

BIRMINGHAM CITY COMMISSION MINUTES
DECEMBER 14, 2015
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Rackeline J. Hoff, Mayor, called to order at 7:31 PM.

II. ROLL CALL

ROLL CALL: Present, Mayor Hoff
Commissioner Bordman
Commissioner Boutros
Commissioner DeWeese
Commissioner Harris
Mayor Pro Tem Nickita
Absent, Commissioner Sherman

Administration: City Manager Valentine, City Attorney Currier, Clerk Pierce, Police Chief Studt, City Planner Ecker, Planner Baka, City Engineer O'Meara, Finance Director Gerber

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

12-302-15 INTERVIEWS FOR APPOINTMENT TO THE CORRIDOR IMPROVEMENT AUTHORITY

MOTION: Motion by DeWeese:

To concur in the Mayor's appointment of J.C. Cataldo, 735 Forest, to the Corridor Improvement Authority to serve a four-year term to expire December 15, 2019.

VOTE: Yeas, 6
Absent, 1 (Sherman)

12-303-15 INTERVIEWS FOR APPOINTMENT TO THE PLANNING BOARD

The following individuals submitted an application for appointment to the Planning Board.

- Michael Xenos, 1116 Washington
- Corey Jacoby, 1433 Maryland
- Stuart Jeffares, 1381 Birmingham Blvd
- Lisa Prasad, 622 Vinewood
- Elicia Katrib, 1832 E. Lincoln
- Kathleen Devereaux, 1019 Rivenoak

MOTION: Motion by Nickita:

To appoint Stuart Jeffares, 1381 Birmingham Blvd, as a regular member to serve the remainder of a three-year term on the Planning Board to expire March 28, 2018.

MOTION: Motion by DeWeese:

To appoint Kathleen Devereaux, 1019 Rivenoak, as a regular member to serve the remainder of a three-year term on the Planning Board to expire March 28, 2018.

VOTE ON NOMINATION OF JEFFARES:

Yeas, 5 (Bordman, Boutros, Harris, Hoff, Nickita)
Absent, 1 (Sherman)

VOTE ON NOMINATION OF DEVEREAUX:

Yeas, 1 (DeWeese)
Absent, 1 (Sherman)

Stuart Jeffares was appointed to the Planning Board.

12-304-15 INTERVIEWS FOR APPOINTMENT TO THE MULTI-MODAL TRANSPORTATION BOARD

MOTION: Motion by DeWeese:

To appoint Amy Folberg, 1580 Latham, to the Multi-Modal Transportation Board, as the member at large from different geographical areas of the City, to serve the remainder of a three-year term to expire March 24, 2017.

VOTE: Yeas, 6
Absent, 1 (Sherman)

12-305-15 INTERVIEWS FOR APPOINTMENT TO THE GREENWOOD CEMETERY ADVISORY BOARD

MOTION: Motion by Bordman:

To appoint Linda Buchanan, 1280 Suffield, to the Greenwood Cemetery Advisory Board to serve the remainder of a three-year term to expire July 6, 2016.

VOTE: Yeas, 6
Absent, 1 (Sherman)

12-306-15 INTERVIEWS FOR APPOINTMENT TO THE CABLECASTING BOARD

MOTION: Motion by Boutros:

To appoint R. David Eick, 559 Greenwood, to serve the remainder of a three-year term on the Cablecasting Board to expire March 30, 2018.

VOTE: Yeas, 6
Absent, 1 (Sherman)

The Clerk administered the oath to the appointed board members.

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.

12-307-15 APPROVAL OF CONSENT AGENDA

The following item was removed from the consent agenda:

- Item A (Minutes of December 7, 2015) by Commissioner Bordman

MOTION: Motion by Harris, seconded by DeWeese:

To approve the consent agenda as follows:

- B. Approval of warrant list, including Automated Clearing House payments, of December 9, 2015 in the amount of \$3,411,990.21.
- C. Resolution extending the contract with Bob Adams Towing, Inc. until February 25, 2018; further authorizing the Mayor and the City Clerk to execute the contract extension on behalf of the city.
- D. Resolution approving the inter-local agreement with Oakland County for information technology services; further authorizing the Mayor and City Clerk to sign the agreement on the behalf of the City.

ROLL CALL VOTE:	Yeas,	Commissioner Bordman Commissioner Boutros Commissioner DeWeese Commissioner Harris Mayor Pro Tem Nickita Mayor Hoff
	Nays,	None
	Absent,	1, (Sherman)
	Abstention,	None

V. UNFINISHED BUSINESS

12-308-15 BUMPOUT POLICY

Mayor Hoff announced that the Bumpout Policy has been postponed to the January 11, 2016 meeting.

