

BIRMINGHAM CITY COMMISSION MINUTES
JANUARY 8, 2018
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

ROLL CALL: Present,	Mayor Harris Mayor Pro Tem Bordman Commissioner Boutros Commissioner DeWeese Commissioner Hoff Commissioner Nickita (arrived at 7:36 p.m.) Commissioner Sherman
Absent,	None

Administration: City Manager Valentine, City Attorney Currier, Communications Director Byrnes, Police Chief Clemence, Fire Chief Connaughton, Planning Director Ecker, Director of Finance/Treasurer Gerber, Deputy Treasurer Klobucar, City Clerk Mynsberge, City Engineer O'Meara

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

Mayor Harris introduced Assistant City Manager Tiffany Gunter.

Mayor Harris announced the City of Birmingham is seeking input from residents and businesses on choosing a new city logo. Surveys are available at City Hall, the Baldwin Public Library, NEXT and on the City's website.

Mayor Pro Tem Bordman's birthday was celebrated.

01-001-18 APPOINTMENTS TO THE PUBLIC ARTS BOARD

The Commission interviewed Monica Neville and Barbara Heller, current Board members.

MOTION: Motion by Commissioner Boutros:

To appoint Barbara Heller to the Public Arts Board as a regular, resident member to serve a three-year term to expire January 28, 2021.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

MOTION: Motion by Commissioner Sherman:

To appoint Monica Neville to the Public Arts Board as a regular, resident member to serve a three-year term to expire January 28, 2021.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

Commissioner Hoff stated she would like to see the Board's two alternate positions filled as well.

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.

01-002-18 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Commissioner Hoff: Item I, Vehicle Towing and Storage Bid
 Item J, Collection Agency Services Bid

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

To approve the Consent Agenda, with Items I and J removed and, regarding Items L and M, with special note of thanks to Lex Kuhne and Adam Charles for their service on City boards.

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

- A. Approval of City Commission meeting minutes of December 4, 2017, as amended.
- B. Approval of City Commission meeting minutes of December 11, 2017.
- C. Approval of warrant list, including Automated Clearing House payments, dated 12/13/2017 in the amount of \$853,074.63.
- D. Approval of warrant list, including Automated Clearing House payments, dated 12/20/2017 in the amount of \$1,350,602.11.
- E. Approval of warrant list, including Automated Clearing House payments, dated 01/03/2018 in the amount of \$650,191.37.
- F. Resolution setting Monday, February 12, 2018 at 7:30 p.m. for a public hearing to consider adoption of the proposed 2018 Parks and Recreation Master Plan.

- G. Resolution approving the dedication of a ten foot wide easement on the Chesterfield Fire Station property, 1600 W. Maple Rd., to DTE Energy Co., and directing the Mayor and City Clerk to sign the document on behalf of the City.
- H. Resolution adopting the Performance Resolution for Governmental Agencies with the Michigan Department of Transportation (MDOT) and authorizing City Engineer Paul O'Meara and Assistant City Engineer Austin Fletcher, to apply to MDOT for the necessary permit work within State Highway Right-of-Way on behalf of the City of Birmingham.
- K. Resolution authorizing the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and approving the liquor license request of Adachi Restaurant Group LLC that requests a new Class C License to be issued under MCL 436.1521(A)(1)(B) and SDM License with Outdoor Service (1 Area) to be located at 325 S. Old Woodward, Birmingham, Oakland County, MI 48009. Furthermore, pursuant to Birmingham City Ordinance, authorizing the City Clerk to complete the Local Approval Notice at the request of Adachi Restaurant Group LLC approving the liquor license request of Adachi that requested a New Class C License to be issued under MCL 436.1521 (A)(1)(B) & SDM License with Outdoor Service (1 Area) to be located at 325 S. Old Woodward, Birmingham, Oakland County, MI 48009.
- L. Resolution accepting the resignation of Lex Kuhne from the Advisory Parking Committee, thanking him for his service, and directing the City Clerk to begin the process of filling the vacancy.
- M. Resolution accepting the resignation of Adam Charles as an Alternate Member of the Historic District Commission, thanking him for his service, and directing the City Clerk to begin the process of filling the vacancy.

V. UNFINISHED BUSINESS

01-003-18 AMENDMENT TO CITY CODE CHAPTER 10, ALCOHOLIC LIQUORS, ARTICLE II. LICENSES, TO DELETE SEC. 10-107 OF DIVISION 5 AND TO ADD DIVISION 6. VIOLATION OF LICENSE, CONTRACTS OR SPECIAL USE PERMITS

From City Attorney Currier's letter to City Manager Valentine dated January 5, 2018:

Chapter 10 of the Birmingham City Code involves the enforcement of liquor license rules regarding consummation of liquor on or about the premises. The proposed amendment to delete Sec. 10-107 of Division 5 and add Division 6. Violations of License Contracts or Special Land Use Permits (SLUP) is intended to provide the City Manager with authority to temporarily suspend, in whole or in part, any provision of a special land use permit the licensee has in the event violations occur on the premises contrary to the liquor license, contract, special land use permit, state law or the Code. This is intended to be a broader form of authority to take immediate action with respect to circumstances that may occur which would require resolution pending a City Commission hearing regarding the provisions of the special land use permit.

Since this is a change to the ordinance, it would apply to all of the existing SLUPS for liquor licenses that have been issued by the City Commission.

It is our recommendation that this is a preferable way to address these issues as opposed to trying to regulate the businesses' operations on an item-by-item basis, which would not address every potential scenario that may occur.

