

BIRMINGHAM CITY COMMISSION MINUTES
DECEMBER 12, 2016
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 Commissioner Bordman Commissioner Boutros Commissioner DeWeese Mayor Pro Tem Harris Commissioner Hoff Commissioner Sherman
	Absent,	None

Administration: City Manager Valentine, City Attorney Currier, Acting Clerk Arft, DPS Director Wood, Police Chief Clemence, Finance Director Gerber, City Engineer O'Meara, City Planner Ecker, Fire Chief Connaughton

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

12-370-16 APPOINTMENT TO THE HISTORIC DISTRICT STUDY COMMITTEE

MOTION: Motion by Hoff:

To appoint Paul Beshouri to the Historic District Study Committee to serve a three year term to expire June 25, 2019.

VOTE: Yeas, 7
Nays, None
Absent, None

Commissioner DeWeese added that there are still open positions on this committee, and suggested individuals contact the Clerk's Office for more information.

12-371-16 APPOINTMENT TO THE CABLECASTING BOARD

MOTION: Motion by Harris:

To appoint Scott Weller to the Cablecasting Board to serve the remainder of a three-year term on the Cablecasting Board to expire March 30, 2017.

VOTE: Yeas, 7
Nays, None
Absent, None

Commissioner DeWeese noted this board has an alternate position available.

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.

12-372-16 APPROVAL OF CONSENT AGENDA

MOTION: Motion by Hoff, seconded by Boutros:

To approve the Consent Agenda as follows:

- A. Approval of City Commission minutes of October 27, 2016.
- B. Approval of warrant list, including Automated Clearing House payments, of December 7, 2016 in the amount of \$1,851,265.14.
- C. Resolution approving a request submitted by the Community House to hold the Bates Street Block Party on Merrill and Bates on August 12, 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.
- D. Resolution approving a request submitted by the Memorial Day Committee to hold the Memorial Day Ceremony and aerial fly over on May 29, 2017 at 10:00AM, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
- E. Resolution accepting the resignation of Adam Charles from the Board of Trades Appeals, thanking Mr. Charles for his service, and directing the Acting Clerk to begin the process to fill the vacancy.
- F. Resolution authorizing Bowen Electric, LLC to install electrical and communications wiring in four parking structures in preparation for the installation of Skidata traffic control equipment at all entrance and exit gates, at a total cost of \$38,426, according to the following schedule:

Pierce St. Structure	585-538.002-981.0100	\$10,478
Park St. Structure	585-538.003-981.0100	\$ 9,360
Peabody St. Structure	585-538.004-981.0100	\$ 9,200
N. Old Woodward Ave.	585-538.005-981.0100	\$ 9,388
- G. Resolution appointing Mayor Mark Nickita to serve as the City's delegate to SEMCOG and City Manager, Joe Valentine, to serve as the alternate.

ROLL CALL VOTE: Yeas, Commissioner Hoff
 Commissioner Boutros
 Commissioner Sherman
 Commissioner DeWeese
 Commissioner Bordman
 Mayor Pro Tem Harris
 Mayor Nickita

 Nays, None
 Absent, None

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

12-373-16 POPPLETON PARK CONCEPT SITE PLAN DATED SEPTEMBER 19, 2016.

DPS Director Wood provided the history of this project to date. The city hired M. C. Smith Associates and Architectural Group, Inc. to provide professional landscape architectural services to Poppleton Park in order to create a concept site plan. The services included an existing site analysis, attending meetings and developing a concept site plan based on public input.

The concept site plan is the first step to establish a "wish list" for a particular city park, which then becomes a tool to assist with planning efforts followed by more public discussions. It also makes for an ideal opportunity to incorporate the Poppleton Park concept site plan in the comprehensive 2012-2016 Parks and Recreation Master Plan, which is set to be updated during 2017. Once included in the overall Master Plan document, such Concept Plans can then be utilized for additional planning, budgeting and assist in applying for grants. Plus, it is a great opportunity to use to encourage donations for possible site amenities in the years ahead.

By way of some background, Poppleton Park is a 17.21 acre City property classified as a community park. Community parks typically contain a wide variety of recreation facilities to meet the diverse needs of residents from the community. They may include areas of intense active recreation as well as passive recreation opportunities not commonly found in neighborhood parks. Community parks can be large in size, but also include smaller parks meant to serve the entire community.

The City of Birmingham Parks and Recreation Master Plan 2012-2016 has identified Poppleton Park as part of the park improvement plan for a variety of potential updates. In addition, the fiscal year 2015-2016 budget planned for the creation of a concept site plan for Poppleton Park. Plus, as the result of a joint meeting of the City Commission and Parks and Recreation Board from September 15, 2014 Poppleton Park was highlighted among others as a priority. This called for the evaluation of parking options to relieve neighborhood impacts and to improve existing park conditions over and above general maintenance. So, as a result of planned initiatives the outcomes of this ongoing process to prepare a park concept site plan assists the administration in planning for long-term recreational improvements. This helps with a variety of tasks such as establishing priorities, timelines, budgeting and preparing action plans to address community concerns over the upcoming years.