VI. NEW BUSINESS

12-309-15 ZONING ORDINANCE AMENDMENTS REGARDING GLAZING

Mayor Hoff opened the Public Hearing to consider amendments to Zoning Ordinance, Article 03, Section 3.09, Glazing and Article 04, Section 4.83, Window Standards at 8:06 PM.

City Planner Baka explained that the window standards require a certain amount of window percentage on the first floor and limit the amount of windows on the second floor. Currently there are three different parts of the zoning ordinance that effect this calculation – the Downtown Overlay Standards which regulates the windows in the downtown area, Triangle District Overlay Standards which regulates the windows in the triangle district, and the other section which regulates windows for commercial property outside of those two area. He explained that proposed changes to the window standards will create consistency in the manner in which this requirement is calculated across all zoning classifications and overlay zones.

Mayor Pro Tem Nickita pointed out that there is a very strong connection between the building and uses and the sidewalk and the street. This percentage of glazing is very important and it is important to apply it to these other districts to carry forward the successes of the downtown at

the street level in these other areas. He suggested that the amount of tint allowed be addressed.

Mr. Baka explained that the amendment also includes a requirement that blank walls longer than twenty feet should not face a public street which would allow for an even distribution of windows on the façade of the buildings. He confirmed that this would not affect floors above the first floor.

The Mayor closed the Public Hearing at 8:21 PM.

MOTION: Motion by Nickita, seconded by Bordman:

To adopt an ordinance amending Chapter 126, Zoning: Article 03, section 3.09, Commercial/Mixed Use Architectural Requirements, to specify that the required 70% glazing is between 1' and 8' above grade on the ground floor in the Triangle District;

-AND-

To adopt an ordinance amending Chapter 126, Article 04, section 4.83 WN-01 (Window Standards) to specify that the required 70% glazing is between 1' and 8' above grade on the ground floor and to prohibit blank walls longer than 20' from facing the street in all commercial zone districts.

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

**12-310-15 ASSISTED LIVING FACILITY
 2400-2430 EAST LINCOLN**

Ms. Ecker explained the proposal for a four-story assisted senior living facility with an attached one-story secured memory care facility. She noted that assisted living is permitted in this zone district, however it requires City Commission approval. She noted that the applicant has completed a community impact study for traffic noise, environmental, etc. and has received their final site plan approval.

Commissioner Bordman noted that there has been concern with increased traffic caused by this type of facility. She questioned the anticipated number of employees and the timing of their schedules.

Sean Havera, one of the developers with Hughes Properties, explained that the traffic study showed there was no increase in traffic levels.

Bob Gawronski, Vice President of Development for Senior Lifestyle, explained that the facility would be staffed 24 hours a day, seven days a week. Approximately seventy full-time equivalent jobs would be created. He noted that few of the seniors at the facility would be driving. Most of the trips in and out of the facility would be employees, visitors, and a bus shuttle for the residents.

Commissioner Boutros disclosed that he owns a closed door specialty pharmacy that caters pharmaceutical needs to many facilities, retirement homes, nursing facilities, independent and assisted living facilities. He noted that he does not have any business or economic affiliation with the applicant. He questioned if there are any plans to purchase adjacent property and if

there were any plans to expand the licensing to skilled nursing home. The applicant responded that they had no intention to expand to any adjacent property or to change the license to a skilled nursing facility.

Mr. Havera stated that there is really no property to acquire as it is surrounded by the cemetery, pistol range, swim club, and the railroad. He explained that they will be working with the City to improve the road as the pavement is in poor condition. He noted that the parking requirements will be met by onsite parking.

Elicia Katrib, 1832 E. Lincoln, expressed concern with an increase in traffic.

Gavin Pearson, 1591 Haynes, expressed support of the project, but concern with the fumes that may come from the SOCRRA facility.

The Commission received communications from Jerry Yaladoo, 1997 Haynes and Larry Bertollini, 1275 Webster expressing concern with increased traffic due to the proposed facility.

MOTION: Motion by Nickita, seconded by DeWeese:

To approving the request to operate an assisted living facility for senior citizens at 2400–2430 E. Lincoln Street subject to the following conditions:

1. The applicant provide a detailed analysis of the glazing provided based on area and meet the glazing standards in place at the time of building permit application;
2. All improvements in the right-of-way receive approval from the Engineering Department;
3. The applicant provide a revised photometric plan that includes the foot-candle levels 5' beyond the south property line; and
4. The applicant provide specification on signage for administrative approval.

Ms. Ecker confirmed for Mayor Pro Tem Nickita that the plan on page 55, sheet L1 is what is being approved.

