

BIRMINGHAM CITY COMMISSION MINUTES

JULY 8, 2019

MUNICIPAL BUILDING, 151 MARTIN

7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

Present: Mayor Bordman
Mayor Pro Tem Boutros
Commissioner DeWeese
Commissioner Harris
Commissioner Hoff
Commissioner Nickita
Commissioner Sherman

Absent: None

Administration: City Manager Valentine, Assistant City Manager Gunter, City Attorney Currier, City Attorney Ballard, Police Chief Clemence, Planning Director Ecker, DPS Manager Filipski, City Clerk Mynsberge, Fire Chief Wells, DPS Director Wood

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

07-171-19 ANNOUNCEMENTS

- City Engineer O'Meara shared with the City Commission and City Administration awards and recognition received for the North Old Woodward Avenue Project.
 - Michigan Concrete Paving Association Award of Excellence
 - American Council of Engineering Companies of Michigan Merit Award
 - American Public Works Association Quality of Life Award – State Chapter
 - American Public Works Association Quality of Life Award – Local Chapter
- A reminder that the Citywide Master Plan Drop-In Clinic will be open on Tuesday, July 9 and Wednesday, July 10, from 9 a.m.-7:30 p.m. It is being held at 255 S. Old Woodward in downtown Birmingham. Everyone is invited to stop by and learn more about the process as well as lend your voice to planning the City's next 20 years.
- 2019 In The Park Summer Concert Series in Shain Park continues on Wednesday, July 10th, Noon - 2:00 p.m. with Siloam Pool playing Soul and Smooth Jazz, followed at 7:00 p.m. with Steve Acho playing Pop and Rock. In addition, on Wednesday, July 17, Audrey Ray Country Music at 7 p.m. Again, all in Shain Park.
- An information session on the Birmingham N.O.W. (North Old Woodward) Project is planned for July 16, 2019 at 6:30 p.m. at the Birmingham-Bloomfield Art Center (BBAC) located at 1516 S. Cranbrook Road in Birmingham. All are invited to attend.

07-172-19 APPOINTMENT TO THE MUSEUM BOARD

Current member Judith Keefer was up for reappointment but did not attend the meeting.

Commissioner Hoff expressed concern about Ms. Keefer’s attendance record and was hoping to speak with her about it. Since she was not in attendance tonight, Commissioner Hoff requested that the commission postpone the appointment.

07-173-19 APPOINTMENTS TO THE GREENWOOD CEMETERY ADVISORY BOARD

The Commission interviewed current members Margaret Suter and Linda Buchanan.

MOTION: Motion by Mayor Pro Tem Boutros:
To appoint Margaret Suter as a regular member to the Greenwood Cemetery Advisory Board to serve a three-year term to expire July 6, 2022.

VOTE: Yeas, 7
Nays, 0

MOTION: Motion by Commissioner Harris:
To appoint Linda Buchanan as a regular member to the Greenwood Cemetery Advisory Board to serve a three-year term to expire July 6, 2022.

VOTE: Yeas, 7
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.

07-174-19 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

Commissioner Hoff: Item J, Cost Sharing Agreement for Local Road Improvement Matching Fund Program
Item M, Agreement with SP Plus
Mayor Bordman: Item B, Special Commission Meeting Minutes, June 20, 2019

Recusals:

Mayor Pro Tem Boutros Items A and B, due to absences
Commissioner DeWeese Item B, due to absence
Commissioner Harris Item C, due to absence

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Boutros:
To approve the Consent Agenda, excluding Items B, J, and M, and noting the recusals.

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

- A. Resolution approved the Joint City Commission/Planning Board meeting minutes of June 17, 2019.
- C. Resolution approving the Regular City Commission meeting minutes of June 24, 2019.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated June 26, 2019 in the amount of \$671,522.58.
- E. Resolution approving the warrant list, including Automated Clearing House payments, dated July 3, 2019 in the amount of \$1,016,760.20.
- F. Resolution approving the appointment of election inspectors, absent voter counting board inspectors, receiving board inspectors and other election officials as recommended by the City Clerk for the August 6, 2019 Special Election pursuant to MCL 168.674(1), setting 10:00 a.m. as the start time for the absent voter counting board, and granting the City Clerk authority to make emergency appointments of qualified candidates should circumstances warrant to maintain adequate staffing in the various precincts, counting boards and receiving boards.
- G. Resolution approving the purchase of a Lucas III Chest Compression System from Stryker out of account number 101-336.000-971.0100 in the fiscal year 2019-2020 budget, for a cost of \$16,221.77.
- H. Resolution approving the purchase of a Stryker Power-PRO XT stretcher out of account number 101-336.000-971.0100 in the fiscal year 2019-2020 budget, for a cost of \$16,748.37.
- I. Resolution approving the purchase of a 26-foot, enclosed, triple-axle trailer out of account number 101-336.000- 971.0100 from the fiscal year 2019-2020 budget, for \$9,375.00 from Howland’s Trailer & Truck Accessories. Pertaining to the Local Road Improvement Matching Fund Pilot Program.
- K. Resolution setting a public hearing date of August 5, 2019 to consider amendments to Article 4, Section 4.18(A) for structures excluded from height standards, 4.19(A) for height standards in the MX Zone, Article 5, Section 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 for rooftop use standards, and Article 9 Definitions for Building Height, Building Height, Overlay, and Rooftop.
- L. Resolution authorizing the expenditure of \$10,781.85 to re-stripe the Park Street, Peabody, Pierce, and Chester Street garages using Accurate Parking Lot Services to complete the work to be paid by the Automobile Parking System.

