BIRMINGHAM CITY COMMISSION MINUTES
MARCH 27, 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
Commissioner Bordman
Commissioner Boutros
Commissioner DeWeese
Commissioner Hoff
Commissioner Sherman
Absent, Mayor Pro Tem Harris

Administration: City Manager Valentine, City Attorney Currier, Acting Clerk Arft, City Planner Ecker, Police Chief Clemence, City Engineer O'Meara, BSD Office Manager Rondello

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

State Representative Michael McCready provided an update on legislation in Lansing, including a storm water drain bill and the tax cut bill. He also answered questions about the status of the roads, and marijuana legislation.

03-74-17 APPOINTMENTS TO PARKS AND RECREATION BOARD

John Meehan, Ross Kaplan and John Rusche were present and were interviewed by the Commission. Ms. Edwards was not able to attend.

MOTION: Motion by Bordman:
To appoint John Meehan to the Parks & Recreation Board to serve a three-year term to expire March 13, 2020.

MOTION: Motion by Sherman:
To appoint Ross Kaplan to the Parks & Recreation Board to serve a three-year term to expire March 13, 2020.

Vote on John Meehan
VOTE: Yeas, 6
Nays, None
Absent, 1 (Harris)

Vote on Ross Kaplan
VOTE: Yeas, 6
Nays, None

Absent, 1 (Harris)

Commissioner DeWeese commented that we have two strong alternative candidates tonight and hopes they continue to apply for positions. We re-affirmed two people who have done a strong job on the Board.

03-75-17: APPOINTMENTS TO STORM WATER UTILITY APPEALS BOARD

City Manager Valentine said we have three positions which are three year terms that end January 31, 2020. Mr. Lavoie and Ms. Laura Keener were not able to attend today. Mr. A. James Partridge was present and was interviewed by the Commission.

Commissioner Hoff confirmed with Mr. Partridge that he was aware that he would have to give up his position on the Board of Building Trades Appeal. Mr. Partridge said he had resigned from that Board.

MOTION: Motion by DeWeese:
To appoint A. James Partridge to the Storm Water Utilities Appeal Board to serve a three-year term to expire January 31, 2020.

City Manager Valentine said the other applicants will be brought back to the Commission when they are available.

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

The Acting 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.

03-76-17 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Commissioner Bordman – Item J (Public Hearing on Lincoln Yard)
- Commissioner Hoff – Item E (Video inspection of Old Woodward)
  - Item F (Video sewer inspection of Old Woodward)
- Mayor Nickita – Item L (Birmingham Cruise Event)

Commissioner Hoff commented that the Cruise Event and Day on the Town have been moved locations due to the Old Woodward construction. People who are watching at home should be aware that the Birmingham Cruise Event and the Day on the Town, will be in a different location.

MOTION: Motion by DeWeese, seconded by Boutros:
To approve the Consent Agenda, with items E, F, J and L removed.

ROLL CALL VOTE: Yeas, Commissioner DeWeese
Commissioner Boutros

Commissioner Hoff
Commissioner Sherman
Commissioner Bordman
Mayor Nikita

Nays, None
Absent, 1 (Harris)

A. Approval of City Commission minutes of March 13, 2017.
B. Approval of warrant list, including Automated Clearing House payments dated March 15, 2017, of $1,092,488.05.
C. Approval of warrant list, including Automated Clearing House payments dated March 22, 2017, of $1,106,147.89.
D. Resolution authorizing Change Order #1 to the Parking Structure Traffic Control Equipment Project, Contract #15-15(PK), accepting a proposal from Harvey Electronic and Radio LLC to provide and install a second space counting sign to the Chester St. Parking Structure for a total cost of $10,875.00, charged to account number 585-538.008-971.0100.
G. Resolution setting Thursday, April 13, 2017 at 7:30 PM for a Public Hearing to consider a Special Land Use Permit Amendment and Final Site Plan Review for 250 N. Old Woodward, Emagine Palladium Theatre and Ironwood Grill restaurant to allow the establishment to change their name to Emagine Palladium Theatre and Four Story Burger.
H. Resolution setting Monday, April 24, 2017 at 7:30 PM for a Public Hearing to consider the Final Site Plan and Special Land Use Permit for 325 S. Old Woodward – Adachi Bistro, to allow the operation of a new bistro. (complete resolution in agenda packet)
I. Resolution setting Monday, April 24, 2017 at 7:30 PM for a Public Hearing to consider the Final Site Plan and Special Land Use Permit for 2100 E. Maple - Whole Foods Bistro, to allow the operation of a new bistro within the Whole Foods grocery store. (complete resolution in agenda packet)
K. Resolution setting Monday, April 24, 2017 at 7:30 PM for a Public Hearing to consider a Special Land Use Permit Amendment and Final Site Plan Review for 280 E. Lincoln, Grace Baptist Church to allow for the installation of an illuminated ground sign.
M. Resolution approving a request from the Birmingham Shopping District requesting permission to hold Day on the Town in downtown Birmingham, July 22, 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.
N. Resolution approving a request from the Community House to hold Park Art on June 22, 2017 in Shain Park, 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.

