

BIRMINGHAM CITY COMMISSION MINUTES
JUNE 4, 2018
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

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

Administration: City Manager Valentine, City Attorney Kucharek, Assistant Planner Chapman, Police Chief Clemence, Planning Director Ecker, DPS Manager Filipowski, Finance Director/Treasurer Gerber, Assistant City Manager Gunter, Assistant to the City Manager Haines, Building Official Johnson, Deputy Treasurer Klobucar, City Clerk Mynsberge, City Engineer O'Meara, Director of Public Services Wood

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

06-155-18 ANNOUNCEMENTS

Mayor Harris recognized the graduates of the 2018 Citizens Academy:

Thao Anderson	Sonia Just
Lynn Duerr	Roxane Knier
Tim Duerr	Emily Mayer
Michael Fenberg	Andy Norman
Alejandra Gonzalez	Pat Olson
Dan Haugen	Steve Sollish
Holly Heiss	Katherine Stefanou

Mayor Harris announced:

- Birmingham's in the Park free concert series takes place in Shain Park on Wednesday nights at 7 p.m., June 20 through August 15. Plus, enjoy afternoon concerts at noon on July 11 and August 1. Concerts span a diverse range of genres appealing to all ages.

- Enjoy a family-friendly film under the stars at Birmingham Movie Night in Booth Park on Friday, June 22. Pre-show entertainment begins at 7:30 p.m., and the movie starts at dusk.
- The City Commission wishes to recognize Patricia Papadopoulos for two years of service as the Alternate Hearing Officer for the City of Birmingham and to express appreciation for her contributions.

06-156-18 APPOINTMENTS TO THE BOARD OF ETHICS

The City Commission interviewed John J. Schrot, Jr., a current member of the Board.

MOTION: Motion by Commissioner Hoff:

To appoint John J. Schrot, Jr. to the Board of Ethics as a regular member to serve a three-year term to expire June 30, 2021.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

06-157-18 APPOINTMENTS TO THE GREENWOOD CEMETERY ADVISORY BOARD

Current members Linda Peterson, Laura Schreiner and George Stern and new applicant Charles McIntyre were unable to attend. Mayor Harris suggested postponing the appointments until applicants are available. The City Commission concurred.

06-158-18 APPOINTMENTS TO THE HISTORIC DISTRICT STUDY COMMITTEE

New applicant Evan Milan and current member Gigi Debbrecht were unable to attend. Current member Patricia Lang notified the City Clerk she wishes to continue serving but was unable to submit her application in time for tonight's meeting. The City Commission was in agreement to postpone the appointments until applicants are available.

06-159-18 APPOINTMENTS TO THE MUSEUM BOARD

The City Commission interviewed current members Russell Dixon and Tina Krizanac.

MOTION: Motion by Commissioner Bordman:

To appoint Russ Dixon to the Museum Board as a regular member to serve a three-year term to expire July 5, 2021.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

MOTION: Motion by Commissioner Boutros:

To appoint Tina Krizanac to the Museum Board as a regular member to serve a three-year term to expire July 5, 2021.

VOTE: Yeas, 7

Nays, 0
Absent, 0

06-160-18 APPOINTMENT TO THE BOARD OF BUILDING TRADES APPEAL

The City Commission interviewed Bradley Klein.

MOTION: Motion by Commissioner Sherman:

To appoint Bradley Klein to the Board of Building Trades Appeal as a regular member to serve the remainder of a three-year term to expire May 23, 2019.

VOTE: Yeas, 7
Nays, 0
Absent, 0

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

IV. CONSENT AGENDA

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

06-161-18 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Commissioner Hoff: Item I, Set Public Hearing-Hazel Ravines Downtown SLUP-34977 Woodward Ave.
- Mayor Pro Tem Bordman: Item E, Special Event-Seaholm Harriers 5K Run-Walk
Item F, Special Event-Oral Cancer Awareness 5K Run-Walk
- Commissioner DeWeese said he would abstain from voting on Item A, Approval of the City Commission meeting minutes of May 24, 2018, due to his being absent from the meeting.
- City Manager Valentine asked that Item H be corrected to the '2018 Local Street Paving Project'.

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

To approve the Consent Agenda, with Items E, F and I removed, and the correction of Item H from "Resolution awarding the Webster Ave. Paving Project" to "Resolution awarding the 2018 Local Street Paving Project".