07-175-19 Oakland County Pilot Local Road Improvement Program (ITEM J)

Commissioner Hoff questioned if the City is receiving a 50% matching grant for this project, and since the cost is \$728,000.00 why is the City only getting only \$125,291.00. She further went on to say that she knows what improvements are happening on Bowers, but wants to know what is being done on Elm.

City Engineer O'Meara explained the project was sized based on what the City feels was needed for that street and the County offered \$125,291.00. The City may spend more than what was matched by the county, and it will. The project scope is for water main replacement and asphalt resurfacing on Elm, one block south of Bowers to Woodward.

MOTION: Motion by Commissioner Hoff, and seconded by Commissioner Sherman:
To authorize the Mayor to sign the cost sharing agreement with Oakland County

VOTE: Yeas, 7
 Nays, 0

07-176-19 Parking Management Services Operator Contract Renewal (ITEM M)

Commissioner Hoff found all the different figures proposed confusing and wanted clarity on what is up for approval. With the total bid at \$1,681,430.00, why are we being asked to approve \$46,500.00 tonight?

Assistant City Manager Gunter explained that \$1,681,430.00 is the operating cost and was approved through the budgeting process. Tonight, the commission is being asked to approve the management fees to oversee staff, permitting, etc.

Commissioner Hoff asked when \$1.6 million was allocated in the budget, does that include management fees. Assistant City Manager Gunter replied no, and explained that management fees are separate from operating costs and the City pays management fees every year.

Commissioner Hoff asked about the purchase of a dedicated power washer with the necessary trailer and pickup truck totaling \$66,000. Assistant City Manager Gunter expressed that SP Plus, as a unique characteristic of their bid, offered to buy equipment for the garage to make them more efficient in their delivery model. They are making that purchase on behalf of the City. It is not an additional cost for the City.

Commissioner Hoff asked about the new parking garage card readers referred to as ParkConnect.

Assistant City Manager Gunter replied that the ParkConnect is a reader that can be paired with the SKIData machine. It allows online subscribers to wave their phone at the reader and their accounts would be charged appropriately reducing queuing time. SP Plus is offering to purchase the system and pay the subscription fee for a year.

Mayor Bordman is excited to hear about the additions that SP Plus is offering, however she is a little confused about SP Plus offering to pay for the 1st year subscription of ParkConnect; but the suggested resolution is agreeing to a one-year monthly subscription. Assistant City Manager Gunter explained that ParkConnect is separate from this proposal. What is included in the

resolution is the cost for a customized mobile parking application that is being put together and the one-year subscription fee payable when the application is available to users.

MOTION: Motion by Commissioner Hoff, and seconded by Commissioner DeWeese:
To authorize an agreement with SP Plus to support the Parking Management Operations for the five City owned parking decks and off-street surface lots for a total monthly management fee not to exceed \$3,875 to be paid from the Automobile Parking System fund with costs distributed equally between garages as general administration and the costs for mobile application development and maintenance for a one- year monthly subscription of \$1,500, beginning upon execution, in an amount not to exceed \$18,000 through fund 585-538.001-981.0100, and directing the Mayor and Clerk to sign the agreement on behalf of the City.

VOTE: Yeas, 7
 Nays, 0

07-177-19 APPROVAL OF JUNE 20, 2019 SPECIAL CITY COMMISSION WORKSHOP MINUTES (ITEM B)

Mayor Bordman corrected, page 9, 2nd full paragraph, general liability from \$300,000.00, to \$3,000,000.00.

MOTION: Motion by Commissioner Sherman, and seconded by Commissioner Nickita:
To approve the minutes of June 20, 2019 Special City Commission Workshop as corrected.

