

**BIRMINGHAM CITY COMMISSION REGULAR MEETING MINUTES
AND GOAL SETTING WORKSHOP MINUTES
FEBRUARY 8, 2016
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.**

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Rackeline J. Hoff, Mayor, called the meeting to order at 7:32 PM.

II. ROLL CALL

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

Administration: City Manager Valentine, City Attorney Currier & Kucharek, Clerk Pierce, Assistant to the Manager Haines, Planners Ecker Baka, Police Chief Studt, Fire Chief Connaughton, DPS Director Wood, Building Official Johnson, Finance Director Gerber, City Engineering O'Meara, IT Director Gemmell

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

02-36-16 RECOGNITION OF 2015 STUDENT BOARD REPRESENTATIVES

The Commission recognized the 2015 Student Board Representatives.

02-37-16 APPOINTMENT OF 2016 STUDENT BOARD REPRESENTATIVES

MOTION: Motion by DeWeese, seconded by Sherman:

To appoint the following students as non-voting members for the calendar year 2016:

Colin Cusimano	Planning Board
Loreal Salter-Dodson	Historic District Commission & Design Review Board
Nichole McMaster	Parks and Recreation Board
Ava Suchara	Public Arts Board
Nayri Carman	Museum Board

VOTE: Yeas, 7
Nays, None
Absent, None

The Clerk administered the oath to the appointed student 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.

02-38-16 APPROVAL OF CONSENT AGENDA

The following item was removed from the consent agenda:

- Item B (Minutes of January 25, 2016) by Mayor Hoff

MOTION: Motion by Sherman, seconded by Bordman:

To approve the consent agenda as follows:

- A. Approval of City Commission Long Range Planning minutes of January 16, 2016.
- B. Approval of City Commission minutes of January 25, 2016.
- C. Approval of warrant list, including Automated Clearing House payments, of January 27, 2016 in the amount of \$781,164.22.
- D. Approval of warrant list, including Automated Clearing House payments, of February 3, 2016 in the amount of \$1,643,215.17.
- E. Resolution approving the appointment of election inspectors for the March 8, 2016 Presidential Primary Election pursuant to MCL 168.674(1) and authorizing the City Clerk to make revisions as needed.
- F. Resolution approving a request submitted by the City of Birmingham to hold Celebrate Birmingham Parade on Sunday, May 15, 2016, 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.
- G. Resolution accepting the resignation of Alexander Chapman as a member of the Board of Review, thanking him for his service and directing the Clerk to begin the process to fill the vacancy.
- H. Resolution accepting the resignation of Ruth Clevers as a member of the Board of Review, thanking her for her service and directing the Clerk to begin the process to fill the vacancy.

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

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

02-39-16

PUBLIC HEARING – LOT REARRANGEMENT 1366 HAYNES COURT & 725 SOUTH ADAMS

Mayor Hoff opened the Public Hearing to consider a lot rearrangement at 1366 Haynes Court and 725 South Adams at 7:45 PM.

City Planner Baka explained the request to take a strip of property from the back of the residential lot at 1366 Haynes Court and transfer it to 725 South Adams. He noted that there is a letter in the agenda packet from the applicant's attorney basically stating that this encroachment has essentially existed since the property was under the same ownership since 1964. There is a three foot strip of pavement that encroaches into the backyard along the length of the property and a larger portion at the southwest corner there is an AT&T utility box. The applicant is requesting to transfer this property to Adams Square. Because this was under common ownership for a number of years, it was not an issue. Now the applicant is considering selling one or both properties so they are requesting this to clean up any title issues that may come up with the sale of the property. He confirmed that both lots meet the lot split requirements as required by City Code.

Dawn Macaddino, representing the applicants, explained the ownership information on the properties. She confirmed for Mayor Hoff that the owner of the shopping center is a family member of the owner of the residential parcel. She commented that the access to the AT&T pad is from the shopping center. She confirmed for Mayor Hoff that it is her understanding that the AT&T pad, located on the residential property, services the entire area.

Steve Pole, representing Bobby and Sandy Parris at 1374 Haynes, expressed objection to the lot rearrangement. He expressed concern that the shopping center activity would creep into the neighborhood and increase the issues with the noise and inconvenience. In addition, he expressed concern with the property value of his client's house with a stripmall closer to the house.