During the course of this year, public input meetings about Poppleton Park included a Public Workshop held at the February 2, 2016 Parks and Recreation Board meeting. A second public input session was held on the October 5, 2016 meeting at the Parks and Recreation Board meeting to review a proposed concept site plan for Poppleton Park. The end result based on the Public Workshop held on February 2, 2016 and October 5, 2016, including public communications, neighborhood requests, review of parking options and the Parks and Recreation Master Plan is included herewith as a concept site plan which was adopted and endorsed on October 5, 2016 by the Parks and Recreation Board. In an effort to provide some additional details pertaining to the Poppleton Park Concept Site Plan a letter dated November 7, 2016 to Birmingham Community Members is enclosed as additional material.

The attached public notices were mailed out to all Homeowner Association Presidents and other interested parties including print media and various electronic media sources such as E-notify, City website and social media about the February 2, 2016 and October 5, 2016 public meetings. Also included with the material is a very rough cost estimate for Poppleton Park improvements based on the layout and design of the proposed concept site plan. The estimates are strictly projections for construction costs and do not represent actual bids. They serve as a guide to help determine project scope, phasing opportunities and for budgeting park priorities

community-wide. The approved minutes from the February 2, 2016 and October 5, 2016 Parks and Recreation Board meetings are attached to serve as a reference to the Public Workshops. Also, included in this agenda packet are the various community emails from the public and communications regarding Poppleton Park, submitted in advance of this report being assembled.

Next steps going forward would be to include the accepted Concept Plan with the updated Parks and Recreation Master Plan in the upcoming year. The Concept Plan will also serve as a placeholder for future planning, budgeting opportunities and a starting point for design and development for ongoing park improvements.

Michael Smith, Tiffany Smith, and Melinda Whitten of M.C. Smith Associates and Architectural Group were present to describe the Concept Plan. Mr. Smith described the park's existing conditions after evaluations were made of the site and with the DPS staff. He described it as not a very extensive park. It is a green space with an outdated playground and a couple of recreation activities.

One of the most important things was to develop appropriate spatial allocation for the barrier-free play area for both upper and lower level age groups to be used for both neighborhood and community use. Shelter buildings are always included for the playgrounds for shade shelter. Accessible walks were designed to provide access into the playground. The ballfield is utilized a great deal and needs some improvements. The open space could be significantly improved for better drainage for multi-use open space. Mr. Smith is aware of the controversy over trees that are in the field, and there is no interest in taking out trees where not appropriate. Once a detailed topographic survey and soil evaluation are done, then further determinations can be made on how they fit in a regrading plan and as far as saving and maintaining the trees. They have designed a picnic shelter for group utilization at the end of the open area. The accessible walkways around the entire park with good connections to the neighborhoods are an important aspect in the plan. Parking needs were discussed with safety in mind.

Mr. Smith said this park is not consistent with the community's quality and stature at this time. It has the opportunity to be an outstanding neighborhood and community resource. Parks are quality of life issue for communities.

Commissioner Boutros asked for the location of new trees.

Commissioner Hoff asked to establish experience in Birmingham. Mr. Smith said that he worked on the Master Plan for the Rouge River Trail, and the Design/Master plan and the engineering for Barnum Park.

Mayor Pro Tem Harris asked if any component is necessarily dependent on another. Mr. Smith said if the playground is improved, then the city needs to provide barrier-free walkways to the playground of a maintainable hard surface material. He said the other pieces are somewhat the city's prerogative. Parking is an evolution of additional analysis. From a priority perspective, he suggested undertaking the playground first, then the open field, then walkways.

Commissioner Bordman confirmed Mr. Smith said that if we improve the playspace/playground area, we would have to add to barrier-free accessibility to the play areas.

Commissioner Hoff asked how the Concept Plan was developed. Mr. Smith received an outline that came from the Parks & Recreation Master Plan and the Park Board and was given a list of appropriate kind of program elements that were desirable from the city's perspective. Their job was to facilitate those ideas and show how much space it takes to do the playground and how much open space would be appropriate for a park of this size and how it best orients on the land.

Commissioner DeWeese said that this plan comes across as a single package, but if we choose some things over others, he asked if another Concept Plan is needed. Mr. Smith said the next step is to determine the direction the city wants to take to improve the park. A topographic survey would be done to be precise about the drainage and conduct soil borings; then he would start a design/development or master plan to receive additional input from everyone in the community on the playground, landscaping, etc.

Mayor Nickita said this park has not been addressed in many years. Mr. Smith has identified the deficiencies in terms of drainage, slope, etc. He asked Mr. Smith to explain site lighting upgrades and how that would be incorporated. Mr. Smith said the security lighting would be set so they are visible to prevent possible vandalism or inappropriate activities.

Mayor Nickita noted that this plan includes and discusses the issues of the current playground, drainage, soil, grading, and ADA accessibility. He added that the proposed Concept Plan discusses the current day standards for the park to bring it up to the standard that allows for basic functions, and not just the addition of elements.

Mayor Nickita asked how Mr. Smith arrived at the need for 88 parking spaces, and if that was based on the number thought to be needed, or was it based on the capacity that the design allowed for in the way it was configured. Mr. Smith said the number of spaces grew slightly based upon input from MDOT planners. He said parking is a highly negotiable element, and while the park is city land, their roadway is being accessed and MDOT has appropriate input into how, and with what access occurs.

Mayor Nickita said that once the parking lot is accessed from Woodward, we now have included MDOT in the discussion as to what the requirements are because it is now part of the roadway responsibility. He explained that Woodward Avenue is not controlled by the city, since it is a state street. Mr. Smith said the city will have the benefit of MDOT's expertise in terms of access.