VOTE: Yeas, 7
 Nays, 0

V. UNFINISHED BUSINESS

None

VI. NEW BUSINESS

07-178-19 PUBLIC HEARING OF NECESSITY FOR 2019 CAPE SEAL PROGRAM

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

Department of Public Services Manager Filipski presented the item with an explanation as to why Lakeview, which was included in the first round of notifications, was not included in this suggested resolution. Subsequent to the notifications, residents on Lakeview were successful in obtaining the required signatures for an upgrade petition for fully improved roads.

Commissioner DeWeese asked when would the improvements to Lakeview from Oak to Harmon come before the Commission. Manager Filipski indicated it is a more intense process than the Cape Seal program and expects to have a suggested resolution within a few months. If the residents change their minds, it would have to come back before the commission to include in the Cape Seal program.

Commissioner Hoff clarified that it would be all of Lakeview. She went on to ask why Northlawn and Worth are not being done in their entirety. Mr. Filipski explained that the sections indicated are one-offs in the middle of what are otherwise improved blocks.

Mayor Pro Tem Boutros asked if approving the suggested resolution tonight would affect the Ad-Hoc Unimproved Streets Study Committee's ability to make decisions that would affect future improvements.

City Manager Valentine noted that the maintenance cycle on unimproved streets is about 7-10 years. As the streets are improved under this maintenance cycle, there is a window before they would be addressed. The timing of these maintenance cycles would be able to be incorporated into anything adopted in terms of policy changes going forward for unimproved streets.

Mayor Bordman opened the meeting for Public Comment:

Tom December, 921 North Adams, part of the Abbey Terrace Condominium Association, noted that Wimbleton from Adams to Woodward, a very heavily traveled street. He asked if there has been an outreach to the neighborhood to make a permanent improvement. Mr. Filipski verified that the literature sent out regarding the program did include information on the process for requesting an improved street.

Mayor Bordman reiterated the process. Mr. December asked would the entire street need unity in the decision. Mr. Filipski and City Manager Valentine confirmed that policy preference is to do the entire street. Mr. December also asked how the assessment that he received as a resident on Adams St. was determined. Mr. Filipski explained that the condominium complex is one parcel of land so the assessment is split among all of the residents on that parcel. Mr. December asked how is cost determined. Mr. Filipski presented the formula to calculate cost and how it is assessed to residents inclusive of the cost share of 85%/15% owner/City.

Christopher Bidlake, 139 Wimbleton, observed that there is a lot of traffic that does not belong to the neighborhood including heavy vehicles. His primary concern is the 85% cost assessment on the homeowner. He feels that it is unfair and disadvantageous given that the residents do not constitute a significant amount of wear in comparison to some of the other vehicles that travel along this route. He went on to say to City Manager Valentine that the maintenance cycle established for the roads is not appropriate for the heavily travelled Wimbleton. He went on to urge the Commission to not approve the suggested resolution as written and allow some time to readdress the way the cost is assessed to the residents and whether or not the Cape Seal is an effective method for Wimbleton Street or the time frame for this project is substantially worth it.

City Manager Valentine pointed out that Mr. Bidlake is really asking for a policy change on how the roads are administered. That discussion is ongoing as part of the ad-hoc committee's scope of work. They are evaluating not only the structure of the road and the cost of these options, but the policies that drive this process. The structure of how to address certain types of roads, and costs allocations is under review; but at this point, no decisions have been made.

Commissioner Hoff asked Mr. Bidlake if he was interested in the petition process for an improved road. Mr. Bidlake said he had not investigated the cost, and does not know if he would be able to afford it until he does he due diligence.

Mayor Pro Tem Boutros, again asked for confirmation that if the resolution is passed tonight, would the residents still be able to petition for improved streets before the Cape Seal is done.

City Manager Valentine clarified that if the resolution is passed, the commission is establishing the necessity that this work be completed.

Mike Schloff, 1850 Northlawn, noted that this is his fifth cycle of cape sealing on Northlawn in 34 years, and Northlawn has the same issues as Wimbleton with cut through traffic, plus an additional burden of Birmingham School District bus traffic, and finally, Birmingham abuts Northlawn on the south end of the City and the other side of Northlawn is Birmingham Country Club which is in Bloomfield Township. He went on to ask if Birmingham shared road cost with Bloomfield Township. Mr. Schloff said that his question does not address the necessity; it addresses the necessity of a fair and equitable sharing of the cost based on the users of the road. He believes that he and his neighbors are taxed double for the road because there are no Birmingham residents on the other side of the street. He also believes that Bloomfield Township and the golf course gets a free ride for a new and improved road. He asks why the City does not approach Bloomfield Township for cost sharing. City Manager Valentine explained that under current policy, residents are not charged for maintenance of the gravel road based on who uses the road but who adjoins it. Attorney Currier confirmed that the City could approach Bloomfield Township for cost sharing, but there is no legal basis to require it.