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

03-77-17 PUBLIC HEARING FOR LINCOLN YARD BISTRO, 2159 E. LINCOLN

Commissioner Bordman expressed concern about this particular Bistro application and the fact that it has exceeded the number of outdoor seats that we are accustomed to having with our bistros. She believes this needs attention by the applicant. She moves Item J.

MOTION: Motion by Bordman, second by Sherman:
To set Monday, April 24, 2017 at 7:30 PM for a Public Hearing to consider the Final Site Plan and Special Land Use Permit for 2159 E. Lincoln - Lincoln Yard Bistro, to allow the operation of a new bistro.

VOTE: 6 yeas
Nays, None
Absent, 1 (Harris)

Motion to Remove Item J Resolution awarding the Old Woodward Sewer Video Inspection, to Pipetek Infrastructure Services of Plymouth, MI in the amount of $20,575.00 to be charged to account number 590-536.001-981.0100.

03-78-17 VIDEO INSPECTION – OLD WOODWARD AVE.

Commissioner Hoff asked City Engineer O'Meara if he knew why the first time this was bid out, no bids were received, and the second time it was bid out, five contractors were interested, and only one bid was received.

City Engineer O'Meara said it is a unique type of work. It is not that common in the construction industry. They did use normal advertising channels made calls to get people interested. In the end, there wasn't much interest. He did meet with the company, and were very excited about doing a good job. City Engineer O'Meara explained he felt it was important to get inside the buildings in the project area and film the existing additions. If there are already cracks in the walls and damages that are already there the City will have a record of those conditions. If the construction causes damage, we want to be able to acknowledge that. We will video only the buildings we are allowed to get in, and will film everything on the outside.

Commissioner Hoff asked how many buildings were involved. City Engineer O'Meara said roughly 30 different buildings.

MOTION: Motion by Hoff , seconded by DeWeese
To award the Video Inspection – Old Woodward, to M-1 Studios of Ferndale, MI in the amount of $26,400.00 to be charged to the various accounts as detailed in the report.

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

03-79-17 OLD WOODWARD SEWER VIDEO INSPECTION

Commissioner Hoff asked if the property owners will be assessed for laterals. City Engineer O'Meara said yes, any ones that are replaced which follow our rule of laterals that are 50 year old or older be replaced up to the building. Commissioner Hoff asked if the owners had been notified. City Engineer O'Meara explained that he had not notified them yet, and said the procedure is to bid the project first, secure the price, and then notify them and have a Public Hearing after the award.

MOTION: Motion by Hoff, seconded by Bordman:
To award the Old Woodward Sewer Video Inspection to Pipetek Infrastructure Services of Plymouth, MI in the amount of $20,575.00 to be charged to account number 590-536.001 981.0100.

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

03-80-17 BIRMINGHAM CRUISE EVENT

Mayor Nickita requested clarification on the event and the use of the Shain Park pavilion. Ms. Rondello explained that their event this year will be very much like it was in previous years where they will activate S. Old Woodward, south of the construction area. The area north of the Brown up to the Theatre where cars are normally parked during the event will not be used this year. Some of the Woodward Dream Cruise Sponsors are looking for event space and this is precipitated by the fact that the Northwood Shopping Center at 13 and Woodward is no longer available to them. So sponsors are looking for space in Birmingham.

Mayor Nickita confirmed with Mr. Rondell that Fire, Police and DPS have approved the changes.

Commissioner Hoff commented that she believes that the Shain Park portion should come back to the Commission because we do not know yet what is going to be there. She suggested that come back to the Commission with the plans for the park when they are fully known.

Mayor Nickita agreed, and since they re-did Shain Park, we have some concerns as to how we use it.

Ms. Rondello explained that one of the sponsors is thinking about using the pavilion area of the park to park its cars, similar to what is done there during the Santa House Event.

Commissioner Boutros clarified if this would be open to the public and expressed concern with traffic flow.

