

BIRMINGHAM CITY COMMISSION MINUTES
MAY 22, 2017
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Mark Nickita called the meeting to order at 7:30 PM.

II. ROLL CALL

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

Administration: City Manager Valentine, City Attorney Currier, City Clerk Brown, Police Commander Grewe, City Planner Ecker, Finance Director Gerber, Assistant to the City Manager Haines, City Engineer O'Meara, Library Director Koschik

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

Mayor Nickita announced:

- The Memorial Day service will be held Monday, May 29, 2017 beginning at 10:00 AM in Shain Park.
- The recent passing of Ronald Buchanan, a member of Birmingham's Martha Baldwin Park Board.

Oakland County Commissioner Shelley G. Taub presented proclamations from the Oakland County Board of Commissioners to Commissioner Hoff for earning the 2017 Outstanding Alumni Award from Michigan State University, and to Mayor Nickita for being inducted to the National Institute of Architects College of Fellows.

Assistant to the City Manager Haines presented parking technology enhancements allowing users to get real time data on the number of parking spaces available in each of the City's parking structures. The data is accessed through a widget on the homepage of the City's website. The widget can also be accessed from the City's mobile-friendly website. Ms. Haines clarified the widget is not an app, but rather a feature on the website

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.

05-131-17 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Commissioner Hoff: Item I (Removal of "No Parking" signs on Lawndale)
Item K (Special Event-Birmingham Harriers & Oral Cancer Foundation)

Commissioner Hoff commented the style used for the May 8, 2017 minutes is more readable.

- Mayor Pro Tem Harris: Item A (City Commission minutes of May 8, 2017)

MOTION: Motion by Commissioner Boutros, seconded by Commissioner DeWeese: To approve the Consent Agenda, with items A, I and K removed.

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

- B. Approval of warrant list, including Automated Clearing House payments of May 10, 2017 in the amount of \$231,832.78.
- C. Approval of warrant list, including Automated Clearing House payments of May 17, 2017 in the amount of \$1,312,772.80.
- D. Resolution opting into Oakland County's Urban County Community Development Block Grant (CDBG) programs for the years 2018, 2019 and 2020. Furthermore, remaining in Oakland County's Urban County Community Development programs, which shall be automatically renewed in successive three-year qualification periods of time, or until such time that it is in the best interest of the City to terminate the Cooperative Agreement.
- E. Resolution appointing City Manager Joseph A. Valentine as Representative and DPS Director Lauren Wood as Alternate Representative for the City of Birmingham, on the SOCRRA Board of Trustees for the fiscal year starting July 1, 2017.
- F. Resolution appointing City Engineer Paul T. O'Meara, as representative, and Austin Fletcher, Assistant City Engineer, as alternate representative, for the City of Birmingham, on the Southeastern Oakland County Water Authority Board of Trustees for the period starting July 1, 2017.
- G. Resolution approving the purchase of the traffic signal modernization for the intersection of Maple and Chesterfield from the Road Commission for Oakland County in the amount of \$91,595.41; further waiving normal bidding requirements and authorizing this expenditure from account number 202-303-001-971.0100.
- H. Resolution setting Monday, June 12, 2017 at 7:30 PM for a public hearing to consider the following amendments to Chapter 126, Zoning, of the City Code:
To amend Article 2, Section 2.43, TZ2 (transition zone 2) District Intent, permitted uses, and special uses to add the TZ2 zoning classification;

To amend Article 2, Section 2.44, TZ2 Development Standards to add standards for the TZ2 district;

To renumber the existing TZ3 (transition zone 3) zoning classification, district intent, permitted uses, and special uses to Article 2, Section 2.45 with no changes;

To renumber the existing TZ3 (transition zone 3) zoning classification, Development Standards to Article 2, Section 2.46 with no changes;

To amend Article 5, Section 5.15, Use Specific Standards, to add use specific standards for the TZ2 zone district;

AND

To amend Chapter 126, Zoning, of the Code of the City of Birmingham, Article 4, to apply each section to the newly created TZ2 zone districts.

- J. Resolution approving the termination of the November 14, 1949 agreement restricting development of the North 40 feet of Lot 16 and Lots 17 and 18 of Assessor's Plat No. 27.

The Commission agreed to discuss the removed items at this time.

05-132-17 REMOVAL OF "NO PARKING" SIGNS ON LAWNSDALE (Item I)

Police Commander Grewe clarified the portion of Lawnsdale, from Oakland to Madison, where removal of "No Parking" signs is being proposed is a different block from the block being proposed for reconstruction.

MOTION: Motion by Commissioner Hoff, second by Commissioner Bordman:
To approve removing "NO PARKING" signs on the east side of Lawnsdale from Madison to Oakland.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

05-133-17 SPECIAL EVENT - BIRMINGHAM HARRIERS AND ORAL CANCER FOUNDATION (Item K)

Commissioner Hoff suggested the need for more volunteers to ensure safety, noting challenges encountered with the Michigan Parkinson Foundation's (MPF) "I Gave My Sole for Parkinson's" walkathon, on Saturday, May 20. She noted:

- MPF did not have enough volunteers to keep the walkers from spilling off the sidewalks onto the road.
- Walk/run events need enough volunteers to man every intersection.
- Volunteers for walk/run events need training on traffic control.
- The City needs to notify organizations holding walk/run events of the need for volunteers to control traffic.

