two occupancy fees are not applicable to any portion of the conduit system which crosses under any river or is attached to a bridge.

3. **CLASS THREE:** The minimum fee for conduit duct occupancy for transmission facilities under common or affiliated ownership or control and used for the delivery of both class one and class two services shall be:

a. **$2.25** per foot per year for sub-duct occupancy of up to one-third of a conduit duct.
b. **$3.55** per foot per year for sub-duct occupancy of more than one-third but less than two-thirds of a conduit duct.
c. **$5.85** per foot per year for full occupancy of a conduit duct.
d. Class three occupancy fees are not applicable to any portion of the conduit system which crosses under any river or is attached to a bridge.
e. For purposes of this subsection, "affiliated", when used in relation to any person, means another person who owns or controls, is owned or controlled by, or is under common ownership or control with such person.

4. **CLASS FOUR:** The minimum fee for conduit duct occupancy for transmission facilities delivering either class one or class two services in conduit which crosses under any river, railroad, freeway or other obstruction or is attached to a bridge shall be:

a. There shall be a base fee of $7,500 for up to one-third of a conduit duct occupancy plus $15 per foot per year for the first 200 feet, then $7.50 per foot per year for the next 300 feet, then $2 per foot per year for any additional space.
b. There shall be a base fee of $15,000 for up to two-thirds of a conduit duct occupancy plus $20 per foot per year for the first 200 feet, then $10 per foot per year for the next 300 feet, then $2.50 per foot per year for any additional space.
c. There shall be a base fee of $17,500 for two-thirds or more of a conduit duct occupancy plus $25 per foot per year for the first 200 feet, then $12.50 per foot per year for the next 300 feet, then $3 per foot per year for any additional space.
d. For purposes of this subsection, measurement of such conduit occupancy shall be from manhole to manhole on each side of the river or other obstruction.

5. The commissioner of public works shall have the power to establish rates by auction or negotiation for new or additional conduit system capacity or its occupancy if there is insufficient space to accommodate all of the anticipated requests of permittees or persons to occupy and use the existing conduit system.

6. The commissioner of public works shall have the power to establish rates and negotiate occupancy agreements for terms of less than 15 years, subject to s. 98-5.

98-15. Grant of Right; Payment of Occupancy Fee. 1. Any person required to register under s. 98-7, who furnishes telecommunications, video services or cable services or who occupies or uses the city's conduit system is granted a right to do so if and only so long as authorized to do so by the city, and the person pays the occupancy fee as provided in s. 98-11 and complies with all other requirements of law, including the execution of a written agreement and receipt of a registration certificate and permit to occupy the conduit system.

2. The fee shall be paid to the city on January 1 and July 1 of each calendar year in advance for the succeeding 6-month period. The fee shall be based upon the total linear distance of conduit then used or occupied with a back payment, prorated on a daily basis, made for conduit used or occupied since the last billing period.

3. The grant of such right is expressly conditioned on, and is subject to continuing compliance with all provisions of law, including this chapter.

4. The commissioner of public works shall have the power to prohibit or limit the placement of new or additional facilities within the conduit system if there is insufficient
CONSULTING AGREEMENT BETWEEN THE CITY OF BIRMINGHAM
AND TURNKEY NETWORK SOLUTIONS

THIS AGREEMENT made this ____ day of ____________, 2019, by and between
the CITY OF BIRMINGHAM, whose address is 151 Martin Street, Birmingham, Michigan
(hereinafter referred to as the “City”) and TURNKEY NETWORK SOLUTIONS address is
7020 Southbelt Dr, Caledonia MI, 49316 (hereinafter referred to as the “Telecommunications
Consultant”), to-wit:

1. Telecommunications Consultant shall provide telecommunications consulting
services under this Agreement as requested from time to time by the City of Birmingham
through its City Manager and/or his designee as described in Exhibit A.

2. Payment for professional services rendered under this Agreement shall be made
in accordance with the fee schedule mutually agreed upon prior to the time the work is
performed as set forth in Exhibit A. The City promises and agrees to pay said
Telecommunications Consultant for all services performed under this Agreement. Invoices
shall be submitted to the City on a monthly basis and shall be paid upon acceptance by the City
of the work produced by the Telecommunications Consultant.

