

BIRMINGHAM CITY COMMISSION MINUTES
MARCH 12, 2018
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

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

Administration: City Manager Valentine, Assistant City Manager Gunter, City Attorney Currier, Senior Planner Baka, Chief of Police Clemence, Planning Director Ecker, City Clerk Mynsberge, Birmingham Museum Director Pielack, City Engineer O'Meara, Director of Public Services Wood

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

03-061-18 ANNOUNCEMENTS

Mayor Harris announced:

- Books, Bags & Bagels is a fundraiser being hosted by the Friends of the Baldwin Public Library on Sunday, March 18th, 1:00 – 4:00 p.m. Shop for gently used handbags, totes and wallets. Enjoy bagels and coffee while browsing a collection of books on women's topics and by female authors. Donations of bags are being accepted at the Circulation Desk.

03-062-18 APPOINTMENT OF REGULAR MEMBER TO CABLECASTING BOARD

The Commission interviewed R. David Eick, who is currently a member of the Cablecasting Board whose term expires on March 30, 2018.

MOTION: Motion by Commissioner DeWeese:

To appoint R. David Eick, to the Cablecasting Board as a regular member to serve a three- year term to expire March 30, 2021.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

03-063-18 APPOINTMENT OF REGULAR MEMBER TO MULTI-MODAL TRANSPORTATION BOARD

The Commission interviewed Dr. Katie Schafer, who currently serves as an alternate member on the Multi-Modal Board (MMTB).

MOTION: Motion by Mayor Pro Tem Bordman:
To appoint Dr. Katie Schafer as a regular member who is a pedestrian advocate to the MMTB Board to serve a three-year term to expire March 24, 2021.

VOTE: Yeas, 7
Nays, 0
Absent, 0

03-064-18 APPOINTMENT OF REGULAR MEMBERS TO PARKS AND RECREATION BOARD

The Commission interviewed William Wiebrecht and Ryan Ross, both current members of the Parks and Recreation Board whose terms expire on March 13, 2018, and Heather Carmona and Dominick Pulis.

MOTION: Motion by Mayor Pro Tem Bordman:
To appoint Dominick Pulis to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2021.

MOTION: Motion by Commissioner Sherman:
To appoint William Wiebrecht to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2021.

MOTION: Motion by Commissioner Boutros:
To appoint Ryan Ross to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2021.

MOTION: Motion by Commissioner Hoff:
To appoint Heather Carmona to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2021.

Vote on Dominick Pulis:

VOTE: Yeas, 3
Nays, 0
Absent, 0

Vote on William Wiebrecht:

VOTE: Yeas, 7
Nays, 0
Absent, 0

Vote on Ryan Ross:

VOTE: Yeas, 7
Nays, 0
Absent, 0

Vote on Heather Carmona:

VOTE: Yeas, 4
 Nays, 0
 Absent, 0

Mayor Harris announced the appointment of William Wiebrecht, Ryan Ross, and Heather Carmona to the Parks and Recreation Board.

03-065-18 APPOINTMENT OF REGULAR MEMBERS TO PLANNING BOARD

The Commission interviewed Stuart Jeffares and J. Bryan Williams, who currently serve on the Board with terms that expire on March 28, 2018.

The Commission also interviewed Daniel Share, currently an alternate member on the Board. Mr. Share presented a letter from Paul Share, Manager, of FAS Associates, LLC, stating, "FAS Associates, LLC, a Michigan limited liability company, the owner of 442 South Old Woodward, Birmingham, Michigan, has appointed Daniel Share its agent and attorney, among other things for purposes of appointment to any City Board of (sic) Commission where building ownership is a qualification for appointment." City Attorney Currier confirmed Mr. Share is eligible for the required position on the Board for a building owner in the central business or Shain Park Historic District.

Nasseem Ramin, currently an alternate member on the Board, submitted an application but was unable to attend the meeting.

MOTION: Motion by Mayor Pro Tem Bordman:

To appoint Daniel Share to the Planning Board as a regular member who is a building owner in the central business or Shain Park Historic District to serve a three-year term to expire March 28, 2021.

MOTION: Motion by Commissioner Boutros:

To appoint Stuart Jeffares to the Planning Board as a regular member to serve a three- year term to expire March 28, 2021.

MOTION: Motion by Commissioner DeWeese:

To appoint J. Bryan Williams to the Planning Board as a regular member to serve a three- year term to expire March 28, 2021.

Mayor Harris left the nominations open and deviated from the agenda to allow Planning Director Ecker time to determine if 442 S. Old Woodward is located within either the central business district or the Shain Park Historic District.

03-066-18 APPOINTMENT OF MEMBER WITH A BACKGROUND IN ROAD DESIGN AND MAINTENANCE TO THE AD HOC UNIMPROVED STREET STUDY COMMITTEE

Mayor Pro Tem Bordman stated:

- The Commission should consider Mr. Emerine's application despite its arrival after the submission deadline.
- She was concerned about establishing a precedent of accepting late applications.

City Manager Valentine explained that he and City Clerk Mynsberge had discussed the issue and concurred that since the Unimproved Street Study Committee is Ad Hoc with a definite end-date, accepting a late application sets no precedent for regular Boards or Committees.

The Commission agreed.

The Commission interviewed Scott Assenmacher, P.E. and Jason Emerine, P.E.