Terri McCardell, representing the Birmingham Harriers 5K Run/Walk, explained:

- Student/parent teams will be at every intersection.
- Side streets will be closed for about 15 minutes for the runners.
- Lincoln will be barricaded, and the far right northbound lane on Cranbrook will be closed.

- Each organization will be doing separate advertising for their event, each organization will carry their own insurance coverage, and each organization will conduct their own fundraising.
- The two organizations are holding the race at the same time on the same course.
- The two organizations will work together on all aspects of the day's event.
- Both organizations are equipped for parking and volunteers.

Commander Grewe confirmed police officers will be in attendance at the event. He also explained that walkers in the MPF walkathon were supposed to be on sidewalks.

MOTION: Motion by Commissioner Hoff, second by Commissioner Boutros:
 To approve the requests submitted by the Birmingham Harriers and the Oral Cancer Foundation to hold a joint race to benefit two causes, under the names of the Birmingham Harriers 5K Run/Walk and the Oral Cancer Awareness 5K Run/Walk, on Saturday, August 5, 2017, contingent upon compliance with all permit and insurance requirements and payment of all fees, and further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

05-134-17 CITY COMMISSION MINUTES OF MAY 8, 2017 (Item A)
 Mayor Pro Tem Harris, regarding motion 05-126-17 DEFINITION OF RETAIL IN THE REDLINE RETAIL DISTRICT on page 12, requested clarification that the Commission asked the Planning Board to provide definitions of both "community" and "personal service".

Following discussion, the Commission determined the City Clerk should review the audio record of the meeting to provide a clear decision on the content of the motion.

The Commission took no action.

V. UNFINISHED BUSINESS

None

VI. NEW BUSINESS

05-135-17 PUBLIC HEARING - FINAL SITE PLAN AND SPECIAL LAND USE PERMIT AMENDMENT FOR THE TOWNSEND HOTEL AT 100 TOWNSEND STREET

Mayor Nickita opened the public hearing at 8:06 p.m.

City Planner Ecker reported:

- On March 31, 2017, the owners of THC Investors Limited Partnership, DBA The Townsend Hotel, submitted an application for a Final Site Plan and Special Land Use Permit Amendment to allow for an ownership change within the limited partnership to admit a new limited partner, GAS Hotels, LLC.
- After being admitted to the THC Investors Limited Partnership, GAS Hotels, LLC purchased the remaining interest of The Townsend Hotel Corporation, thus eliminating this entity as a limited partner in the partnership.

- The liquor license for the Townsend Hotel will continue to be owned by THC Investors Limited Partnership, DBA The Townsend Hotel.
- No changes are proposed to the layout, design, name or operation of the existing Townsend Hotel or any of the food service facilities within the hotel.

City Planner Ecker noted:

- The Birmingham Police Department conducted an investigation into the new ownership team proposed for THC Investors Limited Partnership, DBA The Townsend Hotel.
- The Chief of Police recommends approval of the transfer of 9.25254% interest in the licensed entity of THC from Mary Anne Hockman, trustee of the Mary Anne Hockman Trust to Gas Hotel, LLC, along with the transfer of 9.25254% interest from The Townsend Hotel Corporation to Gas Hotel, LLC.

In response to a request for clarification from Commissioner Hoff, Liquor License Attorney Kelly Allen of Adkison, Need, Allen, & Rentrop, PLLC, explained:

- Townsend Hotel Corp owned 18.9% of the limited partnership.
- The ownership transfer process was done in two steps.
- Step 1: The Townsend Hotel Corporation assigned 9.25254% interest in THC to its stockholder, Mary Anne Hockman, Trustee of the Mary Anne Hockman Trust.
- Step 2: Simultaneously, Mary Anne Hockman, Trustee of the Mary Anne Hockman Trust assigned her interest in THC to GAS Hotel, LLC.

City Attorney Currier confirmed for Mayor Pro Tem Harris the City's ordinance involving alcoholic liquor requires any transfer of ownership be approved by the City Commission as a local rule.

Commissioner Sherman voiced appreciation to the Townsend Hotel for notifying the City and requesting approval to amend their Special Land Use Permit (SLUP) in accordance with the rules governing SLUPs in the City of Birmingham.

Mayor Nickita closed the public hearing at 8:11 p.m.

