

BIRMINGHAM CITY COMMISSION MINUTES
OCTOBER 8, 2018
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Patty Bordman, Mayor Pro Tem

II. ROLL CALL

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

Administration: City Manager Valentine, Assistant City Manager Gunter, City Attorney Currier, Senior Planner Baka, Fire Chief Connaughton, Fire Deputy Chief Donohue, Police Commander Grewe, Planning Director Ecker, DPS Deputy Director Filipski, Assistant City Engineer Fletcher, Finance Director Gerber, Building Official Johnson, City Clerk Mynsberge, City Engineer O'Meara, BSD Director Tighe

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

10-267-18 INTRODUCTION OF GUESTS

Shelley Goodman Taub, County Commissioner, 12th District

Commissioner Taub reported on the balanced County budget, noting particular line items of interest to Birmingham.

Mike McCready, State Representative, 40th District

Representative McCready provided a brief report on various legislative items.

10-268-18 ANNOUNCEMENTS

Mayor Pro Tem Bordman announced:

- Commissioner Sherman's Birthday
- Tonight marked the official grand opening of Fire Station #2. The Public is invited to tour the new station located on Chesterfield at open public tours on October 11th, 5:30-8:00 pm, and on October 20th, 10:00am-1:00pm.
- Tomorrow, October 9th, is the deadline to register to vote to be eligible to vote in the November general election. If you are not already registered to vote at your current address go to Michigan.gov/Vote to register online, or contact the City Clerk's office at 248-530-1880.

- The Birmingham Fire Department’s Annual Open House is Saturday, October 13th, from 1-4 p.m. at the Adams Fire Station. Attendees can operate a fire hose, learn about fire safety, and view an EMS and vehicle extrication display, along with HAZMAT apparatus and equipment. Enter a raffle and enjoy firehouse chili at this family-friendly event. For more information, contact the Birmingham Fire Department at 248.530.1900.
- The Baldwin Public Library is hosting “A Novel Wine Tasting”, a fundraiser to support the upcoming Youth Room Expansion and Renovation. The event takes place on Friday, October 19th, 6:00-9:00 pm. Purchase tickets at www.baldwinlib.org/booksandbites.

10-269-18 APPOINTMENTS TO THE BOARD OF ZONING APPEALS

The City Commission interviewed current members Erik Morganroth and John Miller.

MOTION: Motion by Commissioner Boutros:

To appoint Erik Morganroth to the Board of Zoning Appeals as a regular member to serve a three-year term to expire October 10, 2021.

VOTE: Yeas, 6
 Nays, 0
 Absent, 1

MOTION: Motion by Commissioner Nickita:

To appoint John Miller to the Board of Zoning Appeals as a regular member to serve a three-year term to expire October 10, 2021.

VOTE: Yeas, 6
 Nays, 0
 Absent, 1

City Clerk Mynsberge 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.

10-270-18 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Commissioner Hoff: Item B, Approval of the City Commission regular meeting minutes of September 17, 2018.
 Item N, FY2019 Municipal and Community Credit Funds and FY2018 Contract Addendum
 Item T, Lot 12 Parking County Survey
- Mayor Pro Tem Bordman: Item A, Approval of the City Commission special meeting minutes of September 17, 2018.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Boutros:
 To approve the Consent Agenda with Items A, B, N, and T removed.

ROLL CALL: Ayes: Mayor Pro Tem Bordman
 Commissioner Boutros

Commissioner DeWeese
Commissioner Hoff
Commissioner Nickita
Commissioner Sherman

Nays: None
Absent: Mayor Harris

- C. Resolution approving the warrant list, including Automated Clearing House payments, dated September 19, 2018 in the amount of \$29,692,487.78.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated September 26, 2018 in the amount of \$2,757,529.68.
- E. Resolution approving the warrant list, including Automated Clearing House payments, dated October 3, 2018 in the amount of \$400,349.29.
- F. Resolution accepting the resignation of Jeffery Jones from the Board of Zoning Appeals, thanking him for his service, and directing the City Clerk to begin the process of filling the vacancy.
- G. Resolution accepting the resignation of John Rusche as Alternate Member of Parks and Recreation Board, thanking him for his service, and directing the City Clerk to begin the process of filling the vacancy.
- H. Resolution accepting the resignation of Lauren Tolles from the Design Review Board, thanking her for her service, and directing the City Clerk to begin the process of filling the vacancy.
- I. Resolution accepting the resignation of Adam Charles from the Design Review Board and from the Historic District Commission, thanking him for his service, and directing the City Clerk to begin the process of filling the vacancy.
- J. Resolution setting a Public Hearing of Necessity for the Birmingham Shopping District on October 29, 2018. Further, setting a Public Hearing of Confirmation of Assessment Rolls for November 12, 2018 for the Birmingham Shopping District.
- K. Resolution setting a public hearing for October 29, 2018 to consider the proposed Lot rearrangement of 120 Hawthorne, Parcel #1935230015 and 125 Aspen, Parcel #1935230001.
- L. Resolution authorizing an expenditure of \$25,000 from the Parking Enterprise Fund #585-538.001-901.0300 in support of the BSD holiday television campaign.
- M. Resolution approving the purchase of (2) workstations, (2) secure storage cabinets and (16) lateral files in the amount of \$16,744.42 from Kentwood Office Furniture, Inc.; further authorizing this budgeted expenditure from account number 101-301-000-972.0000; further authorizing and directing the mayor and city clerk to sign the agreement on behalf of the city.
- O. Resolution authorizing the City Manager to cast a vote, on the City's behalf, for the two incumbent members of the Michigan Municipal League Liability and Property Pool Board of Directors for three year terms, beginning January 1, 2019.
- P. Resolution awarding parts 2 and 3 of Contract 9-18(S) to Doetsch Industrial Services of Warren, MI, in the amount of \$691,485.02, to be charged to account number 590-

536.001-981.0100. Further, approving the appropriation and budget amendment as outlined.