In response to a question from Mayor Hoff, Mr. Havera stated that it is anticipated that the facility will be open in the summer of 2017.

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

**12-311-15 MULTI-MODAL TRANSPORTATION BOARD RECOMMENDATION
 HAYNES AND TORRY INTERSECTION**

City Engineer O'Meara explained that the Multi-Modal Transportation Board reviewed the intersection of Haynes and Torry Street. He noted that the master plan suggested a crosswalk improvement at this intersection. The consultant recommended the diagonal crosswalk be removed based on the recommendation of the Michigan Manual of Uniform Traffic Control Devices.

In response to a question from Mayor Hoff, Mr. O'Meara explained that the existing sidewalk path located between the two driveways would remain. He noted that the ramp would remain,

as it is part of the master plan, a bicycle route to encourage bike riding between the various streets.

Commissioner Bordman commented that there is water pooling at the south and west side of Haynes. She questioned whether construction would be done to alleviate that problem. Mr. O'Meara noted that this is the very beginning of the project and only 2% of the project has been designed at this point. This issue will be reviewed.

Mr. O'Meara confirmed for Commissioner Boutros that the angled crosswalk would be eliminated to reduce the amount of time it would take a pedestrian to cross the street.

Mayor Pro Tem Nickita noted that whenever a site condition is designed, one must anticipate the direction people will go. He pointed out that a ramp would encourage individuals to cross at an angle. He suggested the Multi-Modal Transportation Board review the system of how the passage works on these three blocks, Haynes, Bowers, and Hazel, and review the solution in a more global way.

MOTION: Motion by Bordman, seconded by Boutros:

To accept the recommendation of the Multi-Modal Transportation Board with respect to the Haynes St. and Torry St. intersection, in accordance with the Master Plan and the new information provided, to install a new handicap ramp in the northeast section of the intersection (in front of 1603 Haynes St.), remove the diagonal crosswalk pavement markings, and install new markings to align with the new ramp in front of 1603 Haynes St and to direct the Multi-Modal Transportation Board to review the three streets and the overall integration as soon as possible.

Gavin Pearson, 1591 Haynes, expressed support of a marked pathway and the removal of the concrete pad. He noted that the pathway is in need of maintenance and additional lighting.

Mayor Pro Tem Nickita clarified that the purpose of the Multi-Modal Transportation Board review is to thoroughly review all the options to determine what should be added or removed with the other blocks and the entire system in place.

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

**12-312-15 CLOSED SESSION REQUEST
 ATTORNEY/CLIENT PRIVILEGE COMMUNICATION**

MOTION: Motion by Nickita, seconded by DeWeese:

To meet in closed session to discuss an attorney/client privilege communication in accordance with Section 8(h) of the Open Meetings Act.

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

Nays, None
Absent, 1 (Sherman)
Abstention, None

VII. REMOVED FROM CONSENT AGENDA

12-313-15 APPROVAL OF CITY COMMISSION MEETING MINUTES OF DECEMBER 7, 2016

Commissioner Bordman requested the following revision to Resolution 12-300-15:
"Mayor Hoff noted that Jim Harkins from the 48th District Court has offered to arrange a tour of the court for the Commissioners. Mr. Valentine will contact Jim Harkins and coordinate a tour."

MOTION: Motion by Bordman, seconded by DeWeese:
To approve the City Commission meeting minutes of December 7, 2015 as amended.

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

VIII. COMMUNICATIONS

12-314-15 COMMUNICATIONS

The Commission received the following communications:

- Communication from resident re: West Maple
- Communication from resident re: West Maple
- Mr. & Mrs. Herbert K. Danziger, 550 Cherry Court re: 559 West Brown

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

X. REPORTS

12-315-15 COMMISSIONER COMMENTS

Commissioner Harris commented on the weekend carriage rides and suggested that a sign be displayed when the company is on break.

12-316-15 CITY STAFF REPORTS

The Commission received the First Quarter Financial Reports submitted by Finance Director Gerber.

The Commission received the report regarding a new development adjacent to Manor Park submitted by City Engineer O'Meara.

In response to a question by Commissioner Bordman, Mr. Valentine confirmed that the Manor Park report has been presented to the Parks and Recreation Board.

The Commission received the report regarding relatives serving on the same Board or Committee submitted by City Clerk Pierce.

The Commission agreed to direct staff to develop a policy regarding relatives serving on the same board. Commissioner Harris suggested surveying neighboring communities.

The Commission recessed to closed session at 9:59 PM.
The Commission reconvened in open session at 10:42 PM.

XI. ADJOURN

The meeting adjourned at 10:42 PM.

Laura M. Pierce
City Clerk