3. Written notices regarding this Agreement shall be addressed to the following:

   City: City of Birmingham
          P.O. Box 3001
          Birmingham, Michigan  48012
          Attn:   City Manager and City Clerk
                   (one written copy to each)

   Telecommunications Consultant:  Turnkey Network Solutions
          Attn.:  Thomas C. Glass
          7020 Southbelt Drive
          Caledonia MI, 49316

4. This Agreement shall have a term of three (3) years from the date stated above.
The City and the Telecommunications Consultant shall each have the right to unilaterally
terminate this Agreement on thirty (30) days written notice. In the event of termination, the
Telecommunications Consultant shall receive compensation for services to the date the
termination takes effect and the City shall be entitled to retain and use the results to the date
the termination takes effect and the City shall be entitled to retain and use the results of all
information, maps, and recommendations prepared by the Telecommunications Consultant
through such date.

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

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

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

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

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

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

11. To the fullest extent permitted by law, the Telecommunications Consultant and any entity or person for whom the Telecommunications Consultant 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 arises out of or is in any way connected or associated with any act or omission of the Telecommunications Consultant to the extent permitted by law. 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.

12. The Telecommunications Consultant shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required by this paragraph. All certificates of insurance shall be with insurance carriers licensed and admitted to do business in the State of Michigan. All coverages shall be with insurance carriers acceptable to the City of Birmingham. The Telecommunications Consultant shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:

A. **Workers' Compensation Insurance**: Telecommunications Consultant shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.

B. **Commercial General Liability Insurance**: Telecommunications Consultant shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than $1,000,000 per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Telecommunications Consultants Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.

C. **Motor Vehicle Liability Insurance**: Telecommunications Consultant shall procure and maintain during the life of this Agreement Motor
Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than $1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

D. **Additional Insured:** The Commercial General Liability and Motor Vehicle Liability, as described above, shall include an endorsement stating the following shall be *Additional Insureds:* The City of Birmingham including all elected and appointed officials, all employees, all boards, commissions and/or authorities and board members. This coverage shall be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance required from Telecommunications Consultant under this Section.

E. **Professional Liability Insurance:** If Professional Liability Insurance is available, Professional Liability Insurance with limits of not less than $1,000,000 per claim if Consultant will provide service that are customarily subject to this type of coverage.

F. **Cancellation Notice:** Workers' Compensation Insurance, Commercial General Liability Insurance, Professional Liability Insurance and Motor Vehicle Liability Insurance as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal shall be sent to: Director of Finance, City of Birmingham, P.O. Box 3001, 151 Martin Street, Birmingham, Michigan 48012.

G. **Proof of Insurance Coverage:** Telecommunications Consultant shall provide the City at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City, as listed below.

1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;

2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;

3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;

4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
H. **Coverage Expiration:** If any of the above coverages expire during the term of this Agreement, Telecommunications Consultant shall deliver renewal certificates and/or policies to the City at least (10) days prior to the expiration date.

13. 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 Telecommunications Consultant, the City shall have the right to terminate this Agreement without further liability to the Telecommunications Consultant if the disqualification has not been removed within thirty (30) days after the City has given the Telecommunications Consultant notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.

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

15. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party’s claim exceeds $1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator’s and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL §600.5001 et seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.

16. The City shall be the owner of all drawings, reports, specifications and other documents prepared by the Telecommunications Consultant. Any modifications made to these documents by the City shall be clearly marked as such on the modified document. Any modifications made by the City without the prior written consent of the Telecommunications Consultant shall be at the City’s sole risk and responsibility.

FAIR PROCUREMENT OPPORTUNITY: Procurement for the City of Birmingham will be handled in a manner providing fair opportunity for all businesses. This will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the City of Birmingham.
IN WITNESS WHEREOF, the said parties have caused this Agreement to be executed as of the date and year above written.

CITY OF BIRMINGHAM

By: Patricia Bordman, Mayor

By: Cherilynn Mynsberge, City Clerk

TURNKEY NETWORK SOLUTIONS

By: Warren Henderson

Its: President

Approved:

Joseph A. Valentine, City Manager  (Approved as to substance)

Paul O'Meara, City Engineer  (Approved as to substance)

Timothy J. Currier, City Attorney  (Approved as to form)

Mark Gerber, Director of Finance  (Approved as to financial obligation)
EXHIBIT A - ATTACHED
February 13, 2019

Mr. Paul O’Meara  
City Engineer  
City of Birmingham  
151 Martin Street  
Birmingham, MI 48009

Re: City of Birmingham Professional Services Agreement.

Dear Mr. O’Meara,

TurnKey Network Solutions (TKNS) is pleased to present a proposal to the City of Birmingham (City) to assist in the management and documentation of the City owned telecommunications conduit in and along portions of Old Woodward Avenue and Maple Streets.