Commissioner Hoff said the car clubs have always entered and exit at Brown, and asked if they be able to use Brown. Ms. Rondello responded that they plan to use Brown, but are not going to close it off for through traffic. The car clubs will have to use it with the traffic light, turning left on S. Old Woodard when the traffic light allows them. She said it is logistically more difficult this year.

Mayor Nickita suggested approving the event with the condition that it be brought back to the Commission when more is known.

Commissioner Sherman suggested we could move forward with instructions that if the event in Shain Park is similar to what was described tonight, it would not be necessary to come back. If the plan is different, it should come back to Commission for review.

Commissioner Hoff requested the event come back with specific details about the entrance and exit for the car clubs, because there are so many, and she sees it as a potential problem. Ms. Rondello noted that they have only had Brown Street closed for the last two years, and are

actually going back to the way they used to do it three years ago. It was just the last two years that they were able to close Brown to make it safer for pedestrians.

Mayor Nickita confirmed that when we have some clarity on this issue, the City Manager will bring it back for information, and if we feel it is more complicated, we can put it into the Agenda.

MOTION: Motion by Mayor Nickita, seconded by Bordman:
To approve a request from the Birmingham Shopping District to hold the Birmingham Cruise Event on August 19, 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: 6
Nays, None
Absent, 1 (Harris)

V. UNFINISHED BUSINESS

03-81-17 RENEWAL OF 2017 LIQUOR LICENSE-EMAGINE PALLADIUM/IRONWOOD GRILL-250 N. OLD WOODWARD

City Manager Valentine explained that the renewal of the establishment's liquor license was delayed to tonight's meeting because the applicant was not in compliance with the Special Land Use Permit terms. The violation was the changing the name of the restaurant before going through the SLUP amendment process with the City.

Planning Director Ecker confirmed that the applicant has now submitted a complete application. The originally proposed exterior changes were removed from the plan, and the application went to the Planning Board with the interior change and the name change itself. The Planning Board recommended approval to the City Commission, with the only condition being to enter into an amended contract with the City under the new name. That will be the subject of a Public Hearing on April 13th.

Commissioner Hoff said what we are determining tonight is if we are going to approve the renewal of the liquor license to the Liquor Control Commission. Ms. Ecker confirmed.

Commissioner Valentine explained that the actions are different, and said there are actually three actions that will be taken on this issue. The first is this evening's action which is in regard to the renewal of their liquor license. The Commission will either recommend the approval of the renewal or deny the approval of renewal which will go to the Michigan Liquor Control Commission. At the next meeting, a Public Hearing for the SLUP Amendment for this property will be considered. In addition to that, at the March 13th meeting, the Commission set a Public hearing for April 13th as well to consider the revocation of the SLUP given the violation that existed with the name change without the SLUP Amendment.

Commissioner Hoff asked if we approve this tonight and it goes to the Liquor Control Commission, what the result is if we do not approve on April 13th. Commissioner Valentine explained that if the SLUP Amendment it is not approved, the applicant could not change its name. Then if the Commission subsequently decides to revoke their SLUP Agreement, then that would effectively remove their ability to operate.

MOTION: Motion by Boutros, seconded by DeWeese:
To approve the renewal for the 2017 license period for the Class C license for Emagine Palladium/Ironwood Grill.

Patrick Howe, attorney for the applicant, apologized that the two primary principals of the company were not hear tonight. He is the attorney for the original liquor license application and the Special Land Use Permit and is very familiar with this case.

Commissioner Sherman asked if the owners were going to be involved when the SLUP review comes back. Patrick Howe confirmed he would be there.

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

03-82-17 REVISION OF GREENWOOD CEMETERY RULES AND REGULATIONS-SECTION F NORTH MONUMENTS

Acting City Clerk Arft explained in December of 2016, Mr. Paul Robertson asked the City Commission for an exemption to the flat marker only regulations in Section F North. He had purchased graves with his wife in a private transaction with a previous owner several years earlier and after his wife passed, Mr. Robertson discovered the grave they purchased allowed only flush markers. The restriction has been in the cemetery Rules and Regulations since 1971. He came to the Greenwood Cemetery Advisory Board and asked for an exemption to the rule. The GCAB denied it, and he came to the City Commission to ask for that exemption. The City Commission tabled that request in December to allow time for staff to research and answer the questions the Commission had. A physical visit at the cemetery revealed that there is an upright monument just inside the boundary of Section F North. Records indicate it has been there since May 1986. The photos in the report show how closely the monument is to Section F. It does not appear from our records that there was any Commission approval of that request.