Anthony Ansara, 176 Wimbleton, asked what is the lifespan of an improved road in comparison to cape sealing. Mr. O'Meara responded an improved road could hope for a 40-year life span. Mr. Ansara also asked in terms of the petition process, does it require a unanimous decision. Mr. O'Meara responded that over 50% of the residents are needed but the final call is always with the City Commission.

Brian Duffy, 700 Wimbleton, asked where literature could be acquired on getting an improved road. Mr. O'Meara said by calling the engineering office during normal business hours at (248)530-1850. Mr. Duffy, regarding Mr. Bidlake's comments, said that there is a need to push through on some of the streets that are damaged, but if a street is being cape sealed and the residents want complete improvement at this point, will they be assessed again. Mayor Bordman responded yes, because it is late in the process to obtain the required signatures that could remove Wimbleton from the current suggested resolution. Department of Public Services Manager Filipski told Mr. Duffy the bid process is complete, there were two bidders and one round of bidding. Mr. Duffy asked if there is a reason why this resolution cannot be put off until after the policy is reviewed or changed. City Manager Valentine responded that he could speculate but at this point, they are not far enough in the process to have any formal recommendations. The cape sealing process is proceeding because this general maintenance needs to occur.

Commissioner Sherman, due to the numerous responses from Wimbleton Street, gave approximate costs in general and referred everyone to the City's website to view details. He advocated for improved streets.

Shirley Sinelli, a 70-year resident at 1908 Sheffield, prefaced her questions with Sheffield is considered a major artery and, residents are assessed the same as every other resident and, traffic has increased greatly and the cape seal doesn't last as long as it used to and, she hopes the City uses a different company than the last time because it did not last and, finally, she asked if major arteries assessed more than less travelled streets. City Manager Valentine, again, said

that under current policy there is no differentiation between who uses the street and the condition of the road.

Danny Sideman, 652 Wimbleton, asked if the assessment for the Cape Seal program occurs annually. Mayor Bordman answered that every year the engineering department examines the roads and decides which are in most need of cape sealant for unimproved streets. She went on to say that if your street qualified this year, it will be unlikely that the street will qualify again in the near term. Mr. Sideman agreed that it sounds like there is enough interest from the residents on Wimbleton and asked if it is possible to remove Wimbleton from the resolution and consider it for next year, giving the residents a chance to work up a petition and avoid sinking money into cape seal when an improved road is desired. Commissioner Hoff reiterated that the hearing of confirmation is on July 22nd. Mayor Bordman said that the decision tonight is that the streets presented are sufficiently in need of cape seal; and on July 22 is the hearing of confirmation that will seal the deal. So, the residents of Wimbleton have a couple of weeks to get a petition signed and submitted to the City to turn a cape sealed road into an improved road. It can be done by July 22nd when this commission makes a final decision.

Commissioner Sherman called on David Bloom, of Stanley Street, to say how long it took to circulate a petition on Stanley. Mr. Bloom reported that it took a couple of weeks to obtain a sufficient number of signatures.

City Manager Valentine clarified that Lakeview has obtained a petition with a 54% majority in favor of improving the road. For that reason, it has been removed from necessity public hearing. If another street wanted to proceed with trying to obtain a majority petition to have their street improved, the commission could approve the necessity tonight with the current resolution and if the residents turn in a majority petition by July 19, the street could be removed at the time of confirmation. Commissioner Hoff suggested residents contact Mr. O'Meara for all the information so that you are prepared to present the cost to your neighbors while petitioning them for a permanent improvement.

Mr. Sideman asked if there was another path to have Wimbleton removed from consideration this year other than a 51% petition. Mayor Bordman stated the problem she sees is that you do not have every homeowner here to say, "yes, let us wait". It could be that a majority of your neighbors do not want to wait. If the item is removed tonight, it would be disadvantaging people who are not here to speak.

Commissioner Harris presented a question for staff on the process. Even if the Commission approves the resolution determining a necessity tonight, would the Commission also consider additional correspondence, if hypothetically residents wanted to delay the cape seal for one year. Would we consider that before the approval on July 22 or have the opportunity to review as well?

Mayor Pro Tem Boutros, a member of the ad-hoc committee, said that he believes cape seal is a band-aid. He feels that it is ridiculous for residents to knock on doors and create discomfort between neighbors. This is a serious endeavor, but the biggest challenge is not who initiates the petition; hopefully the results in the future will be from the City staff, not residents. While allowing the residents an opportunity to come before the Commission and object, let us start the petition, if that is the change forthcoming. The other challenge is the money involved and many residents feel the assessment is unequitable. He went on to say that, the cost is approximately triple for

improved roads in comparison to cape seal because it is significant change. Residents must go back with the clarity that the money is going to be a lot more; but improvement is the solution. If approved tonight, make sure that your message is delivered to the residents with clarity. Be sure to give your questions to the Engineering Department or City Manager prior to the meeting on July 22, so that this Commission is confident to move forward.