MOTION: Motion by Mayor Pro Tem Bordman, seconded by Commissioner DeWeese:
To Amend the City Code, Part II, Chapter 10, Alcoholic Liquors, Article II. Licenses, to delete Sec. 10-107 of Division 5 and add Division 6. Violations of Licenses, Contracts or Special Use Permits. (*Appended to these minutes as Attachment A*)

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**01-004-18 CONTINUATION OF PUBLIC HEARING TO CONSIDER A SPECIAL
LAND USE PERMIT AMENDMENT AND FINAL SITE PLAN FOR 210
S. OLD WOODWARD - VINOTECCA**

Mayor Harris continued the public hearing from December 11, 2017.

From Planning Director Ecker's report to City Manager Valentine dated January 2, 2018:

On December 11, 2017, the City Commission opened the public hearing to discuss the proposed SLUP Amendment and Final Site Plan for Vinoteca at 210 S. Old Woodward. Several issues were raised, including the use and proposed hours of operation for DJ's at the restaurant and other types of entertainment proposed for both public and private events at the restaurant. After much discussion, the City Commission continued the public hearing to January 8, 2018 and directed staff to consider amendments to the SLUP resolution to differentiate between public and private events, and to consider parameters for entertainment, specifically DJs, during these events.

Accordingly, staff has provided revised SLUP resolution language as directed by the City Commission on December 11, 2017.

Upon further legal review, an alternative option was identified that would not specifically limit the hours of operation or type of entertainment or DJ use, but would rather provide for additional control by the City Commission. Under this alternative, upon receipt of a report by the Birmingham Police Department of violations, the City Manager may consider the temporary suspension of all or a portion of the activities and uses authorized under the SLUP pending a formal public hearing by the City Commission. A proposed ordinance amendment to Chapter 10, Alcoholic Liquors was proposed under separate cover to provide the authority for the City Manager to temporarily suspend a SLUP in whole or in part pending a formal public hearing of the City Commission.

Thus, a second SLUP resolution is offered should the City Commission wish to consider temporary SLUP suspensions to address problems at individual establishments. This option would allow for broad control by the City Commission, and provide the option for the City to take prompt action to address SLUP violations.

Mayor Harris closed the public hearing at 7:50 p.m.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner DeWeese:
To approve a Special Land Use Permit Amendment and Final Site Plan for Vinoteca at 210 S. Old Woodward to allow for a name and concept change from the previous restaurant as recommended by the Planning Board on November 8, 2017, including the adoption of the SLUP

Resolution identified as Option 2. *(Formal resolution appended to these minutes as Attachment B)*

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

01-005-18 CONTINUATION OF PUBLIC HEARING TO CONSIDER A SPECIAL LAND USE PERMIT AMENDMENT AND FINAL SITE PLAN FOR 220 RESTAURANT AT 220 E. MERRILL

Commissioner Nickita recused himself due to a current business association with members of the applicant team. Commissioner Sherman recused himself based on a conversation with the City Attorney.

Mayor Harris continued the public hearing from December 11, 2017.

From Planning Director Ecker's report to City Manager Valentine dated January 2, 2018:

On December 11, 2017, the City Commission opened the public hearing to discuss the proposed SLUP Amendment and Final Site Plan for 220 Restaurant at 220 E. Merrill. Several issues were raised, including the need for an additional street tree as required by the Planning Board, and the proposed hours of operation for DJ's at the restaurant and other types of entertainment proposed for both public and private events at the restaurant. After much discussion, the City Commission continued the public hearing to January 8, 2018 and directed staff to consider amendments to the SLUP resolution to differentiate between public and private events, and to consider parameters for entertainment, specifically DJs, during these events.

Accordingly, staff has provided revised SLUP resolution language as directed by the City Commission on December 11, 2017. The applicant has also paid \$400 for the City tree that was installed as required as a condition of approval.

Upon further legal review, an alternative option was identified that would not specifically limit the hours of operation or type of entertainment or DJ use, but would rather provide for additional control by the City Commission. Under this alternative, upon receipt of a report by the Birmingham Police Department of violations, the City Manager may consider the temporary suspension of all or a portion of the activities and uses authorized under the SLUP pending a formal public hearing by the City Commission. A proposed ordinance amendment to Chapter 10, Alcoholic Liquors was proposed under separate cover to provide the authority for the City Manager to temporarily suspend a SLUP in whole or in part pending a formal public hearing of the City Commission.

Thus, a second SLUP resolution is offered should the City Commission wish to consider temporary SLUP suspensions to address problems at individual establishments. This option would allow for broad control by the City Commission, and provide the option for the City to take prompt action to address SLUP violations.

Planning Director Ecker confirmed for Mayor Pro Tem Bordman that:

- The City planted the tree required by 220 Restaurant's SLUP.

- Zaid Elia, owner of 220 Restaurant, reimbursed the City \$400 for the tree and its planting.

Mayor Harris closed the public hearing at 7:55 p.m.

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman: To approve a Special Land Use Permit Amendment and Final Site Plan for 220 Restaurant at 220 E. Merrill to utilize the lower level of the building as an extension of the 220 Restaurant as recommended by the Planning Board on November 8, 2017, including the adoption of the SLUP Resolution identified as Option 2. *(Formal resolution appended to these minutes as Attachment C)*

VOTE: Yeas, 5
 Nays, 0
 Absent, 0
 Recused, 2 (Nickita, Sherman)

VI. NEW BUSINESS

**01-006-18 OLD WOODWARD AVE. PAVING PROJECT, CONTRACT #1-18(P)
 CONTRACT AWARD**

From City Engineer O'Meara's report to City Manager Valentine dated December 19, 2017:

On November 7, 2017, revised plans for the project were issued for bids with a focus on quality completion in the shortest possible timeframe. A contract final completion date of July 27, 2018 was included, to encourage completion of underground work during colder weather when the business community is less active, as well as a strong bonus/penalty clause to encourage high production on every work day. Other unique time factor items written into the contract include:

1. Standard working hours on the project shall be 7 AM to 10 PM, six days per week (standard working hours end at 7 PM every day).
2. The allowance of a complete closure of Maple Rd. to all vehicle traffic at the Old Woodward Ave. intersection for three weekend periods, and the complete closure of Brown St. to all vehicle traffic for one weekend period (both with provisions encouraging full production on Sundays).

