

BIRMINGHAM CITY COMMISSION MINUTES
JANUARY 22, 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 (arrived at 7:32 p.m.) Commissioner Sherman
Absent,	None

Administration: City Manager Valentine, City Attorney Currier, Chief of Police Clemence, Planning Director Ecker, Police Commander Grewe, City Clerk Mynsberge, City Engineer O'Meara, Director of Public Services Wood

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

01-015-18 ADMINISTRATION OF OATHS

Chief of Police Clemence introduced the six new police officers participating in the pinning ceremony, officially marking their membership in the Birmingham Police Department:

Ofc. Nicholas Hill	Ofc. Tyler Dearing-Manning
Ofc. Brent Macumber	Ofc. Scott McIntyre
Ofc. Joshua Bouchard	Ofc. Alex Linke

The City Clerk administered the Oath of Office to Officers Hill, Macumber, Bouchard, Dearing-Manning, McIntyre and Linke.

01-016-18 ANNOUNCEMENTS

Mayor Harris announced:

- Birmingham Restaurant Week will be held January 29th through February 2nd and February 5th through 9th. Birmingham's top chefs will be creating special three-course lunch and dinner menus for \$15 and \$30.
- Please remember the two most important requirements of the City's snow ordinance:
 1. You are required to clear snow and ice from the sidewalk in front of your home. If the snow stops falling during the day, your sidewalks must be cleared within 12 hours. If the snow stops falling during the night, sidewalks must be cleared by 6 p.m. the following day.

- When a Snow Emergency is declared, cars must be removed from city streets so the snowplows can get through. Cars that are not moved will be ticketed.

01-017-18 APPOINTMENT TO THE BOARD OF ZONING APPEALS

The Commission interviewed Francis Rodriguez and Matthew Vivas to fill a vacancy for an alternate member on the Board of Zoning Appeals.

MOTION: Motion by Commissioner Nickita:
To appoint Francis Rodriguez to the Board of Zoning Appeals as an alternate member to serve the remainder of a three-year term to expire February 17, 2020.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

01-018-18 APPOINTMENTS TO THE AD HOC UNIMPROVED STREET STUDY COMMITTEE

Applicants Scott Seltzer, Jami Statham, Robert Lavoie, and Katie Schafer were unable to attend and had notified the City Clerk in advance.

Mayor Harris disclosed a professional relationship with Scott Seltzer. There were no objections to Mayor Harris voting.

The Commission interviewed Janelle Boyce, a resident living on an improved street, and Al Bosley, a resident living on an unimproved street.

The City Clerk provided the Commission with a list of all residents who have applied for the Committee and noted those who the Commission was able to interview:

RESIDENT REPRESENTATIVE LIVING ON AN IMPROVED STREET		
One (1) such member to be appointed.		
Scott Moore	984 Rivenoak	Interviewed 12/4/17
Janelle Boyce	179 Catalpa Dr.	Interviewed 1/22/18
Jami Statham	1741 Holland	Not interviewed
Katie Schafer	1966 Fairway	Not interviewed

RESIDENT REPRESENTATIVE LIVING ON AN UNIMPROVED STREET		
Three (3) such members to be appointed.		
Dominick Pulis	824 Wimbleton Dr.	Interviewed 12/4/17
Michael Fenberg	908 Chesterfield	Interviewed 12/4/17
Jeffrey Heldt	1415 Lakeside	Interviewed 12/4/17
Julie Hollinshead	590 Lakeview Ave.	Interviewed 12/4/17
Christina McKenna	608 Lakeview Ave.	Interviewed 12/4/17
John Rusche	358 Henley	Interviewed 12/4/17
Scott Seltzer	1500 Lakeside	Not interviewed
Al Bosley	732 Westchester Way	Interviewed 1/22/18
Scott Moore	984 Rivenoak	Interviewed 12/4/17
Katie Schafer	1966 Fairway	Not interviewed

MEMBER WITH A BACKGROUND IN ROAD DESIGN AND MAINTENANCE

One (1) such member to be appointed.		
Robert Lavoie	555 Lakeview Ave.	Not interviewed

Commissioner Hoff questioned if the Commission should move forward without all the candidates present, and stated she was in favor of doing so because there were a number of good candidates from which to choose.

Mayor Pro Tem Bordman noted the Commission met Dr. Schafer when she became an alternate to the Multi-Modal Transportation Board (MMTB). She continued that she would like to meet Robert Lavoie before appointing him, however, because she believes he is unknown to the Commission.

Commissioner DeWeese concurred with Mayor Pro Tem Bordman and Commissioner Hoff.

Commissioner Hoff stated that Mr. Lavoie appeared well qualified from his letter to the Commission, but that his inability to attend two Commission interviews demonstrated a potential lack in the availability necessary to serve on the Committee.

Mayor Harris agreed with Commissioner Hoff, and stated that he would like to move ahead with all positions except for the Member with a Background in Road Design and Maintenance.