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

Absent, None

- A. Resolution approving the City Commission meeting minutes of May 24, 2018.
- B. Resolution approving the warrant list, including Automated Clearing House payments, dated May 23, 2018 in the amount of \$2,991,400.22.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated May 30, 2018 in the amount of \$497,390.00.
- D. Resolution approving the appropriations and amendments to the fiscal year 2017-2018 budget as follows:

General Fund:

Revenues:

Fines and Forfeitures	101-000.000-657.0000	\$ 67,000
Total Revenue Adjustments		\$ 67,000

Expenditures:

Community Development	101-371.000-702.0001	\$(69,050)
Transfers Out	101-999.000-999.0639	25,000
	101-136.000-999.9999	111,050
Total Expenditure Adjustments		\$ 67,000

Major Streets Fund:

Revenues:

Intergovernmental	202-000.000-554.0000	\$ 65,000
	202-000.000-569.0000	135,000
Total Revenue Adjustments		\$ 200,000

Expenditures:

Administration	202-191.202-802.0100	\$ 20
Maintenance of Streets and Bridges	202-449.003-937.0400	10,000
Street Cleaning	202-449.004.702.0001	10,000
	202-449.004-937.0400	25,000
Street Trees	202-449.005-729.0000	10,000
Capital Outlay – Engineering & Construction of Roads	202-449.001-981.0100	134,980
Snow & Ice Control	202-449.006-729.0000	10,000
Total Expenditure Adjustments		\$ 200,000

Local Streets Fund:

Expenditures:

Administration	203-191.203-802.0100	\$ 20
Maintenance of Streets and Bridges	203-449.003-702.0001	(385,020)
Street Cleaning	203-449.004-937.0400	20,000
Street Trees	203-449.005-702.0001	20,000
Capital Outlay – Engineering & Construction of Roads	203-449.001-981.0100	320,000
Snow & Ice Control	203-449.006-729.0000	25,000
Total Expenditure Adjustments		\$ -0-

Solid Waste Fund:

Expenditures:		
Personnel Services	226-582.000-702.0001	\$ 5,000
Other Contractual Services	226-582.000-941.0000	(5,000)
Total Expenditure Adjustments \$ -0-		

Brownfield Redevelopment Authority Fund:

Revenues:		
Property Taxes	243-000.000-402.0001	\$ 187,500
Total Revenue Adjustments		\$ 187,500
Expenditures:		
Brownfield Redevelopment Authority Fund	243-691.000-967.0100	\$ 187,500
Total Expenditure Adjustments		\$ 187,500

Principal Shopping District Fund:

Revenues:		
Special Assessments	247-000.000-672.0870	\$ 15,000
Total Revenue Adjustments		\$ 15,000
Expenditures:		
Principal Shopping District	247-748.000-706.0002	\$ 15,000
Total Expenditure Adjustments		\$ 15,000

Capital Projects Fund:

Revenues:		
Draw from Fund Balance	401-000.000-400.0000	\$ 233,000
Total Revenue Adjustments		\$ 233,000
Expenditures:		
Public Improvement – Chesterfield Fire Station	401-339.001-977.0000	\$ 233,000
Total Expenditure Adjustments		\$ 233,000

G. Resolution approving the Change Order for the Springdale Bridge Project with Kyle Builders, Inc., as reviewed and confirmed by AEW and staff, in the amount of \$15,000, to be funded from Springdale Golf Course – Public Improvement account #584-753.001-981.0100.

H. Resolution awarding the 2018 Local Street Paving Project, Contract #4-18(P) to Angelo Iafrate Construction Company, of Warren, MI, in the amount of \$2,689,473.00, to be charged to the various accounts as detailed in the report; and further approving the appropriations and budget amendments as follows:

Water Fund

Revenues:		
Draw from Net Position	#591-000.000-400.0000	\$ 98,815
Total Revenue Adjustments		\$ 98,815
Expenditures:		
Public Improvements	#591-537.004-981.0100	\$ 98,815
Total Expenditure Adjustments		\$ 98,815

J. Resolution setting Monday, July 9, 2018 at 7:30 PM for a Public Hearing to consider necessity for the installation of water and sewer laterals within the 2018 Local Street

Paving project area. Further, setting Monday, July 23, 2018 at 7:30 PM for a Public Hearing to confirm the roll for the installation of water and sewer laterals within the 2018 Local Street Paving project area.