Mayor Nickita said he is trying to determine the different drivers in determining that number. Mr. Smith said with the parking being as sensitive an issue, the total quantity of additional parking is something that needs to be further evaluated and substantiated based upon the community needs and standards. He considers it a community park because of the features it has and the size of it in the city.

Commissioner Sherman commented that it was good to see so much interest in this issue to assist in the decision the commission will be asked to make. He said we are being asked to accept the Concept Plan or reject it. There is also a third option to accept and remove elements of the plan. Concept Plans are not adopted; they are only accepted, rejected or modified. The plan is held for a more in-depth discussion when the opportunity arises. It is viewed as a placeholder or a wish list of things that we want to think about when we want to develop. The city has a history of doing it this way.

Commissioner Sherman said they have received much communication about the Concept Plan which has been very helpful. He noted that the entire community has been talking about this plan before the Commissioners had seen it, and that is how a Concept Plan is supposed to be developed. The Commissioners' opinions, while relevant because of funding and budgeting, is not as important as the public's is.

Commissioner Sherman suggested that this is a park Concept Plan, and he believes the parking should be removed from the park Concept Plan.

MOTION: Motion by Sherman, seconded by Bordman:

To remove the parking element from the park Concept Plan, and move on to discuss the park and recreation elements of the park Concept Plan.

Commissioner Hoff said she is supportive, because that is the element that has appeared in most communications. There is a cohesive voice against the 88 spots on Woodward.

Commissioner Boutros said he is pleased with the motion.

Commissioner DeWeese is supportive of the motion. This park is due for getting close to its potential.

Mayor Nickita is in support of the idea of removing the parking. This sets the city in a position to be ready to go to the next level of identifying funding, and budgeting for improvements to enhance the parks.

Mayor Nickita said as opposed to having everyone in the audience come up to speak on the motion, and after having taken an informal show of hands that indicated that the public is unanimously in support of the motion on the floor, to remove the parking element from the park Concept Plan.

Jeff Hagen commented on Woodward access. Mayor Nickita said that access from Woodward would be included.

John Rushe commented about drinking fountains and picnic shelter.

Christine Fields expressed concern about the process. Mayor Nickita indicated that will be discussed next.

John Barry suggested amending the motion. Mayor Nickita clarified the motion is only about the park Concept Plan which includes the proposed parking element.

Commissioner Hoff called the question.

VOTE: Yeas, 7
 Nays, None
 Absent, None

Mayor Nickita suggested having a productive dialog about the other items, keeping in mind a major component is general upgrade of items that have been overlooked for a while. By

moving the plan forward in some way, the city is able to look at funding. He suggested starting off the discussion with the play structure and playground area element.

Commissioner Hoff said she saw the most support for an updated playscape area to make it accessible for all.

Commissioner Bordman said she received communications from those who have special needs children. There is nowhere in the city for those children to play. She is supportive of universally acceptable playscapes.

Commissioner Sherman said it definitely belongs in the Concept Plan, and it would be interesting to hear if there is any opposition to it.

Mayor Nickita experienced the dramatic difference in the play structure that was updated at the park near his home.

Commissioner Hoff said tonight we are just approving an upgrade to the play area, but not selecting. She asked Mr. Smith if there are currently paths to get in to the area, and that paths should be included to be accessible.

Commissioner Boutros thinks the new play area is a must. It must be safe for everyone.

Mayor Nickita asked for comments about the drainage upgrade.

Commissioner DeWeese said that the drainage upgrade will help make greenspace more usable. It is not now living up to its potential.

Mayor Nickita said that leads to the idea of the open, multi-use level play area in the space.

Commissioner DeWeese said people would like more trees to enhance certain areas of the park, and prefer that mature trees not be removed. The proposal calls for 90 new trees in various locations to replace some that are diseased and dying.

Mayor Nickita said the site lighting deals with security issues. Mr. Smith added that he prefers input from the Police Department.

Commissioner Hoff said the walking path and the shelter are two of the other elements that are more controversial and the Commission should discuss.

Commissioner Bordman asked what is the intention for the shelters. Mr. Smith said that most shelters are used by families for picnics, neighborhood picnics, teachers, educators for classes, lunches, and the community. Most communities schedule their utilization. He believes without the parking, the shelter still has value for neighborhood school groups and people who want to utilize the shelter. That location provides proximity to view the entire field area and shade from the sun.

Mr. Smith said the playground shelter is essential for sun protection, and they rarely do a playground of this type without some shade shelter.

Commissioner Bordman asked Ms. Wood about renting the pavilion in Springdale and asked if this is the intent for the shelters being discussed. Mr. Smith added that the shelter in the play area should not ever be rented as it will be used for people to sit as their children play. Ms. Wood added the larger one was placed for the activities there. If the city were to permit it for rentals, it would follow the policy of the city.

Commissioner Bordman feels we do not really need the larger shelter, and we should encourage the shelter designed for the play structure for the reasons given.

Mayor Pro Tem Harris concurred with Commissioner Bordman about the large shelters. He said he has heard that walking paths are almost universal in new parks in the metro area. Mr. Smith said walking is the number one activity now. The path provides a great recreation opportunity for everyone.

Commissioner DeWeese noted that the Barnum master plan contains a picnic shelter. He is supportive of Commissioner Bordman's suggestion about the shelters.