Appointment of One (1) Resident Representative Living on an Improved Street

MOTION: Motion by Commissioner Hoff:

To appoint Janelle Boyce to the Ad Hoc Unimproved Street Study Committee as the resident representative living on an **improved street** to serve a term expiring on December 31, 2018.

VOTE: Yeas, 7
 Absent, 0

Appointment of Two (2) Members of the City Commission

MOTION: Motion by Commissioner Hoff:

To appoint Commissioner Sherman to the Ad Hoc Unimproved Street Study Committee as a **member of the City Commission** to serve a term expiring on December 31, 2018.

MOTION: Motion by Commissioner DeWeese:

To appoint Commissioner Boutros to the Ad Hoc Unimproved Street Study Committee as a **member of the City Commission** to serve a term expiring on December 31, 2018.

VOTE for Commissioner Sherman:

 Yeas, 7
 Absent, 0

VOTE for Commissioner Boutros:

 Yeas, 7
 Absent, 0

Appointment of Three (3) Resident Representatives Living on an Unimproved Street

MOTION: Motion by Mayor Pro Tem Bordman:

To appoint Katie Schafer to the Ad Hoc Unimproved Street Study Committee as a resident representative living on an **unimproved street** to serve a term expiring on December 31, 2018.

MOTION: Motion by Commissioner Nickita:

To appoint Scott Moore to the Ad Hoc Unimproved Street Study Committee as a resident representative living on an **unimproved street** to serve a term expiring on December 31, 2018.

MOTION: Motion by Commissioner Sherman:

To appoint Al Bosley to the Ad Hoc Unimproved Street Study Committee as a resident representative living on an **unimproved street** to serve a term expiring on December 31, 2018.

MOTION: Motion by Commissioner DeWeese:

To appoint Michael Fenberg to the Ad Hoc Unimproved Street Study Committee as a resident representative living on an **unimproved street** to serve a term expiring on December 31, 2018.

MOTION: Motion by Mayor Harris:

To appoint Dominick Pulis to the Ad Hoc Unimproved Street Study Committee as a resident representative living on an **unimproved street** to serve a term expiring on December 31, 2018.

MOTION: Motion by Mayor Harris:

To appoint Christina McKenna to the Ad Hoc Unimproved Street Study Committee as a resident representative living on an **unimproved street** to serve a term expiring on December 31, 2018.

MOTION: Motion by Mayor Pro Tem Bordman:

To appoint John Rusche to the Ad Hoc Unimproved Street Study Committee as a resident representative living on an **unimproved street** to serve a term expiring on December 31, 2018.

MOTION: Motion by Commissioner Boutros:

To appoint Julie Hollinshead to the Ad Hoc Unimproved Street Study Committee as a resident representative living on an **unimproved street** to serve a term expiring on December 31, 2018.

Commissioner Hoff requested the Commission review the location of the applicants in order to provide geographic diversity in the Committee's membership. Mayor Harris named the street where each applicant resides.

Mayor Harris reminded the Commissioners they may each vote for three candidates.

VOTE for Dr. Katie Schafer:

Yeas, 5 (Bordman, Boutros, DeWeese, Hoff, Nickita)

Absent, 0

VOTE for Mr. Scott Moore:

Yeas, 5 (Boutros, DeWeese, Hoff, Nickita, Sherman)

Absent, 0

VOTE for Mr. Al Bosley:

Yeas, 2 (Bordman, Sherman)

Absent, 0

VOTE for Mr. Dominick Pulis:
Yeas, 1 (Harris)
Absent, 0

VOTE for Mr. Michael Fenberg:
Yeas, 5 (Boutros, DeWeese, Harris, Nickita, Sherman)
Absent, 0

Mayor Harris noted that mathematically three candidates had received a majority of votes without a possibility of the remaining three votes changing the outcome. The Commission was in agreement to stop the voting.

Mayor Harris announced the appointments of Dr. Katie Schafer, Mr. Scott Moore, and Mr. Michael Fenberg as the three (3) resident representatives living on an unimproved street.

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.

01-019-18 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Commissioner Hoff : Item A, Approval of the City Commission meeting minutes of January 8, 2018
Item G, Agreement with OHM Advisors

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Boutros:
To approve the Consent Agenda, with Items A and G removed.

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

- B. Approval of warrant list, including Automated Clearing House payments, dated January 10, 2018 in the amount of \$3,546,811.18.
- C. Approval of warrant list, including Automated Clearing House payments, dated January 17, 2018 in the amount of \$7,943,677.94.
- D. Resolution accepting the Contract Termination Agreement between the City of Birmingham and Progressive Irrigation, Inc. d/b/a/ Pro Turf Management Lawn for lawn

and landscape services in the City of Birmingham. Further, authorizing the City Manager to execute the Contract Termination Agreement on behalf of the City.