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

To adopt the resolution approving the Final Site Plan and Special Land Use Permit Amendment for The Townsend Hotel at 100 Townsend Street to allow the addition of a new limited partner to THC Investors Limited Partnership, DBA The Townsend Hotel, subject to execution of a Special Land Use Permit contract between THC Investors Limited Partnership and the City of Birmingham,

AND

Resolution approving the transfer of 9.25254% interest in the licensed entity of THC from Mary Anne Hockman, trustee of the Mary Anne Hockman Trust to Gas Hotel, LLC, along with the transfer of 9.25254% interest from The Townsend Hotel Corporation to Gas Hotel, LLC. (Chapter 10, Alcoholic Liquors, Section 10-42). *Formal resolution appended to minutes as Attachment A.*

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

City Engineer O'Meara reported:

- Concrete patching of Lawndale Ave. from Oakland Blvd. to Woodward Ave. was included in the capital improvements list for FY2017.
- Well over 80% of the concrete pavement is in poor condition leading staff to conclude a change may be appropriate.
- With reduced traffic demand resulting from changes in 1967 and in the 1970's, the one-way traffic configuration, and no parking, a 20 ft. width pavement would be sufficient.
- The Multi-Modal Master Plan does not contain a proposal for use of this street as a part of the Multi-Modal improvements planned for the City, but a relocated Woodward Ave. crosswalk has been suggested to improve safety for pedestrians and bicyclists by removing the right turn conflict from westbound Oakland Ave. which currently exists at the crosswalk.
- The Michigan Department of Transportation (MDOT) is planning a resurfacing project on Woodward Ave. in 2018, and staff will pursue an improvement of the crosswalk as part of that project.
- The Multi-Modal Transportation Board (MMTB) reviewed the conceptual plan.
- The existing handicap ramp at the corner of Oakland Ave. will be updated to meet current standards as a part of this project.
- The adjacent green space to the west will become four feet wider and will be maintained by the City.
- The MMTB endorsed staff working with MDOT to pursue the Woodward Ave. crosswalk relocation, and suggested the City's forestry staff consider planting new trees in the enlarged green space.

Discussion ensued regarding the timeline for installing ADA compliant ramps if the road project is not included with MDOT's Woodward Ave. resurfacing project. Commissioner DeWeese was concerned that the City would install curb that would then have to be removed and rebuilt with an ADA ramp.

Mayor Nickita introduced discussion on the possibility of reconfiguring current crosswalk and sidewalk ADA ramps as part of the project.

- Commissioner DeWeese, referencing the sidewalk on the east side, asked if that southeast corner has a handicap ramp.
- City Engineer O'Meara confirmed there is a city sidewalk going to the west with an ADA ramp that is not up to code and needs to be rebuilt.
- Mayor Nickita asked about plans to accommodate pedestrian crossing to the north side. He advocated for development of a plan of action for reconfiguring crosswalks to an appropriate standard that accommodates the crosswalk concerns. He indicated the first issue is where the north end of the new ADA ramp goes, which affects the discussion. He asked if there is enough time to look at better alternatives before the project as proposed moves forward resulting in a ramp being built that is not optimally located.
- Commissioner Bordman suggested two ramps, noting there is a connection from south to north at the end of the sidewalk. The sidewalk on the southeast connects to a sidewalk going east-west on the northwest corner. She cautioned there is an innate conflict between what is thought to be safer and what people actually do. She recommended that the City look at what people do and keep it as safe as possible.

City Manager Valentine, summing up the concerns and comments from the Commission, recommended referring the issue of crosswalk location and construction back to the MMTB for review in relation to the Commission's concerns and request the MMTB to bring recommendations forward to the Commission. He indicated there are issues relative to the north and south crossings which were not considered as part of the conversation of the street paving project.

Commissioner Sherman concurred with City Manager Valentine's proposal that the Commission take action on the resolution suggested by City Engineer O'Meara, and refer the issue of the sidewalk ramps back to the MMTB.

City Engineer O'Meara clarified for Commissioner Hoff the other block of Lawndale is cape sealed, not cement.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Boutros: To approve the plan to reconstruct Lawndale Ave. from Oakland Blvd. to Woodward Ave. at a reduced width of 20 ft. Improvements to the block will include compliance with ADA requirements at the Oakland Ave. intersection, and increased green space on the adjacent City owned park parcel directly west of this block. Further, direct staff to:

1. Pursue relocation of the crosswalk on Woodward Ave. (to be implemented with the MDOT resurfacing project scheduled for 2018), and
2. Consider the installation of new trees in this green space area.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

05-137-17 CHANGES TO 2017-2018 RECOMMENDED BUDGET AND 2017-2018 BUDGET APPROPRIATIONS RESOLUTION

Finance Director Mark Gerber presented the 2017-2018 Budget with the changes discussed at the April 22, 2017 Budget Hearing incorporated.

In response to questions from Commissioner Hoff, City Manager Valentine explained:

- Rental payments from the general fund to the auto equipment fund are being suspended for FY2018 because there is currently a sufficient balance in the auto equipment fund to cover planned vehicle purchases in FY2018.
- The delayed Old Woodward project is being budgeted based on the lowest bid submitted for Option 1A. By delaying certain payments and allowing these reserves to grow, the fund balance in these accounts will maintain a healthy level.
- Recommended amounts budgeted for outside agencies remain at the same level as the current fiscal year.