MOTION: Motion by Commissioner Boutros:

To appoint Jason M. Emerine, P.E. to the Ad Hoc Unimproved Street Study Committee as the member with a background in road design and maintenance to serve a term expiring December 31, 2018.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

Mayor Harris returned to Agenda Item 3H.

**03-067-18 APPOINTMENT OF REGULAR MEMBERS TO PLANNING BOARD
(continued)**

Planning Director Ecker reported that 442 S. Old Woodward is not within the central business historic district. It is in the overlay, which is generally thought of as the central business district (CBD), but the historic district is the only one actually called the central business historic district (CBHD).

Commissioner Nickita stated that there are numerous examples of considering the CBD as extending to the boundaries of the overlay.

Planning Director Ecker agreed that conceptually the CBD usually at least extends to the boundaries of the overlay, if not further on to the boundaries of the Birmingham Shopping District. Planning Director Ecker continued that the Shain Park Historic District is capitalized in the ordinance, whereas the CBD is lowercase, which may indicate that the CBD refers to the colloquial understanding of the business district which extends to the overlay, as opposed to the strict definition of the CBHD which is much smaller.

Mayor Pro Tem Bordman said there seemed to be a conflict between the Notice of Intent to Appoint and the definition of the ordinance, and that the ordinance definition would take precedence. City Attorney Currier agreed.

Commissioner Sherman stated that an ordinance regarding skateboarding defines the central business district boundaries as follows: the east sidewalk of Woodward, to the north sidewalk of Oakland, to the north sidewalk of Willits, to the west sidewalk of Chester, to the north sidewalk of Maple, to the west sidewalk of Southfield, to the south sidewalk of Merrill, to the west sidewalk of Bates, to the south sidewalk of Townsend, to the west sidewalk to Henrietta, to the south sidewalk of Brown, back to the east sidewalk of Woodward.

Commissioner Sherman confirmed for Mayor Harris that the aforementioned boundaries would not encompass 442 S. Old Woodward.

The Commission requested that City Attorney Currier look into the technical definition of the CBD further.

There was a majority consensus (4-3) among the Commissioners to leave all nominations for the Planning Board open, to direct staff to determine the intended definition of "central business district" in Chapter 82, Section 82-27 of the Birmingham Code of Ordinances, to determine if 442 S. Old Woodward is located within the defined "central business district", and to adjourn further consideration of the nomination and appointment of members to the Planning Board until April 9, 2018.

The City Clerk administered the Oath of Office to the appointees.

IV. CONSENT AGENDA

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

03-068-18 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Commissioner Hoff: Item E, Bicycle and Pedestrian Counts-2018
Item F, Parks and City Property Lawn Maintenance Services Contract
- Commissioner Sherman: Items G, H, I, J, and K, Notices from City board and committee members.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Boutros:
To approve the Consent Agenda, consisting of Items A, B, C, D, and L.

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

- A. Approval of City Commission meeting minutes of February 26, 2018.
- B. Approval of warrant list, including Automated Clearing House payments, dated February 28, 2018 in the amount of \$755,720.63.
- C. Approval of warrant list, including Automated Clearing House payments, dated March 7, 2018 in the amount of \$3,323,122.40.
- D. Resolution approving a request from the City of Birmingham Department of Public

Services to hold the 2018 In the Park Concert series in Shain Park, contingent upon compliance with all permit and insurance requirements and payment of all fees, and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

- L. Resolution confirming the City Manager's authorization for the emergency expenditure regarding the repair of the Bates Street elevator in the N. Old Woodward parking garage to Kone Inc. in the amount of \$11,970.00 to be paid from the Parking Fund account #585-538.005-930.0200, pursuant to Sec. 2-286 of the City Code.

03-069-18 BICYCLE AND PEDESTRIAN COUNTS-2018 (ITEM 4E)

Commissioner Hoff said:

- She is in favor of conducting analysis at each of the intersections within the Central Business District.
- Due to the upcoming construction project planned on S. Old Woodward, however, the counts would likely be skewed if the analysis is performed concurrently with the construction.
- The count should be done when the roads are open and unimpeded.

Planning Director Ecker said:

- Two counts are planned for this calendar year, and the second count would be after the construction is concluded.
- The MMTB recommends repeating the count every couple of years, so aberrations in a single count would simply be part of charting the City's long-term pedestrian and bicycle trends.

Commissioner Nickita echoed Commissioner Hoff's concerns that the proposed May 2018 pedestrian and bicycle count will not be representative due to the construction on S. Old Woodward.

Planning Director Ecker told Commissioner Nickita that the May 2018 count could be removed completely from the plan, which would decrease the cost of the count by \$900.

Commissioner Sherman suggested performing the initial counts in September 2018 and May 2019.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Boutros:
To authorize the expenditure of up to \$8,100.00 from account #101-721.000-811.00 for the purpose of conducting bicycle and pedestrian counts utilizing our current multimodal transportation consultant, Fleis and Vandenbrink/MKSK, who are under contract with the City, at 9 intersections during the months of September 2018 and May 2019.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

03-070-18 PARKS AND CITY PROPERTY LAWN MAINTENANCE SERVICES CONTRACT (ITEM 4F)

Department of Public Services (DPS) Director Wood told Commissioner Hoff that:

- The City had previously employed Birmingham Lawn Maintenance and Snow Removal, Inc.

for City lawn maintenance;

- In 2017, the City hired another contractor who submitted a lower bid, but the work has been unsatisfactory; and
- The City now has three bidders for the 2018 contract, and would like to re-hire to Birmingham Lawn Maintenance and Snow Removal, Inc.