- E. Resolution approving the extension of the bid award as part of the MITN cooperative bid of unleaded gasoline and diesel fuel for truck transport deliveries to RKA Petroleum Companies, Inc., 28340 Wick Road, Romulus, MI 48174 and Ports Petroleum Co., Inc. 1337 Blachleyville Road, Wooster, OH 44691 for truck transport deliveries; and Atlas Oil Companies, 24501 Ecorse Road, Taylor, MI 48180 for tank wagon deliveries, for the purchase of gasoline and diesel fuel at the respective unit prices bid through January 31, 2020. Funds for the purchase of gasoline and diesel fuels are budgeted in Auto Equipment Fund – Fuel Expense account #641-441.006-737.0000.
- F. Resolution approving the purchase of two (2) new John Deere 1575 commercial mowers from John Deere and Company, using MI-Deal Contract #071B7700085 extendable purchasing pricing for a total expenditure of \$61,707.14. Funds for this purchase are available in the Auto Equipment Fund, account #641.441.006-971.0100.

01-020-18 AGREEMENT BETWEEN OHM ADVISORS AND THE CITY OF BIRMINGHAM (ITEM G)

Tim Juidici from OHM Advisors was available to answer questions.

Commissioner Hoff:

- Commended staff for planning this project in advance.
- Told meeting viewers that this motion was an effort to provide inspectors for the Summer 2018 Old Woodward project.
- Asked if a period or the name of the project should be provided in the motion to make sure the specifics are clear.

City Engineer O'Meara clarified for Commissioner Hoff that this contract allows these services to be utilized by different departments over the specified three years.

Mayor Harris also noted the 30-day termination clause included in the contract, should the City see fit to end the relationship with OHM Advisors before the end of the three year period.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner DeWeese:
To authorize the Mayor and Clerk to sign the agreement between OHM Advisors and the City of Birmingham.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

V. UNFINISHED BUSINESS

None

VI. NEW BUSINESS

01-021-18 PUBLIC HEARING TO CONSIDER A SPECIAL LAND USE PERMIT AMENDMENT AND FINAL SITE PLAN - 1669 W. MAPLE (FIRST PRESBYTERIAN CHURCH)

Mayor Harris opened the public hearing at 8:13 p.m.

Planning Director Ecker reported:

- First Presbyterian Church is located on the south side of W. Maple between Pleasant and Larchlea Dr. They are proposing to install a replacement ground sign in front of the Church building and two directional signs. As a result of this new signage, the applicant requires an amendment to their existing Special Land Use Permit (SLUP), which was originally approved on May 13, 1991. Prior to the consideration of a SLUP Amendment, the City Commission refers the Site Plan and Design Review to the Planning Board.
- On November 29, 2017, the Planning Board reviewed the proposed SLUP Amendment for the new signage, and voted to recommend approval of the Final Site Plan and Special Land Use Permit to the City Commission to allow the installation of a sign in front of the church building and a non-illuminated directional sign on Pleasant with the following condition:
 - The applicant must verify that the location of the directional sign along W. Maple Rd. is on private property or move the location to private property.

Planning Director Ecker told Commissioner Hoff the directional sign is double-sided and would be placed on the Church's property.

Mia Asta representing Gardner Signs clarified that there are two directional signs: one on Pleasant St. and one on Maple. Both signs are double-sided. Ms. Asta confirmed for Planning Director Ecker that the sign on Pleasant St. will be replacing an existing sign.

Ms. Asta confirmed for Commissioner Hoff that there will be two double-sided directional signs and one larger sign in front of the Church.

Planning Director Ecker explained to Commissioner Hoff that there will be two double-sided directional signs, not just one sign as previously stated.

Mayor Harris closed the public hearing at 8:18 p.m.

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Nickita: To approve a Special Land Use Permit Amendment and Final Site Plan for First Presbyterian Church at 1669 W. Maple to allow the installation of new signage on the property. (*Formal resolution appended to these minutes as Attachment A*)

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

01-022-18 PARKING RESTRICTION REQUEST ON MIDVALE

Police Commander Grewe reported:

- Cris Braun, Executive Director of NEXT, contacted the police department regarding available parking.
- She stated all available street parking is taken up by Seaholm students who arrive around 7 a.m. NEXT has continued to grow, offering a variety of programs for residents,

bringing in approximately 1,500 visitors a week. NEXT has strategically scheduled programs in an attempt to minimize parking problems, however available parking is still an issue. The age of the population NEXT serves presents additional concerns, close proximity spots are desired as mobility is often a factor.

- Executive Director Braun is requesting “No Parking 7 a.m. to 9 a.m.” Monday to Friday between Glenhurst and the western most driveway of their building. This would open up approximately 12 spaces on the road for staff and visitors of NEXT to use on busy days, leaving more parking available in their lot.
- This request would allow parking anytime on the south side of Midvale from Argyle to the western most driveway of the preschool (approx. 4 spots), and no parking from the preschool driveway to Glenhurst between 7 a.m. and 9 a.m.
- This request still allows anyone to park on Midvale. Students, residents and visitors of NEXT can utilize the area after 9 a.m. This prevents students from blocking the area for an entire school day.
- The Multi-Modal Transportation board reviewed this request at their January 4th meeting and passed a motion (7-0) to recommend approval of the request.