TKNS’s services will include the following:

1. Review, amend and approve occupancy permit applications submitted by 3rd party telecommunications providers seeking to occupy City telecommunications conduit. It is anticipated that occupancy reviews would not require a site visit and would take between 2 – 4 hours depending on the size and scope of the application.

2. Attend pre-construction meetings with 3rd party telecommunications providers seeking to occupy City telecommunications conduit. Acting as the City’s representative TKNS will review occupancy construction procedures and confined space safety procedures with occupant. It is anticipated that pre-construction meetings would take between 5 – 7 hours including drive time.

3. Provide initial construction inspections services of telecommunications providers installation activities and advise City personnel in order that they may complete the final inspection of the installation.

In return for the services and support outlined above the City of Birmingham will pay TurnKey Network Solutions an hourly rate of $136.00 for items 1 and 2 and a one-time fee of $952.00 for item 3.

Thank you for the opportunity and please do not hesitate to contact me should you have any questions.

Regards,

Thomas C. Glass  
Thomas C. Glass  
VP Business Development & Engineering
OLD WOODWARD CONDUIT

BIRMINGHAM, MI

WOODWARD & MAPLE

OUTSIDE PLANT SCHEMATIC

FIBER OPTIC CABLE ROUTE

TKNS PROJECT #16811

Network Solutions
### Material List

<table>
<thead>
<tr>
<th>Description</th>
<th>Total</th>
<th>Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) 1&quot; SDR-11 Innerduct</td>
<td>3225</td>
<td>FOOT</td>
</tr>
<tr>
<td>(1) 1 3/8&quot; SDR-11 Innerduct</td>
<td>3676</td>
<td>FOOT</td>
</tr>
<tr>
<td>4&quot; S-40 PVC Conduit</td>
<td>17234</td>
<td>FOOT</td>
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<tr>
<td>4&quot; S-40 PVC 90° Sweep (60&quot; Radius)</td>
<td>5</td>
<td>EACH</td>
</tr>
<tr>
<td>4&quot; S-40 PVC Dome Cap</td>
<td>80</td>
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<tr>
<td>4&quot;x4&quot;x4&quot; Standard Terminator Manhole, Frame &amp; Cover</td>
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<tr>
<td>4&quot; Conduit Spacer - Base</td>
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<tr>
<td>4&quot; Conduit Spacer - Intermediate</td>
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<tr>
<td>1.64&quot; (7) Way Microduct</td>
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<tr>
<td>Existing AT&amp;T MH Core</td>
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<td>EACH</td>
</tr>
<tr>
<td>#14 AWG Tracer Wire</td>
<td>3225</td>
<td>FOOT</td>
</tr>
</tbody>
</table>

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**Notes:**

- **616-455-9840**
- **WWW.TKNS.NET**

**Drawing Disclaimer:**

Facility locations are general in nature. TURNKEY will not be held accountable for the accuracy of the information provided in these drawings.

**Proprietary Information Not For Disclosure:**

This set of plans contains confidential or proprietary information, and the recipient must not disclose, copy, re-create, or distribute the plans or the information contained therein, either directly or indirectly, to other entities or individuals without written or express permission from Nowak & Fraus Engineers.
TOWNSHIP: BLOOMFIELD
COUNTY: OAKLAND
CITY: BIRMINGHAM
SECTION: 25/36
TOWN: 2N
RANGE: 10E

NOTES:
616-455-9840
WWW.TKNS.NET

DRAWING DISCLAIMER
Facility locations are general in nature. TURNKEY will not be held accountable for the accuracy of the information provided in these drawings.

CAUTION
FOREIGN UTILITY LOCATION ARE APPROXIMATE. CONTACT THE LOCAL ONE CALL AGENCY 72 HOURS PRIOR TO CONSTRUCTION FOR EXACT UTILITY LOCATIONS AT:
MISS DIG
1-800-482-7171

PROPRIETARY INFORMATION NOT FOR DISCLOSURE
This set of plans contains confidential or proprietary information, and the recipient must not disclose, copy, re-create, or distribute the plans or the information contained therein, either directly or indirectly, to other entities or individuals without written or express permission from Nowak & Fraus Engineers.