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman: To award the Parks and City Property Lawn Maintenance Services Contract to Birmingham Lawn Maintenance and Snow Removal, Inc. for a four (4) year Agreement commencing April 15, 2018 and ending November 15, 2021 in the amount not to exceed \$675,124.00 and an amount not to exceed \$60,000.00 for fertilization and weed control services. Funds are available in each of the following accounts:

Local Streets, Contract Maintenance: 203-449.003-937.0400
 Major Streets, Contract Maintenance: 202-449.003-937.0400;
 Parks, Other Contractual Services: 101-751.000-811.0000;
 Property Maintenance, Other
 Contractual Services: 101-441.003-811.0000;
 Weed/Snow Enforcement, Other
 Contractual Services: 101-441.007-811.0000;
 Wells and Controls, Other Contractual
 Services: 591-537.002-811.0000.
 Further, authorizing the Mayor and City Clerk to sign the Lawn Maintenance Agreement upon receipt of the required insurances.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

03-071-18 ITEMS 4G, 4H, 4I, 4J, AND 4K

Commissioner Sherman took the opportunity to thank Jeffrey Bozell and Matt McAlear for their service on the Cablecasting Board, Art Stevens for his service on the Parks and Recreation Board, Andrew Lawson for his service on the Multi-Modal Transportation Board, and Gillian Lazar for her service on the Planning Board.

Commissioners Sherman and Nickita emphatically stated notice from a member of a board or committee that he or she does not wish to submit an application for reappointment does not constitute a resignation, clearly stated "resignation" is the incorrect term, and unequivocally declared Items 4G, 4H, 4I, 4J, and 4K do not belong on the agenda.

V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

03-072-18 PUBLIC HEARING TO CONSIDER RENEWAL OF LIQUOR LICENSE FOR MAD HATTER BISTRO (TEA PARLOR, INC.), 185 N. OLD WOODWARD

Mayor Harris opened the public hearing at 8:51 .m. No comments were offered.

Mayor Harris closed the public hearing at 8:51 p.m.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:
To renew, for the 2018 licensing period, the liquor license held by Mad Hatter Bistro (Tea Parlor, Inc.), 185 N. Old Woodward.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

03-073-18 PUBLIC HEARING TO CONSIDER A FINAL SITE PLAN AND SPECIAL LAND USE PERMIT FOR 191 CHESTER - FOR OFFICE USE

Planning Director Ecker reported the applicant, on March 8, 2018, submitted a letter requesting cancellation of the public hearing to allow pursuit of additional design changes to the building which will require them to go back to the Planning Board for Revised Final Site Plan & Design Review.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Boutros:
To cancel the public hearing for 191 N. Chester, at the request of the applicant, to allow time for additional building changes to be reviewed by the Planning Board.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

03-074-18 PUBLIC HEARING TO CONSIDER THE FINAL SITE PLAN & DESIGN AND A SPECIAL LAND USE PERMIT AMENDMENT-33588 WOODWARD – SHELL GAS STATION

Mayor Harris opened the public hearing at 8:53 p.m.

Senior Planner Baka reported the applicant:

- Received a Special Land Use Permit (SLUP) from the City Commission on September 22, 2014.
- Seeks an amendment to the existing SLUP to allow them to construct a small addition to the building to allow for a new accessible 79 sq. ft. bathroom.
- Will bring all outdoor storage into compliance with the outdoor storage regulation ordinance passed since the granting of the original SLUP.
- Was approved for a SLUP amendment by the Planning Board on January 28, 2018 providing:
 - The ice and propane storage units do not exceed 4'; and
 - Compliance with the requests of City Departments.
- Plans to match the brick and exterior appearance to the current building. Propane and ice storage will go around the side of the building, and would be stored on black, metal racks that would be no taller than 4'.

Senior Planner Baka told Commissioner Sherman that:

- Window signage for businesses on Woodward is permitted at the rate of 18 sq. ft. per frontage.

- Some proposed window signage changes did not go before the Planning Board because the information was not yet available. Changes in window signage, however, do not require permit or approval from the City.

Commissioner Sherman asked to see the proposed window signage. Senior Planner Baka provided it, and stated he did not originally include it in the Commission Packet since the plans had not been seen by the Planning Board first.

Applicant Chris Barbat:

- Appeared before the Commission and explained that the proposed sign changes had not been provided to the Planning Board because they had not been ready.
- Told Commissioner Hoff that the south side of the building is recessed, which means the bathroom will not extend much farther beyond the rest of the building. Currently the space is empty storage, and access to the restroom will be interior to the building. The purpose of the addition is to alleviate congestion between the Dunkin' Donuts line and the line for the restroom. The restroom does not remain locked.

Commissioner Sherman reiterated that all the proposed changes should have been submitted to the Planning Board at once for consideration as part of the SLUP amendment.

Planning Director Ecker confirmed for Commissioner Nickita that:

- The sidewalk at 33588 Woodward would need to be expanded in order to meet the ADA requirements of a 5' width.
- The expansion would fall under the SLUP amendment requirement that there be "compliance with the requests of City Departments".
- The plans would not be approved without the sidewalk expansion.