Commissioner Hoff:

- Stated that she lives in the area and that there is a significant lack of parking.
- Asked Police Commander Grewe whether he had spoken with Seaholm or Birmingham Public Schools regarding the parking issue.

Police Commander Grewe confirmed for Commissioner Hoff that:

- He has spoken to Seaholm;
- That the students are encouraged to park on Seaholm property; and,
- That the school has little influence on students who choose to park off-campus.
- He is not aware of any plans by Seaholm to expand parking on-campus.

Commissioner Sherman noted, with the proposed change, students could still monopolize parking in front of NEXT upon returning from lunch.

Police Commander Grewe stated that this will prevent Seaholm students from monopolizing the parking in front of NEXT all day.

Commissioner Sherman reiterated his concern that students will still monopolize parking, only slightly later in the day.

Ms. Braun spoke to Commissioner Sherman’s concern and explained NEXT’s all-day programs would keep the parking spaces turning over, and that programs are staggered to accommodate the school’s busiest times.

Commissioner Sherman suggested it might be more beneficial to have staff take the street spots, leaving the parking lot for NEXT members.

Ms. Braun:

- Said that Commissioner Sherman’s suggestion was a possibility.

- Explained that Seaholm parking lot passes are oversold in order to reduce parking strain on City streets.
- Drew the Commission's attention to the capacity study included in the Commission's Agenda in order to show that NEXT is uniformly busy during its business hours.

Commissioner Boutros said he was in favor of motion since the parking would be displaced into a residential area, which is unlikely to be as busy as the street in front of NEXT.

Commissioner DeWeese shared his support of the motion, saying it opened more parking options for NEXT.

Mayor Harris stated his support of the motion since Seaholm cannot further remedy the situation at this time.

Commissioner Nickita stated that this motion begins to address the problem, and will allow for further possibilities as the Commission monitors the outcome. He continued, suggesting that parking in this area should be further discussed during the Master Planning process.

MOTION: Motion by Commissioner Nickita, seconded by Mayor Pro Tem Bordman: To approve "No Parking 7 a.m. to 9 a.m." signs to be installed on the south side of Midvale from the western most driveway of NEXT to Glenhurst. Further, to direct the Chief of Police and the City Clerk to sign the traffic control order on behalf of the City.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

01-023-18 PARKING IN MDOT RIGHT-OF-WAY NEAR 33477 WOODWARD

Police Commander Grewe reported:

- Duane Barbat of The Barbat Organization has requested a change in parking along the MDOT right of way in front of his business. Mr. Barbat stated several vehicles park daily in front of his business, for long periods of time, and are not visiting any of the business in the area. Mr. Barbat believes drivers are using this area to carpool to town. He is requesting one hour parking for the six parking spots along the front of his business.
- Mr. Barbat completed a petition and obtained signatures from all businesses located in the same building as The Barbat Organization. Three of the four businesses at the south end of the service drive disagreed and did not sign the petition, the fourth is vacant. These four business addresses are south of the requested area to change. 82% of occupied businesses, located along the same service drive, signed the petition in favor of one hour parking.
- There are no current parking restrictions in this area.
- Along Woodward there are several areas that have different parking restrictions that have been put in place over time by request of the businesses in the area. For example, the service drive in front of The Original Pancake House has 1 hour parking and further north in the same service drive is 15 minute parking. Also, on the other

side of Woodward in front of Batteries Plus, the southern part of the service drive has no parking restrictions while the northern half is a 30 minute time zone.

- Different businesses create different parking demands. These changes are request driven as new businesses open. In the event businesses change, a request for a change in parking restrictions by the owner, based on parking demand for the business, will prompt a review.
- The Multi-Model Transportation Board reviewed this request at their January 4th meeting and passed a motion (7-0) to approve the request. See attached minutes.

Mr. Barbat explained to Commissioner Hoff that:

- The businesses on the south side, which include a hair salon, an office space, and a tuxedo shop have not had problems with parking spots occupied all day.
- The south side businesses have three parking spots, whereas the north side businesses have seven.
- The landlord of the building on the south side preferred not to see parking restrictions in front of the property.
- The parking spots in front of the north side businesses are being occupied all day, which is negatively affecting the north side retail businesses.

Police Commander Grewe explained to Mayor Harris that the City enforces the one-hour parking limit through marking vehicle tires with chalk and ticketing after a vehicle has been in a spot for over an hour.

Commissioner Nickita stated that:

- He is sympathetic to the concerns of the retailers;
- The Commission should not be making these parking decisions piecemeal; and,
- A methodology should be developed and applied.

Commissioner Sherman:

- Stated he would like to see a strategy for this issue developed as part of the Master Plan.
- Said that if the Commission were to approve the requested parking changes, it should be reviewed within a certain amount of time.

Commissioner Hoff:

- Concurred with Commissioners Nickita and Sherman.
- Said that the parking time limit would change based on the types of businesses in the retail space.

Commissioner DeWeese said:

- There should be a strategic study of this parking issue, including review by the MMTB.
- Any changes implemented tonight should be open to change under the Master Plan process.
- He would be supportive of this motion with the understanding it could change in the future.