TYPICAL DETAIL - #
(4) 4" SCHEDULE 40 PVC CONDUIT;
(1) FILLED W/ (1)1" SDR-11, (1) 1.25" SDR-11 & (1) 1.64" 7-WAY MICRODUCT CROSS SECTION

PLAN VIEW

SIDE VIEW

END VIEW

TYPICAL DETAIL - #
4'x4'x4' TWO PIECE TERMINATOR MANHOLE

4" S-40 PVC
(1)1" SDR-11
(1)20" SDR-11
& (1) 1.64" 7-WAY MICRODUCT

NOTE:
0+00
HH
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UTILIZE LOWER KNOCK OUTS FOR INITIAL CONSTRUCTION

4" PVC S-40
(1)1" SDR-11
(1) 1.25" SDR-11 & (1) 1.64" 7-WAY MICRODUCT

NOTES:
All Concrete Shall Have A 28 Day Compressive Strength Of 4000 PSI.
Reinforcing Steel Shall Comply With ASTM A615 Grade 60 Rebar.
Bar Bending And Placement Shall Comply With The Latest ACI Standards.
Standard Structural Design Based On AASHTO HS 20 Wheel Loading.
1" Butyl Rubber Rope Mastic Is Provided For Placement In Top Seam.
- Options -
Cast Iron Heavy Duty Frames & Covers
Galvanized Steel Hardware
6", 12" And 24" High Grade Adjustment Rings
Custom Openings

Approximate Weight
Total: ≈ 8,500 Lbs.
Bottom Section: ≈ 4,350 Lbs.
Top Section: ≈ 4,150 Lbs.
NOTES:

DRAWING DISCLAIMER

Facility locations are general in nature. TURNKEY will not be held accountable for the accuracy of the information provided in these drawings.

CAUTION

FOREIGN UTILITY LOCATION ARE APPROXIMATE. CONTACT THE LOCAL ONE CALL AGENCY 72 HOURS PRIOR TO CONSTRUCTION FOR EXACT UTILITY LOCATIONS AT:

MISS DIG
1-800-482-7171

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TOWNSHIP: BLOOMFIELD
COUNTY: OAKLAND
CITY: BIRMINGHAM
SECTION: 25/36
TOWN: 2N
RANGE: 10E
Utilize lower knock outs in manhole for initial construction (typ.).

STA 7+08

- Stub out (2) 4" HDPE & cap
- Tie (2) 4" HDPE into AT&T MH
- Minimum 7 day notice required prior to completing AT&T MH cores. Contact permitting at TURNKEY NETWORK SOLUTIONS (616) 988-5308

Place (4) 4" S-40 PVC. Fill (1) 4" W/ (1) 1" HDPE, (1) 1.25" HDPE & (1) 7-way microduct mainline only

- Stub out (1) 1.25" HDPE to planter for future kiosk (65')
- Stub out (2) 4" HDPE & cap
- Minimum 7 day notice required prior to completing AT&T MH cores. Contact permitting at TURNKEY NETWORK SOLUTIONS (616) 988-5308

Notes:

Information not for disclosure

This set of plans contains confidential or proprietary information, and the recipient must not disclose, copy, re-create, or distribute the plans or the information contained therein, either directly or indirectly, to other entities or individuals without written or express permission from Nowak & Fraus Engineers.

Caution

Foreign utility location are approximate. Contact the local one call agency 72 hours prior to construction for exact utility locations at:

Miss Dig
1-800-482-7171
DATE: April 4, 2019
TO: City Commission
FROM: Joseph A. Valentine, City Manager
SUBJECT: Request for Closed Session - Pending Litigation Darakjian v City of Birmingham

It is requested that the city commission meet in closed session to review pending litigation in the matter of Darakjian v City of Birmingham pursuant to Section 8(e) of the Open Meetings Act.

SUGGESTED RESOLUTION:
To meet in closed session to review pending litigation in the matter of Darakjian v City of Birmingham pursuant to Section 8(e) 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.)
March 15, 2019

Michael Schneider
251 Stratham Rd
Bloomfield Hills, Mi 48304

City Commission, c/o City Clerk
City of Birmingham
151 Martin St
Birmingham, MI 48009

City Commissioners:

My parents bought their cemetery plots in Greenwood Cemetery in the 1970s. I remember being told that their plots were in a section where all the monuments would be flush with the ground. As I got older, I came to appreciate that. Flush markers have an unassuming dignity to them. They don’t demand attention, and they don’t seem to be competing to be grander than any of the others. A section with only flush markers has an openness and peacefulness to it, a place where people going to visit their loved ones’ graves can focus on them without the distraction of nearby large monuments demanding attention and towering over the area around them.

Recently I visited my parents’ graves and was shocked to find a large above ground monument marking the graves adjacent to them. The presence of this large monument changed my experience there. When I stand there at my parents’ graves, I see a large monument right by them. It’s an unwelcome distraction, and an intrusion that for me has destroyed the openness and tranquility that was there before.