Another question was whether there were other requests of this kind. Records indicate one written request from the Stenger family in September 1990 along with the Hulbert request discussed above which was in 1986. For the Stenger request the City chose not to take any action and those records are in the report.

The Commission also asked what the regulations are for raised headstones in sections other than F North, excluding the historic areas of A, B and C. The Rules and Regulations allow monuments only on two adjoining side by side graves that are under one ownership. Markers not exceeding 1½ feet in height are also permitted. On the new graves plotted after January 1, 2015, in Sections B, C, D, K, L and O, only flush or lawn level markers are permitted.

The first burial record in Section F North was February 21, 1969. The Clerk's office conducted a survey of Section F North owners to determine their interest in erecting an upright monument on their grave. Letters were sent to 34 owners at their last address of record. Eight responses have been received, with six in favor of upright monuments and two not. Ms. Arft added that Section F North consists of 36 lots, 253 spaces and 71 owners of record.

Commissioner Hoff asked if we have 71 owners of record, why were letters only sent to 34 owners. Ms. Arft responded that many people have passed. So we only contacted people that we could determine were still alive.

Commissioner Hoff wanted to know if we had any next of kin information. Ms. Arft said that information is not collected. Commissioner Hoff commented that the letter of 1990 from the City Clerk to Tom Marcus states that an employee of the Department of Public Services said that to his knowledge there are no upright markers in F North. Yet we have a letter in 1986 where the employee indicated he has no objection to putting in an upright marker and allowed the Hulbert family on upright marker in Section F North.

Commissioner Bordman visited the cemetery today and said the Hulbert monument is in a position where it looks like it is actually part of a different section. It is so close to the other markers that are there that you would not know it was part of F North. F North is actually down a bit of a slope and the Hulbert marker is at the top of the slope right next to the other section. There is a slope with no graves because of the slope, and then there is a very large area that has all flush markers. It goes all along the back right up to the point where the ground drops off into the river. For this reason, she expressed concern about agreeing to have a monument that will stand out among all of these flush markers. She understands Mr. Robertson wants to have an upright marker, but she likes to see continuity in the cemetery, and is concerned that having a marker in the middle of all the flush areas will destroy the continuity.

Commissioner Sherman said he also went to the cemetery today and agrees with Commissioner Bordman. He wondered why or how they have these rules for flush markers in that particular area so he went out there. He noticed that there are sculptures out there on a number of the graves such as angles, cherubs and flower pots. He does not understand the purpose of the restriction when the sculptures are permitted there. Apparently, at that time of suggested flush markers there for easier lawn maintenance. He feels that no longer applies once this work is done by a contractor now. He was concerned originally with setting a precedent, but having been out there he saw the sculptures placed on or next to marker. He suggested we can restrict the height but does not understand restriction for only flush markers now.

Commissioner Boutros commented that he does not believe having a raised stone will affect how he grass is cut. He added that the location of Section F North has no impact on the cemetery.

Commissioner DeWeese said he is absolutely firm that we should have flat markers for any new graves in the historic sections, and that there is a reason for that. He does not see any engineering or practical reason why we restrict this to flat markers in Section F North. In fact, since it slopes down, even if there is a higher marker, it will not stand out that much. If there is a problem with the ground being more unsettled, then the City will require a better foundation on the graves if they are putting up a marker. He stated his support of this.

Commissioner Hoff explained that one of the concerns the last time was that people like the Stenger family have requested monuments and were denied. Now that this letter has been sent out and people have responded and the majority of people who did respond said they would prefer an upright marker. It does not sound like anyone is upset about it. Secondly, she wanted to ask about the designs for monuments and the rules state they must be submitted to

the superintendent or to a person designated by him to act in his stead when application is made for construction of foundations. We have specific requirements.

City Manager Valentine said as a practical matter, the Commission can tell me how you would like me to handle it, but all these matters that have that language with regard to the superintendent need to go to his attention as the City Manager. His position would be that in terms of continuity of managing this, we would have our contractor facilitate the installation of these stones, like they are managing all other operations of the cemetery. The direction and requests would come from the City Manager's office.

Mr. Paul Robertson agreed that they have come to the same conclusion that he came to, that Section F North was for some reason in the 60's and 70's granted second class citizenship and he hopes in the vote to give the section first class citizenship.