Commissioner Boutros said that:

- This issue is different from S. Eton since that was a residential neighborhood, and this is a business one.
- He trusts retailers to know what parking is most beneficial for their business.
- He would also like to see a more strategic approach in the future.

Mr. Barbat explained:

- To Mayor Pro Tem Bordman that the one-hour limit was reached by consensus through the 11 north side business tenants surveyed.
- He would return to the Commission if the time limit needs to be adjusted in the future.
- Long term parking exists around the building for upstairs tenants. The primary issue being addressed by this motion is retail parking for businesses on the first floor.
- Accommodating the concerns of the north side businesses should not affect the south-side businesses in any way.

Mayor Pro Tem Bordman stated that the Commission supports Birmingham retailers, and that if the businesses believe a one-hour parking limit would be helpful, she would support that.

Mayor Harris asked Police Commander Grewe how similar restrictions were imposed in front of the Original Pancake House and Batteries Plus.

Police Commander Grewe stated the restrictions were imposed before his time.

Mr. Barbat stated that:

- He had requested the parking time limit in front of the Original Pancake House and Batteries Plus as well, and the restrictions were reached through an on-site meeting between Birmingham Parking Enforcement and the tenants.
- The restrictions have been beneficial to the businesses.

Mayor Harris thanked Mr. Barbat for the information.

Police Commander Grewe confirmed for Mayor Harris that there has been only enthusiasm from the aforementioned businesses since the change.

Commissioner Nickita said that if this resolution is approved, it should be done so with a time limit so a strategy can be studied and devised.

MOTION: Motion by Commissioner Nickita, seconded by Commissioner Sherman:

To approve the installation of one-hour parking in the service drive of southbound Woodward Ave. in front of 33495, 33483 and 33477 Woodward Ave., for a total of six parking spaces, for a one-year trial period at the end of which we decide whether we wish to proceed with an extension. Further, to direct the Chief of Police and the City Clerk to sign the traffic control order on behalf of the City.

City Manager Valentine told Mayor Pro Tem Bordman that he expected the Master Plan process to take at least two years before a final draft is available.

Mayor Pro Tem Bordman then asked Commissioner Nickita if he would consider a two-year trial period, instead of one year.

Commissioner Nickita told Mayor Pro Tem Bordman that he was willing to amend the motion given the circumstances.

MOTION: Motion by Commissioner Nickita, seconded by Mayor Pro Tem Bordman:
To amend "one-year trial period" within the main motion to "two-year trial period".

Commissioner DeWeese said he was more comfortable with a two-year trial period.

VOTE on AMENDMENT:

Yeas,	7
Nays,	0
Absent,	0

VOTE on MAIN MOTION AS AMENDED:

Yeas,	7
Nays,	0
Absent,	0

01-024-18 BARNUM ARCH LANDSCAPE ENHANCEMENTS (BALE)

From Director of Public Services Wood's report to City Manager Valentine dated January 12, 2018:

The Community for Barnum Park received a donation of \$12,000 to make landscaping improvements leading up to the "Arch" from Purdy Street. The donation has been deposited with the City with the designation "BALE". This enhancement is in keeping with the Barnum Park Concept Master Plan of further landscape enhancements and making use of the original bricks from the Barnum school building.

The BALE concept plan is attached for your review along with the correspondences from David Young detailing the project scope. The final design drawings and bid specifications will be prepared by David Peterhans at a cost not to exceed \$1,500.00, which will be paid from donation dollars. Also enclosed are the Phase 2 Barnum Park Landscape Improvement Design and the original Barnum Park Concept Master Plan.

Representative for the Community for Barnum Park, David Young, has been working with Dave Peterhans, architect, to put together a concept plan for this improvement for proposal to the Parks and Recreation Board. The proposed BALE concept plan went before the Parks and Recreation Board on November 14, 2017 for review. The Parks and Recreation Board did accept the concept plan for the Barnum Arch Landscape Enhancements and further to recommend to the City Commission for consideration. A copy of the approved minutes are attached, see beginning on page 9 for this item.

The proposed improvement will be located north and south of the walkway leading to the arch from Purdy Street, and will include adding seating areas made from salvaged brick from Barnum School capped with concrete or limestone, adding landscape materials such as boxwood shrubs and groundcover, and possibly a planter in the center of the concrete walkway.

Director of Public Services Wood explained to Commissioner Hoff that the \$12,000 and the \$1,500 amounts were separate and both available in the donation accounts.

Commissioner DeWeese told the Commission that he is very active in Friends of Barnum Park but was not involved in these talks. He believed there is no conflict of interest. The Commission concurred.