- K. Resolution approving the renewal of the EPI annual license with Harvey Electronics that will ensure PCI compliance and secure credit card transactions in the amount of \$11,175.00, and further, equally charging all parking garages under the following accounts:

585-538.002-811.0000
585-538.003-811.0000
585-538.004-811.0000
585-538.005-811.0000
585-538.008-811.0000

06-162-18 RESOLUTION APPROVING THE REQUEST SUBMITTED BY THE BIRMINGHAM HARRIERS/SEAHOLM HIGH SCHOOL TO HOLD A 5K RUN/WALK ON SUNDAY, AUGUST 5, 2018 AT SEAHOLM HIGH SCHOOL
and
RESOLUTION APPROVING THE REQUEST SUBMITTED BY THE ORAL CANCER FOUNDATION TO HOLD A 5K RUN/WALK RACE ON SUNDAY AUGUST 5, 2018 AT SEAHOLM HIGH SCHOOL

City Clerk Mynsberge stated that these two events were held in conjunction last year and each event has increased its number of volunteers. In addition, there will be a police presence at the events. Commissioner Hoff noted the applications for the events indicated:

- 500 attendees for the Birmingham Harriers event;
- 300 attendees for the Oral Cancer Awareness event; and
- The proposed route does not cross any major streets.

MOTION: Motion by Mayor Pro Tem Bordman, seconded by Commissioner Boutros: To approve the request submitted by the Birmingham Harriers/Seaholm High School to hold a 5K Run/Walk race on Sunday, August 5, 2018, at Seaholm High School and to approve the request submitted by the Oral Cancer Foundation to hold a 5K Run/Walk race on Sunday, August 5, 2018, at Seaholm High School.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

06-163-18 RESOLUTION SETTING MONDAY, JUNE 25, 2018 AT 7:30 PM FOR A PUBLIC HEARING TO CONSIDER A SPECIAL LAND USE PERMIT AMENDMENT FOR 34977 WOODWARD

Planning Director Ecker explained that:

- The license Hazel Ravines Downtown will be using is an economic development license (EDL) that is tied to the building.
- The new owners will also be coming before the Commission for their SLUP application.

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman:
To set Monday, June 25, 2018 at 7:30 PM for a Public Hearing to consider a Special Land Use Permit Amendment for 34977 Woodward – Hazel Ravines Downtown, to allow for the proposed renovations and decorations.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

06-164-18 PUBLIC HEARING TO CONFIRM SPECIAL ASSESSMENT DISTRICT - 2018 CAPE SEAL PROJECT – PUBLIC STREET IMPROVEMENT

Mayor Harris opened the public hearing at 7:48 p.m.

Mayor Pro Tem Bordman told the Commission that she and Mayor Harris both live in the assessment district but do not have a conflict of interest per consultation with the City Attorney.

Deputy Treasurer Klobucar reviewed the memo sent to City Manager Valentine on May 24, 2018 regarding the proposed special assessment district.

There being no further comment, Mayor Harris closed the public hearing at 7:49 p.m.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner DeWeese:
To ratify and confirm Special Assessment Roll No. 882 to defray the cost of public street maintenance of all properties fronting and/or siding on the improvement within the 2018 Cape Seal project area, and to direct the City Clerk to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement; further, that special assessments shall be payable in one (1) payment as provided in Section 94-10 of the Code of the City of Birmingham at five and three quarters percent (5.75%) annual interest. (*Formal resolution appended to these minutes as Attachment A.*)

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

06-165-18 PUBLIC HEARING TO CONSIDER THE SPECIAL LAND USE PERMIT AMENDMENT FOR 209 HAMILTON ROW/250 N. OLD WOODWARD – EMAGINE PALLADIUM

Mayor Harris opened the public hearing at 7:50 p.m.

Planning Director Ecker provided an overview of:

- Her May 21, 2018 memo to City Manager Valentine regarding this SLUP proposal; and,
- The physical changes being proposed.