Commissioner Nickita replied that the plans need to specifically reflect how the applicant will build an ADA-compliant sidewalk.

Planning Director Ecker stated that any method of bringing the sidewalk into ADA-compliance would be sufficient for the Planning Board.

Mr. Barbat confirmed for Commissioner DeWeese that the two large vinyl signs in the window reading 'Liquor' will be replaced by smaller signs within the gas station.

The Public Hearing was closed at 9:07 p.m.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Boutros:
To approve the Final Site Plan & Design and a Special Land Use Permit Amendment at 33588 Woodward to allow the addition of a new accessible bathroom to the existing Shell gasoline service station as recommended by the Planning Board on January 24, 2018.

Commissioner DeWeese specified that the applicant would be approved pursuant to all the discussion that occurred before the Commission this evening.

Commissioner Nickita reiterated concern at the lack of clarity regarding how the sidewalk would become ADA-compliant, since different strategies of rebuilding the sidewalk would have

very different outcomes for the layout of the parcel.

Commissioner Nickita agreed with Commissioner Sherman that all of this information should have been included as part of the SLUP amendment.

Commissioner Hoff asked whether City staff would track ADA-compliance on this issue.

Mayor Harris asked whether City staff would only track ADA-compliance, or whether City staff would track some of Commissioner Nickita's concerns as well.

Senior Planner Baka told Mayor Harris that City staff would track, in addition to ADA-compliance, pedestrian flow, accessibility from all the parking spots, and car safety and maneuverability that result from the parcel changes.

Commissioner Sherman stated that this SLUP amendment should go back before the Planning Board for further review since the plans, as submitted, are incomplete.

Commissioner Nickita agreed with Commission Sherman. Commissioner Nickita continued that incomplete SLUP amendment requests should not appear before the Commission; all relevant information should be submitted and reviewed by the Planning Board first.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

City Manager Valentine stated he would get this issue back before the Planning Board as quickly as possible.

03-075-18 RESOLUTION ACCEPTING THE PROPOSED 2018 BIRMINGHAM MUSEUM MASTER LANDSCAPE PLAN

Birmingham Museum (Museum) Director Pielack reported:

The Friends of the Birmingham Museum and the Rosso Family Foundation provided funding for the Proposed Museum Master Landscape Plan, covering approximately four acres of site, and Brian Devlin, historic landscape architect of Nagy Devlin Land Designs was selected to study the landscape and make recommendations to the Museum Board.

In order to approach the museum landscape planning comprehensively, input was gathered from a wide range of sources. These included:

- Planning/Historic Preservation Departments regarding infrastructure, planning, alignment with local historic district ordinance and State Historic Preservation Office guidelines, ADA access and parking issues, and integration/coordination with policies and materials used by other city parks.
- A joint workshop between the Museum Board, the Parks and Recreation Board, and the Historic District Commission was held on January 17, 2018 to discuss the plan and gather input from board members as well as the public.

The Plan protects and preserves the natural aspects of the landscape, while restoring its unique historic character that has been lost or obscured by time and invasive plants.

Furthermore, the plan integrates a variety of public access options, enhancing the museum's community engagement and educational opportunities.

The Plan is conceptual, and it is comprehensive and consistent with the city's other planning initiatives and parks, allowing for coordination of projects. This is intended to communicate with potential sponsors and granting organizations to leverage funding commitments and assist with continued planning. As needs or conditions change, the suggested timelines can be revised.

Mr. Devlin presented maps of the Allen House, Public Plaza, and the Hunter House with discussion of trails, surrounding topography, and four landscape zones: The Heritage Zone, which includes the two houses and the plaza; The Transition Zone, with steeper slopes down to the pond area; The Pond Zone; and The Riverine Woodland Zone.

Mr. Devlin continued that the **Heritage Zone** plan includes planting:

- More elm trees in front of the Allen House due to the large number of elms already on-site;
- Birmingham heritage plants in the garden beds; and,
- A children's garden near the u-hedge and picket fence by the Heritage House. There will also be removal of undesirable species of trees.

Mr. Devlin noted that there has already been a tremendous amount of work around the Heritage House, including handicapped-accessible parking.

The **Transition Zone** is the steeply-sloped area behind the houses that extends to the pond.

Mr. Devlin continued that:

- There is an existing 2½ - 3' tall wall;
- There are elm stumps and evergreen trees;
- There is a wood stairway down to the pond that may be covering up cement steps with fieldstone edge;
- Any new wall installed will look different from the existent wall in order to belie the idea that the wall is historic;
- The green area will remain open with a few elm trees;
- The steps will be updated; and
- The goal is minimizing the change done to the area.

The **Riverine Woodland Zone** has an old fieldstone wall, a trail, the river, many dead branches, some undesirable trees, and some invasive species that are of concern.

- The trail has wood timbers for steps.
- This area is laid out in Birmingham's Rouge River Trail Corridor Master Plan, and includes:
 - An overlook near the existing trail entry;
 - Maintaining existing trails and upgrade with stone steps and handrail;
 - Extending the trail at the intersection with a boardwalk to a deck at the bank of the river according to the Rouge River Trail Corridor Master Plan;
 - Connecting the overlook with a trail along the top of the ridge to the entry of the existing trail at Maple Road;
 - Establishing a plan for eradicating the invasive species;

- Developing a planting program to restore the sloped area to a Beech- Maple ecosystem; and,
- Installing large boulders as sculptural elements.

