

BIRMINGHAM CITY COMMISSION MINUTES
NOVEMBER 20, 2017
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Harris called the meeting to order at 7:30 p.m.

II. ROLL CALL

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

Administration: City Manager Valentine, IT Director Brunk, Police Chief Clemence, City Attorney Currier, City Planner Ecker, Finance Director Gerber, Assistant to the City Manager Haines, City Clerk Mynsberge, City Engineer O'Meara

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

A gift from the mayor of Birmingham's Sister City, Ritto, was presented to Mayor Harris.

Mayor Harris announced:

- City offices will be closed for Thanksgiving on Thursday, November 23rd and Friday, November 24th.

11-298-17 APPOINTMENTS TO THE BIRMINGHAM SHOPPING DISTRICT BOARD

City Manager Valentine presented his choices for appointment to the Birmingham Shopping District Board, Richard Astrein, William Roberts, and Samy Eid, for the concurrence of the Commission.

Samy Eid was present and made brief comments as to their qualifications.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Boutros:
To concur with the City Manager's appointment of Richard Astrein to the Birmingham Shopping District Board, as a member who is a business operator or property owner, for a four-year term to expire November 16, 2021.

VOTE: Yeas, 6
 Nays, 0

Absent, 1

MOTION: Motion by Commissioner Sherman, seconded by Mayor Pro Tem Bordman:
To concur with the City Manager's appointment of William Roberts to the Birmingham Shopping District Board, as a member who is a business operator, for a four-year term to expire November 16, 2021.

VOTE: Yeas, 6
Nays, 0
Absent, 1

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Boutros:
To concur with the City Manager's appointment of Samy Eid to the Birmingham Shopping District Board, as a member who is a business operator, for a four-year term to expire November 16, 2021.

VOTE: Yeas, 6
Nays, 0
Absent, 1

11-299-17 APPOINTMENTS TO THE PLANNING BOARD

Daniel Share was unable to attend but submitted an email expressing his desire to continue serving on the Planning Board as an alternate member.

Nasseem Ramin was present and made brief comments as to her interest and qualifications to serve on the Board.

MOTION: Motion by Mayor Pro Tem Bordman, seconded by Commissioner DeWeese:
To appoint Dan Share to the Planning Board, as an alternate member, for a three-year term to expire November 2, 2020.

VOTE: Yeas, 6
Nays, 0
Absent, 1

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Hoff:
To appoint Nasseem Ramin to the Planning Board, as an alternate member, for a three-year term to expire November 2, 2020

VOTE: Yeas, 6
Nays, 0
Absent, 1

The City Clerk administered the Oath of Office to the appointees.

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.

11-300-17 APPROVAL OF CONSENT AGENDA

Commissioner Sherman recused himself from voting on Item E, based on a conversation with the City Attorney.

The following item was removed from the Consent Agenda:

- Commissioner Hoff: Item A, Approval of the City Commission minutes of November 13, 2017

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Boutros:

To approve the Consent Agenda, with Item A removed and the recusal of Commissioner Sherman from the vote on Item E noted.

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

- B. Approval of warrant list, including Automated Clearing House payments, dated November 15, 2017, in the amount of \$1,082,940.45.
- C. Resolution approving a request from Common Ground to hold the 44th Annual Birmingham Street Art Fair in and around Shain Park on September 14 - 16, 2018, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any location change or minor modifications that may be deemed necessary by administrative staff at the time of the event.
- D. Resolution authorizing the City Manager to sign the new backup services contract with All Covered for a continued monthly cost of \$1192.00. Funds are available in the IT Computer Maintenance fund account #636-228.000-933.0600.
- E. Resolution setting Monday, December 11, 2017 at 7:30 PM for a public hearing to consider an application for a Special Land Use Permit Amendment and Final Site Plan for 220 restaurant at 220 E. Merrill.
- F. Resolution setting Monday, December 11, 2017 at 7:30 PM for a public hearing to consider an application for a Special Land Use Permit Amendment and Final Site Plan for Vinoteca at 210 S. Old Woodward.