Paul Glanz said:

- The Emagine hopes to have this sixth theater in continuous use, though the exact programming will be determined.
- Food will continue to be available to theater patrons.
- For tables patrons will be provided trays that fit into the theater seat cup-holders and can be sanitized after use.
- A lounge area for food service will be available as well.
- The building will be using one of its Class C licenses for this.
- Regular films may be screened in the sixth theater, but the hope is that private events will comprise the bulk of the sixth theater's programming time.
- The seats in the sixth theater can be moved.

Planning Director Ecker said the need for a second egress door will be handled through the permitting process.

There being no further comment, Mayor Harris closed the public hearing at 8:01 p.m.

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman: To approve the Special Land Use Permit Amendment for 209 Hamilton Row/250 N Old Woodward – Emagine Palladium, to allow for the renovation and installation of a 35 seat private viewing theater. (*Formal resolution appended to these minutes as Attachment B.*)

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**06-166-18 S. ETON RD. TEMPORARY STRIPING – MAPLE RD. TO 14 MILE RD.
 – MULTI-MODAL TRANSPORTATION BOARD RECOMMENDATIONS**

Assistant Planner Chapman presented the May 23, 2018 memo to City Manager Valentine regarding the proposed temporary striping on S. Eton.

City Manager Valentine said:

- The trial period will begin once the Commission approves the proposal, and will last until the City has sufficient funding to proceed. The City will be exploring the TAP grant which may cover up to 30% of the projected cost.
- The north end of Maple has referred back for further study after Whole Foods had been open for a year to get an assessment on how the intersection was working. The objective is to determine utilization of the intersection in conjunction with the lighting and the traffic from Whole Foods. That study should conclude within the next two months and will be brought before the Commission with a recommendation. These findings should be possible to incorporate into the temporary striping project.

- The success of the project will be monitored primarily through resident and citizen feedback.
- If the paint wears out, the Commission can approve repainting.
- Once the City has chosen a contractor residents will be notified through all of the City's usual communication channels regarding the project's start date.
- The TAP grant application can occur at any time, but the City must be able to match the funds being received in order to qualify for the grant. Thus, the issue is raising said funds.

Assistant Planner Chapman said the only change since the Commission approved the plan is from Yosemite to Villa. The approved motion from December 2017 called for sharrows, but now there will be a designated bicycle lane.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Nickita: To accept the recommendation of the Multi-Modal Transportation Board, and to direct staff to proceed with the installation of test features that will provide the majority of the transportation improvements being considered in a temporary mode, at a reduced cost, as outlined below:

1. Installation of painted bumpouts with lane markers at each intersection, as well as pavement markings to improve each crosswalk in accordance with the recommended plan.
2. Installation of sharrows between Maple Rd. and Yosemite Blvd.
3. Removal of parking, and installation of buffered, marked bike lanes for northbound and southbound traffic between Yosemite Blvd. and Villa Rd.
4. Removal of parking on the west side of the street, to provide room for a marked, buffered, and separated two-way bike lane, as well as white lines demarcating the northbound parking lane between Villa Rd. and Lincoln Ave.
5. Installation of double yellow lines and white line to demarcate travel lanes from the southbound parking lane between Lincoln Ave. and 14 Mile Rd.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

06-167-18 ONLINE BANKING POLICY

Director of Finance/Treasurer Gerber reviewed his May 17, 2018 memo to City Manager Valentine regarding the City's online banking policy.

Director of Finance/Treasurer Gerber stated:

- Paper checks would still occasionally be used for City payments.
- Only Treasury and Finance have access to the City's online banking.
- Plante/Moran has reviewed and approved this proposal.
- This is a living document and can be updated.
- The beginning of the second line of the third paragraph on page three should be amended to read: "Deputy Treasurer has the authority to invest City funds".
- The City is insured against employee dishonesty, and staff will submit this policy to the City's insurance carrier to see if it might reduce insurance rates.

- The new assistant finance director is very experienced with these processes.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Hoff:

To approve the Online Banking Policy as presented by Finance Director/Treasurer Gerber, with the correction on page three.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

06-168-18 CROSSWALK PAVEMENT MARKINGS – MATERIAL OPTIONS

Assistant Planner Chapman reviewed the May 23, 2018 memo to City Manager Valentine regarding material options for the crosswalk pavement markings.

Assistant Planner Chapman explained:

- HPS-8 has a high application cost and, since it is a newer product, has not yet been sufficiently tested in the region to know the material's longevity. This is why the MMTB did not recommend using HPS-8 on all City crosswalks.
- Polyurea adheres better to concrete and less well to asphalt, but still within the satisfactory range for both surfaces.
- To the average viewer, the marking materials are largely visually indistinguishable from each other.