David Bloom, Stanley St, suggested the residents try to obtain more than 51% in case someone changes their mind. It was his experience that the City Commission will not approve if the support is less than 60% or two thirds of the residents.

Clinton Baller, 828 Shirley, because he has done this twice, advised the residents on Wimbledon to use the Engineering Department. They are very flexible with design, which helps. It would also be helpful to find out what constitutes a signature on a petition. The City Attorney would be able to give an opinion on that subject. It may be a simpler way to obtain signatures other than going door-to-door. City Attorney Currier affirmed that there are established procedures with the Engineering Department that are followed. City Manager Valentine reaffirmed City Attorney Currier's comments. He also said that anyone who has questions relative to this process should contact Mr. O'Meara in the Engineering Department at (248)530-1850 during normal business hours.

Dominick Pulis, 824 Wimbledon, wants to go on the record as being present. He is a big fan of due process but understands that the residents have some homework to do. He appreciates the time, education, and the opportunity to squeeze in a potential permanent solution for the street.

Mayor Bordman closed the public hearing at 8:44 p.m.

MOTION: Motion by Commissioner Sherman, and seconded by Commissioner Nickita: To determine necessity for the improvement to be known as 2019 Cape Seal Program-Public Street Improvement; further, to approve the cost estimates submitted by the Department of Public Services; further, to create a special assessment district and special assessments levied in accordance with benefits against the subject properties; further that the following method of assessment be adopted: 85% of front-foot costs for improvement are assessed on all property fronting the improvement; 25% of side-foot costs for improvement are assessed on all residential property siding the improvement; 85% of side-foot costs for improvement are assessed on improved business property siding the improvement and; 25% of side-foot costs for improvement are assessed on vacant business property siding on the improvement; further, to direct the City Manager to prepare the special assessment roll and present the same to the City Commission for confirmation at the public hearing on Monday, July 22, 2019 at 7:30 p.m.

VOTE: Yeas, 7
 Nays, 0

07-179-19 MASTER PLAN UPDATE – CHARRETTE SUMMARY

Matthew Lambert, Partner with DPZ and Project Manager of the consultant team for the Master Plan process, presented a summary of discussions at the Charrette, which will accompany the 2nd survey that opened last week asking the public for input on each of the proposal items in document. The survey is available at thebirminghamplan.com. On tab "Documents", there are links to all of the documents before you, and tab "Participate" has a link to the survey.

Mayor Bordman urged everyone to go to the official website: thebirminghamplan.com accessible through the City's website.

Mr. Lambert invited everyone to the drop-in clinic at 255 South Woodward 9:00 a.m. until 7:30 p.m. for the next two days. He also asked is there anything the Commission feels needs to be added to the scope.

Commissioner DeWeese has an item to reconsider relative to neighborhood associations, identifying them and making them stronger. In part, you suggest a new meeting hall for Birmingham at Barnum Park. Historically the meeting house for Birmingham has been the community center right here in our civic center. He also suggested using the library.

Commissioner Hoff mentioned that the first part of the materials focuses on parking in neighborhoods and you have accurately assessed the many different variations in our neighborhoods for parking. She went on to say that, one of his suggestions is to have just 3 conditions and I think that is valid. However, one of the options is 2-hour parking and it is my understanding that the police are no longer allowed to enforce that by marking tires, so how will it be enforced. Mr. Lambert responded that they would follow up with the police and the parking consultant.

Commissioner Nickita wants to make sure the City clarifies/refines:

- 1) lot combinations/lot splits; in the master plan there should be some direction as to where combinations would be appropriate and where it is not;
- 2) rail district (plan goes back to 1999) in updated revision, you have shown some of those with a red line where streets would go through; as clear as a plan can be it is going to help us implement it over time. My thought was that some of the renderings, or specifically that aerial of rendering is fine. Maybe clearly articulate the changes, so that the vision image is more representative than the idea.
- 3) South Woodward district that is clearly moving toward pedestrian zones from Lincoln to 14 Mile Road seems like the orientation or the way it is being presented now is clear cutting the entire block along Woodward, building back toward the alley is the preferred way. My concern is that it is not the nature of Woodward overall so I think that something that would be more likely are the buildings holding the corners and having the mid-block parking situation. That system being the more preferred or logical and should be illustrated as the more typical situation.
- 4) The retail zones at north end (Market District) and south end (Haines Square District), needs clarity on whether the district is primary or secondary retail. On the North end right now, there is a very strong West Side at the corner of Harmon and Old Woodward. While it is shown as secondary on the West side, he would say that it is currently primary (where Scaloppini's is located). He would show that as primary on both sides, and suggest that details need refining.
- 5) On the south end, the City has the potential to articulate Old Woodward differently. Commissioner Nikita recommends showing what it is now and how it would be implemented.
- 6) We talked early on about the assets of the neighborhoods and the commercial districts and the idea of having stronger and evident linkages in terms of priorities; there are certain places where streets are the connectors between two areas. In the master plan,

have we addressed the idea of stronger linkages between the assets of the City that are there now, but not embellished.