I have since been informed that the city recently rescinded the long-standing rule prohibiting above ground monuments in that section of the cemetery, and this was done at the request of one individual. I can’t believe that the city was willing to do this. When the city decided that the north section of the cemetery would be reserved for flush markers, that wasn’t just a restriction on the people purchasing grave sites there, it was also a promise to them that their graves would be in a section free of above ground monuments. Their loved ones would be able to visit their graves in an open and peaceful area without the distraction of large monuments nearby.

The City of Birmingham has broken a promise that it made five decades ago, and one that had been upheld until now. Changing the rules to favor some at the expense of others may work sometimes when running a city, but it is no way to run a cemetery. When people bury their loved ones in a cemetery, they should be able to rely on the promises that were made. The city made this recent rule change without notifying the families with grave sites in that section of the cemetery, and without regard for their wishes.

The City of Birmingham should not have abandoned the commitment that it made decades ago when it reserved the north section of Greenwood Cemetery to be free of above ground monuments. This
change in the character of the north section of the cemetery without regard for people who have family members buried there was inconsiderate and a mistake. Cheri Arcome, who is the contact person for matters regarding the cemetery, informed me that two other families who have loved ones buried in the north section of the cemetery have also complained to her about this change in policy allowing above ground monuments. I expect that other families will be unhappy as well, and may speak up, as they become aware of this change.

I request that you restore the serenity and openness of the north section of the cemetery by reinstating the rule that requires those plots to have only flush markers, and that you require the two above ground monuments that have since been erected there, be replaced with flush markers. You owe it to the families who have trusted the city to keep its promise.

Sincerely,

Michael Schneider
March 21, 2019

Michael Schneider
251 Strathmore Road
Bloomfield Hills MI 48304

RE: Greenwood Cemetery, Section F North

Dear Mr. Schneider:

I am in receipt of your March 15, 2019 letter to the City Commission expressing concerns about the change in Greenwood Cemetery's rules which now allow upright monuments in Section F North where your parents purchased graves. As the staff liaison to the Greenwood Cemetery Advisory Board (GCAB) I am pleased to provide you with a response. Your letter and my response will be shared with the City Commission.

Your parents purchased their graves in Section F North in 1976, and at that time the Greenwood Cemetery Operational Procedures, Conditions and Regulations, adopted by the City Commission on October 18, 1971, allowed only flush memorials in that section.

On October 21, 2013 the City Commission adopted Resolution #10-297-13 establishing the Greenwood Cemetery Advisory Committee to balance the interest of those interred in Greenwood Cemetery and their surviving family members, those who wish to be interred in Greenwood Cemetery, those who will pay for the regular care and maintenance of the cemetery in perpetuity, and those who wish to preserve Greenwood as an historic site. The Committee released its final report in 2014, and among its recommendations was the establishment of a Greenwood Cemetery Board to make recommendations to the City Commission regarding the Cemetery.

The City Commission, on October 13, 2014, amended the Birmingham Code of Ordinances by adding Sec. 34-30 establishing the GCAB and giving them the duty to provide recommendations to the City Commission on, among other things, modifications of the Operational Procedures, Conditions and Regulations governing Greenwood Cemetery.

An owner of two graves in Section F North approached the GCAB in December of 2016 requesting an exemption to the flat marker only regulation. Upon review by the GCAB, the owner then took his request to the City Commission. The City Commission asked staff to
research the issues and to contact all owners of graves in Section F North for input. Among the findings presented by staff:

- There has been, since May 1986, a raised headstone so close to the boundary of Section F North it appears to be in the section.
- In September 1990 the Stenger family requested an exemption from the flat marker regulation, and the City Commission took no action on the request.
- In other sections of the cemetery, excluding the historic areas of A, B and C, the *Operational Procedures, Conditions and Regulations* allow monuments only on two adjoining side by side graves with one owner.
- On the new graves plotted after January 1, 2015 in Sections B, C, D, K, L and O, only flush markers are permitted.
- There are 71 owners of record in Section F North. The City sent letters to the 34 owners still alive at their last address of record. Eight responses were received, with six owners in favor of upright monuments and two owners opposed.
- Next of kin information is not collected when a grave is purchased.

On March 27, 2017 the City Commission, by a vote of 6-0, with one Commissioner absent, directed the GCAB to revise the *Operational Procedures, Conditions and Regulations* to allow upright monuments in Section F North.

The City Commission, the GCAB, and City administration are committed to maintaining the Greenwood Cemetery in a manner which best addresses the concerns of all invested parties. Thank you for sharing your concerns, and I hope you find this information helpful. If I may be of further assistance, please do not hesitate to contact me at 248-530-1802 or cmynsberge@bhamgov.org.