Commissioners DeWeese and Nickita agreed that this is a work-in-progress and that the City will make updates to the marking material if necessary as the different materials are tested.

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

To approve the following materials as recommended by the Multi-Modal Transportation Board on January 4, 2018: Polyurea on all major concrete streets and HPS-8 on all major asphalt streets within the Central Business District, Triangle District, Rail District, and waterborne paint on all other streets. Depending on visibility needs and average daily traffic, polyurea or HPS-8 may be used for crosswalks adjacent to schools.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

06-169-18 RESIDENTIAL STREET WIDTH STANDARDS

Planning Director Ecker presented the May 18, 2018 memo to City Manager Valentine from Planning Director Ecker, Police Commander Grewe and City Engineer O'Meara.

Commissioner Nickita thanked staff for a very good foundation, and suggested:

- An introduction outlining goals for Birmingham infrastructure, with attention towards 'complete streets' and other guiding concepts.

- Making pedestrian safety, walkability, neighborhood enhancement, and building upon the goals of the master plan the express and primary objective of developing the City's infrastructure.
- Acronyms in the Birmingham residential street design standards should be spelled out for the benefit of people who may not be familiar with them.
- Cost or current potential for disruption should not be weighted very heavily as exceptions to the 26' standard since residential roads remain as-built for upwards of forty years.
- Street adherence to or deviation from the standards should also take the widths of neighboring streets into account. This means bullet point two under the second street design standards should say that the street width may remain the same, but exceptions should be provided for circumstances in which a street would not remain the same width.
- The lettered points under section four should include:
 - Does it adhere with complete streets?
 - Is it accommodating multi-modal and mobility issues?
 - Did we consider the neighborhood context and character, identifying the adjacent street infrastructure and the potential effect of the proposed size?
 - How is the overall neighborhood built, and how does the City want it to be built in the long term? How does this proposed street-width fit into those considerations?

Planning Director Ecker noted:

- Section four includes the requirement that any exceptions adhere to the Intent of the standards.
- The MMTB did not focus on multi-modal considerations here because those are separately considered in the multi-modal plan which primarily do not address residential streets.
- Agreement with Commissioner Nickita's feedback and said she would bring it back to the MMTB for addition.

Commissioner Sherman commended the MMTB and suggested:

- Deleting "Exceptions may be considered when factors, such as those described in Section 4, are evident" from section two.
- Rephrasing the second bullet point in section two as "**Existing Street is 28 feet or less in width**: If existing street width is 28 ft. or less in width, street may be reconstructed at the existing width provided there is a reason prescribed under section four."
- Following Commissioner Nickita's points for section four, with special focus on the nature and composition of the neighboring streets.

City Engineer O'Meara explained:

- Part of the reason for keeping existing 28' streets at 28' was to avoid debate and frustration on the part of the residents, since it was only a 2' difference.
- Some streets are smaller than 24', so the text was an attempt to not have to widen streets if there was no reason to do so.

Commissioner Sherman suggested that most of the time there will be an exception leading to a reduction in the street width from 28', making the second bullet point in section two superfluous.

Mayor Harris agreed to changing the second point in section two to read “may” instead of “shall”, but said rephrasing the second point in section two to reference the exceptions in section four would have the undesired effect of precluding resident opinion from being a factor in a potential street width-change.

Mayor Pro Tem Bordman said:

- ‘Neighborhood characteristics’ should be made explicit including block length, sidewalks, size of public green space, right-of-way, the distance between sidewalks and the fronts of houses, the size of the lots themselves, the sizes of the homes, the length of time the road has been at its current width and other factors.
- Most studies show that a street-width range of 26’ to 28’ encompasses best practices; not a uniform application of a 26’ street-width.
- Neighborhood preference for street-width should have greater emphasis. It should not be the sole criterion considered, but should be more central than it currently is.

Planning Director Ecker explained that:

- Commercial standards will apply to both commercial blocks and fully commercial streets, and the residential standards will apply to both residential blocks and fully residential streets.
- The street-width standards were approved by the Fire Department.