- 7) The City struggles with street width discussions and recommendations for very wide residential streets. Residential streets should be 27' from 35'. Will the Masterplan address street width so that the streets are safer and more proper for pedestrian zones adding greenspace?
- 8) There is a lot of discussion about the senior facility NEXT. It is not owned by the City and doing a lot in a limited space; there is an opportunity in the Master Plan to address a civic building of substance, for permanent home to NEXT.
- 9) In the downtown master plan done by DZ, part of the success we've had with 2016 plan originated with long and short term plans.

Mr. Lambert reminded the Commission that the documents before them are a summary of the Charrette and not a draft of the master plan.

Mayor Bordman explained that the City Commission wanted to emphasize the neighborhoods in this plan because so much of our most recent past work has concentrated on the downtown, and the neighborhoods are a large and important part of Birmingham. She felt that there are some interesting ideas for the seams in the neighborhoods; but she has a concern about something that has been discussed with me by many residents, which is the character of our neighborhoods and the changes that people have seen and do not like. For example, a neighborhood that traditionally had all ranch houses is now becoming a neighborhood with colonials. Intimate sized homes are demolished and replaced with large homes. She was hoping to see in the master plan some attention paid to whether the City can have an influence on the way the neighborhoods are developing and give us some ideas to make sure that we do not lose diversity in home sizes. It is apparent that the City is losing some of that difference.

Mr. Lambert expressed that it is a bit of a conundrum but we can help explain why. His firm is most helpful with trying to clarify conditions and help people understand what is going on in the most complex situations. On the first survey during the Charrette, it was 50%/50% that character is decreasing because of change and people thinking that it is not decreasing. During the Charrette, a lot of interest was expressed in affordability.

Mayor Bordman went on to say that affordability dovetails in many respects with neighborhood character. When a neighborhood with a small house sells for \$400,000.00, the block ends up with a gigantic house because the new owners demolish and rebuild. Mayor Bordman said that she would appreciate seeing something specifically instead of just affordability.

Clinton Baller, 822 Shirley, asked what is the timeline for the final report. Mr. Lambert responded that September 23 would be the first draft to the Commission, and a plan to present the second draft on January 13, 2020 following comments on the first draft. At the end of January/beginning of February, the plan will go to the Planning Board and February 17 to the City Commission with the final plan. Mr. Baller asked if this is a common timeline. Mayor Bordman said that when the RFP was established, a long timeline was involved to get the best input from public because the plan is final. Mr. Lambert said that a year or a year and a half is typical. Mr. Baller referred to the Bates Street extension brought up by Commissioner Nickita and asked Mr. Lambert had he been asked to look at it. Mr. Lambert replied that it was not part of the scope of the master plan. Mr. Baller commented that there is a special election coming up on the Bates street extension,

with significant opposition, and suggested that the consultant look at the extension as part of the 2040 Plan. He was advised by the City Attorney that political speech was out of order.

07-180-19 REVISED 2019-2020 PLANNING BOARD ACTION LIST

Planning Director Ecker presented the item.

Mayor Bordman asked if the Planning Board decided the order of the list. Director Ecker said no, not since the joint meeting. She expressed that solar panels, balcony and terrace enclosures were added in as a suggestion, in this order, because everything else is addressed by the master plan; therefore, these two items moved up in priority.

Commissioner DeWeese wanted to note that many of the items are priority but recommended that they be considered part of the master plan process. Make sure that staff is working closely with that team so that it is actually part of the process and integrated into the plan.

Commissioner Hoff asked about the solar panel review process; also #14 refers to sustainable urbanism and discussions of solar power; but the panels are a little bit different. Director Ecker said that they are because regulations governing the panels already exist. Commissioner Hoff also asked about the definition of retail. Director Ecker confirmed it is being considered in the master plan.

Commissioner Hoff asked if D-5 zoning would be included in the master plan process. Director Ecker responded that it would not be that site in particular, but zoning in general along Woodward by density and other general questions for that area.