The **Pond Zone** has more moderate slopes than the Transition Zone and:

- Pedestrian access from Willits;
- A light pole that provides internet access;
- A pool within the pond; and,
- Overhead lines.

Mr. Devlin continued that the plan for this zone also includes creating a handicap accessible path from Willits, two handicap designated spots along Willits, a boardwalk adjacent to the eastern edge of the pool, a number of elms, retaining walls, a water garden, relocation of overhead wires, and a seating area near the light pole.

Mr. Devlin showed Mayor Pro Tem Bordman that the proposed ADA-compliant crushed limestone trail, that would allow an individual in a wheelchair to navigate from Willits to Maple, would cut across the slope on the west side rather than down the slope in order to allow a wheelchair user to navigate it.

Mr. Devlin clarified for Mayor Pro Tem Bordman that he was envisioning people sitting on the steps for presentations if desired. The expanse to the east of the steps would remain as open space.

Museum Director Pielack told Commissioner DeWeese that providing accessible, barrier-free paths around the pond is a high priority.

City Manager Valentine told Commissioner Hoff while this is one of Birmingham's parks, it is largely overseen by the Museum. There has been a collaborative effort between the Museum, City staff, and other City boards to construct this Plan.

Commissioner Hoff voiced concern that:

- The proposed budget for the Museum Plan is \$500,000, and that the areas around the Museum are not often used. Commissioner Hoff conceded that these changes could promote more use of the Museum grounds, but that it is a very large budget request.
- Birmingham citizens did not have sufficient opportunity to give input on the plan.

Museum Director Pielack told:

- Commissioner Boutros that people often access the Museum grounds from Willits, and that this conceptual Plan is non-binding, but allows the Museum and Park to solicit donations, grants, and other funds.
- Commissioner Hoff that many aspects of the Museum grounds are underutilized, especially the lower portion of the Park, and this Plan is an attempt to remedy that.
- Mayor Pro Tem Bordman that creating a Birmingham Museum Master Landscape Plan was discussed at the Long-Range Planning meeting on January 27, 2018, and also in the Museum's presentation of its strategic plan in 2017.

City Manager Valentine told Mayor Pro Tem Bordman that the Commission did not need to

specifically approve the Birmingham Museum Master Landscape Plan because the Commission's approval of the Museum's strategic plan included approval of the Birmingham Museum Master Landscape Plan.

Mayor Pro Tem Bordman echoed Commissioner Hoff's concern regarding potentially insufficient solicitation of feedback from Birmingham citizens regarding the Birmingham Museum Master Landscape Plan.

Museum Director Pielack told Mayor Pro Tem Bordman that:

- There were public notices issued every time the topic was before the Museum Board over the last few years, that neighbors of the Museum were specifically notified in January 2018, that there has been phone contact with a number of citizens, and that citizens have also stopped in the Museum lobby to look at the plan.
- The lack of public engagement may be the result of the Museum grounds being underutilized, and therefore there is currently a lack of public investment in the outcome.
- About 4% of the Parks Master Plan survey respondents addressed the Birmingham Museum Master Landscape Plan.

Commissioner Hoff shared further concern about the safety of the pool. Mr. Devlin replied to Commissioner Hoff that:

- There is fencing along the east and south sides of the pond, but that the pond has been otherwise unfenced up to this point.
- The pool is in the pond.

Commissioner Sherman stated that he would move the motion with the understanding that:

- This is only a conceptual plan;
- It will allow the Museum to solicit grants for the Plan; and
- Before anything is done to the Museum grounds, further public review will occur.

Commissioner Nickita said he sees this as similar to the processes other Park plans undergo.

Mayor Pro Tem Bordman said this Plan has had insufficient public feedback, and she will therefore vote against its passage.

City Manager Valentine told Commissioner Hoff that the Commission would have an opportunity to review and approve next steps once funding sources for parts of the Plan are acquired.

Commissioner Boutros opined that Museum Director Pielack took every appropriate opportunity to solicit feedback from the public, and that the lack of response is an indication of the public's current lack of investment in the project at this juncture. Commissioner Boutros continued that the public may be more invested when aspects of the plan and potential funding come under future review.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner DeWeese: To accept the proposed 2018 Birmingham Museum Master Landscape Plan.

VOTE: Yeas, 5
 Nays, 2 (Bordman, Hoff)
 Absent, 0

03-076-18 LEADING PEDESTRIAN INTERVALS AT INTERSECTIONS WITHIN THE CENTRAL BUSINESS DISTRICT

Planning Director Ecker reported:

A Leading Pedestrian Interval (LPI) within the timing plan of a traffic signal is defined as a period where vehicles in all directions are given a red (stop) phase, while the pedestrian signals change to the WALK mode for several seconds at the beginning of the phase.

The highest points of conflict in an intersection are where vehicles try and turn right or left while a pedestrian is crossing. The lead time, of at least three seconds, would have the pedestrian out of a turning vehicle's blind spot, making crossing much safer.

Staff asked traffic consultant Fleis and Vandenbrink (F&V) to study 11 signalized intersections within the Central Business District. Staff has also asked the Michigan Dept. of Transportation (MDOT) to consider the installation of LPIs on Woodward Ave. within the influence of downtown. MDOT has indicated that they would consider the feasibility of this, but have not taken a position as of yet. We are currently attempting to get an update from them on this issue.