On December 15, 2017, the Engineering Department opened bids on the project. Three companies submitted bids for this project. At the bid opening, the apparent low bidder was F.D.M. Contracting, Inc. However, after checking the math within all submitted proposals, a major math error in the apparent low bid increased their number substantially, making the low bidder Angelo Iafrate Construction Co., with their corrected bid price of \$7,078,773.33. This compares well to the low bid received last April of \$6,870,000.

The following summarizes how the various funds budgeted for this project compared to the bid prices received. Although some funds will require a budget amendment, the total cost of the project is less than budget by approximately \$180,000:

FUND	BUDGET	BID	VARIANCE
GENERAL FUND (STREETSCAPE)	\$ 1,758,590	\$ 2,315,249	\$ (556,659)
MAJOR STREET FUND:			

ROAD	2,678,250	2,199,258	478,992
TRAFFIC SIGNAL	400,000	418,830	(18,830)
WATER FUND	823,070	904,215	(81,145)
SEWER FUND	1,599,610	1,223,201	376,409
AUTO PARKING FUND		18,020	(18,020)
TOTAL ROAD COSTS	7,259,520	7,078,773	180,747
STREETLIGHTS (FY 18-19)	450,000		
TOTAL PROJECT	\$ 7,709,520		

Angelo Iafrate has not historically worked for the City of Birmingham, but they are a reputable and capable firm. Their most recent project in the immediate area was the reconstruction of Big Beaver Rd., from Woodward Ave. to Adams Rd., completed in 2016 for the Road Commission for Oakland Co. Other projects that they have completed that are more similar to our downtown project include:

- M-150 (Rochester Rd.) reconstruction in downtown Rochester (2012).
- Streetscape project for Little Caesars arena (Detroit) valued at \$11 million.
- Woodward Ave. reconstruction for the new Q-Line transit system in the City of Detroit, valued at \$16.3 million.
- Concrete reconstruction of M-59 between M-53 and Romeo Plank Rd., valued at \$20 million.

After reviewing the history of these other larger projects, we are confident that they are qualified to perform the work on this contract.

This contract includes a provision for street closure assessments designed to act as an incentive to complete the project within the allowed time as bid on the bidding document, or in this case, 125 calendar days (four months and one week). Using this provision, if the contractor should keep the road closed longer than 125 days, they will be assessed \$3,000 per day. If the contractor should complete the project quicker than 125 days, and open the road to traffic accordingly, the City shall pay a bonus at double the penalty rate, or \$6,000 per day.

City Engineer O'Meara confirmed for Commissioners Sherman and Hoff that:

- During the three weekends when Maple and Woodward will be closed to traffic, work will be performed on both Saturday and Sunday.
- The contractor may request to work on other Sundays should they so choose, and those hours will be granted at the discretion of the City Manager's office.
- The intersections of Maple and Woodward and Old Woodward and Brown will not be closed simultaneously.
- The new electrical system on Old Woodward will be to power city lights.
- The budget for the project increased due to the increase in the project's complexity. The recommended bid came in under the updated budget.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita: To award the Old Woodward Ave. Paving Project, Contract #1-18(P), to Angelo Iafrate Construction Co., of Warren, MI, in the amount of \$7,078,773.32, to be funded from the following accounts:

Sewer Fund	590-536.001-981.0100	\$1,223,201.26
Water Fund	591-537.004-981.0100	\$ 904,215.08
Major Streets Fund	202-449.001-981.0100	\$2,199,260.26
Major Street Fund (Traffic Control)	202-303.001-977.0100	\$ 418,827.88
General Fund (Sidewalks)	101-444.001-985.7400	\$2,315,248.79
APS Fund (Parking meters)	585-305.000-811.0000	\$ 18,020.00
TOTAL		\$7,078,773.32

And further; to approve the appropriation and amendment to the 2017-2018 General Fund and Water Fund budgets as follows:

General Fund Revenues:

Draw from Fund Balance	
101-000.000-400.0000	<u>\$556,659</u>
Total Revenue	<u>\$556,659</u>

Expenditures:

Sidewalk-Construction/Public Improvements	
101.444.001-985.7400	<u>\$556,659</u>
Total Expenditures	<u>\$556,659</u>

Water Fund Revenues:

Draw from Net Position	
591-0000.000-400.0000	<u>\$81,145</u>
Total Revenue	<u>\$81,145</u>

Expenditures:

Water Mains Capital Improvements	
591-537.004-981.0100	<u>\$81,145</u>
Total Expenditures	<u>\$81,145</u>

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**01-007-18 OLD WOODWARD AVE. PAVING PROJECT-SEWER & WATER
 LATERAL SPECIAL ASSESSMENT DISTRICT
 STREETScape SPECIAL ASSESSMENT DISTRICT**

Commissioner Sherman stated that setting a date for a public hearing is usually placed on the Consent Agenda, but since the approval of the associated project also came before the Commission this evening, the item was placed under New Business.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Hoff:
RESOLVED, that the City Commission shall meet on Monday, February 12, 2018, at 7:30 P.M., for the purpose of conducting a public hearing of necessity for the installation of sewer and water services within the Old Woodward Ave. Paving project area.