Commissioner DeWeese suggested that walking paths are a very good way to get people into the park. He heard concerns about the closeness of the north side path to the homes there. The path could be designed to be moved away from the homes, and he does not want to eliminate the path because of a concern which could be alleviated or resolved.

Commissioner Boutros suggested that since the parking along Woodward has been eliminated, we may want to consider benches along the walking path, rather than the shelter.

Mayor Nickita agreed that the shelter in the play area is a must. He found the other one less a value to the park. Given the fact that there are other areas that they exist or will exist at some point, he is not sure it is necessary. He finds the walking paths valuable and uses the Barnum paths a great deal. He anticipates that Wimbledon residents that live near Abbey would like to have some type of path to get to the park rather than walking on grass. He thinks adjustments could be made to the path to provide a level of comfort to the residents in the homes near the pathway.

Commissioner Hoff is in favor of the walking path in the Concept Plan, and agrees with the one shelter. She asked about the restrooms. Mr. Smith said the current plan has enclosures or a screen for portable toilets to soften the look. They would be placed on a pad, and would be ADA accessible with a paved walkway to them.

Commissioner DeWeese said the drinking fountains and improvements to the ball field seem to be popular.

Mayor Pro Tem Harris asked Ms. Wood about outfield improvements. Ms. Wood said general improvements include a new fence, new grass and a warning path.

Mayor Nickita invited the public to offer brief comments.

Ruby Teegarden is concerned about the walking path near the home and cutting down any healthy trees and is supportive of all the other details discussed.

Anne Bray suggested using hydrology relative to drainage issues.

Heidi Geissbuhler commented on the location of the walking paths near the homes, and is concerned about the ball field and street parking.

David Wilner commented on communication, walking paths, and safety of the park.

Joern Buss commented on ongoing costs, other forms of walkways, and opening up competition for design.

Glen Maylath commented on the playground and is against walking paths inside the park.

Stacy Miller commented on the play structure and is against walkways.

Margaret Kowal commented on green open space and is against paths inside the park.

Clinton Baller commented on community involvement.

Steve Howell commented on increasing accessibility, improving drainage, and changing the character of the park.

Tim Teegarden commented on the ball field and the value of green space and trees, and limiting walkways.

Commissioner Bordman suggested investigating why the field is wet and based upon results, we may want to consider something else. She does not want to overlook it.

DPS Director Wood responded that would be done as a normal course of action for any projects, with a site survey. When design and development plans are underway, that would be looked at then.

Commissioner Hoff said much of what has been discussed has been acceptable, except for the five comments against walkways. She would like to discuss moving forward on this motion.

Commissioner Sherman said a number of comments were concerned about materials that might be used whether or not there is an extensive pathway system through the area or something less elaborate; that is beyond the detail we have to get to here. The question is should there be some accessibility into the playgrounds and ballfield. We are not designing the park, so he is not sure we should pull that out.

City Manager Valentine said the question is whether these are the elements we want to study further.

Commissioner Hoff said we have to be very clear on what we are accepting.

City Manager Valentine said accepting this Concept Plan with the elements that have been included in it affords it the opportunity to move forward in the Master Plan update. Then the Parks & Recreation Board will look at these elements for further study and prioritization. During that process, consensus is reached on the elements to move forward on, and then the final design and development aspect would be implemented at a later date. That would get into the detail level of the elements in the Concept Plan.

MOTION: Motion by Hoff, seconded by Bordman:

To accept the Poppleton Park concept site plan dated September 19, 2016.

Commissioner Boutros said we are not itemizing and will set the details later.

~~Commissioner~~ Mayor Nickita said he gathered from a few Commissioner and public comments, we were not necessarily in favor of the shelter. He suggested making a revision to the Concept Plan if that is the case. As far as the walking path, he is sensitive to the fact that this park has a tendency to have a somewhat natural condition, and some of the comments were in favor of maintaining that situation. At the same time, the walking paths refer to access to the playground, and when looking at the plan, there are paths around the playground and the ballfield. There are walking paths that are important for access, and he is reluctant to say we want to take out the walking paths without being specific. He suggested making clarification in the Concept Plan that the accessibility to those areas are important and perhaps not as important in other areas which would be studied further when it gets to that point. He asked if Commissioner Hoff would refine her motion to address the shelter.

Commissioner Hoff agreed and offered the following motion:

MOTION: Motion by Hoff, seconded by Bordman:

To accept the Poppleton Park Concept Plan, including one shelter near the play area, and ensuring walking paths accessible to the play area and ballfield.

Mayor Pro Tem Harris suggested the motion be refined to approve the plan and exclude the picnic shelter on the west side of the park dated September 19, 2016. Commissioner Hoff agreed to that restatement.

Commissioner Bordman agreed to second the refined motion.

Commissioner DeWeese pointed out that the comments are public record to direct staff and future consultant activities.

Sherman called the question. The clerk read the motion.

MOTION: Motion by Hoff, seconded by Bordman:

To accept the Poppleton Park Concept Plan, excluding the picnic shelter in the western corner of the park dated September 19, 2016.

Commissioner DeWeese confirmed with City Attorney Currier that the parking is excluded with this motion.

Mayor Nickita said the Concept Plan will be used as the basis for implementation. There will be opportunity to refine the plan, to bring those concepts together, and to include some of the ideas about a refinement of the design.

Cynthia Rose commented about a picnic shelter.