MOTION: Motion by Commissioner Sherman, and seconded by Commissioner Hoff:
To approve the revised 2019-2020 Planning Board Action List as provided, with the understanding the order is temporary until we have master plan when the priority order may change.

VOTE: Yeas, 7
 Nays, 0

07-181 -19 RECOMMENDATION TO RELEASE ADDITIONAL GRAVES FOR SALE AT GREENWOOD CEMETERY

City Clerk Mynsberge presented the item.

Commissioner Harris asked about the portfolio target that aspires to sell approximately 622 graves but the 2015 study shows that there are only 530 graves available. Clerk Mynsberge explained she asked the finance director to develop a projection for the number of lots needed to be sold to get the portfolio to a place that would earn the annual maintenance costs.

Commissioner Hoff noticed that 480 spots are in Section B and C and only 50 are in Sections D, K, L, and O; why is that? Clerk Mynsberge replied that there were fewer spaces in those sections available for sale to begin with. Commissioner Hoff is not in favor of selling any plots in Section B and C until there are no more plots available in the other sections.

Commissioner Sherman asked if pricing has been evaluated. Clerk Mynsberge answered that it has not been analyzed. She also reminded the commission that a portion of the lot sales goes to the perpetual care fund.

George Stern, member of the Greenwood Cemetery Advisory Board (GCAB), in thinking about long term planning, advised the Commission to consider cremation, which is currently 60% of all burials. Moving into the future, creating attractive columbarium that fits into the historic nature of the cemetery would be the way to go.

Linda Buchanan, member of the GCAB, in response to Mr. Stern, agreed that there is a trend toward cremation more than full burials; but plots can hold up to three cremations. Therefore, if you purchase a plot you do not have to have a full burial. Basically, the Cemetery Board is not shocked at the marked decline in sales because cemeteries are very generational; younger generations/millennials are not in favor of traditional burials. Sales are consistent with the size of the cemetery, and low sales should not alarm anyone. As a historic preservationist, she would like to see no more sales in section B.

Margaret Suter, member of the GCAB, was not in favor of sales in Section B. She suggested, in planning, we should look at pricing to insure that we are competitive. As far as columbaria, they have to be constructed and it would cost money; money better used to find additional plots. Columbaria would distract from the park like setting that exist today. Relative to the historical significance of Section B, headstone damage after new burials is occurring.

Michael Schneider, 251 Strathmoor, Bloomfield, expressed that it is wonderful that there are still some grave sites available and encouraged cemetery management not to be in a hurry to sell them all; you have an opportunity to have multiple generations of families buried in the same cemetery.

Commissioner Harris wanted to take heed of the comments that the pricing should reflect our goal of funding annual maintenance. He also asked would it be appropriate for the board to consider whether additional plots should be sold at all in Section B.

Generally, the Commission was in favor of:

- Releasing no additional plots until the GCAB studies the appropriate market price of plots.
- Considering not selling additional plots in the historic sections B & C.

Mayor Bordman stated the GCAB will be using Ground Penetrating Radar (GPR) to find additional spaces, and was not in favor of selling additional spaces in sections B & C until the GPR work is completed. She noted a decision will need to be made as to when the cemetery is defined as "filled" and suggested it could be considered filled without further disturbing the historic areas.

City Manager Valentine pointed out the philosophy for establishing the Perpetual Care Fund was to generate funding to pay for annual maintenance of the cemetery in order for it not to fall as a burden on taxpayers.

07-182-19

RECOMMENDATION ON AMENDMENT TO RULES AND REGULATIONS REGARDING MONUMENTS IN SECTION F NORTH OF THE GREENWOOD CEMETERY

City Clerk Mynsberge presented the item.

Commissioner Hoff asked if the four monuments in production are replacing flush markers. Ms. Mynsberge said that they could be in some instances, but one in particular is a father and daughter who were recently buried and the monuments are likely planned instead of a flat marker.

In response to Commissioner Harris, City Attorney Currier affirmed that the existing monuments and monument orders would be grandfathered in, and City Clerk Mynsberge reported her staff was unable to locate additional next-of-kin of plot owners.

Mayor Bordman reflected back to 2017 and recalled that information as to why Section F North was flush markers only was not available. City Clerk Mynsberge said no records have been located which would explain why that decision was made. Section F North is the only area that is set aside to be flush.

Commissioner DeWeese said that many Sections of the cemetery have a unique character; specifically, the much discussed Section B. Section F North also has a unique nature and will remain unique even if the resolution is passed. Most people who bought in that Section were aware of the restriction and still chose it. He would be in support of the resolution particularly with the time limit. He also suggested revisiting after the cemetery produces a master plan.