BE IT FURTHER RESOLVED, that the City Commission meet on Monday, February 26, 2018, at 7:30 P.M. for the purpose of conducting a public hearing to confirm the roll for the installation of sewer and water services in the Old Woodward Ave. Paving project area.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**01-008-18 PROPOSED SIDEWALK STREETScape ASSESSMENT
 OLD WOODWARD AVE. PAVING PROJECT**

MOTION: Motion by Commissioner Boutros, seconded by Commissioner DeWeese:
To adopt a resolution for the Commission to meet on Monday, February 12, 2018, at 7:30 P.M., for the purpose of conducting a public hearing of necessity for the installation of sidewalk streetscape adjacent all properties on Old Woodward Ave. from Willits St. to Brown St., as well as for 400 feet of Maple Rd. west and east of the Old Woodward Ave. intersection.

FURTHER RESOLVED, if necessity is determined on February 12, 2018, a hearing to review the assessments and to confirm the roll will be held on February 26, 2018, at 7:30 P.M.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

City Engineer O'Meara outlined for Commission Hoff the communications and meeting plan for contacting all property owners concerned.

**01-009-18 W. MAPLE ROAD PEDESTRIAN ISLANDS-MULTI-MODAL
 TRANSPORTATION BOARD RECOMMENDATION**

City Engineer O'Meara reported that after study and discussion the Multi-Modal Transportation Board (MMTB) did not recommend pedestrian islands at:

- Chesterfield Avenue, due to potential interference with the Fire Department; and,
- Between Suffield Avenue and Pilgrim Avenue, due to feedback from homeowners and United Methodist Church members who frequent the intersection.

City Engineer O'Meara continued that the MMTB recommended installation of pedestrian crossing traffic islands at Lake Park Avenue and Linden Road and Baldwin Road east of Hawthorne Street, in accordance with the plans prepared for this work. The MMTB recommended including this work in the 2018 Concrete Sidewalk Program, at an estimated cost of \$108,000.

City Engineer O'Meara confirmed for Mayor Pro Tem Bordman that the large tree near the proposed Baldwin Road crossing traffic island will not need to be moved.

Mayor Pro Tem Bordman said the installation of the island at Baldwin Road will be a great help for pedestrians.

Commissioner Nickita stated that:

- These islands aid in the effort to make Birmingham increasingly pedestrian-friendly.
- Having multiple islands along West Maple will encourage drivers to expect pedestrians along that stretch of road.
- Strategies to enhance pedestrian accommodations at Chesterfield Avenue should be explored in the near future.
- Previous pedestrian accommodations at Lincoln and Oak promoted decreased driving speed and increased pedestrian traffic.

City Engineer O'Meara confirmed for Commissioner Hoff that:

- The landscaping will consist of hardy perennials that can withstand road salt.
- The islands will be done next summer.
- It would be possible to remove the crosswalk that is currently in place on Baldwin Road should the Commission see fit to do so.

Commissioner Hoff stated that pedestrians should still exercise caution in these areas.

Commissioner Boutros shared his approval of the proposal and his agreement with Commissioner Nickita that pedestrian accommodations at Chesterfield Avenue should be revisited in the near future.

City Manager Valentine stated that the City can review pedestrian accommodations at Chesterfield Avenue once the new Fire Station is open.

Commissioner DeWeese said he:

- Approves of revisiting the Chesterfield Avenue pedestrian accommodations.
- Prefers to wait on the Baldwin crossing in order to observe actual behavior.
- Supports the resolution but would not change Baldwin at this time.

MOTION: Motion by Commissioner Nickita, seconded by Mayor Pro Tem Bordman: To approve the recommendation of the Multi-Modal Transportation Board for the installation of pedestrian crossing traffic islands located at Lakepark Ave. and east of Hawthorne Rd., in accordance with the plans prepared for this work, and to include this work in the 2018 Concrete Sidewalk Program, at an estimated cost of \$108,000.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**01-010-18 LOCAL STREETS PAVING PROGRAM
 MULTI-MODAL TRANSPORTATION BOARD RECOMMENDATION**

From City Engineer O'Meara's report to City Manager Valentine on January 5, 2018:
 The following streets have been budgeted for complete reconstruction, including the replacement of water mains, sewers, and street pavements:

- Bennaville Ave. – Edgewood Ave. to Grant St.
- Ruffner Ave. – Grant St. to Woodward Ave.
- Chapin Ave. – Grant St. to Woodward Ave.

In accordance with current policy, the street segments were reviewed for any suggested changes or improvements that may be referenced in the Multi-Modal Master Plan. No changes were suggested for any of these streets.

It was proposed that the Bennaville Ave. block be narrowed from 32' to 26'. At the January 4, 2018 public hearing held by the MMTB, however, five households expressed a desire to see the road width remain 32'. The MMTB changed its recommendation to 32', in order to align with public preference.

The MMTB also recommended that the:

- Ruffner Ave. block be narrowed from 28' to 26'.
- Chapin Ave. block to the west of Cummings remain 26', and Chapin Ave. to the east of Cummings be reduced by 2' in order to make it 26'.
 - Two households indicated they were not in favor of narrowing the east side of Chapin Ave. Four mature trees along this roadway would be negatively affected by leaving Chapin Ave. to the east of Cummings at 28' during the restoration of the road.

Planning Director Ecker confirmed for Commissioner Hoff that the MMTB vote on Chapin and Ruffner passed 4-3.