Margaret Kowal commented that she would like the walking path removed that goes behind the houses on Wimbleton Drive.

VOTE: Yeas, 7

Nays, None
Absent, None

Commissioner Sherman left meeting at 9:42 PM.

12-374-16 PUBLIC HEARING TO CONSIDER THE PROPOSED LOT SPLIT OF 1286 WILLOW LANE.

Matthew Baka, Assistant Planner, explained the request of the applicant, who is the owner of the property known as 1286 Willow Lane, as seeking approval for a division of property in order to split the existing parcel into two (2) single family lots. The parcel at 1286 Willow Lane had previously been altered from its original size and therefore requires City Commission approval in order to execute the requested lot split. The current proposal is to split the existing large parcel into two lots with the majority of the property creating a 142.5' wide parcel on the southern portion and an 85' wide parcel on the northern portion. There is currently a large single family home on the property that would be demolished if the requested lot split is approved. The lots would then be developed with one single family home on each. The new homes would be subject to all R-1 zone regulations as required by the Zoning Ordinance. Enclosed are copies of surveys provided by the applicant depicting existing and proposed conditions.

The Subdivision Regulation Ordinance (Chapter 102, Section 102-53) requires that the following standards be met for approval of a lot division:

(1) All lots formed or changed shall conform to minimum Zoning Ordinance Standards.

The subject property is zoned R1, Single Family Residential. The minimum lot size per unit in the R1 zone is 9,000 sq. ft. The altered parcels that result from the lot split would conform to minimum Zoning Ordinance standards as set out in Article 02, Section 2.06 of the Zoning Ordinance, for the R-1 Zoning District. The proposed split would create an 11,900 sq. ft. parcel on the northern portion and a 19,950 sq. ft. parcel on the southern portion on the property. Accordingly, both of the proposed parcels would be in excess of the required 9,000 sq. ft. minimum lot size for the R-1 Single Family Residential District. Accordingly, the proposal meets this requirement.

(2) All residential lots formed or changed by the division shall have a lot width not less than the average lot width of all lots on the same street within 300 feet of the lots formed or changed and within the same district.

The proposed parcel to the north would be 85' wide and the proposed parcel to the south would be 142.5' wide. The average lot width of lots in the area is 126.42' wide. Accordingly, the parcels created by the lot split will not meet this requirement.

(3) The division will not adversely affect the interest of the public and of the abutting property owners. In making this determination, the City Commission shall consider, but not be limited to the following:

a. The location of proposed buildings or structures, the location and nature of vehicular ingress or egress so that the use of appropriate development of adjacent land or buildings will not be hindered, nor the value thereof impaired.

- b. The effect of the proposed division upon any flood plain areas, wetlands or other natural features and the ability of the applicant to develop buildable sites on each resultant parcel without unreasonable disturbance of such natural features.
- c. The location, size, density and site layout of any proposed structures or buildings as they may impact an adequate supply of light and air to adjacent properties and the capacity of essential public facilities such as police and fire protection, drainage structures, municipal sanitary sewer and water, and refuse disposal.

The applicants have indicated their intent to construct new single-family homes on the lots if the requested lot split is approved. The new homes would be subject to all R-1 zone regulations as required by the Zoning Ordinance. Current ingress and egress would continue to be maintained off of Willow Lane.

The proposed lot division will not hinder the development of adjacent properties. The subject property is not located within the floodplain or soil erosion limit of a recognized stream, river, lake or other water body. The site does not appear to exhibit evidence of regulated wetlands or endangered species of flora and fauna. The proposed lot rearrangement and property transfer will not affect any natural features on the site.

The proposed lot rearrangement will not negatively affect the supply of light and air to adjacent properties. It will not negatively affect the capacity of essential public facilities. City departments have no objections to the proposed lot split.

The proposed lot split does not meet standards #2 as outlined in the City Code. However, the following section of the City Code gives the City Commission the authority to make exceptions as follows:

Sec. 102-4. Waivers

The city Commission may waive the requirements as set forth in this chapter in those instances when the Commission determines that the enforcement of such requirements might cause unnecessary difficulties on the applicant or where the Commission determines that a waiver of any such requirement by the Commission shall not preclude the applicant from complying with all provisions of chapter 126 of this Code.

Commissioner DeWeese questioned the history of the parcels. Mr. Baka said that over the years, people bought multiple lots and also split lots on either side of them. They are at the Commission because they own portions of different lots and did not combine two existing lots that had never been combined; the code would allow that to be administratively approved.

Mr. Baka confirmed that the city code says that all plats that have not been altered from their original form can be administratively split. Mr. Baka confirmed that the plat has been altered at some point, so it must come to the Commission tonight.

Commissioner Hoff said the Commission received a packet of materials from property owners on Willow Lane objecting to this lot split. She would like to hear the objections.

Mayor Nickita observed that the sketch appears to show that the site itself is to some degree in scale to the lot to the south and the lots to the west in terms of context with larger, wider lots

with homes a bit longer. The houses to the north on three lots and the houses on the next street to the east are more in line with the potential, proposed lot split. He continued that when the Commission looks at lot splits it considers how the existing and potential lot split falls in line with the context. That is a consideration to recognize since it is one of the criteria we consider.

Mayor Nickita opened the Public Hearing at 9:53 PM.