- Q. Resolution authorizing the purchase of the Tennant Sweeper in the amount of \$37,843.00. Funds are available in account #585-538.001-971.0100.
- R. Resolution approving the purchase of one (1) new 2018 GMC Sierra 2500 HD from Todd Wenzel Buick GMC through the Oakland County cooperative purchasing contract #5222 in the amount of \$36,838.00 from account #641-441.006.971.0100.
- S. Resolution authorizing an increase in the authorized amount for the 2018 Sidewalk Trip Elimination Program, Contract #6-18(SW), to Precision Concrete Cutting, Inc., in the amount of \$34,174, to be charged to the Sidewalk Fund, account number 101-444.001-981.0100.
- U. Resolution approving the appointment of election inspectors, absentee voter counting board inspectors, receiving board inspectors and other election officials as recommended by the City Clerk for the November 6, 2018 General Election pursuant to MCL 168.674(1) and granting the City Clerk authority to make emergency appointments of qualified candidates should circumstances warrant to maintain adequate staffing in the various precincts, counting boards and receiving boards.
- V. Resolution scheduling a meeting of the Election Commission on Monday, October 29, 2018 at 6:30 p.m. for the purpose of conducting the Public Accuracy Test for the November 6, 2018 General Election.

**10-271-18 APPROVAL OF THE CITY COMMISSION SPECIAL MEETING
MINUTES OF SEPTEMBER 17, 2018 (ITEM A)**

Mayor Pro Tem Bordman noted that Joseph Fazio is with the law firm Miller Canfield, not Beier Howlett.

MOTION: Motion by Mayor Pro Tem Bordman, seconded by Commissioner Boutros:
To approve the City Commission special meeting minutes of September 17, 2018, as corrected.

VOTE: Yeas, 5
 Nays, 0
 Absent, 2 (Mayor Harris absent; Commissioner Nickita abstained due to his absence at the September 17, 2018 meeting.)

**10-272-18 APPROVAL OF THE CITY COMMISSION REGULAR MEETING
MINUTES OF SEPTEMBER 17, 2018 (ITEM B)**

Commissioner Hoff noted that Teresa Bridges is the Assistant City Engineer, not the Assistant City Manager.

Mayor Pro Tem Bordman asked that her last name be added after her title on page 8. She also asked that her comment near the bottom of page 11 regarding the disparity between DPZ's community engagement budget and MKSK's budget be added.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner DeWeese:
To approve the City Commission regular meeting minutes of September 17, 2018, as amended.

VOTE: Yeas, 5

Nays, 0
Absent, 2 (Mayor Harris absent; Commissioner Nickita abstained due to his absence at the September 17, 2018 meeting.)

10-273-18 FISCAL YEAR 2019 MUNICIPAL AND COMMUNITY CREDIT FUNDS AND FISCAL YEAR 2018 CONTRACT ADDENDUM (ITEM N)

City Manager Valentine confirmed that the next new bus shelter to be built with these funds would be at the corner of Maple and Coolidge.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner DeWeese: To approve \$19,760 in Municipal Credits and \$7,217 in Community Credits from fiscal year 2019 and \$1,901 in Community Credits from fiscal year 2018 to Next in support of their specialized transportation program; to approve \$21,932 in Community Credits from fiscal year 2019 to purchase and install a bus shelter (location to be determined); and further to direct the Mayor to sign the Municipal Credit and Community Credit contract for fiscal year 2019 and the amendment to the fiscal year 2018 contract on behalf of the City.

VOTE: Yeas, 6
Nays, 0
Absent, 1

10-274-18 LOT 12 PARKING COUNT SURVEY (ITEM T)

Commissioner Hoff stated a need to find out why people are not parking in Lot 12 before the City sells an additional 75 parking permits for the lot.

City Manager Valentine said:

- The goal of the Advisory Parking Committee (APC) was to take the intermediary step of selling more passes for Lot 12 while also assessing the parking conditions vis-a-vis the lot.
- Since only twelve of the passholders seem to be parking in Lot 12 on a regular basis, the APC is hoping that selling more passes would increase utilization of the lot.
- At the same time, the APC and staff can go back to the current passholders and investigate why they are not parking in Lot 12 more frequently.
- The 3,000-person waiting list number cited contains some redundancy, and is for all five parking structures in the City.
- There are approximately 135 spaces in Lot 12, and 150 passes have been sold thus far for the lot.

Mayor Pro Tem Bordman agreed with Commissioner Hoff, saying that a survey of the current passholders is in order. She continued:

- That perhaps the Advisory Parking Committee could monitor those passholders underutilizing their parking pass, who would then be subject to a three-month limit, at which point the pass would be transferred to another person.
- It is embarrassing that the City has prepared this lot for parking and that it sits largely unused.