Commissioner Bordman questioned an allocation in the budget for the Linear Park Plan, which yielded the following:

- City Planner Ecker confirmed a concept plan for a linear park running along the rail road tracks was recommended for the Rail District.
- City Manager Valentine confirmed the City does not own the property to facilitate the plan.

- Commissioner Bordman requested the allocation be redistributed to some other worthy cause.
- Commissioner Sherman agreed to move the Linear Park Plan allocation to the Old Woodward paving project.

Commissioner Bordman announced the proposed budget reduces Birmingham's millage rate for the third year in a row. While some people object to so-called high taxes in Birmingham, what residents really have is low taxes with high values. She noted when you apply a high value home against a low tax rate you still have quite a lot of tax to pay but not because the millage rate is high.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Boutros:
 To approve the budget appropriations resolution adopting the City of Birmingham's budget as amended to remove the \$5,000 allocation for the Railroad District Linear Plan Project and add it to Old Woodward project and establishing the total number of mills for ad valorem property taxes to be levied for the fiscal year commencing July 1, 2017 and ending June 30, 2018.
Formal resolution appended to minutes as Attachment B.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

05-138 -17 DOWNTOWN BICYCLE PARKING PLAN – PHASES 2 AND 3

City Planner Ecker reported:

- In 2012 the City Commission approved Phase I of the Downtown Bicycle Parking Plan, which included approval of the purchase and installation of 42 bike racks downtown.
- The plan consists of three phases that recommend installation of a total of 101 bike racks at 80 different locations.
- Phase II of the Plan proposes to add 21 bike racks at 20 different locations, and Phase III will add 27 bike racks at 27 different locations.
- The Planning Division currently has \$15,000 in funding available in FY 2016-2017 for the purchase and installation of bike racks throughout downtown.
- A GIS assessment revealed 49 racks are awaiting approval by the City Commission.
- Due to proposed construction on Old Woodward, the Planning Division recommends that 9 of the proposed racks not be ordered at this time.
- A request has recently been made to install a bike rack near the entrances to City Hall on the south elevation of the building. The additional rack could be purchased by adding \$228.96 to the quote.

In response to questions from Commissioners, City Planner Ecker clarified:

- Each rack accommodates two bikes.
- In 2007 the Triangle District plan made it a requirement for developers to provide bike racks on-site as part of their development.
- Racks will be placed at points both north and south of Old Woodward, but not within the proposed Old Woodward reconstruction zone.
- Kroger has its own bike racks.
- The racks will have a sticker, as standard practice, that says "please walk bike on sidewalk".

Mayor Nickita suggested moving forward maybe there is an opportunity to update the plan to include racks at large areas that have been repaved.

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

To authorize the purchase of 41 permanent bike racks as proposed in Phases 2 and 3 of the Downtown Bicycle Parking Plan, with the addition of one bike rack near the central entrance to City Hall on the south elevation of the building, using the proposed inverted-U bike rack model with the plastisol finish from Cycle Safe in the amount of \$9,130.96 from account #101-721.000-811.0000, and further to direct staff to proceed with the installation of 41 permanent bike racks as proposed in Phases 2 and 3 of the Downtown Bicycle Parking Plan, with the addition of one bike rack near the central entrance to City Hall on the south elevation of the building.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**05-139 -17 USE OF ALTERNATES, REPORTING BOARD ATTENDANCE, AND
MODIFYING REQUIREMENTS FOR BOARD MEMBERS**

Assistant to the City Manager Haines presented results of a review of board and committee attendance suggesting that three groups might benefit from having two alternate positions added to increase attendance and/or achieve quorum: 1) Advisory Parking Committee, 2) Parks and Recreation Board, and 3) Public Arts Board.

Assistant to the City Manager Haines also presented, based on review of current methods of using alternates, the following recommended process for use of alternates to be consistent for all boards and committees, with the exception of the Zoning Board of Appeals.

1. Alternates are to be called on a rotating basis to sit as a regular member in the absence of a regular member.
2. Alternates are provided the same access (printed or electronic) to the agenda packet as regular members, regardless if they have been called to sit in as an alternate or not.
3. Alternates are to be contacted with as much lead time before the meeting date as possible. Staff will ask during each meeting if any regular member is planning to be absent at the upcoming meeting. Staff will also email regular members at least two days prior to the meeting date to confirm attendance. The appropriate alternate (using a rotating schedule) is contacted by staff and confirms or denies the offer to sit in. A record of their attendance is maintained by staff based on if they were called and turned down the opportunity; then it would count as an absence. Not being asked does not constitute an absence and would be left blank in the attendance record.
4. Alternates are expected to be familiar with current board issues either by attending live meetings, watching live broadcast remotely, reviewing archived video recordings of the meetings, or by reading the meeting minutes. In meetings where an issue discussed will be continued at a future meeting, it is appropriate to require that same alternate to come back, and the regular member to recuse his or herself based on their earlier absence.
5. Alternates under consideration for selection and addition to a committee or board, must meet one of the already established criteria for one of the regular members.

