

BIRMINGHAM CITY COMMISSION MINUTES
JANUARY 11, 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 7:30 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, Clerk Pierce, City Engineer O'Meara, Planning Director Ecker, Police Chief Studt, Deputy Police Chief Clemence

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

01-01-16 APPOINTMENT TO THE PUBLIC ARTS BOARD

MOTION: Motion by Sherman:

To appoint Linda Wells, 588 Cherry Court, as a resident member to the Public Arts Board to serve a three year term to expire January 28, 2019.

MOTION: Motion by DeWeese:

To appoint Maggie Mettler, 544 Wallace, as a resident member to the Public Arts Board to serve a three year term to expire January 28, 2019.

VOTE ON NOMINATION OF WELLS:

Yeas, 7
Absent, None

VOTE ON NOMINATION OF METTLER:

Yeas, 7
Absent, None

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.

01-02-16 APPROVAL OF CONSENT AGENDA

The following item was removed from the consent agenda:

- Item A (Minutes of December 14, 2015) by Mayor Hoff

MOTION: Motion by Harris, seconded by Bordman:

To approve the consent agenda as follows:

- B. Approval of warrant list, including Automated Clearing House payments, of December 16, 2015 in the amount of \$719,749.12.
- C. Approval of warrant list, including Automated Clearing House payments, of December 23, 2015 in the amount of \$938,702.42.
- D. Approval of warrant list, including Automated Clearing House payments, of January 6, 2016 in the amount of \$3,091,998.82.
- E. Resolution accepting the resignation of Stuart Jeffares as an Alternate Member on the Planning Board, thanking Mr. Jeffares for his service, and directing the Clerk to begin the process to fill the vacancy.
- F. Resolution setting a Public Hearing for February 8, 2016 to consider the proposed lot rearrangement of 1366 Haynes Ct. and 725 S. Adams.
- G. Resolution confirming the City Manager's emergency expenditure for the repair of the Chester Parking Structure Passenger Elevator with the expenditure in the amount not to exceed \$21,150.00. Cost will be charged to the Chester Street Parking Structure elevator maintenance account #585-538.008-930.0200.

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

01-03-16 MULTI-MODAL TRANSPORTATION BOARD RECOMMENDATION BUMPOUT (CURB EXTENSION) POLICY

City Planner Ecker explained that the Multi-Modal Transportation Board (MMTB) reviewed the informal City bumpout policy and has recommended that it be increased from four feet to six feet in size. The MMTB also recommended that bumpouts should be installed when the street is reconstructed, when there is a new multi-family residential or commercial building being built, when there is a specific area that has a high pedestrian demand even if it is not set to be reconstructed, or when there is a City street that is measured with high speeds. The suggested design policy for streets with existing parallel parking recommend that the bumpout should be six feet wide and on streets with existing angled parking recommend that the bumpout should be twelve feet wide and streets with parallel parking and a bike lane recommend that the bumpout should be eight feet wide.

Ms. Ecker noted that there are four main documents to review when considering curb bumpouts which include Planning Design and Operation of Pedestrian Facilities, by AASHTO (American Association of State Highway and Transportation Officials), the Urban Street Design Guide by the National Association of City Transportation Officials, Designing Walkable Urban Thorough Fares: A Contact Sensitive Approach by the Institute of Transportation Engineers, and The Best Design Practices for Walking and Bicycling in Michigan by MDOT (Michigan Department of Transportation). She explained the recommended guidelines for bumpouts as recommended by each source. She noted that the proposed policy is in line with these documents. She explained that the City Commission should determine whether they want to adopt the recommended policy or send it back to the MMTB to include a review of the four documents for reference.

Commissioner Bordman suggested that a statement about unique or extenuating circumstances be considered by the MMTB and included in the policy. She also suggested the MMTB consider adding midblock crossings and pinch points to the policy. In addition, she suggested emergency vehicles be added to #5 under features.

Mayor Pro Tem Nickita agreed that the MMTB should review the policy again taking into consideration the other standards. He noted that consideration of the other standards will provide a more thorough evaluation of what has already been done. He suggested that the MMTB review the criteria be clarified as to when the bumpouts are installed and review the criteria for pinch points and where pinch points would be appropriate.