MOTION: Motion by Bordman, seconded by Boutros:
To direct the Greenwood Cemetery Advisory Board to revise the Greenwood Cemetery Rules and Regulations to permit upright monuments in Section F North of Greenwood Cemetery. All conditions as to the erection of monuments in Section VI, Monuments, Grave Markers, and Foundations shall continue to apply.

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

VI. NEW BUSINESS

03-83-17 GREENWOOD CEMETERY ADVISORY BOARD-ACTION LIST

City Clerk Arft stated that last July during the presentation of the Greenwood Cemetery Advisory Board Annual Report to City Commission, one of the requests from the Commission was for the Board to develop an action list and put it in their priority order and bring it back to the Commission for its review and determination of priorities. The Cemetery Board approved them and asked for them to be brought forward to you.

Commissioner Sherman said looking at the list, it seems to him that nine of the ten actually come from one, and that is a Master Plan for the Cemetery. Without a Master Plan he is not sure how any of the others can move forward in any fashion. Anytime the City has a project, we try to have a plan in place before we decide what the elements are that have to be accomplished in order to achieve our plan. It would seem to him that there should be one item on the list, and that is a Master Plan. So now it is going to be the Master Plan, but before you get to that he believes that we need to revise the regulations that the Commission sent back to them tonight. Once the Master Plan is done, we can look at what other goals need to be accomplished in order to implement the Master Plan.

Commissioner DeWeese agrees that is the way the City gets things done. Once we have a Master Plan, we follow it. The Parks Board is now going through a Master Plan. Most of the elements listed would seem naturally to fit into a Master Plan, but as separate elements, each battle has to be fought separately if they are not integrated. We make it clear in the Master Plan what is the vision for the Cemetery. We agree to a vision and direction and that will make it easy to go through those items. For example, Number 1 is to recommend an RFP for ground penetrating radar services. Part of the plan might be because we need to identify how many graves, and what we would do with the information once we identified them. The key here is a

Master Plan has to be number one. He is comfortable with it being the only one or it can be number one and the others can follow. In talking to the City Manager this afternoon, money is already being set aside to do a Master Plan. He supports the Master Plan for the City and believes it is right to get a Master Plan here.

Commissioner Hoff thinks a Master Plan is a good idea, but not only does the Master Plan need financing, so do many of these items on that list. There is manpower involved in so many. Who will create the Master Plan. She said that the cemetery needs a little focus, and asked if there is money set aside, will there be a budget.

City Manager said there will be a budget, and this request had come to him as part of the budget process along with some other items which did not make the cut. But from a strategic standpoint, it was clear that the Master Plan was the way to go from the standpoint of where to you start. He believes as Commissioner DeWeese indicated, everything fits into that. There will be money in the upcoming budget for next year to address the Master Plan element of this and then determine what elements should receive the focus. The intention with the Cemetery is that it would be effectively an enterprise type fund where once the Perpetual Care Fund is established, all operational expenses associated with the Cemetery would come out of the Perpetual Care Fund. It was set up a couple years ago and once graves are sold, that generates the revenue for the Perpetual Care Fund. So going forward, that is the big picture model of how this is going to operate. In the meantime, we may have to put some additional funds in there to address some of the kick start items to get this going. But in the long term, this would be effectively funded over the long term for the perpetual care of the Cemetery through that Perpetual Care Fund. First year, we are looking at some dollars just to get this started. We want to build that reserve so we have that endowment kind of approach coming back annually to make these ongoing improvements.

Commissioner Hoff asked who would create the Master Plan. City Manager Valentine confirmed we would have a consultant come in and facilitate the creation of the Master Plan, just like we do with other Master Plans. Commissioner Hoff commented that when we had a consultant come in for the Cemetery to draw up a plan/contract on what we were going to do and who was going to manage the cemetery, we did not get any responses except for the person who wrote the proposal. She expressed concern about that. She asked if people create Master Plans for cemeteries.

City Manager said there are firms out there who do them and he believes we have spoken to a firm already to get an estimate for this work. There are companies that can facilitate this process to get you where you want to be.

Commissioner DeWeese commented that the current persons operating the Cemetery can have some input into the plan but they should not be the ones creating the plan due to a conflict of interest. We want an independent voice, and independent perspective. We need clarification with an independent view. There is an ethical issue that he wants to avoid for the future.

Commissioner Bordman suggested that we move this forward by directing the Cemetery Board to, when possible, go forward with a Master Plan and not move on the remaining items.

Mayor Nickita said it could be looked at as an action item as our second point, resolution accepting proposed advisory board action list with the following revisions and the revisions could do a Master Plan.

Commissioner Bordman if you prefer it that way she is happy to make the motion that the Mayor outlined.