V. UNFINISHED BUSINESS

11-301-17 PLAN FOR FINALIZATION OF THE CITY LOGO

From Assistant to the City Manager Haines' report to City Manager Valentine dated November 15, 2017:

PROPOSED PLAN FOR FINALIZATION OF CITY LOGO

1. Conduct a city-wide survey. The proposed survey will solicit feedback from the community on six logos, which includes the three initial logos recommended by the Ad Hoc BBC, two tree logo designs from early McCann drafts, and the current Birmingham City logo. The purpose of the survey is to gather input regarding specific logo design elements, and to find out what elements they like or don't like, and to find out which logo design is the most preferred of the six. (The proposed survey is attached.) The survey will be conducted over a period of three weeks, and will be promoted via local news outlets, city social media channels, and the city website.

2. Gather data and summarize results. The survey questions are designed to gather specific data and feedback on each design and its design elements, and to determine which logo design is the most preferred. There is also a comment section which provides a way for participants to offer additional feedback on each logo. The results of the survey will be collected and summarized for review by the Commission.

3. Report data to the City Commission. A report will be presented to the City Commission to review the survey findings and to determine if the data supports a preference for a specific logo or for specific elements of a logo design. The Commission can then determine, based on the input from the survey, if there are desired modifications to be considered or the Commission may provide direction on a preferred logo. If modifications are desired, staff will modify and bring back for review.

Commission members made suggestions for additional locations for the survey to be made available to the public, including the Baldwin Public Library and NEXT.

Assistant to the City Manager Haines confirmed the survey will be publicized through local media, and agreed with suggestions that the survey be released in January.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner DeWeese:
To endorse the Proposed Plan for Finalization of the City Logo.

VOTE: Yeas, 6
 Nays, 0
 Absent, 1

VI. NEW BUSINESS

11-302-17 PUBLIC HEARING TO CONSIDER PROPOSED LOT COMBINATION OF 412 & 420 E. FRANK AS WELL AS THE SMALL STRIP OF PARKING THAT ABUTS 420 E. FRANK ON THE EAST

Mayor Harris opened the public hearing at 7:52 p.m.

From City Planner Ecker's report to City Manager Valentine dated November 15, 2017:

The subject site is composed of three parcels, 412 & 420 E. Frank as well as the small strip of parking that abuts 420 E. Frank on the east. 412 E. Frank was most recently occupied by Frank Street Bakery, while 420 E. Frank has been used as an interior design office space for the past several years. The owner of these properties is seeking approval to combine the three parcels into one lot of 15,200 square feet in size on the

southeast corner of E. Frank and Ann Street and to demolish the existing buildings to construct a three story, five (5) unit multi-family residential structure.

On June 28, 2017, the Planning Board approved the Final Site Plan & Design Review for the construction of a new three story residential building on the subject parcels.

On October 30, 2017, the City Commission set a public hearing date to consider the proposed lot combination, pursuant to the procedures set forth in Section 102-52 of the Subdivision Ordinance. The proposed lot combination meets the six required standards set forth by the Subdivision Regulation Ordinance (Chapter 102, Section 102-83) for approval of a lot combination.

City Planner Ecker verified for:

- Commissioner DeWeese that the neighbors who have commented are in favor of the lot combination.
- Commissioner Hoff that all neighbors within 300 feet of the proposed lot combination were notified of this public hearing, which yielded no response.

City Planner Ecker explained to Commissioner Hoff that the lot combination is before the Commission now because of the ordinance change requiring public hearings in March 2017. Previously lot combinations were handled administratively.

Commissioner Hoff stated she would not like to see reversals of either lot combinations or lot splits once they have been approved by the Commission, even if the property later changes hands.

John Sarkesian, representing the owner and developer, explained to:

- Commissioner Boutros that there is one unit on floor one, two units each on floors two and three, and that each residential unit would be about 3,400 sq. ft.
- Mayor Harris that the owner is 420 East Frank Street LLC.
- Commissioner Hoff that:
 - If this lot combination is approved, the project will be moving forward.
 - Five three-car garages for the residents make up the remaining space on the first floor.

There being no further comment, Mayor Harris closed the public hearing at 8:06 p.m.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner DeWeese:
To approve the proposed lot combination of 412 – 420 E. Frank Street, Lots 31 & 32 and the west 32' of lots 3 & 4 Blakeslee Addition.

VOTE: Yeas, 6
 Nays, 0
 Absent, 1

**11-303-17 PUBLIC HEARING FOR ECONOMIC DEVELOPMENT LIQUOR
 LICENSES AREA**

Mayor Harris opened the public hearing at 8:07 p.m.