City Manager Valentine opined that even if the people holding passes are contacted for feedback, the City still needs to issue additional passes in order to increase utilization of the lot. The City always has the option to rescind passes that are not being used.

Commissioner Boutros agreed with Commissioner Hoff and Mayor Pro Tem Bordman as far as investigating the issues with the lot, while saying it is also a good idea to issue more passes.

Commissioner Hoff agreed to move the resolution as long as further research is done into the lot's underutilization.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner DeWeese:
To accept the recommendation of the Advisory Parking Committee to authorize an additional 75 parking permits for Lot 12 located at the southeast corner of Woodward and Maple Road, and to direct staff to contact the current pass holders for Lot 12 and determine why they are not utilizing their permits.

VOTE: Yeas, 6
 Nays, 0
 Absent, 1

V. UNFINISHED BUSINESS

10-275-18 CONTINUATION OF PUBLIC HEARING FOR BISTRO ORDINANCE AMENDMENTS

Mayor Pro Tem Bordman suggested postponing this item due to the size of the agenda.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:
To continue the public hearing for Bistro Ordinance Amendments to December 3, 2018.

VOTE: Yeas, 6
 Nays, 0
 Absent, 1

10-276-18 MASTER PLAN CONSULTANT SELECTION

City Manager Valentine noted that the purpose of tonight's item was to allow the Commission to pose questions for clarification to MKSK.

Planning Director Ecker stated that MKSK is available for questions, and the DPZ team returned should there be any further questions. She clarified that two rounds of scoring were done: one based on the initial submissions, and one after the Ad Hoc Master Plan Selection Committee (MPSC) completed interviews with both MKSK and DPZ.

Chris Hemann, MKSK, introduced members of the team: Megan O'Hara, Principal with United Design Associates, Brad Strader, Principal with MKSK, and Tom Brown, Principal with Nelson Nygaard.

Commissioner DeWeese asked for clarification regarding MKSK's community engagement process. He also asked the MKSK team to differentiate their process from DPZ's community engagement process.

Mr. Hermann said he could not speak to DPZ's community engagement process, but that community involvement is essential. He continued that MKSK:

- Meets with stakeholders from development, neighborhoods, business, real estate, and retail early in the process, seeking to understand their critical issues.

- After these meetings, MKSK holds a weeklong Charrette process in which they begin to address the previous concerns and opportunities expressed by the community stakeholders during the initial meetings.
- Works further on the plan based on the initial meetings and the charette, returning to the community a final time to present recommendations and understand any further concerns the stakeholders have about how the plan has evolved.

Ms. O'Hara stated that United Design Associates (UDA) was founded 54 years ago and was one of the first firms in the world to involve citizens in making decisions in planning their communities. Public engagement and involvement is a standard part of their planning practices.

Ms. O'Hara stressed:

- Listening is a central aspect of their process, and that the feedback from citizens is incorporated into the planning work.
- The people interviewing the citizens are the same ones designing the plans.
- There are many ways of soliciting community feedback, including lecture series, online invitations to provide feedback, MKSK team attendance at community soccer games, visits to schools, and public meetings, as some examples. The MKSK team would work with Birmingham to come up with the most appropriate avenues for community engagement.
- UDA is experienced in both neighborhoods and downtown, and they would be working with MKSK on both.

Mr. Hermann said:

- His team at MKSK and Ms. O'Hara's team from UDA would be working primarily on the public engagement pieces, with other members of the team focusing on other aspects of the plan such as parking and the downtown.
- Comprehensive plans are an opportunity to both educate and engage the community. City staff and the Commission would highlight particular concerns, and the MKSK team would do presentations on those issues for the community, soliciting feedback on how those issues could be improved. Using their professional expertise, the MKSK team would synthesize the community's goals and offer options for how to achieve those goals, highlighting both the benefits and drawbacks of each option.
- The goal is to find consensus on a number of issues which the City can then move forward, and to continue to work with the issues that remain as sticking points.

Mr. Strader emphasized:

- MKSK's present involvement in Birmingham, adding that he lives in Birmingham, Ms. O'Hara grew up in Birmingham, and another member of their team lives in Royal Oak, meaning the team brings a lot of local knowledge. It also means that the community engagement activities would be led by local people who are already known entities to the community.
- MKSK's work with Birmingham so far has included both recommendations that have been accepted and recommendations that have been influenced by the citizens' preferences and concerns. Mr. Strader conceded that sometimes the resident feedback led MKSK to make even better recommendations than the ones initially offered.
- The process so far has led to more flexibility on both the MKSK team's end and the community stakeholders' end, moving them more towards consensus.

Commissioner Sherman said that previous interactions with the MKSK team vis-a-vis Old Woodward often ended with MKSK opining something 'could not be done', only to return to the Commission soon after to have implemented the request. Commissioner Sherman continued:

- This was a frustration the Commission had with the MKSK team.
- It would be a problem if the community, during a public engagement process, is told something 'cannot be done' because that is the MKSK team's initial reaction.