Commissioner Harris agreed that the MMTB should review the professional material to allow them to make a fully informed decision. He noted that the length of the radius should be considered as well.

Commissioner DeWeese noted that the policy does not seem to address anything other than curb bumpouts and corners.

Mayor Hoff commented that the policy states that each project should be considered separately by the MMTB. She noted that it should be incorporated into the policy.

MOTION: Motion by Bordman, seconded by DeWeese:
To request the Multi-Modal Transportation Board review the additional documents addressing this topic, as well as the comments made by the City Commission tonight, and to confirm or modify their recommendation accordingly.

VOTE: Yeas, 7
Nays, None
Absent, None

VI. NEW BUSINESS

01-04-16 TEMPORARY PARKING POLICY FOR PARKING LOT #6

City Engineer O'Meara explained that a sewer project will be done by Oakland County which will impact parking in the area of Lot #6 along North Old Woodard. He noted that the Advisory Parking Committee has studied this issue and has recommended that permit parkers in that

area park on Vinewood, Woodland and Harmon during the project. Residential permit parking on those streets would be suspended during that time period as well. He confirmed that the residents in that area were notified and he did not receive any comments from the residents.

Mr. O'Meara confirmed for Commissioner Bordman that the Birmingham Shopping District is aware of the project and would delay the Farmers Market opening if the sewer project is delayed.

MOTION: Motion by Sherman, seconded by Nickita:

To accept the recommendation of the Advisory Parking Committee to approve a temporary parking policy for Parking Lot #6, due to the anticipated closure of up to 87 parking spaces during planned sewer construction by the Oakland Co. Water Resources Commissioner's Office during a period in April and/or May, 2016. The policy will encourage the movement of monthly parking permit holders to other areas to improve parking options for daily customer traffic. Residential parking permit requirements will be modified during sewer construction only, allowing all day parking by monthly parking permit holders displaying their hang tag in the rearview mirror, for the following streets:

Vinewood Ave. – Woodland Ave. to N. Old Woodward Ave.

Woodland Ave. – Vinewood Ave. to Harmon St.

Harmon St. – Woodland Ave. to N. Old Woodward Ave.

Further, banning all permit parking in monthly permit areas B and I, and monthly permit parking will be temporarily allowed on Harmon St. parking metered spaces. Once all construction has been completed, all monthly parking permit holders will be asked to return to their normally designated parking areas.

VOTE: Yeas, 7
 Nays, None
 Absent, None

**01-05-16 ORDINANCE AMENDMENT, CHAPTER 74
 OFFENSES AGAINST PUBLIC SAFETY**

Deputy Police Chief Clemence explained that there are state laws that govern a CPL holder who has been drinking and has a firearm in their possession at the time of the arrest. Under the City's current ordinance, the officer must write two citations - one under city ordinance for operating while under the influence and a second citation under state law for carrying a pistol under the influence. This ordinance will avoid having two separate prosecutions by adopting the state law under City ordinance to allow the city attorney to be able to prosecute both charges.

MOTION: Motion by Sherman, seconded by Boutros:

To adopt an ordinance amending Part II of the Birmingham City Code, Chapter 74 Offenses, Article VI. Offenses Against Public Safety, Division 2 Weapons, to add Section 74-218 Carrying Under The Influence.

Commissioner Bordman expressed concern with the language and format of the proposed ordinance. City Attorney Currier confirmed that the language mirrors the state law. City Manager Valentine explained that the intent is to bring the city code into compliance with state law and make it identical to avoid confusion.

VOTE: Yeas, 7

Nays, None
Absent, None

**01-06-16 ESTABLISHMENT OF AN
AD HOC RAIL DISTRICT REVIEW COMMITTEE**

City Planner Ecker explained that the Multi-Modal Transportation Board (MMTB) reviewed the parking on South Eton, as well as site distance issues and the addition of sharrows. The City Commission decided to create a new ad hoc review committee that would broaden the perspective, the study and type of input in studying this area of South Eton. The Ad Hoc Committee would consist of one member from the Advisory Parking Committee, one member from the Planning Board, one member from the Multi-Modal Board, one business owner in the Rail District, and three resident members from the that area to look at the parking situation, planning ramifications, and multi-modal ramifications.