Commissioner Hoff asked why the rosters for some boards were included in the packet, and Assistant to the City Manager Haines explained the Commission had asked which boards used the language "in so far as possible" in regards to qualifications for appointment.

Commissioner Hoff stated the requirement for alternates to be aware of issues is an important point.

Commissioner Bordman advocated for alternates being required to attend all meetings, explaining that being present in the meeting room will elevate the status of alternates, promote comradery between the alternates and the regular board members, establish continuity in discussions, and allow alternates to be fully prepared. She further proposed that every member of a board or committee who misses a meeting be required to either read the minutes or watch the video of the meeting in order to keep up.

Regarding attendance:

- Commissioner Boutros noted the importance of enforcing attendance of regular members as well as alternates, and suggested a minimum attendance requirement for reappointment eligibility.
- Mayor Nickita said attendance is documented for all appointees. He was not in favor of instituting a minimum attendance requirement, but suggested the Commission review attendance to determine whether or not reappointing a member would be appropriate.
- Commissioner DeWeese concurred that attendance be taken for both regular and alternate members, and believed recording attendance results in self-adjustment. He recommended the attendance recording document contain no blanks, as blanks signify something missed.

The Commission was generally in favor of Commissioner Bordman's requirement for alternates to attend all meetings and discussed ways in which to implement the requirement into recommended process for use of alternates. Commissioner Sherman suggested Assistant to the City Manager Haines revise the policy in conformity with the Commission's discussion, rather than either the Commission trying to draft new language at the table, or having staff bring a revised policy back.

Assistant to the City Manager Haines summarized the discussion, noting the Commission wants clarification that alternates are required to attend all meetings, that a record of attendance of both alternates and regular members be maintained, and that the language is clear that the expectation of the alternate is the same level as that of a regular member.

MOTION: Motion by Commissioner Bordman, seconded by Mayor Pro Tem Harris:
To amend the ordinances of the Advisory Parking Committee, the Parks and Recreation Board, and the Public Arts Board, to add 2 alternate positions to each as follows:

To amend Resolution No. 08-882-84 – August 6, 1984, Advisory Parking Committee, Members.

AND

To amend Part II of the City Code, Chapter 78, Parks and Recreation, Article II., Parks and Recreation Board, Section 78-26, Created; composition.

AND

To amend Part II of the City Code, Chapter 78, Public Arts Board, Article V., Public Arts Board, Section 78-103, Composition and terms of members.

AND

To direct the city clerk to standardize the attendance reporting of all city boards and committees as outlined in the May 12, 2017 memorandum to the city manager and as clarified

by the Commission and to direct staff to amend the Recommended Process for Use of Alternates as clarified by Commissioner Bordman.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

05-140-17 2017 FEE SCHEDULE REVISIONS – PARKING METER AND METER BAG RATES / OUTDOOR DINING CAFÉ PLATFORM PARKING FEES

Police Commander Grewe noted in January, 2017 the Commission approved a rate increase for all parking meters in the City. He explained that changes therefore need to be made to the City's Fee Schedule for the meter rates themselves, meter bag rental fees, and outdoor dining platforms and valet stations which are charged a fee calculated on the number of parking spots used and the rate for the meters at those spots.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner DeWeese:
To amend the Schedule of Fees, Charges, Bonds and Insurance, Engineering Department section to provide for a \$0.50 increase in all parking meter rates; further to amend the Schedule of Fees, Charges, Bonds and Insurance, Police Department section to increase the daily meter bag fee to \$18.00; further to amend the Schedule of Fees, Charges, Bonds and Insurance, City Clerk's Office section to incorporate outdoor dining café platform fees in the amount of \$2,280.00 per season per space in \$1.00 per hour metered areas and \$3,420.00 per space per season in \$1.50 per hour areas plus charges for removal and restoration of parking meter housings and or poles; further to increase valet parking bag meter fees to \$216.00 per bag per month.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

05-141-17 ORDINANCE - SEC. 98-73 PROHIBITION OF THE USE OF GOLF CARTS

Police Commander Grewe explained:

- In 2015 a new state law took effect which permits cities with a population fewer than 30,000 to allow the operation of golf carts on city streets.
- Golf carts are not made for street use. They are not designed for impact, they have no seatbelts, no brake lights, no horns, and do not have the braking or acceleration capacity of a normal vehicle.
- Due to safety concerns a recommendation is being made to adopt an ordinance prohibiting the operation of golf carts on any public property.
- Any golf cart used for a city purpose is exempt from the ordinance.

MOTION: Motion by Commissioner Boutros, seconded by Mayor Pro Tem Harris:
To adopt an ordinance amending Part II of the City Code, Chapter 98 Street, Sidewalks and other public places, Article II. Streets, to add section 98-37 Prohibition of the use of golf carts on public roads within the city limits and authorizing the Mayor and City Clerk to sign the ordinance on behalf of the city.