From City Planner Ecker's report to City Manager Valentine dated November 13, 2017:

On June 19th, 2017 the City held a joint workshop session with the Planning Board and City Commission to discuss current planning issues. One of the issues discussed was the City Commission's desire for the Planning Board to study the economic development liquor license boundaries, and consider a possible expansion of the areas in which such a license may be permitted.

Accordingly, the Planning Board has been discussing this issue, and on October 25, 2017, the Planning Board voted unanimously to recommend expansion of the area in which economic development liquor licenses are permitted to include additional areas in the Triangle District, the Rail District (with the exception of the Crosswinds development), and the southwest corner of Woodward and Quarton.

City Planner Ecker added that an economic development license allows a business to serve liquor without being one of the quota liquor licensed businesses in town.

City Planner Ecker explained to Commissioner Boutros that the plaza on N. Eton was deemed too isolated to be a good fit, and that these changes include the north and south side of Cole as well as the north side of Lincoln.

City Planner Ecker explained to Commissioner Hoff that:

- One of the parcels in blue on the map will be the new Art Van office building, which had previously been included within the economic development license proposal as an attempt to encourage development on that parcel.
- Some members of the Planning Board did not want the corner of Woodward and Quarton included because they felt it to be too isolated from the main commercial area.
- The criteria for granting a Special Land Use Permit (SLUP) for a bistro versus the economic development licenses are different. The economic development license areas have been reviewed parcel by parcel. No properties that are zoned B1 would allow a bistro because they do not fall within the downtown overlay district, the rail district, or the triangle district.

City Planner Ecker confirmed for Mayor Harris that:

- An economic development liquor license would require a SLUP and a Class C license. A Class C license could be obtained one of two ways: it could be purchased from another license-holder within the county, or if the business is located within the Birmingham Shopping District, the business may be able to purchase a Class C license from the state.
- The City requires a business to make an investment of at least \$10 million in the property and to have a SLUP approved by the Commission before issuing a license.

Commissioner Hoff:

- Asked City Planner Ecker to confirm whether any B1 zoned businesses are included in the proposed license-area expansion;
- Asked for confirmation about the \$10 million required investment figure; and,

- Expressed concern about allowing restaurants on Eton due its residential nature and the narrowness of the street.

City Manager Valentine requested City Planner Ecker seek confirmation on the Commission's questions and report later in the meeting.

Mayor Harris left the public hearing open and deviated from the agenda.

11-304-17 AUDIT REPORT

Douglas Bohrer and Timothy St. Andrew, Plante Moran, presented the June 30, 2017 Audit, highlighting that:

- Birmingham received an Unmodified Opinion, which is the highest form of assurance from an independent third-party auditing firm. It is the opinion the bond agencies look for, and it indicates that the City's financial statements and related disclosures are materially accurate.
- The General Fund continues to be financially sound, with its fund balance increasing by 6.9% from the prior year.
- Over \$10 million was invested in City infrastructure, machinery and equipment.
- The pensions system is 87% funded.
- The retiree healthcare system is 55% funded, which increased from 25% six years ago.
- The City maintained its AAA bond rating from Standard & Poors and Fitch Ratings. Very few communities have a AAA bond rating.

At Commissioner Hoff's request, City Manager Valentine and Finance Director Gerber covered the Audit Findings and Recommendations report from Finance Director Gerber.

Mr. St. Andrews noted only approximately 10 governmental units in Michigan also have an AAA bond rating.

11-305-17 PUBLIC HEARING FOR ECONOMIC DEVELOPMENT LIQUOR LICENSES AREA (continued)

Mayor Harris returned to the Public Hearing for Economic Development Liquor Licenses.

City Planner Ecker confirmed for Commissioner Hoff that:

- The level of investment required to receive an economic development liquor license is \$10 million, according to Chapter 10 – Alcoholic Liquors.
- Within the proposed license expansion area on the map, there are no B1 zoned businesses.

City Attorney Currier clarified that Section 10-61-6 delineates how an applicant must prove that they have either made the required \$10 million investment, or a 500% increase in the value of the parcel, whichever is less, in order to qualify for an economic development liquor license.

Commissioner Hoff stated the economic development liquor licenses are a good tool in some areas, but should not be used in residential areas.

Commissioner Sherman concurred with Commissioner Hoff but noted the Commission has final say on the approval of this licensing for any parcel, which means that just because it is permitted, does not mean it will occur.