MOTION: Motion by Bordman, seconded by DeWeese:
To accept the proposed Greenwood Cemetery Advisory Board's Action List, with the following revisions:

1. Develop a Master Plan for the Cemetery including a map;
2. Revise the Rules and Regulations to remove the restriction of upright monuments in Section F. North

Commissioner Sherman said we did just send something to them regarding revising the rules and regulations. That should be on there also, we would like to see that back sooner than later.

Commissioner Bordman said she was not sure we could do this without a budget in place. City Manager Valentine said that July 1, funds will be allocated to fund that project and the Board can proceed at that time. In the meantime, staff can work on drafting the documents necessary to facilitate that time line, and have everything ready to go July 1, pending approval of budget.

Commissioner Bordman agreed to the revision.

Commissioner DeWeese said he hoped the Cemetery Board does not see that this as a stall. He believes we can facilitate things in the future and the Board can spend some time thinking through the elements. These are all elements that have the notion of some vision so the Board should clarify the vision, and it will facilitate that process. By having a Master Plan, the City can then establish funding. The Cemetery Board can have more say in making recommendations to us, and we can proceed forward.

Mayor Nickita added that the Master Plan would add clarity to the other items in a priority list as to which ones would be most important, and then fund those accordingly.

Ms. Darlene Gehringer, Cemetery Board Chairperson said we have been working on the action list, but not as a part of a Master Plan. She asked to clarify that the Commission is directing the Board to prepare a Master Plan Request for Proposal.

City Manager Valentine said the Board is required to meet quarterly, and meetings are set monthly. From a priority standpoint, the Commission stated the priority is the Master Plan.

Mayor Nickita suggested that they have to prepare for the Master Plan and the details as to what you would want the plan to be. The clearer and more defined that is, the better the Master Plan will be. The Board can work to prepare or assist in developing the RFP and the clarity that should be in there to allow for a consultant to be better prepared to give us what we need.

Commissioner Valentine confirmed for Commissioner Hoff that staff will write the RFP. It will be reviewed by the Board, and recommended to the Commission. Staff will generate that process.

GCAB member George Stern asked if the Commission's direction relative to the development of a Master Plan means the Board cannot continue to look at operational issues. City Manager Valentine responded in terms of trying to identify specific areas because there is going to be a period of time in which the focus will be re-shifted to the RFP process

Commissioner DeWeese said if there is an immediate operational concern, then that has to be brought to the attention of the City Manager.

Mr. Stern appreciates that the Commission is supporting the Master Plan. He hopes that it is integrated with the Master Plan for the City, so that the City can do their Master Plan and look at the total demand for cemetery space in the future.

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

03-80-17 GREENWOOD CEMETERY DONOR RECOGNITION PROGRAM

Acting City Clerk Arft said one of the Cemetery Board goals was to develop a Donor Recognition Program for improvements specific to the cemetery. The Board used the Parks and Recreations donor policy as a guideline. In April of last year, the Board made some revisions specific to the cemetery that are noted. They completed the development of the policy, and the Board recommended the City Manager and the City Attorney review the proposed program. Both have reviewed it along with the Finance Director. There were no objections. There were some changes that were made. The Advisory Board looked again at the program at its December meeting and approved it with just one small change. They are submitting bringing it tonight for your consideration.

Commissioner Boutros would like to move the suggested resolution. It is very clear on what we are trying to achieve and how it has been reviewed.

Commissioner Bordman believes that we are heading into a Master Plan that a donor program would be an item within the Master Plan, so she is not sure this is the right time to address it. If the Commission decides it is, she had some changes to suggest. She believes this is something that should be tabled for inclusion in the Master Plan.

Commissioner Sherman concurs with Commissioner Bordman's statement. This is one of the items that was on the list provided in Item A, and if we want the Cemetery Board to look towards a Master Plan, this is definitely part of what should be in that Master Plan. He is not saying anything wrong with what was done, but it just should be done as part of a whole as opposed to doing this piecemeal at this point. He said it is a great start, but should be incorporated in discussion with Master Plan.

Commissioner DeWeese said he would note the sentence the donation guideline section states that the donations will be reviewed for appropriateness and compatibility with the Greenwood Cemetery Master Plan. The notion and concept are good; he does not like delays but he thinks they need to tie them together.

Commissioner Hoff also thinks there is room for improvement. She believes there are things that have not been addressed that should be included, and she does not think this is ready for

approval. She asked about the consideration of designating Greenwood a national historic cemetery.