Mr. Strader said the MKSK team now comes to the Commission earlier on in the process to solicit feedback and integrate it. He added that sometimes the things the Commission requested could not be done engineering-wise, but the MKSK team worked to find other solutions that met many of the original goals of the request.

Commissioner Nickita stated the City's area plans are good. The goal of the Master Planning process is to explore the areas that have not yet been planned, and how they will integrate with the extant area plans. The Commission does not want to see already extant area plans redone.

Mr. Hermann confirmed that the MKSK understands Birmingham's goals as stated by Commissioner Nickita.

Ms. O'Hara explained:

- The MKSK team recognizes Birmingham neighborhoods as very stable. This means the focus is not interventions like new parks, but becoming very clear on the specific characteristics of each neighborhood, tracking things such as whether the streets have curbs, the width of the streets, what the tree canopy looks like, the lot sizes, and the age and era of the houses. From this information, the MKSK team would recommend standards for construction, park types, tear-downs, re-builds, parking, and other relevant items for each neighborhood based on their specific characteristics.
- UDA has a copyrighted process through which they look at a City as a set of different systems. They then look at each system by itself to see what could be improved. Some of the systems looked at include street connections, park locations, commercial-use distribution, and multi-family residence distribution. UDA plans on doing this as part of its process with Birmingham.
- A pattern book documents the characteristics of a place, and then recommends guidelines for future interventions so that they would fit into that place. Pattern book houses historically referenced homes with similar floorplans and different architectural elevations. Pattern books also contain neighborhood and community patterns at a block level. It is something created for each community.

Mr. Hermann said:

- Discussing the benefits and potential drawbacks of the current area plans with stakeholders, seeing what gaps exist in the current planning, and discussing what the community would like to see further developed will all be part of the process of creating a master plan that integrates all the planning Birmingham has done to date.
- Designing appropriate transitions between the neighborhoods, especially the downtown and residential, will also be discussed with community members.
- The MKSK team will synthesize community feedback, discuss the new recommendations synthesized from that feedback with the community, and further revise those recommendations based on further feedback. In this way, MKSK generates community buy-in, as they see their ideas, concerns and goals reflected in the planning.

Mr. Hermann said that the team aims to meet with influential people early in the process who can then encourage other residents to participate as well.

Tom Brown, of Nelson Nygaard, stated he is the project manager for Birmingham's current downtown parking study. He said:

- One of the key takeaways from the RFP in terms of parking was that there is a desire to explore parking in the planned districts like the Rail District and the Triangle District.
- Figuring out the different parking conditions and expectations in the different neighborhoods is critical as well.
- One example of an approach to parking issues is that residents who value being within walking distance from downtown are sometimes willing to allow employees to permit park on the residential streets during the day, with the understanding that this helps keep the downtown functioning and vibrant.

Mr. Hermann said aspects of a market study would be pulled in on a macro scale since Birmingham has already performed market studies. The goal would be focusing on the transition zones between neighborhoods. If Birmingham desires a further market study at any point, however, Mr. Hermann confirmed the MKSK team would be able to provide that as well.

Commissioner Hoff wanted to ask questions of DPZ. The DPZ team introduced themselves as Andres Duany, DPZ, Robert Gibbs, Gibbs Planning Group, Sara Trexler, of McKenna, Phil McKenna, former owner of McKenna and now consultant to McKenna, and John Jackson, owner of McKenna.

Mr. Jackson reviewed McKenna's history in working with Birmingham.

Mr. Duany noted that DPZ invented the Charrette process 35 years ago. He then:

- Reviewed the Charrette process as described on pages 432-434 of the October 8, 2018 agenda packet. He noted that there is a high failure rate with Charrettes, but that DPZ has changed its process over the last five or six years and has become successful.
- Clarified that DPZ expects to make individualized reports for each neighborhood.
- Said the central focus is synthesizing the expertise of the residents and the expertise of the DPZ team. He said the residents are experts in the present and in the details of their neighborhoods. The DPZ team brings a different kind of expertise, with an eye towards general trends and evolving technology.
- Said DPZ provides reports with three different scenario types to provide perspective. The first is how the community would develop with no changes to its planning. The second is how the community would develop if all the residents' preferences were implemented. The third scenario how the community would develop if the DPZ recommendations are implemented.
- Emphasized that the residents are experts in their neighborhoods, but only in the present, whereas planners endeavor to create something based on trends and forecasting for twenty or thirty years from now. He explained that DPZ clarifies the options before the stakeholders, rather than making the decisions for the community.
- Said older residents are usually resistant to the new ideas presented in Charettes, while younger residents are usually more interested in change. Often, when a younger resident speaks in favor of an idea in a Charrette, older residents also tend to take a more positive view. Because of this, DPZ always invites the youngest person in the Charrette to weigh in first, because the young people will be interacting most with the community changes being proposed.

- Said DPZ is careful to get a random sample of attendees to attend Charrettes now, because often the most resistant residents are the ones most likely to attend of their own accord. Inviting attendees randomly allows for a more accurate representation of the community's view.
- Said that, during planning, DPZ correlates each concern raised by residents to the appropriate level of decision making: household, block, street, city, state, nation, or United Nations. In this way, DPZ is able to clarify for everyone involved that the decisions being focused on are city-level ones.
- Said in order not to lose the more advanced participants in a Charrette, more elementary questions are answered by providing written information that can be reviewed at the inquirer's leisure.
- Said the Commission will be an integral and active part of the process the whole time, and can provide feedback all the way along.
- Said the market study mentioned in the submittal was probably a mistake of including boilerplate language, because the submittals are not usually taken as seriously by the planners or by the community. The plan receives DPZ's utmost attention, however.
- Said DPZ goes after the problems in a community to see where the fundamental issues are, even if they are uncomfortable topics for the community to broach, because this allows for the best planning proposals.
- Said he would be running the Charrettes, and other members of his team would write up the plan.