Peggy Cook, Willow Lane resident, described the street as not a through street. She said the difference in the proposed lot width is a significant shortcoming and fails by 40 feet, and should be enough for the Commission to deny the lot split. A waiver can be granted if the enforcement of the requirements will cause unnecessary difficulties on the applicant. She said that means the applicant must convince you that there is a reason you should ignore what is clearly stated in the requirements. She said there is no evidence that this will cause the applicant any hardship. The application states that the owners' intention is to market the new parcel for sale. She said that this action will trigger a domino effect. The residents are also concerned about the infrastructure. She said the Commission has an obligation to deny the split.

Ed Mann, Willow Lane resident, said the subject house was built in the 1930's. He fully supports Ms. Cook in her objections.

Attorney Leslie Banas represents the applicants. She responded that the owners are not developers and are current residents of Birmingham. Their goal is to enhance the character of the neighborhood. It is an older house that is not environmentally sustainable, is antiquated, and does not suit the needs of the kind of family that the applicants have, so they wish to improve it. The lot is extremely wide at 227 feet, far wider than any other lot on the street. She said the smaller lot of the two being proposed would result in a square footage of over 11,000 s.f. Since the minimum for R1 is 9,000 s.f., they would still have a lot that is far larger than the minimum requirements. A house there could be over 3,000 s.f. They wish to build a home that is suitable for the community and since they will be selling the second lot, they can take into account the kind of owner that will be building a home on that property since they would be their neighbors. She said the criteria in ordinance that has been referred to affects the general public and abutting property owners.

Tim Page, Willow Lane resident who abuts the subject lot, said Willow Lane is a park-like street and strongly objects to the split.

Ben Templeton, Templeton Building Company, is the applicant's builder. He described the type of home they would like to build to fit in the neighborhood.

Tom Saeli, Willow Lane resident and lives on the street from the subject lot. He was not able to sign the petition but he objects to the lot split.

Ryan Robison, Willow Lane resident who lives across the street and just south of the subject lot, disagrees that just abutting property owners have more voice in this matter. He opposes the lot split at every level.

Peggy Cook said the law says the lot must meet the minimum width standard, and this does not meet the standard. She urged the Commission to deny the split.

Commissioner Hoff commented that the existing house can be torn down and the new home can be built on the lot, so there is no problem building the home on that lot. The only question is selling off a part of the lot.

Mayor Pro Tem Harris asked Mr. Baka if the split would comply with chapter 126 of the code. Mr. Baka responded that they would have to meet all the criteria of chapter 126. They have not presented plans at this point. He confirmed they would not have the option to not build it to compliance with the code.

Mayor Pro Tem Harris noted the neighbors who are opposed claimed that the lot split, if approved, would tax the existing infrastructure. Mr. Baka asked the City Engineer, and he felt it would not create an undue burden that would accelerate the deterioration of the system. He did note that most of the sewers in the area are between 80 and 90 years old.

Mayor Pro Tem Harris asked when the applicants knew that they had to split the lots to satisfy what they wanted to do. Mr. Templeton said they knew the rules when the property was purchased. The hardship is the finances.

Mayor Nickita closed the Public Hearing at 10:28 PM.

MOTION: Motion by Hoff, seconded by DeWeese:

To deny the lot split of 1286 Willow Lane as proposed based on the following conditions that adversely affect the interest of the public and of the abutting property owners:

1. Because a majority of the residents on Willow Lane are opposed to the lot split.
2. The abutting residents at 1344 and 1234 Willow Lane oppose the lot split.
3. This does not meet the requirement of the average lot width which is 126.42 feet.

Mayor Pro Tem Harris is inclined to support the option for the latter two reasons.

Commissioner Bordman expressed concern with the width issue. She said 40 feet is a significant difference, and for that reason she is supporting the denial.

Mayor Nickita said there is legal criteria as well as other criteria. There have been questions about whether this is a hardship, and he heard nothing to support that it is. There is something to be said about adhering and recognizing the character of the street as part of the discussion and as part of the thinking. It does not seem that this street is in transition like many of the city's streets are. This seems to be a street that has been stable for a long time and likely will be for some time in the future, and therefore it is not in this transitional mode that many other streets are in.

Commissioner Boutros agreed that the applicant can build a dream home on the lot and satisfy the neighborhood. He supports the motion to deny.

VOTE: Yeas, 6
 Nays, None
 Absent, 1 (Sherman)

Mayor Nickita recessed the meeting at 10:33 PM.

Mayor Nickita resumed the meeting at 10:38 PM.

12-375-16 MKSK DESIGN FOR OLD WOODWARD AND MAPLE.

City Planner Ecker provided background on this item. On November 21, 2016, the Multi-Modal Transportation Board (“MMTB”) reviewed the proposed 66’ wide road section recommended by MKSK for Old Woodward, and the 40’ section recommended for Maple. After lengthy discussion, the board voted 4 to 3 in favor of recommending approval to the City Commission of the proposed 66’ cross section, with back in angled parking. The three dissenting voters cited the need for additional public input and emphasized the importance of Old Woodward in Birmingham and the need to make greater gains for pedestrian and other multi-modal elements.

On November 21, 2016, the City Commission also reviewed the proposed 66’ road section as recommended by MKSK, and discussed the recommendation of the MMTB to approve the section with back in angled parking. Several City Commissioners and members of the public expressed concern about the suggested change to back in angled parking. Ultimately, the City Commission voted by a margin of 6 to 1 to recommend the suggested 66’ cross section for Old Woodward with head in angled parking, and the 40’ cross section for Maple Road with parallel parking. The City Commission requested that MKSK finalize the design of Old Woodward with head in angled parking in such a way that it could possibly be converted into back in angled parking in the future.