F&V found that installing LPIs are feasible at all 11 intersections under City jurisdiction, and can be done so at nominal cost. The issue was reviewed by the Multi-Modal Transportation Board, who supported the idea.

The cost of implementation is anticipated to be about \$1,000 per signal.

Mayor Pro Tem Bordman expressed enthusiasm for this proposal, and asked how right-turns on red would be handled.

Planning Director Ecker stated that cars are required by law to come to a three-second, full-and-complete stop at a red light before turning right, and that three seconds should afford a pedestrian the necessary amount of time to be out of a turning vehicle's way.

Commissioner DeWeese voiced his approval of the proposal.

Planning Director Ecker told Commissioner Hoff that:

- The City currently has an LPI at Maple and Chester, going north-south.
- Some of the intersections are being delayed to the second phase because of the traffic diversion plan for the S. Old Woodward construction.

Commissioner Nickita said there are two intersections that need a complete overhaul: the intersection at Oakland, Willits, and Old Woodward, and the one at Chester and Maple.

Commissioner Nickita continued that they are both very vehicle-oriented intersections relative to their low traffic conditions, and would be safer if they were upgraded to better accommodate pedestrians.

City Manager Valentine replied to Commissioner Nickita that the intersections at Oakland, Willits, and Old Woodward, and at Chester and Maple will be added to the next MMTB agenda so that they can get a start on the issue.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Sherman:
To accept the recommendation of the Multi-Modal Transportation Board, and to direct staff to implement Leading Pedestrian Intervals at each of the intersections within the Central Business District as listed in the Letter and analysis prepared by F&V dated February 5, 2018.
(Appended to these minutes as Attachment A)

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

03-077-18 ORDINANCE AMENDMENTS REGARDING ELECTRONIC WEAPONS

Chief of Police Clemence reported that the proposed amendment would include electronic or electrical current weapons in Birmingham’s current weapons ordinance.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner DeWeese:
To amend Part II of the City Code, Chapter 74 Offenses, Article VI – Offenses Against Public Safety, Division 2 Weapons, sections 74-206 to 74-218 to include “portable device or weapon directing electrical current” as suggested and to authorize the Mayor and City Clerk to sign the ordinance on behalf of the city.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

03-078-18 PERMIT RULE CHANGE: VALET ASSIST AND TRANSIENT PARKING 3 HOUR MAXIMUMS

Assistant City Manager Gunter reported:

In the third week of March 2018, the City will undergo a major reconstruction of Old Woodward Avenue and will temporarily remove 130 on street parking spaces. Staff requested that SP+ monitor the structures over the course of two weeks to determine the average utilization for each section. Our goal is to maximize availability of the first level parking spaces within the decks. We learned that the percentage of transient parking spaces that were utilized by 10 am ranged from 70-100%. Many of these vehicles remained parked throughout the day leaving the perception that there is no available parking in the structures throughout the day. Further, we know from our monthly garage calendars that our Valet Assist services are not being utilized as expected. In January of 2018, the roof top valet parked a total of eight cars in the two decks where this service is currently available. Staff asked SP+ to calculate the additional capacity that would be created in the structures if the roof top valet assist were being fully utilized. Table 2 below tells us that we could increase capacity by 250 spaces.

Based on the observations gathered, the APC is asking the City Commission to consider a two part recommendation that will 1) open the most desired parking spaces for our transient parkers seeking to eat, dine, or recreate in the CBD while 2) simultaneously moving our monthly permit holders to higher levels within the parking structure and creating additional capacity during the reconstruction of Old Woodward.

Assistant City Manager Gunter told:

- Commissioner DeWeese that short-term parking tends to turn over every three hours, so a three-hour time limit should be sufficient for Birmingham shoppers.
- Mayor Pro Tem Bordman that adding 'before 6 p.m.' to the signs may create the necessary flexibility for patrons who would like to park longer in the evening.
- Commissioner Boutros that some daily parkers do not have monthly permits, and so the three-hour time limit is necessary to specify.
- Commissioner Hoff that these restrictions will create the need for heavy enforcement of each restricted area for a time to ensure the spaces are being used properly during the initial roll-out. A team of 3 attendants is proposed to monitor the structures for a period of 3 months with the hours of enforcement being 8:00 AM to 4:00 PM Monday -Friday. Violations will be noticed progressively, moving from warnings to possible revocation of permits if violations continue. While this is a temporary fix, if it works well it may be used long-term to increase parking capacity in the structures.

City Engineer O'Meara told Commissioner Hoff that there would be plenty space in the lower levels of the Chester Street Parking garage for the Baldwin House residents to park.

Assistant City Manager Gunter confirmed she would further look into the parking situation of Baldwin House residents to make sure they would not be negatively impacted by the policy change.

It was confirmed for Mayor Harris that the striping on the lower levels of the Chester Street lot would remain as-is, and that signage would be the major way of noting the changes in parking policy.

MOTION: Motion by Mayor Pro Tem Bordman, seconded by Commissioner DeWeese: To approve the recommendation made by the Advisory Parking Committee (APC) for an expenditure of \$33,768 to be allocated equally between all garages from accounts #585-538.002-828.0100, #585-538.003-828.0100, #585-538.004-828.0100, #585-538.005-828.0100, and #585-538.008-828.0100 to support the implementation of the restricted 3-hour parking/ no monthly parking signage at all of the existing parking structures.