Ms. Traxler stated the DPZ team plans on meeting with neighborhood associations, and on being available for follow-up conversations with residents. Residents are invited to participate in Charrettes in a number of ways determined early on in the process through discussions between the DPZ team, city staff, and the Commission. Addressing the budget presented in the RFP, Ms. Traxler explained the Charrette is included in plan preparation, whereas the comprehensive community engagement is included in DPZ's preliminary work.

Mayor Pro Tem Bordman noted that, within the RFP, Charrettes were included under comprehensive community engagement. Therefore, their inclusion under plan preparation makes little sense in terms of what the Commission asked for.

Commissioner Sherman pointed out that in paragraph six of the RFP, it is possible to have made the interpretation of the Charrette being part of the plan preparation phase. In addition, the Commission was provided an explanation by Mr. Lambert at the September 17, 2018 meeting as to how the time was allocated, which met the Commission's expectations. He continued:

- Certain Commissioners have decided Mr. Lambert's previous explanation was not good enough.
- The MPSC worked hard on vetting these proposals, and the Commission has now spent two hours tonight and two hours at the last meeting going over this information again. The Commission originally appointed the MPSC to avoid this kind of process.
- That some members from the MPSC are present at this meeting, and should be invited to share their perspective with the Commission.

Commissioner Hoff said the meeting minutes of the MPSC are very complete in providing the MPSC's perspective, and that no further input should be necessary to make this decision.

Commissioner Nickita opined it was reassuring that both teams had similar ways of allotting time and resources to the various aspects of the planning process

Mayor Pro Tem thanked both teams and asked for comments from the Commission.

Commissioner Boutros reviewed the process thus far, and said he now is sure DPZ is capable of carrying out the master planning process to the City's satisfaction. He made a motion to award DPZ the contract, and it failed due to a lack of a second.

Commissioner Hoff said that she was more confident in the MKSK team.

Commissioner DeWeese, Mayor Pro Tem Bordman, and Commissioner Nickita all said they would like to wait for a full Commission to make a decision.

Commissioner Sherman noted that Mayor Harris did not have the benefit of asking questions this evening. He continued that the Commission has made a habit of deferring decisions, and that the decision should be made by the Commissioners present. Both teams are capable of doing the job well. He opined the decision should not be made on a 4-3 vote.

Commissioner Hoff said this is not a deferral, even if the Commission often does defer decisions. She said the vote would be 3-3 tonight, and having the Mayor participate in the vote will be the tie-breaking vote.

Mayor Pro Tem Bordman stated that Mayor Harris could review the video recording of the meeting to catch himself up on the discussion, and that a 4-3 vote will have to be an acceptable option for the Commission on this matter.

Commissioner Boutros urged the Commission to move forward with the vote because the Commission received a recommendation from the very qualified MPSC.

Mayor Pro Tem Bordman noted two Commissioners in favor of voting now, and four in favor of waiting, so Mayor Pro Tem Bordman deferred the vote.

VI. NEW BUSINESS

10-276-18 PUBLIC HEARING FOR ORDINANCE LANGUAGE UPDATES FOR CHURCH & RELIGIOUS INSTITUTION USES

Commissioner Boutros temporarily left the commission table.

Senior Planner Baka reviewed the issue as presented in the agenda packet, explaining that church is more exclusively used with Christianity, and the goal is to be more inclusive of other religions.

Mayor Pro Tem Bordman opened the public hearing at 9:59 p.m.

Commissioner Sherman excused himself from the meeting at 10:00 p.m. due to illness.

Mayor Pro Tem Bordman closed the public hearing at 10:00 p.m.

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Nickita:
To approve the following amendments to Chapter 126, Zoning, of the City Code to remove all references to Church or Churches and replace the terms with religious institution(s) and provide a definition for same:

1. TO AMEND ARTICLE 2, SECTION 2.03, R1A (SINGLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
2. TO AMEND ARTICLE 2, SECTION 2.05, R1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
3. TO AMEND ARTICLE 2, SECTION 2.07, R2 (SINGLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
4. TO AMEND ARTICLE 2, SECTION 2.09, R3 (SINGLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
5. TO AMEND ARTICLE 2, SECTION 2.11, R4 (TWO-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
6. TO AMEND ARTICLE 2, SECTION 2.13, R5 (MULTIPLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
7. TO AMEND ARTICLE 2, SECTION 2.15, R6 (MULTIPLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
8. TO AMEND ARTICLE 2, SECTION 2.17, R7 (SINGLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
9. TO AMEND ARTICLE 2, SECTION 2.21, O1 (OFFICE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
10. TO AMEND ARTICLE 2, SECTION 2.25, P (PARKING) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
11. TO AMEND ARTICLE 2, SECTION 2.27, B1 (NEIGHBORHOOD BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE PERMITTED USES, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
12. TO AMEND ARTICLE 2, SECTION 2.29, B2 (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE PERMITTED USES, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
13. TO AMEND ARTICLE 2, SECTION 2.31, B2B (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE PERMITTED USES, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
14. TO AMEND ARTICLE 2, SECTION 2.33, B2C (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE PERMITTED USES, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;