In response to a question from Mayor Hoff, Ms. Ecker confirmed that there is no formal definition of the Rail District however the common understanding is that it includes South Eton from Maple to Lincoln and South Eton to the railroad.

Mayor Pro Tem Nickita noted that shared parking is a common part of parking scenarios. He suggested a study be done to identify where there could be opportunities for increased parking and as well to understand how parking in that area works. He commented that long term parking ideas that should be considered for parking consolidation such as a parking deck.

MOTION: Motion by Nickita, seconded by Sherman:

To approve the establishment of an Ad Hoc Rail District Review Committee to provide a coordinated review of the Rail District while considering all of the elements and input needed to formalize an integrated approach to addressing parking, planning and multi-modal considerations within this mixed use district, including the S. Eton corridor:

Whereas, the City of Birmingham is desirous of studying the needs of the Rail District to develop an integrated approach to address parking capacity and demands while incorporating multi-modal and planning concepts in this district, and

Whereas, over time the City of Birmingham has studied individual elements of the Rail District, however, a review of these various elements is now desired in order to integrate parking, planning and multi-modal efforts under a single coordinated approach; and

Whereas, the Eton Road Corridor Plan contemplated a mixed use vision for this district, and

Whereas, the Multi-Modal Transportation Plan contemplated a multi-modal approach, including a bike lane and enhanced pedestrian crossings along S. Eton Road, and

Whereas, the City Commission wishes to establish an Ad Hoc Rail District Review Committee to provide a coordinated review of the Rail District while considering all of the elements and input needed to formalize an integrated approach to addressing parking, planning and multi-modal considerations within this mixed use district, including the S. Eton corridor.

Now Therefore Be It Resolved that an Ad Hoc Rail District Review Committee is hereby established to develop a recommended plan for addressing parking, planning and multi-modal issues in the Rail District and along S. Eton Road, while considering capacity needs and various plan concepts as follows:

1. The Committee will be Ad Hoc. The term of the Committee shall continue through December 31, 2016 and the Committee will cease functioning unless otherwise directed by the Commission.
2. The City Commission hereby appoints a seven (7) member Ad Hoc Committee to be comprised of the following members. Each respective board shall recommend an appointee for consideration by the City Commission.
 - a) One member from the Advisory Parking Committee
 - b) One member from the Planning Board
 - c) One member from the Multi-Modal Board
 - d) One business owner in the Rail District
 - e) Three resident members from the general public; one living in the neighborhood adjoining S. Eton between Maple and Lincoln; one living in the neighborhood adjoining S. Eton between Lincoln and 14 Mile Road; and one living in the neighborhood adjoining N. Eton between Maple and Derby.

The City Commission also hereby appoints the Planning Director as an ex officio member of the committee and the City Manager may designate respective city staff members to serve as ex officio members of the committee to assist in providing information and assistance as may be required.

3. The scope of the Committee shall be to develop a recommended plan on how to best proceed in addressing the current and future parking demands, along with planning goals and multi-modal opportunities for this district in accordance with the following:
 - a. Review the Eton Road Corridor Plan, Multi-Modal Transportation Plan, and previous findings of the Rail District Committee in order to identify and recommend how to best incorporate these elements into an integrated approach for this district.
 - b. Calculate the long-term parking demands for both the north and south ends of the Rail District, while considering on-street and off-street parking, shared parking arrangements, use requirements and other zoning regulations which impact parking.
 - c. Review planning and multi-modal objectives for the Rail District with the findings from the long-term parking calculations and develop recommendations to integrate planning and multi-modal elements with parking solutions. Recommendations should consider:
 - i. Considerations for on-street and off-street parking
 - ii. Road design initiatives
 - iii. Multi-modal uses
 - iii. Neighborhood input
 - iv. Existing plans and findings
 - d. Compile the committee's findings and recommendations into a single report to be presented to the City Commission by the end of the committee's term.
4. The Committee may request professional services as may be required in the analysis of parking considerations.
5. The Committee is not authorized to expend funds or enter into agreements. All recommendations made by the committee shall be in the form of a report to the City Commission.