On December 1, 2016, the Multi-Modal Transportation Board reviewed the different material options proposed for use on Old Woodward and Maple within the project area. The MMTB voted unanimously to recommend the use of enhanced materials for the crosswalks, street pavement and streetscape for both Old Woodward and Maple, and requested clarification on the following issues:

- The type of striping that is required for left turn lanes in order to enforce no driving in that lane;
- The safety of pedestrians on the corners where there is a flush curb;
- The possibility of changing the tactile and/or color experience in the non-left turn portion of the left turn lane; and
- The type of striping that is required to delineate a crosswalk when brick pavers are used.

The MKSK team has now completed final plans for City Commission review, incorporating all of the comments previously expressed by the City Commission, the Multi-Modal Transportation Board and City staff. In response to the MMTB’s request for clarification on the above topics, MKSK has provided the following responses:

- Striping to denote the left turn lane can be painted on the roadway or can be created using a contrasting color material (such as white or yellow pavers to permanently create lane striping, left turn arrows, etc.);
- Granite bollards are proposed to provide a protected area for pedestrians at corners where a flush curb is proposed, and the flush curb is proposed to be constructed of a contrasting color to draw attention to the driving lane (black granite);
- Different materials and / or colored materials may be used in the non-turning portion of the left turn lane to discourage driving in these areas; and,
- Striping to denote crosswalks can be painted on the pavement or can be created using a contrasting color material (such as white or yellow pavers to permanently create crosswalk dimensions and detailing).

The MKSK team will present their final plans and recommendations to the City Commission on December 12, 2016, including their recommended design elements, streetscape and furnishing materials, and final striping and landscaping recommendations.

Based on the input of the City Commission, staff will develop a bid package incorporating the previously approved road sections utilizing the City's existing standards and solicit alternatives for the components of the enhanced plan in order to make any adjustments based on cost considerations at the time actual bids are received. The project will then be bid out with both alternatives, and the City Commission will have the opportunity to select the appropriate materials and level of finish based on the actual costs for each option as submitted by respondents.

To keep the planned timeline for this project, the suggested action has been developed to proceed with the MKSK design and conclude element selections once actual costs are available.

Commissioner Boutros returned to the meeting at 10:41 PM.

Brad Straiter of MKSK recapped the project goals to create a better environment for all patrons, maximize the sidewalk design to allow for more flexibility and creative use, maintain and enhance parking, improve modes of traffic flow and street safety, create a space conducive of doing business, insure safety for all users.

Project scope for Phase I consists of Old Woodward from Oakland to Brown and Maple at the Old Woodward intersection; Phase II is E. Maple from Woodward Avenue to Old Woodward and W. Maple from Pierce to Chester; and Phase III is Old Woodward from Brown to Woodward Avenue.

MKSK recommendations are:

Street Section:

Old Woodward - 66 feet street section for Old Woodward

Maple - 40 feet street section

Crosswalk dimensions – Woodward and Maple at 14 feet wide; all other intersections along Woodward at 12 feet wide, and on Maple 10 feet wide. All crosswalks follow the multi-modal standards

Midblock crossing-Design Team recommends to not introduce mid-block crossings at all passage alleyway locations due to concern of safety and loss of parking

Use flush curbs to shorten crosswalk length but provide appropriate turning radii for large vehicles

Angle Parking Direction:

Design team recommends back-in parking at 9'6" wide

City's short term preference and direction is head in parking at 9'6" wide which would allow reverse angle parking in the future if needed

Overall Street Character:

Maple – "Downtown Street" – maintain existing city standards

Old Woodward – Use more durable materials to create the "Signature Street" of Birmingham

Mayor Nickita asked to clarify the plans for Maple and Pierce. He said there is an alley to the west of Pierce on the north side which is also a passageway, so it has to be accessible. There is a cross walk there and he asked if there was a review of potentially putting an island there which would help to demarcate the pedestrian aspect there.

Commissioner Hoff confirmed that the parking area is 15.5 feet on each side of the street. The parking bays are deeper than what they are today so by narrowing the travel lanes for safety. Mr. Strater said Maple is designed for two 12 foot travel lanes and two 8 foot parallel parking lanes.

Commissioner Hoff said the bulb outs make it difficult for larger vehicles to turn so that is why some are being designed with flush curbs. She asked why the bulb out was so big. Mr. Strater explained that the bollards are there so the trucks know they cannot go beyond it. The other reason is that it protects vehicles that are parking and not just to shorten the pedestrian crossing. He added that bollards are designed only for two of the four intersections at Maple and Old Woodward, because the angle is more acute. The truck radii were dropped and some sizes of trucks would go up and over the curb if that was not done. Mayor Nickita added that trucks will recognize the bollards placed there, proceed very slowly, and the pedestrians will back up to allow the truck to proceed. The bollards are there to assist the truck in its maneuvering around the corner. Pedestrians will not stop behind the bollards to wait; the bollards are there for the trucks' assistance in maneuvering.