15. TO AMEND ARTICLE 2, SECTION 2.37, B4 (BUSINESS-RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE PERMITTED USES, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
16. TO AMEND ARTICLE 2, SECTION 2.39, MX (MIXED USE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
17. TO AMEND ARTICLE 2, SECTION 2.43, TZ2 (TRANSITION ZONE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
18. TO AMEND ARTICLE 2, SECTION 2.45, TZ3 (TRANSITION ZONE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
19. TO AMEND ARTICLE 3, SECTION 3.07 – PERMITTED USES AND SPECIAL USES, TO REMOVE CHURCH IN THE LAND USE MATRIX;
20. TO AMEND ARTICLE 4, SECTION 4.45 (G)(5)(a)(ii) and (iii) – PK-01 GENERAL PARKING STANDARDS – TO AMEND THE METHODS OF PROVIDING PARKING FACILITIES, TO REPLACE CHURCH WITH RELIGIOUS INSTITUTION;
21. TO AMEND ARTICLE 4, TO AMEND TABLE A – REQUIRED OFF-STREET PARKING SPACES, TO REPLACE CHURCH WITH RELIGIOUS INSTITUTION;
22. TO AMEND ARTICLE 4, SECTION 4.66 (A)(1)(STORAGE AND DISPLAY STANDARDS), TO REPLACE CHURCH WITH RELIGIOUS INSTITUTION;
23. TO AMEND ARTICLE 4, SECTION 4.84 TU-01 (A)(2)(TEMPORARY USE STANDARDS), TO REPLACE CHURCH OR OTHER RELIGIOUS FACILITY WITH RELIGIOUS INSTITUTION;
24. TO AMEND ARTICLE 4, SECTION 4.86 TU-03 (A)(1)(TEMPORARY USE STANDARDS), TO REPLACE CHURCH WITH RELIGIOUS INSTITUTION;
25. TO AMEND ARTICLE 7, SECTION 7.21 (A)(1) – REQUIREMENTS, TO REPLACE CHURCHES WITH RELIGIOUS INSTITUTIONS;
26. TO AMEND ARTICLE 9, SECTION 9.02 – DEFINITIONS, TO ADD A DEFINITION OF RELIGIOUS INSTITUTION;
27. TO AMEND APPENDIX A, LAND USE MATRIX, TO MERGE CHURCH AND CHURCH AND RELIGIOUS INSTITUTION ROWS INTO ONE ROW UNDER RELIGIOUS INSTITUTION; AND
28. TO AMEND APPENDIX B, INDEX, TO ELIMINATE INDEXED PAGES WHERE CHURCH NO LONGER EXISTS, ADD RELIGIOUS INSTITUTION AND CORRESPONDING PAGE NUMBERS.

VOTE: Yeas, 4
 Nays, 0
 Absent, 2

10-277-18 EMERGENCY RESPONSE VEHICLE PURCHASES

Fire Chief Connaughton thanked the Commission for its continued support of the Fire Department and reviewed the issue on the agenda.

Commissioner Boutros returned to the table.

Assistant Fire Chief Donohue presented a short presentation on the two vehicles.

Fire Chief Connaughton explained the ambulance will be at the Adams Fire Station and the mini-pumper will be at the Chesterfield Fire Station. Each station will have a full-size engine as well. If the call is a rescue, the mini-pumper and the ambulance will go out. If the call is a fire, the full-size engine and the ambulance will go out.

Commissioner Boutros pointed out that the mini-pumper will be less expensive to maintain than a full-size engine, and that it is a necessary addition to the changing needs of the Birmingham community.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Hoff:
To authorize the purchase of a 2019 Life Line Type1 ambulance on a Ford F-450 chassis for the cost of \$237,241.00 and a 2019 Danko mini-pumper mounted on a Ford F-550 chassis for a cost of \$338,431.00; further to authorize this budgeted expenditure from account number 663-338.000-971.0100; further authorizing and directing the mayor to sign the respective agreements on behalf of the City.

VOTE: Yeas, 5
 Nays, 0
 Absent, 2

**10-278-18 MAPLE ROAD PAVING PROJECT – SOUTHFIELD ROAD TO
 WOODWARD AVENUE**

Planning Director Ecker introduced Brad Strader and Haley Wolf from MKSK, and Justin Rose from Fleis & Vanderbrink (F&V).

Mr. Strader made a presentation of the findings and recommendations made by F&V and endorsed by the Multi-Modal Transportation Board (MMTB) in the agenda packet. He continued that the design of the barrier-free spaces will be updated to meet current standards and expectations. As a result some of the barrier free spaces were relocated to accommodate the design change.

Mr. Rose explained that having the barrier-free spaces across from each other allowed them to be closer to the 'X', and the MMTB emphasized the desire to have the 'X's located in a consistent way.