MOTION: Motion by Commissioner Sherman, seconded by Mayor Pro Tem Bordman:
To accept the concept plan for the Barnum Arch Landscape Enhancements in keeping with the overall Barnum Park concept plan. Further, to authorize the Administration to proceed with the design for the BALE project and bid out the work to be funded by the Barnum Park donation dollars for the installation during 2018.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

01-025-18 WOODWARD AVE. RESURFACING – QUARTON RD. TO 14 MILE RD. – COST PARTICIPATION AGREEMENT

City Engineer O’Meara reported, regarding the Agreement with MDOT for Woodward Ave. & Oak St. Traffic Signal and Crosswalk Installation:

As noted previously, the installation of a pedestrian crosswalk at the Oak St. intersection has long been a goal for the City of Birmingham. A marked crosswalk would greatly improve pedestrian accessibility for the public, particularly for those that live on the east side of Woodward Ave. in the Poppleton Park area. To date, they were not interested in prioritizing the signal replacement to resolve this issue, meaning that the City would have been responsible for over \$200,000 in costs. Final City responsibility for this improvement is as laid out at the top of page 3 of the agreement, or \$107,502.

After review, MDOT indicated that they could modify their standard designs, but some of the design elements would have to be compromised.

1. The typical handicap ramp width MDOT constructs on projects such as Woodward Ave. measures 6 feet wide, coupled with pavement markings extending 8 feet in length. They took a close look at the feasibility of constructing the ramps as requested, and could not proceed. Increasing the width of handicap ramps and adjacent sidewalks create many difficulties and increase costs in urban, congested areas. Problems include conflicts with signal posts, street light posts, sign posts, and catch basin drains. Further, attempting to construct such a wide ramp near an intersection often results in a longer curb drop, which would be exacerbated with a 12 foot wide sidewalk. As a compromise, and knowing that the City’s main interest was in lengthening the pavement markings, MDOT agreed to install 8 foot wide handicap ramps, in conjunction with 10 feet wide pavement markings.
2. When using the “continental” style pavement markings, MDOT’s current policy is to install 12 inch wide bars gapped at 24 inches. Installing the wider pavement markings would be inconsistent with what is occurring on other state projects. As a compromise, MDOT is willing to install the 24 inch wide bars gapped at 24 inches (as requested) at their cost. If they are to proceed, however, the City must agree to accept all future maintenance responsibilities for these pavement markings. If the City Commission wishes to see the width of each individual white bar widened to 24 inches (from the

MDOT standard of 12 inches), future maintenance of the crosswalks would become the responsibility of the City. As noted previously, this translates to a financial commitment of about \$70,000 (in 2017 dollars) every four years.

3. MDOT agreed to construct the crosswalk improvements at Oak St., with federal aid and the City paying the expected additional costs.

4. MDOT agreed to relocate the northbound Oakland Ave. crosswalk, at no additional cost to the City.

Commissioner DeWeese stated that he supports Birmingham's standards for Item 2 even if the City has to pay ongoing maintenance costs in order to promote pedestrian safety.

City Engineer O'Meara confirmed for Mayor Harris that:

- If the State's crosswalk standard changed to Birmingham's standard in the future, the City's maintenance costs would be eliminated per a previous suggestion by Mayor Pro Tem Bordman.
- The maintenance costs are due to painting, which should last about four years.

City Engineer O'Meara confirmed for:

- Commissioner Hoff the City received \$144,198 in federal funding assistance for the project.
- Mayor Pro Tem Bordman there are eight crosswalks being discussed. The possibility of a crosswalk at Big Beaver was broached with Bloomfield Township, and while Bloomfield Township would like one in the future, they do not currently possess the requisite funds.

Mayor Pro Tem Bordman said that the "eight crosswalks work out to less than \$10,000 each spread over four years".

MOTION: Motion by Commissioner Boutros, seconded by Commissioner DeWeese: To authorize the Mayor to sign Contract No. 17-5499 between the City of Birmingham and the Michigan Dept. of Transportation to authorize the City's participation in a Transportation Alternatives Program grant to fund the planned improvements at the intersection of Woodward Ave. and Oak St. The estimated cost to the City in fiscal year 2017-18 is \$107,502, charged to account number 202-449.001-981.0100.

In addition, to endorse the installation of 24 inch wide continental style pavement markings at all Woodward Ave. crosswalks to be installed as a part of the 2018 Woodward Ave. Resurfacing Project, wherein the City will become responsible for the future maintenance of said crosswalks on a four year cycle.

Further to approve the appropriations and budget amendments as follows:

Major Street Fund

Revenues:

Draw from Fund Balance #202-000.000-400.0000	<u>\$107,502</u>
Total Revenue Adjustments	<u>\$107,502</u>

Expenditures:

Public Improvements #202-449.001-981.0100	<u>\$107,502</u>
Total Expenditure Adjustments	<u>\$107,502</u>

Commissioner Nickita stated that City staff was very diligent about working with MDOT during this process, and that this is a big step in creating a safer crossing areas within the City.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

VII. REMOVED FROM THE CONSENT AGENDA

01-026-18 ITEM A, MINUTES 1/8/2018

Commissioner Hoff requested the following corrections to the January 8, 2018 minutes:

MOTION: *Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman:
To amend the main motion to read:
To modify the recommendations of the Multi-Modal Transportation Board relative to the reconstruction of the following streets:*