City Clerk Arft responded to Commissioner Hoff that the Board was notified at the last Board meeting that the State Historic Office did not believe that Greenwood would be a candidate for national designation.

Mayor Nickita believes we are moving toward having some level of clarity on donations and opportunities for elements of our City overall, where opportunities for donations are continuing to be directed, uncovered and clarified. He is very pleased in the direction they are moving, but it needs to be driven by the Master Plan.

The Commission took no action on this item.

03-81-17 DESIGN OF POPPLETON AVE. BETWEEN KNOX AVE. AND MAPLE RD.

City Engineer O'Meara explained that they are going to be replacing the concrete pavement on Poppleton due to the fact that it works as both an entrance to the subdivision as well as the Kroger parking lot. Two areas he wanted to review are the Multi-Modal design discussions, and also managing traffic during the construction project. The Multi-Modal Master Plan identifies this as being part of a future neighborhood connector route, because it is one of the few opportunities for bicyclists to ride from the north to the south or vice versa. The street is not very busy, but it is a private right of way with a lot of utility poles and a need for three lanes of traffic at Maple largely due to Kroger. We do not have the opportunity to build a bike facility here, and the Board was disappointed but understood the limitations. The Board felt it should probably be looked at closer in the future when we look more seriously at building a neighborhood connector route in this area. They passed a resolution in December to move forward with this design with the three lanes which is similar to what is there today. Mr. O'Meara described the design features.

As to the other issue of traffic management, a three stage phasing plan is recommended where trucks would be directed to drive straight through Knox going in and out, and head down Adams Road to make their entrances and exits to the Kroger facility. That would keep the rest of the road clear of trucks. They would keep customers in and out through the south driveway so Maple Road would still be the main artery for the customer traffic and they would be cut off from the neighborhood during a lot of the project and forced to use Maple Road. They have notified the neighborhood on Knox about the project last week and received some calls, but not many. This would be a temporary situation.

Commissioner Bordman asked about the intersection at Poppleton and Knox and if there are crosswalks or pavement markings so that people know where to cross and cars know where they are. City Engineer O'Meara responded there never have been crosswalk markings at this intersection.

Commissioner Bordman asked with many big trucks going in and out of there, will trucks be using that back drive also after the work is done. O'Meara responded answered the normal routine is for them to enter off the south driveway and exit by Knox and make this big right turn.

Commissioner Bordman asked what alerts the trucks that there are pedestrians in the area. Mr. O'Meara responded if the Commission feels it should be marked, they can certainly do that. Commissioner Bordman is not sure about putting up a marked crosswalk but she is concerned about the big trucks and wants to make the truckers sensitive to the fact that this is a neighborhood with people walking, kids on bikes, and people with strollers.

Mayor Nickita asked when the Multi-Modal Board looked at this, were they directed to study pedestrian issues relative to this intersection. Mr. O'Meara responded that they discussed the fact that the radius is so large. There was some discussion that it would be nice to be able to make that smaller. That is why we took the time to photograph what it takes for a truck to make that turn. Mayor Nickita expressed concern about the roads being well marked due to high traffic of trucks and other cars.

Commissioner Hoff confirmed with Mr. O'Meara that Poppleton is three lanes. Mr. O'Meara explained that at Maple Road, Poppleton is one lane coming in and two lanes going out. Before Knox, Poppleton narrows down to two lanes at the Kroger driveway. Commissioner Hoff confirmed with Mr. O'Meara that the sign restricting entry between certain hours will be reinstalled after completion.

Commissioner DeWeese commented that while it may require going to the Multi-Modal Board, he would feel more comfortable having the crosswalk stripes there, because this is a unique situation where we have commercial traffic right next to homes. Markings are a cue to the drivers that there may be pedestrians here.

Commissioner Bordman asked about plans to photograph the road before the work is done. Mr. O'Meara said that stills are the easiest to access later on to actually see the specific spots for review.

Commissioner Bordman asked about the street repair. Mr. O'Meara said they would like the authority for the capeseal funds, but it may not necessarily happen. We would watch for damage, and if repair is justified, we would go that route. Isolated areas would be patched.

Commissioner Hoff commented that Mr. O'Meara and his staff did a nice job phasing this in. This is a very difficult project because there is heavily trafficked area.

Mr. Mike Warner, Knox Street resident, expressed his concerns about his driveway and loss of access to his driveway, and his additional concerns about safety and enhanced police presence during construction. His other concern was road damage and curbs.