Best regards,

J. Cherilynn Mynsberge
City Clerk
Cherilynn Mynsberge,

Thank you for taking the time to write me an informative letter about the rule change regarding above ground monuments in Greenwood Cemetery.

Your letter points out it is the intent of both the City Commissioners and the Greenwood Cemetery Advisory Committee to include the interests of surviving family members in decisions affecting the cemetery. From what I gather from your letter and other sources, the decision to change the rule regarding above ground monuments was made without consideration of the wishes of the family members of those already buried in that section of the cemetery.

Although it remains unproven, I believe it is very likely that the majority of those surviving family members, who have placed flush markers on the graves of their loved ones, will be very unhappy to see above ground monuments in this area of the cemetery, and would have opposed them. When you combine that consideration with the reality that the flat marker regulation was an existing agreement between the city and all of the purchasers of grave sites in that section of the cemetery, changing this rule was unwarranted.

My letters to the City Manager and the Commissioners requested that the recent rule change allowing above ground monuments in the north section of the cemetery be reversed. I also made the same request verbally at the recent Commissioner's meeting. Your informative letter did not address my request. Will my request to change that rule receive further consideration, or has my request been dismissed? Is there some course of action that I need to take to merit serious consideration of my request by the City Commission? I will appreciate your advice on this.

Best regards,

Michael Schneider
Mr. Schneider:

Your request to the Commission has been placed on the agenda for the April 8, 2019 City Commission meeting under "Communications".

Respectfully,
J. Cherilynn Mynsberge
City Clerk
City of Birmingham
248-530-1802
NOTICE OF INTENTON TO APPOINT TO THE
PARKS & RECREATION BOARD

At the regular meeting of Monday, May 6, 2019, the Birmingham City Commission intends to appoint one alternate member to the Parks and Recreation Board to serve the remainder of a three-year term to expire March 13, 2020.

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

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

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

<table>
<thead>
<tr>
<th>Criteria/Qualifications of Open Position</th>
<th>Date Applications Due (by noon)</th>
<th>Date of Interview</th>
</tr>
</thead>
<tbody>
<tr>
<td>Members must be electors (registered voters) of the City of Birmingham.</td>
<td>5/01/2019</td>
<td>5/06/2019</td>
</tr>
</tbody>
</table>

NOTE: All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.
NOTICE OF INTENTI ON TO APPOINT TO THE MARTHA BALDWIN PARK BOARD

At the regular meeting of Monday, May 6, 2019 the Birmingham City Commission intends to appoint two regular members to the Martha Baldwin Park Board to serve four-year terms to expire May 1, 2023. Members must be electors of the City of Birmingham.

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

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.

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<th>Date Applications Due (by noon)</th>
<th>Date of Interview</th>
</tr>
</thead>
<tbody>
<tr>
<td>Members must be electors in the City of Birmingham.</td>
<td>05/01/2019</td>
<td>05/06/2019</td>
</tr>
</tbody>
</table>

R10A2
NOTICE OF INTENTION TO APPOINT TO THE HOUSING BOARD OF APPEALS

At the meeting of Monday, May 6, 2019, the Birmingham City Commission intends to appoint two regular members to the Housing Board of Appeals to serve three-year terms to expire May 4, 2022 and one regular member to serve the remainder of a three-year term to expire May 4, 2020. Members shall be educated or experienced in building, construction administration, social services, real estate or other responsible positions.

The Housing Board of Appeals was established in order to provide an appeal process from regulation derived from the housing and maintenance requirements found in Chapter 22 of the city code. The purpose of the housing and maintenance regulations is to protect, preserve and promote the physical and social well being of the people, to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health.

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

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.

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<th>Criteria/Qualifications of Open Position</th>
<th>Date Applications Due (by noon)</th>
<th>Date of Interview</th>
</tr>
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<tbody>
<tr>
<td>Members shall be educated or experienced in building, construction administration, social services, real estate or other responsible positions.</td>
<td>05/01/2019</td>
<td>05/06/2019</td>
</tr>
</tbody>
</table>
NOTICE OF INTENTION TO APPOINT TO BOARD OF BUILDING TRADES APPEALS

At the regular meeting of Monday, May 6, 2019 the Birmingham City Commission intends to appoint to the Board of Building Trades Appeals one regular member to serve a three-year term to expire May 23, 2022. Applicants shall be qualified by experience or training in fields such as architecture, engineering, mechanical engineering, building, electrical plumbing, heating or refrigeration.

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

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

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.