- 1. Bennaville Ave. between Edgewood Ave. and Grant St. shall be reconstructed to match its current width of 32 ft.*
- 2. Ruffner Ave. between Grant St. and the Woodward Ave. alley shall be reconstructed to 26'.*
- 3. Ruffner Ave. between the Woodward Ave. alley to Woodward Ave. shall be reconstructed to match its current width of 32 ft.*
- ~~3.~~ 4. Chapin Ave. between Grant St. and Cummings shall be reconstructed to match its current width of 26'*
- ~~4.~~ 5. Chapin Ave. between Cummings and ~~the~~ Woodward Ave. ~~alley~~ shall be reconstructed to match its current width of 28'.*

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Boutros:
To approve the January 8, 2018 City Commission meeting minutes as corrected.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

VIII. COMMUNICATIONS

The City Commission received a letter from Joe Broder addressing the Brookside Development. Mayor Harris thanked City Manager Valentine for his reply to Mr. Broder.

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

Catherine and Thaddaus Reed appeared before the Commission.

Ms. Reed stated that:

- There have been three residential burglaries in Birmingham that have occurred in recent weeks.
- There are many things to love about Birmingham, but safety is of the utmost importance.
- Residents have not received any communications regarding the break-ins.

- The community is grateful to both the Commissioners and the police for all their work in keeping Birmingham safe.
- The community is available to help with the issue in any way they can.
- The neighborhood would like to see explicit communication between the City and the residents, strategies for approaching the issue, increased police presence, and a clear message from the Birmingham police and community that this activity will not be tolerated.

Rajeev Gupta stated that:

- On January 13th, his home was broken into while his wife was home.
- Two individuals were inside the home with an additional individual waiting in the car.
- Those individuals stole jewelry, passports, social security cards, and other important items.
- He submitted security video to the Birmingham Police, and noted the footage was also shared on social media.
- His wife is afraid to remain in the home due to the break-in.
- Birmingham residents on NextDoor, a community-oriented website, have indicated that break-ins in Birmingham are not uncommon.
- Break-ins have also happened in Troy and Bloomfield Hills recently.
- Birmingham Police should share information with Troy and Bloomfield Hills to apprehend the suspect.
- Police presence is so scarce in his neighborhood that drivers do not even feel the need to stop at STOP signs on Wallace.
- He lived in Detroit for many years and never experienced anything like this.

Mayor Harris thanked Mr. and Mrs. Reed and Mr. Gupta for bringing the issue before the Commission.

Chief of Police Clemence said that:

- Any crime is unacceptable.
- There were two break-ins on January 13th in Birmingham: one at Mr. Gupta's home, and one on the west side of the City.
- In calendar year 2017, there were six home invasions in a city of 20,000 residents and 8,500 structures, which in comparison with other cities is not many, and acknowledged that none is the goal.
- Information about the crimes were published in the police department's crime briefings.
- The police department has been approaching this investigation through an undercover unit, a financial crimes task force, communications with all Oakland, Wayne and Macomb Counties' agencies, and through federal information sharing.
- The perpetrator of a home invasion in the same Birmingham neighborhood in 2017 was apprehended.
- He apologized for the pain Mr. Gupta had suffered.
- The Police Department will continue to fully investigate this crime.

Mr. Gupta replied to Chief of Police Clemence that more information has been shared among the Birmingham community members on NextDoor than has been shared by the Birmingham Police Department. Mr. Gupta explained that he shared his home security video on NextDoor

even though the police asked him not to, and that the community response on NextDoor has been amazing. He thinks it NextDoor is a very useful source for leads regarding these robberies.

Ms. Reed inquired as to the Commission's role in planning for the community's safety.

City Manager Valentine replied that the City Commission sets policy and that City Manager Valentine directs the police department to administer the day-to-day operations of their responsibilities. City Manager Valentine continued that:

- Some information cannot be shared during an active investigation.
- The Police Department is working diligently to address the community's concerns.
- As information becomes available, information will certainly be shared. Releasing information too early may jeopardize the investigation.

Ms. Reed replied that the number of break-ins in 2018 is currently to half the run-rate from 2017, and it is only halfway through January. She continued that:

- The Commission should keep an eye on this.
- A community member should not have to come before the Commission to draw attention to the issue every time there is a break-in.
- If break-ins continue, the City should take a more pro-active stance, especially in regards to communicating with the community.

Mayor Harris told Mr. Gupta that the Commission would be willing to discuss cameras at residential intersections if it could help increase safety.

Aaron Cohen stated that he did not have notice regarding the January 8, 2018 meeting discussing the narrowing of Ruffner Ave., and presented reasons why Ruffner Ave. should not be narrowed from 28' to 26':

- It is an unfair application of the City standard.
- There are already issues with maneuverability on Ruffner Ave.
- Larger vehicles are increasing in popularity, which means road-width standards developed in 1997 are increasingly irrelevant in today's circumstances.
- Traffic will be stopped due to lack of room on the street.
- Two vehicles parked on each side of the street with a width of 8' each, plus 8' for an emergency vehicle, leaves very little room for error on the street.