There being no further comment, Mayor Harris closed the public hearing at 8:55 p.m.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner DeWeese:
To approve the following ordinance amendments to allow the use of Economic Development Liquor Licenses in an expanded area as shown in Attachment G:

- 1) Article 2, Section 2.27, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the B1 (Neighborhood Business) zone district.
- 2) Article 2, Section 2.29, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the B2 (General Business) zone district (*Full ordinance appended to these minutes as Attachment A*);
- 3) Article 2, Section 2.31, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the B2B (General Business) zone district (*Full ordinance appended to these minutes as Attachment B*);
- 4) Article 2, Section 2.39, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the MX (Mixed Use) zone district (*Full ordinance appended to these minutes as Attachment C*);
- 5) Article 3, Section 3.08, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the MU-3, MU-5 and MU-7 (Mixed Use) zone districts (*Full ordinances appended to these minutes as Attachment D, E and F, respectively*); and
- 6) Appendix C, Exhibit 1, Economic Development Licenses Map to expand the number of parcels which may qualify for the use of an Economic Development Liquor License (*Map appended to these minutes as Attachment G*).

MOTION: Motion by Commission Boutros, seconded by Commissioner DeWeese:
To amend the motion to exclude ordinance amendment 1) Article 2, Section 2.27, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the B1 (Neighborhood Business) zone district.

VOTE: Yeas, 6
 Nays, 0
 Absent, 1

Vote on original motion as amended:

To approve the following ordinance amendments to allow the use of Economic Development Liquor Licenses in an expanded area as shown in Attachment G:

- 2) Article 2, Section 2.29, District Intent, Permitted Uses and Special Uses to amend

- the uses requiring a Special Land Use Permit in the B2 (General Business) zone district (*Full ordinance appended to these minutes as Attachment A*);
- 3) Article 2, Section 2.31, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the B2B (General Business) zone district (*Full ordinance appended to these minutes as Attachment B*);
 - 4) Article 2, Section 2.39, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the MX (Mixed Use) zone district (*Full ordinance appended to these minutes as Attachment C*);
 - 5) Article 3, Section 3.08, District Intent, Permitted Uses and Special Uses to amend the uses requiring a Special Land Use Permit in the MU -3, MU -5 and MU-7 (Mixed Use) zone districts (*Full ordinances appended to these minutes as Attachment D, E, F respectively*); and
 - 6) Appendix C, Exhibit 1, Economic Development Licenses Map to expand the number of parcels which may qualify for the use of an Economic Development Liquor License (*Map appended to these minutes as Attachment G*).

VOTE: Yeas, 6
 Nays, 0
 Absent, 1

**11-306-17 MULTI-MODAL TRANSPORTATION BOARD RECOMMENDATIONS
 FOR OAKLAND AVENUE IMPROVEMENTS BETWEEN WOODWARD
 AVENUE AND LAWDALE AVENUE**

From Chief of Police Mark Clemence, City Planner Ecker and City Engineer Paul T. O'Meara's report to City Manager Valentine dated November 10, 2017:

Fleis & Vendenbrink (F&V) conducted a STOP sign warrant analysis for the entire intersection. Traffic counts were taken, and the attached report from F&V was presented to the Multimodal Transportation Board (MMTB) at their meeting of September 7, 2017. The F&V STOP sign analysis determined the following:

- The intersection is unique in that the north and south legs (Lawndale Avenue) are both one-way traffic, and both heading toward Oakland Avenue. As such, all Lawndale Avenue traffic must turn on to Oakland Avenue. Further, Oakland Avenue changes from two-way traffic to the east, to one-way westbound to the west. The current STOP sign placements are also unique, with southbound and westbound traffic being required to stop, while northbound traffic is allowed to free flow.
- Traffic counts for the intersection revealed that STOP signs are not warranted in any direction based strictly on traffic demand.
- The northbound Lawndale Avenue right turn movement is by far the most common vehicular movement at this intersection. It is also the one with the

- poorest sight distance, particularly if pedestrians are encouraged to cross Oakland Avenue to the far east side at the existing STOP sign location.
- There is no sight distance issue for westbound Oakland Avenue traffic at the existing STOP sign location.
 - Safety would be improved for pedestrians crossing Oakland Avenue if:
 - The crosswalk was moved westerly as shown on the attached revised drawing, thereby improving visibility, and
 - The STOP sign was relocated from its current location (stopping westbound Oakland Avenue traffic) to northbound Lawndale Avenue.
 - Westbound Oakland Avenue section to Woodward Avenue was unnecessarily wide, given current traffic demands. It was suggested that pedestrian and vehicular safety could be improved at the Woodward Avenue intersection if this leg of Oakland Avenue had improved pavement markings, or better yet, was reduced in size to just one westbound right turn lane.
 - The Woodward Avenue crosswalk should be enhanced not only for pedestrians, but for bicycles, especially given that this intersection was a part of the Neighborhood Connector Route.