City Engineer O'Meara explained:

- Handicapped parking standards require a certain number per block, not necessarily per smaller unit of road.
- His understanding is that the new ADA standards do require the proposed changes to the handicapped spaces, even though they are more invasive to the land- and street-scapes.

Mr. Rose clarified that:

- The changes to the handicapped spaces may be required if using federal funding, but not necessarily on a local project.
- MDOT's standard is 20-foot spaces with an eight-foot box, or 22-foot spaces. The only way F&V was able to get to 22-foot spaces was with Birmingham's current 18-foot spaces and eight-foot boxes.

Mr. Strader said that F&V drew out both options, and the MMTB said to remove the 'X's if the yield increased, but to leave them if the yield remained the same.

Commissioner Nickita asked the team to consider whether these changes to the handicapped spaces should be done at all, or perhaps only at some spaces as they are not required.

The team confirmed for Commissioner Nickita that from Southfield to Old Woodward the proposed changes would remove seven spaces.

Commissioner DeWeese pointed out that wider sidewalks would mean businesses no longer need to use parking spaces to accommodate their decks, which could lead to an increase in available spaces. He added that the biggest issue with wheelchairs and parking is curb height. Lower curbs are easier to navigate.

Mr. Strader said that the team would get more clarity on the ADA requirements for parking and would look into potential modifications that would accommodate Commissioner DeWeese's observation about curb height.

City Engineer O'Meara confirmed Maple would have wall-to-wall, optic lines, and irrigation. The power lines were foregone because installing them was a large expense and the City can always light things on Maple by plugging in the lights.

Mayor Pro Tem Bordman said that skipping the power lines on Maple may be unwise because it is a large east-west thoroughfare.

Mr. Strader said that MDOT projects do not have bid options, so the Commission would need to decide on installing power lines or not before moving the project on to MDOT.

Mayor Pro Tem Bordman replied that the City can then internally research the option.

Mr. Strader explained that benches and other amenities were not included in this early version because this presentation was just of the proposed infrastructure changes. Amenities would be included in the later design.

Mr. Strader continued with the presentation, reviewing the tree and landscaping options as included in the agenda packet.

Commissioner Nickita opined that canopy trees are essential to the quality of the streetscape.

Commissioner DeWeese noted that different kinds of canopy trees could be used in different locations as necessary instead of switching to columnar trees.

There was consensus among the Commissioners that canopy trees are to be maintained.

Mr. Strader continued with the presentation, next addressing the mast arm signal at Maple and Southfield. He confirmed that the light on Southfield is facing south.

Mr. Rose explained the new conditions would turn the road considerably, facing where the stop bar would be, which is not dead-on like the other ones are. The goal was to eliminate the pork chop for the right turns. The City got some safety funding from MDOT to do this reconfiguration which is why the City cannot do the mast arm and the box span, as the decision needs to be made prior.

Mr. Strader said the MMTB focused more on the view into the Museum, not the view of the signal.

Mr. Rose confirmed that the team would be putting more of a bend in the road. He continued that:

- The right turn movements along with the people turning left off of Maple yielded the most crashes.
- Going from Maple to Southfield, turning right and going eastbound, the road will look slightly different because the movement will be controlled with the intersection.
- Currently there is a yield situation in which many vehicles are not yielding to the left-turning vehicles, which is creating the conflict. After the proposed change, rights onto Southfield will still be possible, just within the confines of the intersection.

Commissioner DeWeese said it was wise to include mast arms at both locations, and that the 90° angle will increase safety. Commissioner Nickita concurred.

Commissioner Nickita continued that the width of the southbound lane may need further study. He said the width of the proposed lane is so wide as to be potentially dangerous.

Mr. Rose said that lane is not yet to scale, because these were the schematics used in the proposal. He agreed with Commissioner Nickita that the lane cannot be that wide.

There was Commission consensus on adopting Commissioner DeWeese's recommendation for mast arms.

Mr. Strader continued with the presentation, reviewing the intersection at Maple and Bates.

Mr. Rose said the intersection would work fine with left-turns onto Bates, even without a left-turn lane, according to models.

Mr. Strader continued with the presentation, reviewing the intersection at Maple and Henrietta.

Commissioner Nickita opined that the City needs to adhere to its plan of celebrating terminating vistas. He continued that where Henrietta terminates to the north something needs to be done to accentuate the end of that visual corridor.

Mr. Strader continued with the presentation, reviewing the mid-block crossing between Peabody and Old Woodward.

Mr. Rose confirmed that removing the three 'X's to the east of the crosswalk would not equal another parking space. This is because with the federal fund requirement, the spaces are the same at 22-feet or 20-feet with an eight-foot 'X'.

Mr. Strader said that an eleven-foot lane is an MDOT standard, and was found to be no less safe than a 12-foot lane.

Commissioner Nickita said he liked the lane narrowing, that the taper-length is excessive, and that he would like to see less space on either side of the crosswalk.

Mr. Rose noted that a fifteen-foot lane tends to increase speeds, that the team would look into shortening the taper in order to add an additional space, and that the space on either side of the crosswalk is required by MDOT.

Mr. Strader continued with the presentation, reviewing the intersection at Maple, Park and Peabody.

Commissioner Nickita explained that this is one of the remnants of the ring road system from the 1960s that Birmingham has been replacing, and that this section of road should be fixed similarly. He suggested:

- Peabody should allow drivers to either go through or right, instead of limiting drivers' options to a right turn.
- That then the five lanes become four lanes.