Commissioner Hoff said changing ‘shall’ to ‘may’ is a positive change, and the exceptions should remain where they are in section two. She also agreed with Mayor Pro Tem Bordman in that resident preference should be a larger factor.

Planning Director Ecker clarified that, as it stands, resident opinion would not sway a decision unless another reason for an exception existed.

Commissioner Nickita clarified this is a policy, not an ordinance, which can be deviated from should the City find it prudent.

Mayor Pro Tem Bordman suggested adding “Where neighbors have a preference for a particular street-width, that preference may only be considered if one or more of the following conditions also exist” as the last sentence in the introduction in section four.

Commissioners Nickita and Sherman suggested this point was identically included in section three.

City Engineer O’Meara said certain streets, such as ones with churches or schools, may have 1,500 vehicles pass through daily.

Planning Director Ecker said the 1,500-vehicle threshold was approved by the City’s consultants and the Police Department.

Commissioner DeWeese:

- Thanked the MMTB and city staff for their work on this document.

- Suggested it would be most beneficial if this document were clear enough that the public could understand it.
- Said cost considerations can be addressed at the discretion of the Commission.
- Pointed out that sometimes more traffic, paradoxically, is better-handled with a narrower street.
- Concluded that the document should be returned to the MMTB and the edits made.

City Engineer O'Meara suggested that consideration of on-street parking utilization would reveal some of the 'neighborhood characteristics' Mayor Pro Tem Bordman wanted considered because on-street parking utilization would reveal information about a neighborhood's average lot-size: small lots likely lead to more frequent on-street parking, and larger lots likely lead to more infrequent on-street parking.

Mayor Harris said one conflict is whether neighborhood input is an equally-weighted criterion, or is only considered in conjunction with other criteria.

Planning Director Ecker recommended changing the second point in section two to read "Existing Street is 28 feet or less in width: If existing street width is 28 ft. or less in width, street may be reconstructed at the existing width," which would have the intended effect of the exception-clause in the introduction to section two being applicable to this statement.

There was consensus that if the last two sentences from section three were moved to section four as a criterion, that would sufficiently resolve various Commissioners' concerns.

Mayor Harris, with the consensus of the City Commission, deviated from the agenda to address Item 6H before item 6G.

06-170-18 PARKS BOND OPPORTUNITY

City Manager Valentine made a presentation based on his memo to the City Commission dated May 23, 2018.

City Manager Valentine said:

- The City Commission authorized \$25 million in 2001, but the City has spent about \$20 million.
- Delineated costs of the Parks and Recreation Master Plan are about \$10 million at this time, but there are other projects in the Master Plan that have not had their funding requirements laid out yet.
- The Parks and Recreation Board will be coming back to the Commission with project priorities, and what could realistically be completed in the next five years.
- The Commission should approve the next bond issuance by the middle of August if they want it to appear on the November 2018 ballot.
- The City will consult with bond council to make sure the City's practices are consistent with what is required.
- The conceptual Master Plans will not be enacted without the requisite further study.

Commissioners Hoff and Sherman said they do not want to see this project rushed, and the Commission should not attempt to get this work done in time for the August submission deadline.

MOTION: Motion by Commissioner Sherman, seconded by Mayor Pro Tem Bordman:
To direct the Parks and Recreation board to review the 2018 Parks and Recreation Master Plan's Five-Year Capital Improvement Plan and work with staff to identify facility needs related to the Parks and Recreation operation through a public engagement process to identify a priority list of projects and associated amounts to be considered for a potential parks bond to be implemented over the next 3 to 5 years, and further, to return to the City Commission with a recommendation for consideration.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

06-171-18 N. OLD WOODWARD AVENUE/BATES STREET PROJECT

Assistant City Manager Gunter outlined highlights from the June 4, 2018 memo written to City Manager Valentine regarding this project.

Planning Director Ecker presented a PowerPoint on the N. Old Woodward Parking Deck/Bates Street Extension that detailed the development consultant selection process, the desired amenities for the parking structure, and the Ad Hoc Parking Development Committee's (AHPDC) recommendation to the City Commission.

City Manager Valentine clarified that the Commission is being asked to allow staff to hire a development consultant to create a development agreement with Walbridge/Woodward Bates Partners LLC, ('Walbridge') which would then be returned to the Commission for review and approval at a later date.