As a result of these findings, the Multi-Modal Transportation Board recommended the following improvements to Oakland Avenue, from Woodward Avenue to Lawndale Avenue, in consideration of the upcoming relocation of the northbound Woodward Avenue crosswalk to be completed by the Michigan Dept. of Transportation in 2018:

1. The relocation of the STOP sign from westbound Oakland Avenue to northbound Lawndale Avenue
2. The narrowing of Oakland Avenue from Woodward Avenue to Lawndale Avenue
3. The installation of a ten foot wide combination sidewalk and bike path on the south side of Oakland Avenue from Woodward Avenue to Lawndale Avenue

Further, it is recommended that the STOP sign be relocated as soon as possible, while the other improvements be scheduled for completion in conjunction with the work proposed by MDOT.

City Engineer O'Meara confirmed for Commissioner Hoff that:

- The green space on the map represents grass.
- Removing the westbound Oakland Avenue STOP sign was determined to be safe because there is very little traffic in that direction, and there are excellent sightlines.

Commissioner Hoff's and Mayor Pro Tem Bordman's concerns about removing the STOP sign included pedestrian safety and potentially increasing the speed of traffic in the neighborhood.

Chief of Police Clemence stated that Birmingham now follows the four national standards for STOP signs. He added that the STOP sign in question does not meet the criteria, and that unwarranted STOP signs can increase vehicular speeds.

Mayor Pro Tem Bordman stated that her concerns remain since none of the aforementioned criteria for STOP signs include pedestrian or bicyclist considerations.

Commissioner Sherman noted that many streets in the City contain intersections without stop signs.

Commissioner Boutros stated that the sight distance may be a more important factor for protecting pedestrians than a STOP sign, because a vehicle is always required to stop for a pedestrian in a crosswalk.

Chief Engineer O'Meara explained that the 10' shared use path referenced in the proposal will be for pedestrians and bicyclists.

Chief of Police Clemence confirmed for Mayor Harris that it seems removing the STOP sign would make the intersection safer.

City Engineer O'Meara explained that Option 3 was priced at \$42,000, which makes it the most expensive option but includes a green space. He added that Options 1 and 2 were not priced out because they are very low-cost.

Commissioner DeWeese stated that he believes this motion has many benefits and therefore supports this motion with or without a STOP sign since that could be modified in the future.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Boutros:
To accept the recommendation of the Multi-Modal Transportation Board for improvements to Oakland Avenue between Woodward Avenue and Lawndale Avenue, as described below:

1. Narrowing of Oakland Avenue to accommodate one westbound traffic lane.
2. Installation of a ten-foot wide multi-use path on the south side of this block, marked to encourage use by both pedestrians and bicycles, and
3. Relocation of the westbound Oakland Avenue STOP sign to northbound Lawndale Avenue

Further, to direct staff to implement the relocation of the STOP sign (Item #3) as soon as possible, while the remaining improvements are designed to be coordinated with the planned relocation of the Woodward Avenue crosswalk by the Michigan Dept. of Transportation during the 2018 construction season.

Commissioners Boutros and Harris supported the removal of the stop sign based on the explanation of national standards. Commissioner Hoff stated she does not support the removal of the stop sign.

VOTE: Yeas, 4
 Nays, 2 (Bordman, Hoff)
 Absent, 1

11-307-17 ACCEPTANCE AND PLACEMENT OF DONATED SCULPTURE *SOUND HEART* BY JAY LEFKOWITZ ON PRIVATE PROPERTY

MOTION: Motion by Commissioner DeWeese, seconded by Mayor Pro Tem Bordman:
To approve the recommendations of the Public Arts Board to accept the donation of the sculpture, *Sound Heart*, by Jay Lefkowitz, and to approve the proposed location at the northeast corner of Woodward Ave and E. Maple Rd within Kroger's pedestrian plaza;

 AND

To approve the Donation and Access Agreement with Christina Heidrich and further to direct the Mayor and City Clerk to sign the agreement on behalf of the City;

 AND

To approve the Access Agreement with The Kroger Company, and further to direct the Mayor and City Clerk to sign the agreement on behalf of the City.