<table>
<thead>
<tr>
<th>Criteria/Qualifications of Open Position</th>
<th>Date Applications Due (by noon)</th>
<th>Date of Interview</th>
</tr>
</thead>
<tbody>
<tr>
<td>Members shall be qualified by experience or training. (such as architect, engineer, mechanical engineer, building contractor, electrical contractor, plumbing contractor, heating contractor, and refrigeration contractor)</td>
<td>05/01/2019</td>
<td>05/06/2019</td>
</tr>
</tbody>
</table>

R10A4
NOTICE OF INTENTION TO APPOINT TO THE
CITY OF BIRMINGHAM
BROWNFIELD REDEVELOPMENT AUTHORITY

At the regular meeting of Monday, May 6, 2019 the Birmingham City Commission intends to appoint two regular members to the City of Birmingham Brownfield Redevelopment Authority to serve three-year terms to expire May 23, 2022.

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

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

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

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.

<table>
<thead>
<tr>
<th>Criteria/Qualifications of Open Position</th>
<th>Date Applications Due (by noon)</th>
<th>Date of Interview</th>
</tr>
</thead>
<tbody>
<tr>
<td>Members shall, in so far as possible, be residents of the City of Birmingham.</td>
<td>05/01/2019</td>
<td>05/06/2019</td>
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R10A5
*2017 Rooftop valet utilization increased Jul—Oct 2017 due to the Park Street Paving Project*
<table>
<thead>
<tr>
<th></th>
<th>Pierce</th>
<th>Park</th>
<th>Peabody</th>
<th>N.Old Wood</th>
<th>Chester</th>
<th>Lot #6/$210</th>
<th>Lot #6/$150</th>
<th>South Side</th>
<th>Lot B</th>
<th>35001 Woodward</th>
<th>Lot 12</th>
<th>Total</th>
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<tbody>
<tr>
<td>1. Total Spaces</td>
<td>706</td>
<td>811</td>
<td>437</td>
<td>745</td>
<td>880</td>
<td>174</td>
<td>79</td>
<td>8</td>
<td>40</td>
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<td>2. Daily Spaces</td>
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<td>348</td>
<td>224</td>
<td>359</td>
<td>425</td>
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<tr>
<td>3. Monthly Spaces</td>
<td>336</td>
<td>463</td>
<td>213</td>
<td>386</td>
<td>560</td>
<td>174</td>
<td>79</td>
<td>8</td>
<td>30</td>
<td>40</td>
<td>180</td>
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<td>4. Monthly Permits Authorized</td>
<td>550</td>
<td>750</td>
<td>400</td>
<td>800</td>
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<td>40</td>
<td>8</td>
<td>30</td>
<td>50</td>
<td>225</td>
<td>4143</td>
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<td>5. Permits - end of previous month</td>
<td>550</td>
<td>750</td>
<td>400</td>
<td>800</td>
<td>1140</td>
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<td>6. Permits - end of month</td>
<td>550</td>
<td>750</td>
<td>400</td>
<td>800</td>
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<td>8</td>
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<td>4143</td>
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<td>7. Permits - available at end of month</td>
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<td>0</td>
<td>0</td>
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<td>8. Permits issued in month includes permits effective 1st of month</td>
<td>10</td>
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<td>2</td>
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<td>9. Permits given up in month</td>
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<tr>
<td>11. On List - end of month*</td>
<td>1133</td>
<td>1041</td>
<td>1082</td>
<td>1409</td>
<td>1014</td>
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<td><strong>On List - Unique Individuals</strong></td>
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<td>12. Added to list in month</td>
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<td>0</td>
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<td>13. Withdrawn from list in month (w/o permit)</td>
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<tr>
<td>14. Average # of weeks on list for permits issued in month</td>
<td>143</td>
<td>82</td>
<td>141</td>
<td>126</td>
<td>57</td>
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<tr>
<td>15. Transient parker occupied</td>
<td>195</td>
<td>98</td>
<td>121</td>
<td>116</td>
<td>82</td>
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<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>16. Monthly parker occupied</td>
<td>413</td>
<td>701</td>
<td>258</td>
<td>611</td>
<td>674</td>
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<td>N/A</td>
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<tr>
<td>17. Total parker occupied</td>
<td>608</td>
<td>799</td>
<td>379</td>
<td>727</td>
<td>756</td>
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<tr>
<td>18. Total spaces available at 1pm on Wednesday 2/20</td>
<td>98</td>
<td>12</td>
<td>58</td>
<td>18</td>
<td>124</td>
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<td>N/A</td>
<td>310</td>
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<tr>
<td>19. &quot;All Day&quot; parkers paying 5 hrs. or more</td>
<td>240</td>
<td>221</td>
<td>114</td>
<td>128</td>
<td>89</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>A: Weekday average.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td>B: Maximum day</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<td>N/A</td>
<td>N/A</td>
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<tr>
<td>20. Utilization by long term parkers</td>
<td>N/A</td>
<td>N/A</td>
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<td>N/A</td>
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<td>#DIV/0</td>
</tr>
</tbody>
</table>