Commissioner Boutros asked about the mid-block crossings that were discussed previously. He is referring to S. Old Woodward between Merrill and Maple. Mr. Strater said they looked at the passageway and when it was sketched out, a lot of parking spaces would be lost. The City Engineering department and their Traffic Engineer were concerned about pedestrian safety because of the angled parking and lack of visibility of pedestrians. Initially, it was thought about two spaces on either side would be lost, but then it went to four or more spaces lost.

Commissioner Boutros questioned how it would be less safe with a mid-block crossing than it is now without one. He noted that no additional parking spaces would be lost on the east side of Old Woodward because there is already a bump out. He is more concerned about the pedestrian safety. Mr. Strater said there is also a city liability issue which is a concern.

Mayor Nickita said he agrees with Commissioner Boutros' comments. Mayor Nickita said we have created a passageway and created half the cross walk, and have not finished it. He said he measured it, and we lose two or maybe three spaces on the west side. There are many examples of communities that are designing mid-block crossings. He would like it to be seriously studied. He said the argument of parking is valid, but pedestrian safety is more concerning when we have created the system of pedestrian passageways in the downtown.

Commissioner DeWeese is supportive of mid-block crossings, especially on Old Woodward. Crosswalks will alert the drivers to slow down for walkers; he does not see any downside.

Commissioner Bordman concurs in the desire to see crosswalks.

Commissioner DeWeese wondered why there is not a pedestrian island on Old Woodward at Merrill as well as Hamilton on Old Woodward for pedestrians where there is not a left turn movement. He thinks it would be very helpful. Mr. Strater said they will take a look at that

again. Commissioner DeWeese said it would also encourage drivers to not be arbitrarily using the center lane except to turn.

Commissioner Hoff noted that different light fixtures and benches have been proposed and asked if they have been approved.

City Manager Valentine said there are alternatives to consider in the future, but those decisions do not have to be made today. When the city decides to bid this out, the physical elements will have been identified. Our existing city standard in place now will be used for the base bid. In addition, MKSK has a plan that includes several alternatives for including brick in the parking area, having a center turn lane, enhancements to the intersection at Woodward and Maple, tree wells, etc; these will all be alternatives to the city standard spec. At the time of the bid review, the Commission will have the opportunity to review those alternatives in context to the budget and make the decision based on accurate information regarding where you want to go with the project going forward. He confirmed for Commissioner Hoff that the light fixtures, benches, waste receptacles, etc., are also going to be alternative elements.

Mayor Nickita said the purpose tonight is accepting the plan, although if there are issues that need revision, we can direct the design team to revise accordingly and bring back the plan with the revisions before going out to bid the project.

Commissioner Hoff said we are aiming to have this started in spring 2017, and thinks we are rushing the whole thing. She said this is not our usual way of doing this.

Commissioner DeWeese said we have heard that some of the merchants have suggested breaking the construction into two pieces, and he asked if that affects the bidding. City Manager Valentine said the design should be decided, and then the second step is implementation.

Mayor Nickita said there are a couple of items that should be included and then brought back to the Commission, including the mid-block crossing; a bump out at the via next to Universal Watch, near Joseph A. Banks and Café Via, a pedestrian safety island in front of the Birmingham Theater southbound, other similar locations near Astreins, and in front of the alley on Maple.

Commissioner Hoff asked if the purpose of the islands is to slow down the traffic. Mayor Nickita said it serves as a safety point for the pedestrian in the middle of the block and to give a driver a clearer view of a pedestrian crosswalk vs. just the crosswalk.

Commissioner Hoff is not in favor of them.

Commissioner Bordman knows the Lincoln islands are an irritant. She was opposed to the island at Oak and Lakepark, but she is shocked at the effect. She crosses there often, and cars stop to let her cross the road, and that never happened prior to the island installation. She sees a value in safety for the pedestrian.

Mr. Strater indicated that he has enough to go back and revise to bring back again.

City Engineer O'Meara addressed the suggestion about splitting the job into parts. The way the sewer and water is designed, we could really coordinate the job so there are two crews working

simultaneously. We can be twice as productive with the time the road is closed. We also save money with mobilization. He said extending out the time longer would hurt everyone.

City Engineer O'Meara said he is hoping the project will take roughly four months.

Commissioner Hoff asked if the costs would be increased if done in two stages. Mr. O'Meara confirmed it would.

Glen Ceresnie, business owner representing 25 merchants, commented on the idea of constructing in two stages.

12-376-16 AMENDMENT TO THE SCHEDULE OF FEES, CHARGES, BONDS AND INSURANCE.

Fire Chief Connaughton and Fire Marshal Biggar were present to the request to amend a fee for inspections for non-electronic reports. The fee is \$50 and would be added to the city's fee schedule.

MOTION: Motion by Boutros, seconded by Harris:
To amend the Schedule of Fees, Charges, Bonds and Insurance, Fire Department section, to include the charge for Administrative fee for non-electronic reporting.

VOTE: Yeas, 6
Nays, None
Absent, 1 (Sherman)

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

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

X. REPORTS

12-377-16 COMMISSIONER REPORTS

The Commission will appoint members to the Public Arts Board on January 9, 2017.

12-378-16 CITY STAFF REPORTS

The Commission received the FY 2016/2017 PSD SAD 869 assessment report, submitted by Finance Director Gerber.

The Commission received the Woodward Tree Planting Update, submitted by DPS Director Wood.

XI. ADJOURN

The meeting was adjourned at 11:45 PM.

Cheryl Arft, Acting City Clerk