City Engineer O'Meara clarified for Commissioner Nickita that:

- Portions of Cummings and Henrietta were recently rebuilt to 26'.
- A 26' road standard has applied since 1998 for roads with no curb and gutter.
- There is no available data on changes in traffic patterns due to these road updates.

City Engineer O'Meara explained to Mayor Pro Tem Bordman that the close split on the MMTB's vote regarding Chapin was due to the fact that Chapin does not have many issues with speeding, and members of the public prefer the street width be left as-is.

Mayor Pro Tem Bordman expressed concern with:

- The City's lack of criteria for when to apply the 26' road standard; and
- The MMTB making their decision largely based on public opinion.

She concluded that the lack of criteria means the Commission does not have enough information to vote on this issue.

Commissioner DeWeese:

- Concurred with Mayor Pro Tem Bordman's concerns.
- Preferred not to move ahead without a clarification of City policy from the MMTB and the City's traffic consultants.

City Engineer O'Meara confirmed for Mayor Harris that:

- The 2016 Plan has a decision tree to determine when deviations from the 26' road standard are appropriate.
- It is assumed that parked cars take up approximately 8', and a travel lane should be a minimum of 10'.
- Reducing Chapin to 26' would likely save four mature trees, and reducing Ruffner to 26' would save about ten mature trees.

City Engineer O'Meara continued that the MMTB did take standards into consideration by recommending that Chapin and Ruffner undergo the same changes, and that Bennaville be different due to different circumstances.

Commissioner Nickita noted that:

- While 8' is allocated for parked cars, usually only 6-7' is used, leaving 12-14' for a driving lane.
- The driveways every 30-40' along the street create gaps in the cars that are parallel parked and allow cars to pass each other.

Commissioner Nickita also concurred with Mayor Pro Tem Bordman's concerns.

Gary Cromie, a Chapin resident, stated:

- He enjoys the wide street.
- He has been in forestry his entire life.
- There are only three trees on Chapin Ave., all of which are past their useful lifespan.
- Speeding is unlikely because the block is only approximately 300' long.
- Houses sufficiently identify a residential area without bump-outs.
- The streets should be repaved prior to the City's formulation of standards because the asphalt is in poor condition.

Audrey Marcus, a Chapin resident, said that:

- Narrowing the street to 26' will make navigating the road very dangerous in icy conditions.
- The wider block of Chapin is much safer and more pleasant than the narrower block.
- Chapin does not need to be repaved, and that the money would be better spent on more active clearing of snow and ice from streets.
- After some internet searching she learned that the standard street width is 28', allowing 8' for cars by a curb and 20' for an emergency vehicle.
- If all four redone streets have requested exceptions to the 26' standard, the problem is likely the standard, not the streets.

City Manager Valentine confirmed for Ms. Marcus that no assessment would apply for the repaving; only if a sewer or water lateral needs replacing.

Edmund Aronowitz, a Bennaville resident, stated that he is glad the MMTB recommended Bennaville remain its current width, and recommends Chapin remain its current width as well. He noted that a 26' standard only seeks to minimize speed but does not sufficiently account for other aspects of neighborhood livability.

Chrysanthe Buschmohle, a Chapin resident, stated that:

- Bump-outs will create a bottleneck and only Lincoln has them.
- There is no speeding problem on Chapin.
- Her car has been sideswiped at the street width of 28', and she is concerned it would occur more often on a narrower street.

Rosalind Nessel, a Chapin resident, shared her opposition to the proposal because large vehicles travelling the alleyways make the extra space necessary. Narrowing the street would increase hazards for children, pedestrians, cyclists and drivers. These changes may even decrease

property values by reducing available parking. Ms. Nessel confirmed for Commissioner DeWeese that trucks are turning from the alley going west.

City Planner O'Meara explained that the water and sewer assessment would be \$1,000 - \$3,000 per pipeline, and would only apply if the water service is less than 1" or if the pipe is more than 50 years old.

Jane Petersen, a Bennaville resident, stated that she is 16, just began driving, and believes that narrowing the street would make the street much more dangerous for everyone involved.

Carl Petersen, a Bennaville resident, said he is glad the MMTB recommended Bennaville remain its current width, especially because the city standard was for existing, uncurbed roads.

Victoria Petersen, a Bennaville resident, asked if there is data comparing traffic incidents between Birmingham's wider and narrower streets. She continued that she cannot see the benefit of narrowing the road, especially since the wider road seems more safe.

Ena Brown, a Bennaville resident, stated that driving the narrower streets east of Grant is harrowing, and that the Edgewood Ave. to Grant St. block of Bennaville is currently devoid of the same issues. She continued that:

- Bennaville is a beautiful, functioning street.
- Three other neighbors who were not able to attend tonight's meeting sent along their desire to see the road width remain the same.
- A University of California study suggested that people largely prefer a street width of 36', which begs the question of why 26' is being proposed as the standard.

Sara Bauman, a Bennaville resident, stated that:

- Part of her family's consideration in purchasing their home on Bennaville was the road's width.
- Narrowing the street will impede various sightlines, including the one between her house and the bus stop.
- Due to inadequate snow and ice removal in the winter, cars often are not able to park close to the curb, which would make a narrower street much less safe.
- Construction vehicles that may be parking on the street are not the same width as other vehicles, and if construction continues to occur on Bennaville, those vehicles must be considered.
- Her civil-engineer father told her that Birmingham's 26' standard is unwise.