VOTE: Yeas, 7
 Nays, 0

Absent, 0

05-142-17 UPDATE OF WEAPONS ORDINANCE TO INCLUDE BOWS AND CROSSBOWS

Police Commander Grewe reported:

- City Ordinances do not prohibit shooting a bow or crossbow in the City.
- Due to significant safety concerns with the use of such weapons in the City, they should be added to the list of prohibited weapons.

Commissioner DeWeese asked about differentiating a regular target bow and arrow from a toy and asked if the City is being onerous in the language such that a child is being prohibited from playing with a toy bow and arrow. Police Commander Grewe explained officers have discretion on a call about whether or not the weapon in question is being used as a toy.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Hoff:
To adopt an ordinance amending Part II of the City Code, Chapter 74 Offenses, Article VI – Offenses Against Public Safety, Division 2 Weapons with the following changes:

Sec. 74-206 – Definitions – to add Bow and Crossbow.

AND

Sec. 74-208 – Change Confiscation of firearms – to Confiscation of Weapons and to add “bows and arrows and crossbows”.

AND

Sec. 74-209 – Discharge – Add “bow and arrow and crossbows”.

AND

Sec. 74-210 – Possession – Add “bow and arrow and crossbows”.

AND

Sec. 74-213 – Brandishing – (a) add “or weapon”, eliminate current (2) and (3) and add “or weapon” to (4).

AND

Sec. 74-214 - Intentionally aiming a firearm without malice – add “or weapon”.

VOTE: Yeas, 7
Nays, 0
Absent, 0

VII. REMOVED FROM 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

05-143-17 COMMISSIONER COMMENTS

Commissioner Bordman announced NEXT is moving out of Midvale for June 17 - August 20, 2017 and will be housed at Beverly Elementary School, located next to Beverly Park just west of

Southfield Road on Beverly Road, which is also known as 13½ Mile Road. The temporary move is in order for some improvements to be made at Midvale School which will make it a much more comfortable setting.

05-144-17 CITY STAFF REPORTS

The Commission received the 3rd Quarter CDBG Fund response, submitted by Finance Director Gerber.

XI. ADJOURN

The regular meeting was adjourned at 9:23 PM.

J. Cherilynn Brown
City Clerk

ATTACHMENT A

**THE TOWNSEND
HOTEL 100
TOWNSEND
SPECIAL LAND USE PERMIT
AMENDMENT 2017**

- WHEREAS, The Townsend Hotel has filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a restaurant with alcoholic beverage sales for on-premise consumption under Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit is sought is located on the north side of Townsend Street between Pierce and Henrietta;
- WHEREAS, The land is zoned B-4 and D-4, and is located within the Downtown Birmingham Overlay District, which permits restaurants with alcoholic beverage sales for on- premise consumption 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, No site plan or design changes are proposed to the existing Townsend Hotel at 100 Townsend;
- WHEREAS, The owner the Townsend Hotel, THC Investors Limited Partnership, DBA as The Townsend Hotel, is now requesting approval of the Birmingham City Commission to allow a transfer in ownership of the limited partnership to include a new limited partner, GAS Hotels, LLC, and eliminating The Townsend Hotel Corporation as a limited partner;
- WHEREAS, The Birmingham City Commission has reviewed The Townsend Hotel's Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;
- NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that The Townsend Hotel's application for a Special Land Use Permit Amendment authorizing a transfer of ownership of an existing establishment with alcoholic beverage sales (on-premise consumption) at 100 Townsend in accordance with Chapter 10, Alcoholic Liquors, 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 is granted subject to the following conditions:

1. The Townsend Hotel shall abide by all provisions of the Birmingham City Code;
2. The Special Land Use Permit may be cancelled by the City Commission upon finding that the continued use is not in the public interest; and
3. The Townsend Hotel enter into a contract with the City outlining the details of the proposed restaurant.

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

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

I, Cherilynn Brown, 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 April 24, 2017.

Cherilynn Brown, City Clerk

ATTACHMENT B

BUDGET APPROPRIATIONS RESOLUTION

WHEREAS, the City Manager has submitted the proposed 2017-2018 Budget, and:

WHEREAS, the City Commission has reviewed the 2017-2018 Budget, and;

WHEREAS, the City Commission has held a Public Hearing on the 2017-2018 Budget;

WHEREAS, Chapter VII, Section 14 of the Birmingham City Charter requires that the City Commission pass an annual appropriations resolution, and;

NOW THEREFORE, BE IT RESOLVED, that the City Commission does hereby adopt the following estimated revenues for the City of Birmingham for the fiscal year commencing July 1, 2017, and ending June 30, 2018:

GENERAL FUND:

Taxes	\$ 23,591,500
Licenses & Permits	3,134,260
Intergovernmental Revenue	2,014,620
Charges for Services	2,873,130
Fines & Forfeitures	1,744,940
Interest & Rent	294,290
Other Revenue	108,090
Contributions from Other Funds	100,000
Draw from Fund Balance	<u>483,050</u>
Total General Fund	\$ 34,343,880