MOTION: Motion by Sherman, seconded by Bordman:
To accept the recommendations of the Multi-Modal Transportation Board pertaining to the design of Poppleton Ave. from Knox Ave. to Maple Rd., including:

1. Construction of a three-lane pavement at Maple Rd. which tapers to two-lanes north of the Kroger parking lot.
2. Maintaining the 40 ft. radius at the southwest corner of Knox Ave., while constructing 25 ft. radii at both north corners of the Maple Rd. intersection.
3. To postpone the implementation of Neighborhood Connector Route features on this segment pending further study of the Multi-Modal Master Plan Phase 3 proposals.
4. Addition of crosswalk pavement markings across both Poppleton and Knox.

Further, directing the Engineering Dept. to implement the traffic management plan wherein all Kroger truck traffic will be directed to enter and exit the facility via Knox Ave. between Poppleton Ave. and Adams Rd., and to offer a cape sealing treatment at City expense as part of the expense of this project.

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

03-82-17 CLOSED SESSION-ATTORNEY/CLIENT PRIVILEGE

MOTION: Motion by DeWeese, seconded by Sherman:
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 DeWeese
Commissioner Sherman
Commissioner Boutros,
Commissioner Bordman
Commissioner Hoff
Mayor Nickita
Nays, None
Absent, 1 (Harris)

VII. REMOVED FROM CONSENT AGENDA

The items removed were discussed earlier in the meeting.

VIII. COMMUNICATIONS

03-83-17 FAIRWAY SIDEWALKS CORRESPONDENCE

The Commission received the correspondence regarding Fairway sidewalks.

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

X. REPORTS

03-84-17 COMMISSIONER COMMENTS

Commissioner Bordman commented that the NEXT Senior Center is going to move to Beverly Elementary School during the planned construction at Midvale School. She expressed concern about our first floor retail space and since we do not have a firm policy on making sure that retail stores are using first floor in the downtown core, some of our nice retail space is being used by office workers. She encouraged the Planning Board to develop a policy with high priority. She suggested we revisit our Bistro Ordinance. We have seen changes in the interpretation of bistro. The proposal by Lincoln Yard is 132 outdoor seats which is nearly twice the number of outdoor seats permitted. She believes we need to review the ordinance and address what we mean by bistro in terms of outdoor seating and parking requirements, which she believes are not even in the bistro ordinance. With the Lincoln Yard proposal, we have a very small parking requirement for a very large number of proposed seats. She suggested reviewing the enclosures that are being sought by some of our bistros using eisenglass as well.

Mayor Nickita agreed and said this should be re-visited. We are definitely seeing some things that are not in keeping with the original intent. It is worthy of some questioning and

verification. He added that our concern about ground level retail at this point has historically been relative to activating the street and concern about activating the street with good quality retail. It is very beneficial for pedestrian oriented street scape to have retail on the first floor. Beyond that, the issue of walkability is what we are very serious about, and additionally office space taxes our parking system.

Mayor Nickita commented on the Michigan Municipal League Capital Conference he and City Manager Valentine attended. Several issues were discussed of importance to cities and the state.

City Manager Valentine added that municipal finance is always a big topic at those conferences and the big topic this year was transportation funding.

03-85-17 ANNUAL PLANNING DIVISION REPORT

Commissioner Sherman commented that there needs to be some follow-up on economic development licenses on a holistic level. He would like to discuss the retail definition during the Joint Workshop.

Commissioner Hoff said many of the items already have been taken care of such as dormers and allowable changes for commercial non-conforming buildings.

Commissioner Boutros asked if the bistro ordinance covers the entire City. City Manager Valentine responded what people can do with their property varies based on what section of the City it is in. The more space you have, the more these issues come into play in terms of the expansion or evolution of the bistro concept.

Mayor Nickita said there are a couple different ways of looking at it; one is the physical characteristic of a site, and the other is what was the intention and why did we even create an ordinance which differentiates a Bistro from a Class C license. There are a couple different ways of looking at it and that and there are some complexities to that and some in depth discussion to be had. But it is not just about the physical availability. There is a higher level of discussion that needs to happen as to what is the point of creating a bistro to begin with.

Commissioner DeWeese said to him, the bistro concept is small. Scale is entirely different in the Rail District and it is no longer small and intimate. Where the City had problems in the past, has been with big scale operations in the City.

The Commission recessed to Closed Session at 9:51 PM.

The Commission returned to Open Session at 10:17 PM

XI. ADJOURN

The meeting was adjourned at 10:17 PM.

Cheryl Arft
Acting City Clerk