-AND-

To modify the existing permit rules to require monthly permit holders to utilize the roof-top valet assist option through the completion of the Old Woodward reconstruction at which time the APC will evaluate the success of the initiative.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

VII. REMOVED FROM THE CONSENT AGENDA

The items removed were discussed earlier in the meeting.

VIII. COMMUNICATIONS

None.

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

None.

X. REPORTS

03-079-18 COMMISSIONER REPORTS

The City Commission will appoint two regular members to the Architectural Review Committee on April 9, 2018.

The City Commission will appoint three regular members to the Housing Board of Appeals on April 9, 2018

03-080-18 COMMISSIONER COMMENTS

Mayor Pro Tem Bordman noted:

- The average seniority of the Birmingham Police Department is approximately 11 years.
- That the rates of certain crimes within City limits are down approximately 16% from last year.
- The Birmingham Police Department deserves commendation.

03-081-18 CITY STAFF

The Commission received the parking utilization report submitted by Assistant City Manager Gunter.

X. ADJOURN

Mayor Harris adjourned the meeting at 10:43 p.m.

J. Cherilynn Mynsberge, City Clerk



February 5, 2018

VIA EMAIL

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

RE: Leading Pedestrian Interval Program

Dear Mr. O'Meara,

The purpose of this letter is to provide an overview and recommendations for a leading pedestrian interval (LPI) program in response to a request from the City of Birmingham to evaluate the downtown Birmingham traffic signals.

The guidance regarding LPIs is provided in the *Michigan Manual of Uniform Traffic Control Devices (MMUTCD)* Section 4E.06. Additional information is provided in the National Association of City Transportation Officials *Urban Street Design Guide* and Federal Highway Administration *Proven Safety Countermeasures*. A case study published in the December 2017 issue of the *Institute of Transportation Engineers (ITE) Journal* was also referenced for this study and is attached.

LPI Overview

A LPI provides pedestrians with an opportunity to enter an intersection and establish their place in the crosswalk before the vehicles in the same direction of travel are given the green indication. In the appropriate locations benefits of an LPI include:

- Increase pedestrian safety at signalized intersections due to increased visibility of pedestrians in the crosswalk,
- Additional time for pedestrians who may be slower to start crossing, and
- Decreased potential for conflicts between vehicles and pedestrians.

The implementation LPIs has a low cost benefit ratio, since the cost of signal timings is low, but can reduce pedestrian-vehicle crashes by 60 percent at intersections with pedestrian-vehicle conflicts. LPIs can have the greatest impact to those intersections and roadways with the following conditions::

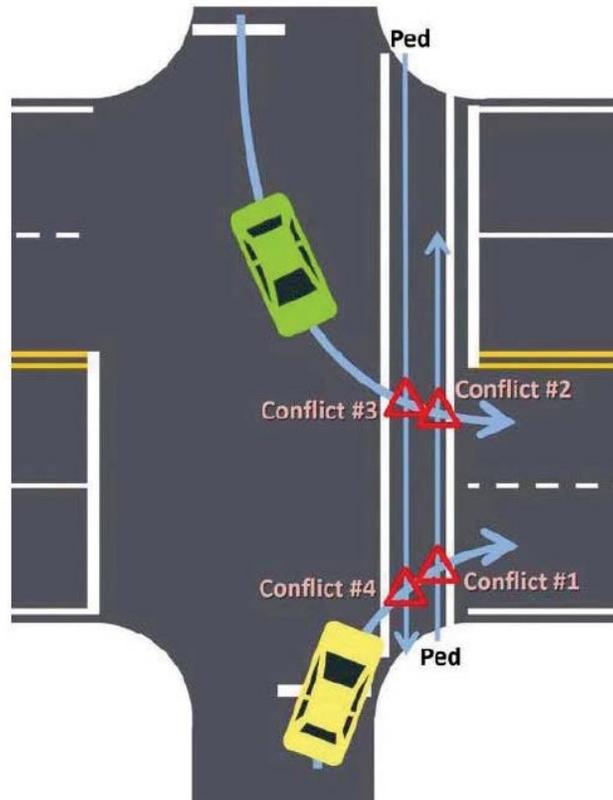
- A history of pedestrian-vehicle conflicts,
- High pedestrian volumes,
- Permissive left turns,
- Prohibited right turn on red,
- Low vehicular demand, and
- Long crossing lengths.

The MMUTCD guidance recommends an LPI of at least 3 seconds or long enough for a pedestrian to cross one lane of traffic and the *Urban Street Design Guide* recommends 3-7 seconds and up to 10 seconds where there are high pedestrian volumes or long crossing distances. The MMUTCD also recommends the installation of accessible pedestrian signals (i.e. audible tones) so that the visually impaired can be informed of the LPI. If accessible pedestrian crossings are not used, the visually impaired will begin crossing when the vehicular movement begins, which is not desirable.

Pedestrians within a crosswalk conflict with permissive left turning and right turning vehicles. These potential conflicts are shown in Figure 1. The desirable LPI duration would give enough time for a pedestrian to clear all four conflict points.