Mayor Pro Tem Bordman stated that she would like to see a plaque identifying the statue as being owned by the City of Birmingham, in addition to the artist, name of the sculpture, and the donor. City Manager Valentine confirmed this could be done.

VOTE: Yeas, 6
 Nays, 0
 Absent, 1

VII. REMOVED FROM CONSENT AGENDA

11-308-17 APPROVAL OF CITY COMMISSION MINUTES OF NOVEMBER 13, 2017.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Bordman:
To approve the City Commission minutes of November 13, 2017 as corrected to spell the names of Mr. Taros on Page 10 and Mr. Baller on Page 12 correctly, to delete "Mr. Guy Simmons" from Commissioner DeWeese's comment on Page 5, and to correct Mayor Harris' comment on Page 11 to identify he was speaking of the citywide master plan.

VOTE: Yeas, 6
 Nays, 0
 Absent, 1

VIII. COMMUNICATIONS

None.

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

None.

X. REPORTS

11-309-17 COMMISSIONER REPORTS

Commissioner Hoff reported the Foundation for Birmingham Senior Residents has expanded its grant and loan program to include charitable organizations who provide services for seniors. The Foundation has recently awarded several such grants to organizations including the Baldwin Public Library and NEXT.

11-310-17 CITY STAFF REPORTS

The Commission received the Audit Findings and Recommendations, submitted by Finance Director Gerber.

The Commission received the Woodward Avenue Resurfacing Project Report, submitted by City Engineer O'Meara. City Manager Valentine explained that there is an agreement being drafted by MDOT that includes their planned road improvements and Birmingham's requested enhancements for Woodward Avenue, including updates to the crosswalks.

Most recently MDOT told the City that, while the City wanted 12' wide crosswalks, MDOT will accommodate 10' wide crosswalks and the requested continental pattern design of 24" stripe, 24" off-set, 24" stripe.

MDOT also would like the City to carry the maintenance costs for the crosswalk after it is installed.

City Engineer O'Meara explained to Commissioner DeWeese that while MDOT is willing to install the wider crosswalks, MDOT does not want to be financially invested in an idea their engineers have not endorsed moving forward. Installing the City crosswalks, which are outside the MDOT guidelines, is being done as a goodwill gesture.

City Engineer O'Meara confirmed for Commissioner Boutros that the options being offered are for the City to agree to carry the maintenance costs every four years with MDOT providing the installation if the 24" bars are installed, or MDOT will move forward with their standard 12" bars, and the City will have no additional cost.

City Manager Valentine confirmed for Mayor Pro Tem Bordman that the City could request a clause in the agreement stating that if the State's crosswalk standards change to the City's standards in the future, then MDOT would agree to resume the maintenance costs.

City Engineer O'Meara told the Commission that MDOT agreed to install wider walking paths and ramps at no additional charge.

XI. RECESS

11-311-17 RECESS TO E. LINCOLN STREET

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Hoff:
To recess the meeting and reconvene outdoors by the easterly most streetlight on the north side of E. Lincoln Street, near the intersection with S. Eton Street (the closest building address is Armstrong White Advertising Agency, 2125 E. Lincoln Street, Birmingham MI 48009).

VOTE: Yeas, 6
 Nays, 0
 Absent, 1

Mayor Harris recessed the meeting at 9:45 p.m.

Mayor Harris reconvened the meeting at 9:58 p.m.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Boutros:
To adopt the Halophane GlasWerks Flat LED2 Hallbrook fixture, at 69 watts, 4000K, with a frosted lens as the specified light for the Rail District, and requesting DTE Energy replace all previously installed lights in the Rail District from 2013 to present with this fixture, and utilizing this fixture for all future street light installations in the Rail District.

VOTE: Yeas, 6
 Nays, 0
 Absent, 1

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| IX. ADJOURN |
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Mayor Harris adjourned the meeting at 10:02 p.m.

J. Cherilynn Mynsberge, City Clerk

**CITY OF BIRMINGHAM
ORDINANCE NO. 2253**

THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND 2.29, B2 (General Business) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT.