City Manager Valentine said a development consultant would:

- Liaise between the City and Walbridge to negotiate the terms of the City's development agreement with Walbridge.
- Bring a high level of expertise regarding the formulation of this development project.
- Provide the best representation of the interests of the City to Walbridge.

Commissioner Nickita explained as a member of the AHPDC that public-private partnerships (P3) tend to be very complicated, and that is why the AHPDC recommends hiring a development consultant to facilitate the process.

Commissioner Hoff said this decision is a very significant one, and she would like to hear much more Commission input on the details of the plan.

Commissioner DeWeese replied that:

- When the Commission approved the Request for Proposal for this project, the Commission reviewed the details extensively at that time and set forth guidelines that were consistent with the City's 2016 Plan and the Master Plan.
- One of the bidders for the RFP listened to the Commission's direction, and one went well beyond the stated scope and intentions. Commissioner DeWeese prefers working with a bidder that takes the Commission's direction seriously in the first place. For this reason, Walbridge is the clear choice.
- The Walbridge plan is less financially risky for the City and can be built in components if need be.
- The City will incur costs resulting from displaced parking after demolition of the previous N. Old Woodward garage and prior to the building of the new garage, but similar costs will be incurred regardless of the plan selected.
- A 15-story building would not be in-line with the Birmingham cityscape.
- Some details would need to be discussed further, such as the liner buildings requiring floors high enough to be true retail, but those can be addressed during the review of the development agreement.
- The Commission is not being asked to approve details yet, but rather to proceed with preliminary planning of this project.

Mayor Pro Tem Bordman said:

- Both plans were beautiful, but that Walbridge's proposal adhered to the character of Birmingham much more than the proposal from TIR Equities.
- Some concerns remain about details in the Walbridge plan, but those can be addressed.
- The Walbridge plan extends and develops Bates Street as intended by the Master Plan, and increases the amount of pedestrian foot-traffic to include the residential building on the westernmost part of Bates that overlooks the river.
- She is in favor of the whole project, and is in favor of the Walbridge proposal.

Commissioner Sherman noted the proposals were beautiful but insufficiently in-line with the original objective of the AHPDC, which was only to expand parking capacity.

Commissioner Nickita said while the priority was parking expansion, it was necessary to do so in a contextualized way that would enhance the downtown and the sites in question, which is how the AHPDC and the Commission oriented this task.

Commissioner Nickita continued that the Walbridge plan provides a solution for parking, provides a solution for an under-developed area of Birmingham and enhances the goals of the 2016 Plan. He finished that the question that remains is how to best make this a financial opportunity for the City, which will be determined by continuing this process.

Commissioner Boutros said selecting the right development consultant is essential in order to achieve the primary objective of expanding parking options.

Commissioner Sherman agreed with Commissioner Boutros, stating the focus is expanding parking, with the development of Bates being a secondary consideration.

Planning Director Ecker stated that both proposals address:

- The need for at least 350 additional public parking spaces; and,
- The parking required to accommodate the proposed new developments.

Commissioner DeWeese said the words of caution are wise, but that the next step involves further study and so remains a prudent way of moving forward.

Mayor Harris said he was impressed by the proposals and found them to be in-line with the 2016 Plan and the AHPDC goals. He also agreed the Commission should proceed cautiously, and to that end should secure a development consultant.

MOTION: Motion by Mayor Pro Tem Bordman, seconded by Commissioner DeWeese:

To approve the recommendation of the Ad Hoc Parking Development committee and to direct the City to continue discussion with Walbridge/Woodward Bates Partners LLC to advance their proposal for increased parking and Bates Street development in a combined and incremental development approach; and further, to consider the engagement of a development consultant to represent the City in future negotiations.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

VII. REMOVED FROM THE CONSENT AGENDA

The items removed were discussed earlier in the meeting.

VIII. COMMUNICATIONS

None.

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

None.

X. REPORTS

06-172-18 COMMISSIONER REPORTS

The City Commission will appoint one regular member to the Board of Zoning Appeals on July 9, 2018.

06-173-18 COMMISSIONER COMMENTS

Commissioner DeWeese said residential parking requirements in downtown Birmingham effectively price out individuals who may not need parking included with their residence because the cost of providing parking is rolled-in to the cost of an apartment. He would like to see more younger and

mixed-income residents downtown. Thus, he would like City staff and Boards to evaluate the structure of Birmingham parking incentives.