Commissioner Sherman does not see any reason to make a change to the rules, as they exist today when it was previously examined and no one saw any practical reason not to change. He also noted that there were sculptures and pots in Section F North at the time and maintenance was not an issue.

George Stern, member of the GCAB, has been involved with cemeteries for thirty (30) years and stated that it is common practice to have sections dedicated to monuments and at least one section dedicated to flush markers in most cemeteries. The amount of maintenance is the same. With flush markers, the grass tends to grow over the top of the stone. In early years, cemeteries were a place for city people to go and spend time in a beautiful park like atmosphere. After WWII, flush markers were developed and were quite calming. Around the 1950's flush markers were thought to be more equitable for people who could not afford the elaborate monuments and mausoleums. In the 1960's flush memorials became very popular and memorial gardens were established so that everyone would have absolute equality in burial as well as in life.

Mike Schneider, son of parents buried in Section F North, explained at the time his parents bought their plots they were told that the plots were in a section where all the monuments would be flush with the ground. It was not just a restriction for the purchasers of the plots; it was also a promise to them that their graves would be in a section free of above ground monuments. There are others who have complained about the change in rules. The rule requiring flush markers was an agreement between the City and all of the purchasers of gravesites in that section. Not all purchasers will care, but those who do care, are entitled to have the City hold up its end of that agreement. He is requesting that the Commission reinstate the rule for flush markers only and restore the openness and serenity in Section F North of Greenwood Cemetery. He also asked

that the Commission require the above ground monuments that have since been erected there be replaced with flush markers.

Clinton Baller, owner of two plots in Section F North, noted that none of the markers appears to be flush.

Commissioner Hoff expressed that she sympathizes with Mr. Schneider and that his concerns are valid, but the Commission made the decision to allow Mr. Robertson to put a monument in that section and cannot imagine asking him to take it down. She went on to say that she would consider not allowing additional monuments in the future, but it must be discussed and a decision has to be made on how to move forward.

Commissioner Harris echoed Commissioner Hoff's comments and commended Mr. Schneider for honoring his parents with his request and the civility displayed before the City. He also said that he is inclined to maintain the status quo.

Commissioner Nikita concurred with Commissioner Harris's comments. The Commission conducted a full review, made a decision in 2017, and he does not see a valid reason to change the decision.

Commissioner Hoff disagreed and asked that the Commission put themselves in Mr. Schneider's position. While there are only two upright monuments in place, the Commission has a chance to go back and give the families what they were sold and expect from the cemetery. It is an emotional piece, she believes that everyone must be empathetic to the people who have loved ones buried there, and the people who are planning to use Section F North in the future.

Mayor Pro Tem Boutros sympathizes with Mr. Schneider but maintains that no one knows how many people opposed the decision, and did not feel that there was a compelling reason to change.

Mayor Bordman asked if the deed outlined any restrictions for monuments.

Commissioner Sherman referencing a burial certificate for the Robertsons in the packet that indicated, in his opinion, that the rules can be changed.

Margaret Suter, member of the GCAB, indicated that a letter was attached to the Robertson's burial certificate describing the restriction for flush monuments. Commissioner Sherman concurred that there was a letter but expressed that the deed is going to control the agreement not the letter.

Mayor Bordman expressed that this is going to be a hard decision because this Commission does not have the capacity to require that the monuments be replaced. The deed clearly allows for a change in rules.

MOTION: Motion by Commissioner Harris, and seconded by Mayor Pro Tem Boutros:
To maintain the current Greenwood Cemetery Operational Procedures, Conditions and Regulations allowing above ground monuments in Section F North.

Commissioner Hoff expressed that she is not going to support the motion because she thinks the Commission made a mistake; there were options for Mr. Robertson. She feels that the Commission should vote to leave what's there, because it is not appropriate to ask the people to replace their monuments, and move forward with flush markers as declared when the cemetery was founded and promised to the people who purchased in that section.

Mayor Bordman said that she is going to support the resolution because the appearance of that section has already been changed.

VOTE: Yeas, 5
 Nays, 2 (DeWeese, Hoff)

VII. REMOVED FROM CONSENT AGENDA

Items removed from the consent agenda were addressed earlier in the meeting.

VIII. COMMUNICATIONS

None

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

David Bloom, 5091 Stanley, began to advocate for a political issue and was called out of order.

Clinton Baller requested that the decision made about the cemetery be communicated to the owners of plots in Section F North and to others who are considering purchasing plots in that section.

Mr. Baller insisted he had the right to speak about any matter under the First Amendment. City Attorney Currier indicated political advocacy is against policy on the cable station, and told Mr. Baller he was out of order.

XI. ADJOURN

Mayor Bordman adjourned the meeting at 10:48 p.m.

J. Cherilynn Mynsberge, City Clerk
/vc