Tom Hubbard, a Bennaville resident, echoed comments of his neighbors on Bennaville. He stated that:

- Narrowing the street would decrease visibility and make the area less safe.
- If the standards are going to be applied, considering citizen input is essential.
- He does not want to see citizen opinion dismissed after information is gathered.
- This project is different from West Maple because this project has residents who are providing input, whereas the West Maple project did not.

Frank Colasonti, Jr., a Chapin resident, was in opposition of the changes. He shared concern about:

- Parking, as his car has already been hit twice by his neighbor;
- The width of SUVs and construction vehicles being prohibitive to driving if the street is narrowed; and
- Congestion at the entrance of the street from Woodward if bump-outs are added.

In an email to the Commission Mr. Colasonti included suggestions for changed neighborhood signage in order to improve safety. He also stated that the neighborhood does not have a speeding problem, and that not every neighborhood is alike, so the same standards do not work well everywhere.

City Engineer O'Meara explained for Commissioner Nickita that:

- Catalpa Road was redone in 2015, and remained 28' wide.
- Catalpa Road remained 28' because the policy has been to leave road widths as-is unless there was a need to change them.
- The 26' standard from 1998 was for roads without a curb and gutter.

City Engineer O'Meara said that Cummings is the only other road in the area that has been recently redone.

Planning Director Ecker explained to Commissioner Hoff that the Commission-approved transitional zoning ordinance included provisions for bump-outs in order to distinguish between residential and commercial areas.

Commissioner Hoff stated she is inclined to agree with the residents, since they are the experts on what is working in their neighborhoods.

Commissioner Nickita questioned the wisdom of having standards if public opinion can undermine said standards. He continued that:

- Criteria for deviation should be in place before deviation occurs.
- The West Maple decision was also unpopular but done according to research, which informs his opinion on this issue.
- The decision should not be moved forward until more information is available.

Commissioner Sherman said that the Commission originally wanted to differentiate between commercial and residential zoning but did not necessarily plan to use bump-outs on every street to do so. He continued that on main streets bump-outs are effective, but that on smaller streets they are a hindrance. His inclination was not to include them.

Mayor Pro Tem Bordman concurred with Commissioner Sherman. She continued that:

- Alternative ways of delineating neighborhoods, such as pillars or signage, could be useful.
- Both the residents' points and Commissioner Nickita's points are valid.
- She lacked the information necessary to make a decision at this time.
- A standard cannot exist when there is so much variation.
- The City needs to decide on the usefulness and criteria for a standard road width.
- She wishes to vote the way the residents would like her to vote, but her responsibility to the City requires due diligence which means a delay on the vote in order to gather more information.

City Engineer O'Meara explained to Commissioner Boutros that:

- Streets are selected for repair based on the service life of the concrete.
- There are no imminent plans to update any other streets in the neighborhood.

Commissioner Boutros said he would like to see further study before deciding.

City Engineer O'Meara told Commissioner DeWeese that the streets could last two more years. Commissioner DeWeese replied that the decision should be deferred, and the City should focus on the Master Planning process and clarifying policy.

Mayor Harris said:

- The two important factors in this decision are city standards and public opinion.
- He agrees with Commissioner Hoff that residents likely know the streets best.
- He would like to leave Bennaville at 32', and have the MMTB conduct further study on the other two streets.

City Engineer O'Meara told Commissioner Sherman that the useful life of Ruffner and Chapin cannot be extended through asphalt application.

City Engineer O'Meara told Mayor Harris that the updates are scheduled for July – November 2018, and that there could be a cost increase if the project is broken into parts.

Commissioner Hoff said she sees this as different from the West Maple project, because West Maple was a test based on a lack of information, whereas these residents are very clear on what works for them.

City Engineer O'Meara told Mayor Pro Tem Bordman that delays could be detrimental to the project.

City Manager Valentine told Mayor Pro Tem Bordman that the MMTB could add this issue to their next meeting, but that he could not guarantee a timeframe for formulating standards.

Mayor Pro Tem Bordman said she would like to wait another year in order to gather the necessary information and formulate the standards.

Mayor Harris stated that the Commission can approve reconstruction and decide which widths should apply to each street.

Commissioner Nickita said that the Commission should take no action this evening and direct the MMTB to study this within the next year.

Juliuse Harrison, a Chapin resident, stated that reducing the width of the street would cause a lot of problems, especially in regards to snow clearing.

Commissioner DeWeese stated that:

- A delay is an attempt to gather further information.
- The Commission sets City policy, so it should not be making this and other decisions ad hoc.

- The residents should voice their concerns at the MMTB meetings.
- He supports Commissioner Nickita's proposal to do more research and return to the decision within a year.

Commissioner Hoff said the Commission has an obligation to vote, especially in light of the residents' input and the fact that this project is already budgeted.

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman:
To modify the recommendations of the Multi-Modal Transportation Board relative to the reconstruction of the following streets:

1. Bennaville Ave. between Edgewood Ave. and Grant St. shall be reconstructed to match its current width of 32 ft.
2. Ruffner Ave. and Chapin Ave. between Grant St. and the Woodward Ave. alley shall be reconstructed to 28 ft.
3. Ruffner Ave. between the Woodward Ave. alley to Woodward Ave. shall be reconstructed to match its current width of 32 ft.
4. Chapin Ave. between the Woodward Ave. alley to Woodward Ave. shall be reconstructed to match its current width of 28 ft.

City Engineer O'Meara pointed out that no one has objected to the plans for Ruffner, and leaving the street at 28' will require the removal of several trees.

Mayor Pro Tem Bordman supported the motion because there seems not to be a standard, and she supports further study of the matter.

Commissioner Nickita stated he does not support the motion because the city needs standards and further study by the MMTB is required.