Bobby Parris, 1374 Haynes, stated that the lot rearrangement will not enhance the neighborhood and is only a convenience for the applicant. He stated that there is a dedication that the easement is supposed to stay residential, not commercial. He referenced language on a plat map which stated that the streets and walkways shown on the plat are dedicated to the use of the public and that the private easements shown are reserved for the public utilities and that no permanent structure should be erected in the boundaries of the easements. Regulation and control of the use of the easements is vested in the local government authority. He noted that there is an easement that runs along the back of the properties.

Mr. Baka confirmed for Commissioner Harris that the portion of land will remain in the R2 zone district and anything done to that property would have to conform with residential.

Mr. Pole expressed concern that once the stripcenter owns the land, they could request a variance and circuit the zoning change. Commissioner Sherman noted that even if a request for a zoning change was submitted, it would still be subject to the restrictions of the easement. He noted that whether or not this is done, it does not affect the restrictions on the property.

Ms. Macaddino commented that she did not have the opportunity to review the declaration that Mr. Parris was referencing. If it is an issue, she stated that she would like the opportunity to look at it and respond.

MOTION: Motion by Sherman, seconded by DeWeese:
To continue the Public Hearing to March 14, 2016.

Mayor Pro Tem Nickita requested more clarity in the documentation to clarify the existing conditions versus the proposed condition. He suggested aerial photos of the area.

VOTE: Yeas, 7
Nays, None
Absent, None

**02-40-16 CLOSED SESSION REQUEST
ATTORNEY/CLIENT PRIVILEGE COMMUNICATION**

MOTION: Motion by Sherman, seconded by Boutros:
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 Sherman
Commissioner Bordman
Mayor Hoff
Nays, None
Absent, None
Abstention, None

VII. REMOVED FROM CONSENT AGENDA

**02-41-16 CITY COMMISSION MEETING MINUTES
JANUARY 25, 2016**

Mayor Hoff suggested the following revisions to Resolution #01-24-16:
"Mike Labadie, Fleis & VandenBrink, presented the interim study report on the progress of the West Maple Road Lane Trial Reconfiguration Project. He explained the number of crashes, average speeds and the daily traffic volume dropped, except on Oak because it was recently resurfaced. The cut through traffic was reduced and there was no change to the level of service and travel time in the corridor."

"Mr. Labadie explained for Commissioner Bordman that the traffic volume figures, on all streets other than Maple, are more recent. He confirmed for Commissioner Harris that the comparison information is current except for the traffic volume information on West Maple."

MOTION: Motion by Bordman, seconded by DeWeese:
To approve the City Commission minutes of January 25, 2016 as amended.

VOTE: Yeas, 7

Nays, None
Absent, None

VIII. COMMUNICATIONS

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

X. REPORTS

02-42-16 COMMISSIONER REPORTS

The Commission intends to appoint members to the Board of Review on February 22, 2016, Parks & Recreation Board, Multi-Modal Transportation Board, Planning Board, and Cablecasting Board on March 14, 2016.

02-43-16 COMMISSIONER COMMENTS

Commissioner DeWeese commented on HB5232 & SB720 which would take away certain rights associated with how the City operates historical districts. He noted that has contacted his state representative as his primary concern is that the state is telling the local level of government how to operate its business. He noted that it could constrain the City's ability to its own historical resources.

Mayor Hoff noted that the City Manager has been in contact with the State Representative and State Senator to express the concerns of the City.

02-44-16 CITY STAFF REPORTS

The Commission received the report regarding the 14 Mile Rd. resurfacing (Greenfield to Crooks) submitted by City Engineer O'Meara. Mr. O'Meara confirmed for Mayor Hoff that the work is scheduled for 2018.

The Commission received the Train Station Demolition update submitted by City Engineer O'Meara.

The Commission recessed to closed session at 8:28 PM.

The Commission reconvened in open session at 9:30 PM to begin the workshop session.

02-45-16 CITY COMMISSION GOAL SETTING WORKSHOP

Debbie Macon, Facilitating Connections, facilitated a discussion on the draft goals from the previous goal setting workshop. The Commission discussed the draft goals and recommended revisions to those goals.

XI. ADJOURN

The meeting adjourned at 10:35 PM.

Laura M. Pierce
City Clerk