Section 2.29, B2 (General Business) District Intent, Permitted Uses, and Special Uses

Accessory Permitted Uses

Alcoholic beverage sales(off-premise consumption) *
Kennel*
Laboratory – medical/dental*
Loading facility – off-street*
Outdoor cafe*
Outdoor display*
Outdoor storage*
Parking facility – off-street*
Retail fur sales cold storage facility
Sign

Uses Requiring a Special Land Use Permit

Alcoholic beverage sales (on-premise consumption)
Assisted living
Auto laundry
Auto sales agency
Bistro (only permitted in Triangle District or Rail District)*
Bus/train passenger station and waiting facility
Continued care retirement community
Display of broadcast media devices (only permitted in conjunction with a gasoline service station)
Drive-in facility
Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels ~~within the Triangle District and on Woodward Avenue~~ identified on Exhibit 1; Appendix C)
Funeral home.
Gasoline full service station*
Gasoline service station
Independent hospice facility
Independent senior living
Skilled nursing facility
Trailer camp

Uses Requiring City Commission Approval

Regulated uses*

ATTACHMENT A cont'd

ORDAINED this 20th day of November, 2017 to become effective 7 days after publication.

Andrew M. Harris, Mayor

J. Cherilynn Mynsberge, City Clerk

I, J. Cherilynn Mynsberge, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held November 20, 2017, and that a summary was published in the Observer & Eccentric Newspaper on December 3, 2017.

J. Cherilynn Mynsberge, City Clerk

**CITY OF BIRMINGHAM
ORDINANCE NO. 2254**

THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND 2.31, B2B (General Business) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT.

Section 2.31, B2B (General Business) District Intent, Permitted Uses, and Special Uses

Accessory Permitted Uses

- Alcoholic beverage sales(off-premise consumption) *
- Kennel*
- Laboratory – medical/dental*
- Loading facility – off-street*
- Outdoor cafe*
- Outdoor display*
- Outdoor storage*
- Parking facility – off-street*
- Sign

Uses Requiring a Special Land Use Permit

- Alcoholic beverage sales (on-premise consumption)
- Assisted living
- Auto laundry
- Bistro (only permitted in Triangle District or Rail District)*
- Bus/train passenger station and waiting facility
- Continued care retirement community
- Display of broadcast media devices (only permitted in conjunction with a gasoline service station)
- Drive-in facility
- Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels **within the Triangle District and on Woodward Avenue** identified on Exhibit 1; Appendix C)
- Funeral home
- Gasoline full service station*
- Gasoline service station
- Independent hospice facility
- Independent senior living
- Skilled nursing facility
- Trailer camp

Uses Requiring City Commission Approval

- Regulated uses*

ATTACHMENT B cont'd

ORDAINED this 20th day of November, 2017 to become effective 7 days after publication.

Andrew M. Harris, Mayor

J. Cherilynn Mynsberge, City Clerk

I, J. Cherilynn Mynsberge , City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held November 20, 2017, and that a summary was published in the Observer & Eccentric Newspaper on December 3, 2017.

J. Cherilynn Mynsberge, City Clerk

**CITY OF
BIRMINGHAM
ORDINANCE NO.
2255**

THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND 2.39, MX (Mixed Use) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT.

Section 2.39, MX (Mixed Use) District Intent, Permitted Uses, and Special Uses

Accessory Permitted Uses

Alcoholic beverage sales*

Dwelling – accessory*

Garage – private Greenhouse – private Home occupation

Loading facility – off-street*

Outdoor café*

Outdoor display*

Outdoor storage*

Parking facility – off-street*

Parking structure*

Renting of rooms* Sign

Swimming pool - private

Uses Requiring a Special Land Use Permit

Alcoholic beverage sales (on premise consumption)

Bistros operating with a liquor license granted under the authority of chapter 10, Alcoholic Liquors, Division 4 – Bistro Licenses

Uses with expanded hours past 7 a.m. to 11 p.m. Church

College

Dwelling – first floor with frontage on Eton Road Outdoor storage*

Parking structure (not accessory to principle use) Religious institution

School – private School – public

Residential use combined with permitted nonresidential use with frontage on Eton Road

Any permitted principal use with a total floor area greater than 6,000 sq. ft.

Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels identified on Exhibit 1; Appendix C)

Used Requiring City Commission Approval

Assisted living

Continued care retirement community

Independent hospice facility

Independent senior living

Regulated uses*

Skilled nursing

facility

ORDAINED this 20th day of November, 2017 to become effective 7 days after publication.