MAJOR STREETS FUND:

Intergovernmental Revenue	\$ 1,397,260
Interest & Rent	8,100
Other Revenue	56,370
Contributions from Other Funds	2,100,000
Draw from Fund Balance	<u>1,096,260</u>
Total Major Streets Fund	\$ 4,657,990

LOCAL STREETS FUND:

Intergovernmental Revenue	\$ 482,900
Interest & Rent	36,330
Other Revenue	396,000
Contributions from Other Funds	2,200,000
Draw from Fund Balance	<u>523,080</u>
Total Local Streets Fund	\$ 3,638,310

COMMUNITY DEVELOPMENT BLOCK GRANT FUND:

Intergovernmental Revenue	<u>\$ 32,020</u>
Total Community Development Block Grant Fund	\$ 32,020

SOLID WASTE DISPOSAL FUND:	
Taxes	\$ 1,820,000
Intergovernmental	4,500
Charges for Services	9,600
Interest	14,460
Draw from Fund Balance	<u>85,720</u>
Total Solid Waste Disposal Fund	\$ 1,934,280
LAW AND DRUG ENFORCEMENT FUND:	
Fines & Forfeitures	\$ 35,000
Interest	<u>1,020</u>
Total Law and Drug Enforcement Fund	\$ 36,020
DEBT SERVICE FUND:	
Taxes	\$ 1,648,700
Intergovernmental	4,000
Interest	<u>2,990</u>
Total Debt Service Fund	\$ 1,655,690
GREENWOOD CEMETERY PERPETUAL CARE FUND:	
Charges for Services	\$ 200,000
Interest	11,600
Contributions from Other Funds	<u>20,000</u>
Total Greenwood Cemetery Perpetual Care Fund	\$ 231,600
PRINCIPAL SHOPPING DISTRICT FUND:	
Special Assessments	\$ 901,970
Interest	3,900
Other Revenue	190,000
Draw from Fund Balance	<u>204,140</u>
Total Principal Shopping District Fund	\$ 1,300,010
BALDWIN LIBRARY FUND:	
Taxes	\$ 3,103,390
Intergovernmental Revenue	978,610
Charges for Services	95,350
Interest	<u>11,000</u>
Total Baldwin Library Fund	\$ 4,188,350
BROWNFIELD REDEVELOPMENT AUTHORITY FUND:	
Taxes	\$ 328,500
Charges for Services	3,000
Interest	1,130
Other Revenue	<u>20,600</u>
Total Brownfield Redevelopment Authority Fund	\$ 353,230
TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY FUND:	
Interest	<u>\$ 100</u>
Total Triangle District Corridor Improvement Authority Fund	\$ 100

CAPITAL PROJECTS FUND:	
Intergovernmental Revenue	\$ 20,040
Interest	14,170
Other Revenue	4,980
Contribution from Other Funds	736,570
Draw from Fund Balance	<u>118,310</u>
Total Capital Projects Fund	\$ 894,070
AUTOMOBILE PARKING SYSTEM FUND:	
Charges for Services	\$ 8,011,000
Interest	<u>100,230</u>
Total Automobile Parking System Fund	\$ 8,111,230
WATER-SUPPLY SYSTEM RECEIVING FUND:	
Taxes	\$ 750,000
Charges for Services	4,576,490
Interest	16,720
Contributions from Other Funds	500,000
Draw from Net Position	<u>123,070</u>
Total Water-Supply System Fund	\$ 5,966,280
SEWAGE DISPOSAL FUND:	
Taxes	\$ 1,585,000
Intergovernmental Revenue	6,880
Charges for Services	8,434,990
Interest	
Draw from Net Position	<u>2,190,130</u>
Total Sewage Disposal Fund	\$ 12,238,720
LINCOLN HILLS GOLF COURSE:	
Charges for Services	\$ 661,200
Interest	33,390
Other Revenue	<u>200</u>
Total Lincoln Hills Golf Course Fund	\$ 694,790
SPRINGDALE GOLF COURSE:	
Charges for Services	\$ 473,100
Interest & Rent	19,200
Other Revenue	200
Draw from Net Position	<u>29,520</u>
Total Springdale Golf Course Fund	\$ 522,020
COMPUTER EQUIPMENT FUND:	
Intergovernmental Revenue	\$ 25,520
Charges for Services	558,020
Interest	12,260
Other Revenue	3,000
Draw from Net Position	<u>372,700</u>
Total Computer Equipment Fund	\$ 971,500

AND, BE IT FURTHER RESOLVED, that the City Commission does hereby adopt on a budgetary center basis the following expenditures for 2017-2018:

GENERAL FUND:

General Government	\$ 5,503,600
Public Safety	12,559,870
Community Development	3,390,720
Engineering & Public Services	6,183,120
Transfers Out	<u>6,706,570</u>
Total General Fund	\$ 34,343,880

MAJOR STREETS FUND:

Maintenance of Streets and Bridges	\$ 377,140
Street Cleaning	173,690
Street Trees	241,870
Traffic Controls & Engineering	710,520
Snow and Ice Removal	341,460
Administrative	18,200
Capital Outlay-Engineering and Construction of Roads and Bridges	<u>2,795,110</u>
Total Major Streets Fund	\$ 4,657,990

LOCAL STREETS FUND:

Maintenance of Streets and Bridges	\$ 1,294,160
Street Cleaning	240,940
Street Trees	498,640
Traffic Controls & Engineering	68,990
Snow and Ice Removal	189,100
Administrative	25,600
Capital Outlay-Engineering and Construction of Roads and Bridges	<u>1,320,880</u>
Total Local Streets Fund	\$ 3,638,310

COMMUNITY DEVELOPMENT BLOCK GRANT FUND:

\$ 32,020

SOLID WASTE DISPOSAL FUND:

Personnel Services	\$ 152,320
Supplies	10,000
Other Charges	1,761,960
Capital Outlay	<u>10,000</u>
Total Solid Waste Disposal Fund	\$ 1,934,280

LAW AND DRUG ENFORCEMENT FUND:

Capital Outlay	\$ 5,950
Contribution to Fund Balance	<u>30,070</u>
Total Law and Drug Enforcement Fund	\$ 36,020

DEBT SERVICE FUND:

Debt Service	\$ 1,650,950
Contribution to Fund Balance	<u>4,740</u>

Total Debt Service Fund	\$ 1,655,690
GREENWOOD CEMETERY PERPETUAL CARE FUND:	
Expenditures	\$ 20,000
Contribution to Fund Balance	<u>211,600</u>
Total Greenwood Cemetery Perpetual Care Fund	\$ 231,600
PRINCIPAL SHOPPING DISTRICT FUND:	\$ 1,300,010
BALDWIN LIBRARY FUND:	
Expenditures	\$ 3,483,320
Contribution to Fund Balance	<u>705,030</u>
Total Baldwin Library Fund	\$ 4,188,350
BROWNFIELD REDEVELOPMENT AUTHORITY FUND:	
Expenditures	\$ 329,460
Contribution to Fund Balance	<u>23,770</u>
Total Brownfield Redevelopment Authority Fund	\$ 353,230
CAPITAL PROJECTS FUND:	\$ 894,070
AUTOMOBILE PARKING SYSTEM FUND:	
Expenses	\$ 5,587,130
Contribution to Net Position	<u>2,524,100</u>
Total Automobile Parking System Fund	\$ 8,111,230
WATER-SUPPLY SYSTEM RECEIVING FUND:	\$5,966,280
SEWAGE DISPOSAL SYSTEM FUND:	\$ 12,238,720
LINCOLN HILLS GOLF COURSE:	
Expenses	\$ 687,180
Contribution to Net Position	<u>7,610</u>
Total Lincoln Hills Golf Course	\$ 694,790
SPRINGDALE GOLF COURSE:	\$ 522,020
COMPUTER EQUIPMENT FUND:	\$ 971,500

BE IT FURTHER RESOLVED that the budget summary above be approved as the 2017-2018 City Budget and that this resolution shall be known as the City of Birmingham 2017-2018 General Appropriations Act.

BE IT FURTHER RESOLVED that the City Commission does hereby designate \$24,876,600 to be raised by 11.2481 mills levied for General Purposes on the taxable valuation of all real and personal property subject to taxation in the City.

BE IT FURTHER RESOLVED that the City Commission does hereby designate \$3,118,390 to be raised by 1.4100 mills levied for Library Operations on the taxable valuation of all real and personal property subject to taxation in the City

BE IT FURTHER RESOLVED that the City Commission does hereby designate \$2,649,600 to be raised by 1.1906 mills levied for Debt Service Requirements on the taxable valuation of all real and personal property subject to taxation in the City.

BE IT FURTHER RESOLVED that the City Commission does hereby designate \$1,825,000 to be raised by 0.8252 mills levied on the taxable valuation of all real and personal property subject to taxation in the City for the purpose of the collection and removal of garbage and trash of the City as authorized by MCL 123.261, et. seq.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to make budgetary transfers within the budgetary centers established through the adoption of this budget, and that all transfers between budgetary centers may be made only by further action of the City Commission pursuant to the provisions of the Michigan Uniform Accounting and Budgeting Act.

BE IT FURTHER RESOLVED that the 2017-2018 budget shall be automatically amended on July 1, 2017, to re-appropriate encumbrances outstanding and reserved at June 30, 2017.

BE IT FINALLY RESOLVED that the City Treasurer be authorized to add to all taxes paid after August 31, 2017, three-fourths of one percent (3/4 of 1%) penalty each and every month, or fraction thereof, that remains unpaid. On all taxes paid after February 14, 2018, and through February 28, 2018, there shall be added a late penalty charge equal to three percent (3%) of such tax.

I, Cherilynn Brown, 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 April 24, 2017.

Cherilynn Brown, City Clerk