(1) Lot #6 does not have gate control, therefore no transient count available
(2) (Permits/Oversell Factor + Weekday Avg.) / Total Spaces
* Average Maximum day not available currently in Skidata
** Unique individuals represent the actual number of unique people on the wait list regardless of how many structures they have requested.
Birmingham Parking System  
Transient & Free Parking Analysis  
Months of February 2018 & February 2019

February 2018

<table>
<thead>
<tr>
<th>GARAGE</th>
<th>TOTAL CARS</th>
<th>FREE CARS</th>
<th>CASH REVENUE</th>
<th>% FREE</th>
</tr>
</thead>
<tbody>
<tr>
<td>PEABODY</td>
<td>15,955</td>
<td>8,709</td>
<td>$34,287.00</td>
<td>55%</td>
</tr>
<tr>
<td>PARK</td>
<td>18,465</td>
<td>6,778</td>
<td>$49,772.00</td>
<td>37%</td>
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<tr>
<td>CHESTER</td>
<td>5,395</td>
<td>1,678</td>
<td>$59,049.00</td>
<td>31%</td>
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<tr>
<td>WOODWARD</td>
<td>10,774</td>
<td>5,293</td>
<td>$30,320.00</td>
<td>49%</td>
</tr>
<tr>
<td>PIERCE</td>
<td>23,768</td>
<td>10,719</td>
<td>$62,938.00</td>
<td>45%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>TOTAL CARS</th>
<th>FREE CARS</th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>74,357</td>
<td>33,177</td>
<td>$</td>
<td>236,366.00</td>
<td>45%</td>
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February 2019

<table>
<thead>
<tr>
<th>GARAGE</th>
<th>TOTAL CARS</th>
<th>FREE CARS</th>
<th>CASH REVENUE</th>
<th>% FREE</th>
</tr>
</thead>
<tbody>
<tr>
<td>PEABODY</td>
<td>12,076</td>
<td>6,218</td>
<td>$31,528.00</td>
<td>51%</td>
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<tr>
<td>PARK</td>
<td>16,705</td>
<td>6,122</td>
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<tr>
<td>CHESTER</td>
<td>5,385</td>
<td>1,775</td>
<td>$55,120.01</td>
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</tr>
<tr>
<td>WOODWARD</td>
<td>10,427</td>
<td>5,103</td>
<td>$26,528.00</td>
<td>49%</td>
</tr>
<tr>
<td>PIERCE</td>
<td>22,096</td>
<td>9,403</td>
<td>$69,389.00</td>
<td>43%</td>
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</table>

<table>
<thead>
<tr>
<th></th>
<th>TOTAL CARS</th>
<th>FREE CARS</th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>66,689</td>
<td>28,621</td>
<td>$</td>
<td>228,586.01</td>
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</tbody>
</table>

BREAKDOWN:  

<table>
<thead>
<tr>
<th></th>
<th>TOTAL CARS</th>
<th></th>
<th>FREE CARS</th>
<th></th>
<th>CASH REVENUE</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>-10%</td>
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<td>-14%</td>
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## Structure Occupancy at 1pm Tuesday-Thursday

### MARCH 2019

<table>
<thead>
<tr>
<th>Sunday</th>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
<th>Thursday</th>
<th>Friday</th>
<th>Saturday</th>
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<tbody>
<tr>
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<td></td>
<td></td>
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<tr>
<td>3</td>
<td>4</td>
<td>5 Chester-127</td>
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### Notes:

- Saturday
- Friday
- Tuesday
- Monday
- Sunday
- Thursday
<table>
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<th>Monday</th>
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<th>Wednesday</th>
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<th>Friday</th>
<th>Saturday</th>
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<td>31</td>
<td>Notes:</td>
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### Park Street Structure

#### MARCH 2019

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<th>Wednesday</th>
<th>Thursday</th>
<th>Friday</th>
<th>Saturday</th>
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<table>
<thead>
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## MARCH 2019

<table>
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<th>Sunday</th>
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<th>Tuesday</th>
<th>Wednesday</th>
<th>Thursday</th>
<th>Friday</th>
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**Peabody Occupancy-437 Spaces**