City Engineer O'Meara and Commissioner Sherman attempted to review 15 years of updates to improved streets and whether the updates included width changes, but many of the answers were guesses.

Commissioner Sherman noted that on improved streets, it seemed the city largely left street width as is. He continued that this information provides the Commission with some guidance.

Commissioner Hoff pointed out that even the MMTB had a close split on this issue and that it is not clear-cut, hence the motion.

Mayor Harris said he objected to Item 2 of the motion.

Commissioner Nickita noted that the uncertainty about street width changes to improved streets demonstrates the need for further study.

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman:
To amend the main motion to read:
To modify the recommendations of the Multi-Modal Transportation Board relative to the reconstruction of the following streets:

1. Bennaville Ave. between Edgewood Ave. and Grant St. shall be reconstructed to match

its current width of 32 ft.

2. Ruffner Ave. between Grant St. and the Woodward Ave. alley shall be reconstructed to 26'.

3. Ruffner Ave. between the Woodward Ave. alley to Woodward Ave. shall be reconstructed to match its current width of 32 ft.

~~3.~~ 4. Chapin Ave. between Grant St. and Cummings shall be reconstructed to match its current width of 26'

4. ~~5.~~ Chapin Ave. between Cummings and the Woodward Ave. alley shall be reconstructed to match its current width of 28'.

Commissioner DeWeese stated he would vote in favor of the amendment, but would not vote in favor of the entire motion as he shares Commissioner Nickita's concerns.

VOTE ON AMENDMENT:

Yeas, 6
Nays, 1 (Nickita)
Absent, 0

VOTE ON MAIN MOTION AS AMENDED:

Yeas, 4
Nays, 3 (DeWeese, Nickita, Sherman)
Absent, 0

As corrected on January 22, 2018.

VII. REMOVED FROM CONSENT AGENDA

01-011-18 TOWING CONTRACT TO PROVIDE TOWING AND STORAGE OF IMPOUNDED, ABANDONED, ACCIDENT AND OTHER MOTOR VEHICLES (ITEM I)

Chief Clemence confirmed for Commissioner Hoff that:

- Bob Adams Towing, Inc. has been providing services to the City of Birmingham for at least 33 years.
- The costs to the City are remaining the same, while the costs to the proprietor of a towed vehicle will increase slightly.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner DeWeese: To accept the bid submitted by Bob Adams Towing, Inc. to provide Towing and Storage of impounded, abandoned, accident and other motor vehicles, and to authorize the Mayor and the City Clerk to execute the contract on behalf of the city.

VOTE: Yeas, 7
Nays, 0
Absent, 0

01-012-18 CONTRACT FOR COLLECTION AGENCY SERVICES (ITEM J)

Deputy Treasurer Klobucar explained to Commissioner Hoff that the contract received five bids, and the only bidding contractor from Michigan had fees 5% higher than Universal Fidelity LP.

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman:
To accept the bid submitted by Universal Fidelity LP to provide collection agency services and authorizing the Mayor and City Clerk to execute the contract on behalf of the city.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

VIII. COMMUNICATIONS

None.

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

None.

X. REPORTS

01-013-18 COMMISSIONER COMMENTS

Mayor Harris announced that Baldwin Public Library will hold a re-enactment of Rosa Parks' refusal to give up her bus seat at 3:00 p.m. on Monday, January 15 – Martin Luther King Jr. Day. Registration is required and may be done online.

Mayor Pro Tem Bordman stated that in the recently adopted economic development ordinance, "church" should either be defined as "any religious institution", or other potential religious institutions like temple, mosque, and synagogue should be listed.

01-014-18 CITY STAFF REPORTS

The Commission received the Parking Utilization Report as submitted by City Engineer O'Meara. Mayor Pro Tem Bordman noted that the city has a lot of parking available. The garages are generally open and did not reach capacity any day in the months of July, August, September, October, November or December of 2017.

The Commission received the Allen House Siding Update as submitted by Museum Director Pielack. Commissioner Hoff commented it came out beautifully.

City Manager Valentine explained to Commissioner Hoff that the overhang is white, and the area in the photo that looks black is a shadow.

Commissioner Hoff asked if the new shingles will be contemporary or historical in appearance.

XI. ADJOURN

Mayor Harris adjourned the meeting at 10:46 p.m.

J. Cherilynn Mynsberge, City Clerk

AN ORDINANCE TO AMEND PART II OF THE CITY CODE, CHAPTER 10. ALCOHOLIC LIQUORS, ARTICLE II. LICENSES, BY DELETING SEC. 10-107 FROM DIVISION 5. AND ADDING DIVISION 6. VIOLATION OF LICENSE, CONTRACT, SPECIAL LAND USE.

THE CITY OF BIRMINGHAM ORDAINS:

Part II of the City Code, Chapter 10. Alcoholic Liquors, Article II. Licenses, shall be amended to delete Section 10-107 Violation of license, contract, special land use permit, and to add Division 6. – Violation of License, Contract, Special Land Use, as follows:

DIVISION 5. - LICENSES FOR THEATERS

Section 10-107. Section deleted.

Secs. 10-108—10-124. - Reserved.

DIVISION 6. – VIOLATION OF LICENSE, CONTRACT, SPECIAL LAND USE PERMIT

Sec. 10-125. - Violation of license, contract, special land use permit.