6. All meetings of the committee shall be open to the public. Agenda and minutes for all meetings shall be prepared.

VOTE: Yeas, 7
Nays, None
Absent, None

01-07-16 STORMWATER CHARGE APPORTIONMENT STUDY

City Attorney Currier explained the proposal to commission a study by Hubbell, Roth, and Clark regarding the permeability of the various portions of the City in conjunction with the zoning ordinance in order to develop an ordinance that would charge stormwater charges on a more proportional basis to the users. In order to accomplish this, a study must be conducted as to the permeable surface throughout the City.

MOTION: Motion by Sherman, seconded by Nickita:
To approve the Stormwater Charge Apportionment Study with Hubbell, Roth and Clark, Inc. and authorizing the Mayor and Clerk to execute the same on behalf of the City.

VOTE: Yeas, 7
Nays, None
Absent, None

**01-08-16 CLOSED SESSION REQUEST
ATTORNEY/CLIENT PRIVILEGE COMMUNICATION**

MOTION: Motion by Sherman, seconded by Nickita:
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

**01-09-16 CLOSED SESSION REQUEST
PENDING LITIGATION**

MOTION: Motion by DeWeese, seconded by Bordman:
To meet in closed session to review pending litigation regarding Wolf v City of Birmingham pursuant to Section 8(e) of the Open Meetings Act.

ROLL CALL VOTE: Yeas, Commissioner DeWeese
Commissioner Harris

Mayor Pro Tem Nickita
 Commissioner Sherman
 Commissioner Bordman
 Commissioner Boutros
 Mayor Hoff
 Nays, None
 Absent, None
 Abstention, None

VII. REMOVED FROM CONSENT AGENDA

01-10-16 CITY COMMISSION MEETING MINUTES OF DECEMBER 14, 2015

Mayor Hoff suggested the following revision to Resolution #12-310-15:
 "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."

Mayor Hoff suggested the following revision to Resolution #12-311-15:
 "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 Harris:
 To approve the City Commission minutes of December 14, 2015 as amended.

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

VIII. COMMUNICATIONS

01-11-16 COMMUNICATIONS

The Commission received the following communications:

- Ruth Gallagher, 183 Puritan Ave. re: Maple Road changes
- Kenneth Ciszewski, 787 Ridgedale Ave. re: Demolition health hazards

The Commission requested a follow up report regarding the letter submitted by Mr. Ciszewski.

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

X. REPORTS

01-12-16 COMMISSIONER REPORTS

The Commission intends to appoint an alternate member to the Planning Board on January 25, 2016.

01-13-16 COMMISSIONER COMMENTS

Commissioner Bordman commented that she has heard complaints from residents who did not receive notification on a matter that was considered by the Parks Board. She noted that there were no residential properties within 300 feet of the project. In an effort to be transparent with residents and to make sure that residents that are impacted by different situations in the City receive notice, she suggested the City explore a different way to notify such as notice to the neighborhood association president or expand the 300 feet. She stated that it is disturbing that when there is a development adjoining park land, and there are no houses nearby, the people who live in the area and use the park have no idea that there is something happening.

City Manager Valentine requested more specific direction in terms of Commissioner Bordman's expectation as opposed to just reviewing it as a whole. He noted that there were many different considerations and discussions held in the past in terms of noticing. The response was to enhance the City's means to communication information to the public. The City now has expanded means to encourage people to sign up for public meeting notifications of when agendas are available so they can follow along with what is happening within the City. If the Commission wanted to expand that into a different direction, he requested additional input in terms of their expectation so that staff can formulate something to meet that expectation.

Commissioner Bordman suggested that a 300 foot notice requirement that does not touch a single resident is inadequate.

Commissioner DeWeese suggested that if City property is involved, anyone within 300 feet adjacent should be noticed.

Commissioner Harris agreed that residents feel that they are not noticed and suggested that any measures the City would take to enhance noticing would be beneficial.

Mayor Pro Tem Nickita noted that these situations are directly related to unusual circumstances. He noted that the unusual circumstances may need a varied policy such as notification from the edge of the park or signs around the edge of the park.

The City Manager confirmed for the Mayor that staff will return with suggestions.

The Commission recessed to closed session at 8:59 PM.
The Commission reconvened in open session at 9:30 PM.

XI. ADJOURN

The meeting adjourned at 9:30 PM.

Laura M. Pierce
City Clerk