While LPIs are beneficial to pedestrian safety, they also reduce green time for vehicles and can cause additional delay at an intersection. However, if the time it takes a pedestrian to cross a street is greater than the vehicular movement demands the difference in times can be utilized as an LPI while minimizing the impact on vehicle delay and overall signal operations. This time would be considered the potential LPI duration.

Figure 1: Conflicts in Crosswalk (ITE)



LPI Program Recommendation

The following criteria determine the best locations for implementing LPIs within the City were adapted from *Guidance for Installation of Pedestrian Crosswalks on Michigan State Trunkline Highways, MDOT 2014*

1. Pedestrian volumes greater than 20 pedestrians per one hour period (young, elderly, and disabled pedestrians count two times towards volume thresholds)
2. Conflicting turning movement volumes greater than 10% of total peak hour volume for approach
3. Vehicular demand is less than the time it takes for pedestrian crossing
4. Average Daily Traffic less than 5,000 vehicles per day parallel to crosswalk

Fleis and Vandenbrink studied the signal timings and geometric configurations of the signalized intersections located in the downtown area. Based on the criteria, LPIs are recommended at the following downtown intersections.

Intersection	Recommended	Criterion Met	Direction of Crossing	Recommended LPI (sec)
Old Woodward & Willits	Yes	1, 2, 3	N/S	7
		1, 2, 3	E/W	10
Old Woodward & Maple	Yes	1, 2	N/S	3
		1, 2	E/W	3
Old Woodward & Merrill	Yes	1, 2	N/S	3
		1, 2, 3	E/W	8
Old Woodward & Brown	Yes	1, 2, 3	N/S	3
		1, 2, 3	E/W	3
Willits & Bates	Yes	1, 2, 3	N/S	7
		1, 2, 3	E/W	3
Chester & Maple*	Yes	1, 2, 3, 4	E/W	3
Bates & Maple	Yes	1, 2, 3	N/S	9
		1, 2	E/W	3
Henrietta & Maple	Yes	1, 2, 3	N/S	7
		1, 2	E/W	3
Oakland & Park	Yes	1, 2, 3, 4	E/W	3
Pierce & Brown	Yes	1, 2	N/S	3
		1, 2	E/W	3
Oak and N. Old Woodward	Yes	1, 2	N/S	3
		1, 2, 3	E/W	3

* N/S LPI currently operating

Pedestrian volumes are high throughout the downtown area and most intersections operate with permissive left turn. Therefore, LPI determination was primarily based on the vehicular demand for each direction. Generally, the potential LPI duration for the recommended intersections fell into the 3-10 second range that meets the guidance provided by the MMUTCD and *Urban Street Design Guide*, between 3 and 10 seconds.

LPI Operational Analysis

The majority of the intersections that were considered for implementing in the downtown core area were had relatively low vehicular volumes, and therefore implementing the LPI would have minimal impact on the overall operations of the intersections.

The larger impact of implementing the LPIs would be potentially noticeable at the higher volume signalized intersections on the Maple Road corridor. Therefore, an operational analysis was performed at these intersections to evaluate the impact of a 3 second LPI at the Henrietta, Bates and Old Woodward intersections with Maple Road (Note: the Chester intersections currently has an LPI). The results of the operational analysis are summarized in the table below.

Intersection	Approach	AM Peak				PM Peak			
		Existing		Future (LPI)		Existing		Future (LPI)	
		Delay (s/veh)	LOS						
Maple Road & Old Woodward	EB	3.2	A	4.2	A	4.3	A	7.1	A
		15.6	B	18.7	B	18.9	B	22.9	C
Maple Road & Chester Street	EB	12.3	B	15.9	B	12.4	B	16.0	B
		23.3	C	27.2	C	25.4	C	29.8	C
Maple Road & Bates Street	EB	10.5	B	12.7	B	9.7	A	11.7	B
		2.1	A	2.6	A	1.9	A	2.4	A
Maple Road & Henrietta Street	EB	1.6	A	5.8	A	1.5	A	1.8	A
	WB	1.6	A	1.9	A	1.3	A	1.5	A

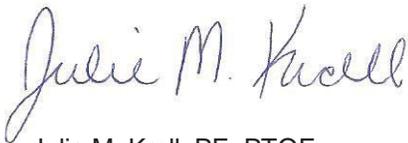
Please note that Level of service for signalized intersections is defined in terms of delay, which is a measure of driver discomfort and frustration, fuel consumption, and lost travel time. Specifically, level-of-service (LOS) criteria are stated in terms of the average stopped delay per vehicle for a 15-min analysis period. Delay was estimated for this project in accordance with the Highway Capacity Manual, 6th Edition. Delay is a complex measure and is dependent on a number of variables, including the quality of progression, the cycle length, the green ratio, and the volume/capacity ratio for the lane group in question. Therefore, we know from field observations that these LOS aren't necessarily experienced, and upstream vehicle queues, on-street parking maneuvers and mid-block pedestrian crossings are not included as factors in a LOS analysis.

Therefore, as a baseline conditions evaluation, the results show that the operations of the intersections will be similar to existing. Therefore, the implementation of a 3 second LPI on Maple Road will have some impact on the delay; however, the impact to the LOS will be minimal.

If you have any questions or concerns, please contact our office.

Sincerely,

FLEIS & VANDENBRINK



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

LMS:jmk

Attachment: *How Long is Your LPI? Balancing Pedestrian Comfort and Traffic Impacts with an Elongated Leading Pedestrian Interval (ITE)*