Andrew M. Harris, Mayor

J. Cherilynn Mynsberge, City Clerk

I, J. Cherilynn Mynsberge, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held November 20, 2017, and that a summary was published in the Observer & Eccentric Newspaper on December 3, 2017.

J. Cherilynn Mynsberge, City Clerk

**CITY OF BIRMINGHAM
ORDINANCE NO. 2256**

THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND SECTION 3.08, MU-3 (MIXED USE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT.

Section 3.08, MU-3 (Mixed Use) District Intent, Permitted Uses, and Special Uses

Accessory Permitted Uses

- Alcoholic beverage sales*
- Alcoholic beverage sales (off-premise consumption)*
- Any use incidental to principal use
- Retail fur sales cold storage facility
- Sign
- Parking – off-street

Uses Requiring a Special Land Use Permit

- Alcoholic beverage sales (on premise consumption)
- Bank (with drive-through facilities)
- Bistro
- Drive-in facility accessory to a permitted retail business, excluding restaurants
- Funeral home
- Church
- Parking structure
- Religious institution
- Social club

Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels identified on Exhibit 1; Appendix C)

ORDAINED this 20th day of November, 2017 to become effective 7 days after publication.

Andrew M. Harris, Mayor

J. Cherilynn Mynsberge, City Clerk

ATTACHMENT D cont'd

I, J. Cherilynn Mynsberge, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held November 20, 2017, and that a summary was published in the Observer & Eccentric Newspaper on December 3, 2017.

J. Cherilynn Mynsberge, City Clerk

**CITY OF BIRMINGHAM
ORDINANCE NO. 2257**

THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND SECTION 3.08, MU-5 (Mixed Use) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT.

Section 3.08, MU-5 (Mixed Use) District Intent, Permitted Uses, and Special Uses

Accessory Permitted Uses

- Alcoholic beverage sales*
- Alcoholic beverage sales (off-premise consumption)*
- Any use incidental to principal use
- Retail fur sales cold storage facility
- Sign
- Parking – off-street

Uses Requiring a Special Land Use Permit

- Alcoholic beverage sales (on premise consumption)
- Auto sales agency
- Auto show room
- Bank (with drive-through facilities)
- Bistro
- Drive-in facility accessory to a permitted retail business, excluding restaurants
- Funeral home
- Gasoline full-service station
- Gasoline service station
- Church
- Religious institution

Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels identified on Exhibit 1; Appendix C)

ORDAINED this 20th day of November, 2017 to become effective 7 days after publication.

Andrew M. Harris, Mayor

J. Cherilynn Mynsberge, City Clerk

ATTACHMENT E cont'd

I, J. Cherilynn Mynsberge, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held November 20, 2017, and that a summary was published in the Observer & Eccentric Newspaper on December 3, 2017.

J. Cherilynn Mynsberge, City Clerk

**CITY OF BIRMINGHAM
ORDINANCE NO. 2258**

THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND SECTION 3.08, MU-7 (Mixed Use) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT.

Section 3.08, MU-7 (Mixed Use) District Intent, Permitted Uses, and Special Uses

Accessory Permitted Uses

- Alcoholic beverage sales*
- Alcoholic beverage sales (off-premise consumption)*
- Any use incidental to principal use
- Retail fur sales cold storage facility
- Sign
- Parking – off-street

Uses Requiring a Special Land Use Permit

- Alcoholic beverage sales (on premise consumption)
- Auto sales agency
- Auto show room
- Bank (with drive-through facilities)
- Bistro
- Drive-in facility accessory to a permitted retail business, excluding restaurants
- Funeral home
- Gasoline full-service station
- Gasoline service station
- Church
- Religious institution

Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels identified on Exhibit 1; Appendix C)

ORDAINED this 20th day of November, 2017 to become effective 7 days after publication.

Andrew M. Harris, Mayor

J. Cherilynn Mynsberge, City Clerk

ATTACHMENT F cont'd

I, J. Cherilynn Mynsberge, City Clerk of the City of Birmingham, do hereby certify that the foregoing ordinance was passed by the Commission of the City of Birmingham, Michigan at a regular meeting held November 20, 2017, and that a summary was published in the Observer & Eccentric Newspaper on December 3, 2017.

J. Cherilynn Mynsberge, City Clerk

Appendix C: Exhibit 1