Mr. Rose agreed, saying the team would update the plan with these recommended changes.

Mayor Pro Tem suggested there should be a crosswalk installed on the east side, at Peabody and Park, going north to south.

Mr. Strader reviewed the Commission's direction:

- Barrier-free parking will be reviewed to see if its frequency can be reduced.
- Electric systems as part of Maple will be reviewed.
- The next round of drawings will include amenities.
- Maple and Bates will have no left turns on either side, and there will be mid-block crossings.
- Canopy trees will be reviewed as the preferable option for landscaping.
- Maple-Southfield graphics will be cleaned up to show a better signal view.
- Terminating vistas which are part of this plan will be designed with an eye towards celebration.
- F&V will model removing the fifth lane at the Woodward, Peabody and Park intersection.

Commissioner Nickita excused himself from the meeting at 11:32 p.m. due to an early morning flight.

10-279-18 DOWNTOWN PARKING STRATEGIES AND RECOMMENDATIONS REPORT AND PRESENTATION

Assistant City Manager Gunter summarized the report as studying the effective management, use of capacity, and the City's technological environment. She emphasized:

- This is a dynamic plan and a recommendation.
- The implementation guide for immediate action steps that the Advisory Parking Committee (APC) should consider.

Assistant City Manager Gunter concluded by introducing Tom Brown, Julie Dixon, and Brad Strader.

Mr. Brown provided an overview of pages ten through thirty-one of the September 2018 Final Downtown Parking Plan Report.

Ms. Dixon suggested that Lot 12's underutilization could be because employees work from home a number of days a week. Thus, a potential option would be a pass that allows passholders to purchase a certain number of lot uses per month instead of the flat rate. This can encourage drivers to consider alternate forms of transportation. She continued:

- The Commission's instinct to study Lot 12 is a good one, as it can be a study for how exactly to design a flexible pass that will work for Birmingham drivers.

- When overselling passes, the process has to be increased incrementally beginning with an additional ten percent.
- Factors like day-use passes or night-use passes could also be considered in the process of tracking the car counts.
- A flex-pass is more similar to a 'license to hunt' than a guaranteed space. The pass would offer a good likelihood of finding a space. It would also be beneficial to the City to allow the pass to be used in a few different areas so a failure to find a space in one lot does not end a driver's opportunity to find a space.
- The most essential part of these recommendations is that someone needs to be interpreting the data and making recommendations based on that. If the data is ignored the recommendations are not sound.
- Nelson-Nygaard tends to write the report, Dixon often helps municipalities interpret the data and implement the report, and through part of Dixon's work they help municipalities design and hire for a permanent position monitoring parking trends and implementing changes. Several parking operators are able to do this. Municipal oversight has to be engaged in this process.
- There are sustainable solutions that allow municipalities to retain their parking revenue.
- Birmingham can definitely justify a dedicated parking manager for the City, given the age of the industry and the demand for parking in Birmingham.

Commissioner Hoff said she liked the idea of parking ambassadors.

Commissioner DeWeese said he appreciated the 'Quick Wins'.

Mr. Brown noted that sometimes these decisions are sensitive, so one of the best approaches is to combine something like a rate hike with one of the recommended 'Quick Wins' or something else positive so that it is clear the changes are part of a program.

Al Vaitis, Chair of APC, liked the idea of a valet at Lot 6. He explained:

- One company bought a block of permits that are not being used at Lot 12, so the APC's idea was to get more utilization.
- One of the negatives of Lot 12 is that it means people have to cross Woodward.
- SP+ has been doing a great job for the City.

MOTION: Motion by Commissioner Boutros , seconded by Commissioner DeWeese:
To accept the Downtown Parking Strategies and Recommendations report, as presented by the Nelson Nygaard Consultants and further to direct the APC to evaluate and prioritize implementation of the recommended strategies in future meetings.

VOTE:	Yeas,	4
	Nays,	0
	Absent,	3

VII. REMOVED FROM CONSENT AGENDA

The items removed were discussed earlier in the meeting.

VIII. COMMUNICATIONS

None.

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

None.

X. REPORTS

10-280-18 COMMISSIONER REPORTS

The City Commission will interview for three positions on the Birmingham Shopping District Board on November 19, 2018.

The City Commission will appoint one member to the Cablecasting Board on November 19, 2018.

The City Commission will appoint one regular member to the Board of Zoning Appeals on November 19, 2018.

The City Commission will appoint one alternate member to the Parks and Recreation Board on November 19, 2018.

The City Commission will appoint two members to the Design Review Board on November 19, 2018.

The City Commission will appoint one member to the Historic District Commission on November 19, 2018.

10-281-18 CITY STAFF REPORTS

The Commission received the Parking Utilization Report, as submitted by Assistant City Manager Gunter.

The Commission received the Oakland County Board of Commissioners Ad Hoc Committee on Election Infrastructure Report, as submitted by City Clerk Mynsberge.

The Commission received the CN Maple Road Bridge Update, as submitted by Director of Public Services Wood.

XI. ADJOURN

Mayor Pro Tem Bordman adjourned the meeting at 11:58 p.m.

J. Cherilynn Mynsberge, City Clerk