Mr. Cohen finished by thanking the Commission for hearing his input and requesting that the decision to narrow Ruffner be revisited. He noted he very recently moved in and therefore may have missed the notice.

X. REPORTS

01-027-18 COMMISSIONER REPORTS

The City Commission will appoint one member, who is a representative of professional firm within the parking assessment district, to the Advisory Parking Committee on February 12, 2018.

The City Commission will appoint one alternate member to the Historic District Commission on February 12, 2018.

01-028-18 COMMISSIONER COMMENTS

Mayor Pro Tem Bordman distributed four charts detailing building attendance, membership increases from 2011 to 2018, support services, transportation services and Meals on Wheels usage. NEXT provided over 700 more rides in 2017 than in 2016. Several programs at NEXT have been sold-out due to a lack of space. The only decrease NEXT experienced was in the Meals on Wheels program, due to Federal restrictions.

Commissioner DeWeese stated that he would like to see the cursor used on the projector as part of a presentation mirrored on Commissioners’ individual laptops. City Manager Valentine said City staff would look into it.

Commissioner Nickita stated that he would be giving the first lecture of a lecture series at the Community Design Center in Rochester, New York on January 30, 2018 called “Building Places Worth Caring About”. Commissioner Nickita stated that strategies used in Birmingham by the Commission will be provided as some of the examples.

Mayor Harris read a letter from the Mayor of Ritto, Japan, Birmingham’s sister city into the record:

The sister-city relationship of Birmingham and Ritto has reached 41 years, and I would like to express our deepest gratitude for all the support from you and all the others who gave an effort to establish our relationship throughout the years.

It was our pleasure to have Mrs. Irene Soble, Mrs. Maureen Bell Field and Mr. David Field as our guests, and we hope they had a great time as much as we did during their stay. I believe that these experiences will not only put together our two cities closer, but also lead to a more peaceful and understanding world.

I will look forward to working with you closely, to continuously make our sister-city relationship stronger in the future. Finally, may I wish you every success in your endeavors for the prosperity of the people of Birmingham City, and for your own health and happiness.

Mayor Harris thanked the Mayor of Ritto for the kind letter.

Commissioner Hoff suggested that a copy of the letter be mailed to the three individuals named in the letter.

Commissioner DeWeese suggested that both the Japanese and English versions of the letter be sent to the named individuals.

XI. ADJOURN

Mayor Harris adjourned the meeting at 9:30 p.m.

J. Cherilynn Mynsberge, City Clerk

RESOLUTION 01-021-18
1669 W. MAPLE
FIRST PRESBYTERIAN CHURCH
SPECIAL LAND USE PERMIT AMENDMENT
2018

- WHEREAS, The First Presbyterian Church originally applied for and received a Special Land Use Permit on September 8, 1987 to allow for the resurfacing, lighting and landscaping of the parking lot at 1669 West Maple Road, such application having been filed pursuant to the former Section 126-477 of the City Code;
- WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the south side of West Maple Road between Larchlea and Pleasant Streets;
- WHEREAS, THE LAND IS ZONED R-1A, Single Family Residential, which permits a church with a Special Land Use Permit;
- WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be reviewed by the Birmingham City Commission at such time that any addition to or change in the building or improvements on the parcel of land is proposed or the use of the property is altered;
- WHEREAS, The applicant submitted an application for a Special Land Use Permit Amendment and Final Site Plan Review to construct an illuminated ground sign and non-illuminated directional sign;
- WHEREAS, All conditions of the previously approved 1989, 1990, 1991, 1992, 1994, 1995, 1996, 1997 and 2002 Special Land Use Permit Amendments be continued as part of this Special Land Use Permit Amendment;
- WHEREAS, The Planning Board on November 29, 2017 reviewed the application for a Special Land Use Permit Amendment and Final Site Plan and recommended approval of the application with the following condition:
1. The applicant must verify that the location of the directional sign along W. Maple Rd. is on private property or move the location to private property.
- WHEREAS, The applicant has agreed to comply with the condition of approval recommended by the Planning Board;
- WHEREAS, The Birmingham City Commission has reviewed the First Presbyterian Church's Special Land Use Permit Amendment application as well as the standards for such review, as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met and the First Presbyterian Church's application for a Special Land Use Permit Amendment and Final Site Plan Review allowing the installation of new signage is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect the public health, safety and welfare, this Special Land Use Permit Amendment is granted subject to the following conditions:

1. First Presbyterian Church shall abide by all provisions of the Birmingham City Code; and
2. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

MAY IT BE FURTHER RESOLVED that the First Presbyterian Church and its heirs, successors and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may subsequently be amended. Failure of the First Presbyterian Church to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

I, J. Cherilynn Mysnberge, City Clerk of the City of Birmingham, Michigan do hereby certify that the foregoing is a true and correct copy of the resolution by the Birmingham City Commission at its regular meeting held on January 22, 2018.

J. Cherilynn Mysnberge, City Clerk