Commissioner Nickita agreed with Commissioner DeWeese, noting that the parking requirements are the root cause of many issues with parking in Birmingham and that the parking requirements have not changed while the circumstances in the downtown have changed. He suggested this evaluation can integrate into the Master Plan as it occurs because he sees them as different levels of analysis.

Commissioner DeWeese observed that with ride-sharing and similar services the need to own a car is decreasing, as well, so Birmingham's parking requirements address a need that is on the decline.

City Manager Valentine said:

- The City's parking consultants are not looking at any land-use issues.
- The Commission could broach this issue at its upcoming joint meeting with the Planning Board, whereupon the Commission can also provide some direction for further exploring ordinance requirements for parking.

Mayor Pro Tem Bordman said this should be studied sooner than the Planning Board could accommodate, and echoed Commissioner Nickita's suggestion of a possible ad hoc committee.

City Manager Valentine said that the ad hoc committee might still end up with a number of Planning Board members due to their familiarity with land-use issues, and suggested that this could be re-assigned as the Planning Board's top priority instead.

Commissioner Hoff suggested procuring an urban parking consultant for the proposed ad hoc committee so that the City is working with someone with expertise in that area.

Commissioner Boutros agreed with Commissioner Hoff that an urban parking consultant should be brought in because it would be such a significant change to the City.

Commissioner Nickita observed that there was consensus among the Commissioners that the issue should be addressed, and proposed making it a priority at the upcoming joint meeting with the Planning Board in order to clarify what the best next steps would be.

XI. ADJOURN

Mayor Harris adjourned the meeting at 11:00 p.m.

J. Cherilynn Mynsberge, City Clerk

**SPECIAL ASSESSMENT ROLL NO. 882
2018 CAPE SEAL**

To confirm Special Assessment Roll No. 882, to defray the cost of public street maintenance of all properties fronting and/or siding on the improvement within the 2018 Cape Seal as listed in the table submitted on June 4, 2018:

WHEREAS, Special Assessment Roll, designated Roll No. 882, has been heretofore prepared by the Deputy Treasurer for collection, and

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

WHEREAS, the Commission has deemed it practicable to cause payment of the cost thereof to be made at a date closer to the time of construction and Commission Resolution #05-135-18 provided it would meet this 4th day of June, 2018 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this June 4, 2018, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll as determined in Section 94-9 of the Code of the City of Birmingham,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 882 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that special assessments shall be payable in one (1) payment as provided in Section 94-10 of the Code of the City of Birmingham at five and three quarters percent (5.75%) annual interest.

I, Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on June 4th, 2018.

Cherilynn Mynsberge, City Clerk

EMAGINE PALLADIUM
209 HAMILTON ROW / 250 N. OLD WOODWARD
SPECIAL LAND USE PERMIT AMENDMENT
2018

WHEREAS, Emagine Palladium filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a food and drink establishment in the B4 zone district in accordance Article 2, Section 2.37 of Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the east side of N. Old Woodward, north of Hamilton Row;

WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits the operation of food and drink establishments serving alcoholic beverages with a Special Land Use Permit;

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;

WHEREAS, The applicant submitted an application for a Special Land Use Permit Amendment to install a new 35 seat private viewing theater in the former dining area of Four Story Burger;

WHEREAS, The Planning Board reviewed the application on April 25th, 2018 for a Special Land Use Permit Amendment and Final Site Plan Review and recommended with no conditions;

WHEREAS, The Birmingham City Commission has reviewed Emagine Palladium's Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that Emagine Palladium's application for a Special Land Use Permit Amendment and Final Site Plan at 209 Hamilton Row/250 N Old Woodward is hereby approved;

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

1. Emagine Palladium shall be permitted to provide entertainment in

- accordance with their entertainment permit issued by the MLCC;
2. Emagine Palladium shall abide by all provisions of the Birmingham City Code; and
 3. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest including, but not limited to, violations of the state law or Birmingham City Code.

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

BE IT FURTHER RESOLVED, Except as herein specifically provided, Emagine Palladium and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of Emagine Palladium to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

MAY IT BE FURTHER RESOLVED that Emagine Palladium is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises with a Class C Liquor License, at 209 Hamilton Row/250 N Old Woodward, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

I, Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on June 4th, 2018.

Cherilynn Mynsberge, City Clerk