- (a) Violations or failures to abide by terms of the liquor license, contract, special land use permit, state law or this Code, shall be grounds for the City Manager or his designee to temporarily suspend, in whole or in part, the special land use permit of the licensee. Such action shall be taken upon recommendation of the Police Chief or his designee as to the violations or failures of the licensee. The City Manager shall schedule a hearing before the Birmingham City Commission to review the facts and circumstances for the temporary suspension, in whole or in part, and the City Commission shall determine whether the said suspension should be rescinded, continued or other actions in accordance with this Code should be taken.
- (b) Violations or failures to abide by terms of the liquor license, contract, special land use permit, state law or this Code shall be grounds for the state liquor control commission to suspend, revoke or not renew the liquor license. Further, should violations occur, or should the applicant fail to complete the project as required by plans and specifications presented to the city commission, or fail to comply with all representations made to the city commission, the city shall be entitled to exercise any or all remedies provided in those documents, in this Code, including but not limited to seeking the revocation of the special land use permit, pursuing breach of contract claims, and all other legal and equitable rights to enforce the terms thereunder. The licensee shall reimburse the city all of its costs and actual attorney fees incurred by the city in seeking the suspension, revocation or non-renewal of the liquor license, revocation of the special land use permit, or enforcement of such other rights and remedies, including contractual, as may be available at law or in equity.

All other Sections of Chapter 10 Alcoholic Liquors, shall remain unaffected.

Ordained this ___ day of _____, 2018. Effective upon 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 _____, 2018 and that a summary was published _____, 2018.

J. Cherilynn Mynsberge, City Clerk

**01-004-18
RESOLUTION
VINOTECCA
210 S. OLD WOODWARD
SPECIAL LAND USE PERMIT AMMENDMENT 2017**

- WHEREAS, Vinoteca filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a food and drink establishment in the B4 zone district in accordance Article 2, Section 2.37 of Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit is sought is located on the west side of S. Old Woodward, south of Merrill Street;
- WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits the operation of food and drink establishments serving alcoholic beverages with a Special Land Use Permit;
- WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;
- WHEREAS, The applicant submitted an application for a Special Land Use Permit and Final Site Plan to change the restaurant name from The Bird and the Bread to Vinoteca, along with minor interior and exterior changes;
- WHEREAS, The applicant received SLUP approval from City Commission on October 7th, 2013 for the restaurant HOME;
- WHEREAS, The applicant received SLUP approval from City Commission on February 10th, 2014 to change the name from HOME to The Bird and the Bread;
- WHEREAS, The Planning Board on November 8th, 2017 reviewed the application for a Special Land Use Permit and Final Site Plan Review and recommended approval to change the name and concept of The Bird and the Bread to Vinoteca, subject to the following conditions:
1. The applicant obtains approval from the Historic District Commission; and
 2. The proposed Eisinglass is not considered a part of the Final Site Plan and SLUP approval.
- WHEREAS, The applicant has agreed to comply with the conditions of approval recommended by the Planning Board;
- WHEREAS, The HDC reviewed the application for Historic Design Review and recommended approval on November 15, 2017;

WHEREAS, The Birmingham City Commission has reviewed Vinottecca's Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that Vinottecca's application for a Special Land Use Permit Amendment and Final Site Plan at 210 S. Old Woodward is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit Amendment is granted subject to the following conditions:

1. Vinottecca shall be permitted to provide entertainment in accordance with their entertainment permit issued by the MLCC; AND
2. Vinottecca shall abide by all provisions of the Birmingham City Code; and
3. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest including, but not limited to, violations of the state law or Birmingham City Code.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, Vinottecca and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of Vinottecca to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

MAY IT BE FURTHER RESOLVED that Vinottecca is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises with a Class C Liquor License, at 210 S. Old Woodward, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

I, J. Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on January 8, 2018.

J. Cherilynn Mynsberge

**01-005-18
RESOLUTION
220 RESTAURANT
220 E. MERRILL
SPECIAL LAND USE PERMIT ADMENDMENT 2017**

- WHEREAS, 220 Restaurant filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a food and drink establishment in the B4 zone district in accordance Article 2, Section 2.37 of Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit is sought is located on the south side of E. Merrill, west of S. Old Woodward;
- WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits the operation of food and drink establishments serving alcoholic beverages with a Special Land Use Permit;
- WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;
- WHEREAS, The applicant was granted a Special Land Use Permit by the City Commission on March 10, 2014;
- WHEREAS, The applicant submitted an application for a Special Land Use Permit Amendment and Final Site Plan for 220 Restaurant;
- WHEREAS, The Planning Board on November 8, 2017 reviewed the application for a Special Land Use Permit Amendment and recommended approval of the application with the following conditions:
1. Add the required street tree to the existing open tree well, with a minimum caliper of 3 in. DBH at the time of planting;
 2. Complete and legible plans, with all required information, will need to be submitted before approval of any occupancy of this space, and for the evaluation of this space for the allowable occupant load; and
 3. Compliance with the requests of all City departments.
- WHEREAS, The applicant has agreed to comply with the conditions of approval recommended by the Planning Board;
- WHEREAS, The Birmingham City Commission has reviewed 220 Restaurant's Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that 220 Restaurant's application for a Special Land Use Permit Amendment and Final Site Plan at 220 E. Merrill is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit is granted subject to the following conditions:

1. 220 Restaurant shall be permitted to provide entertainment in accordance with their entertainment permit issued by the MLCC
2. 220 Restaurant shall abide by all provisions of the Birmingham City Code; and
3. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest, including, but not limited to, violation of state law or Birmingham City Code.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, 220 Restaurant and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of 220 Restaurant to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

MAY IT BE FURTHER RESOLVED that 220 Restaurant is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises with a Class C Liquor License at 220 E. Merrill, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

I, J. Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on January 8, 2018.

J. Cherilynn Mynsberge, City Clerk