

BIRMINGHAM CITY COMMISSION MINUTES
JANUARY 9, 2017
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Mark Nickita called the meeting to order at 7:30 PM.

II. ROLL CALL

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

Administration City Manager Valentine, City Attorney Currier, Acting City Clerk Arft, City Planner Ecker, City Engineer O'Meara, BSD Assistant Rondello, Assistant Planner Campbell, Planning Intern Cowan,

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

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.

01-10-17 APPROVAL OF CONSENT AGENDA

The following item was removed from the Consent Agenda:

- Item A (Minutes of November 21, 2016) by Commissioner Bordman
- Item M (Set Public Hearing to consider amendment to Zoning Ordinance)
- Commissioner Hoff will abstain from voting on Item A (Minutes of November 21, 2016) due to her absence from the meeting.

City Manager Valentine explained that Commissioner DeWeese asked to remove Item M from the Consent Agenda in order to clarify that there are two resolutions for setting the Public Hearing, and for consideration at the Public Hearing on February 13, 2017, it will be an "and/or" situation. For purposes of setting the Public Hearing tonight, we want to make sure that they are both set individually.

MOTION: Motion by Sherman, seconded by DeWeese:

To approve the Consent Agenda as follows, and with the correction that Item M should read

“and” not “and/or”, and paying special note to Mr. Gottlieb, Mr. Bonney and Mr. Steinberger for their service to the city.

- B. Approval of warrant list, including Automated Clearing House payments, of December 14, 2016 in the amount of \$544,489.93.
- C. Approval of warrant list, including Automated Clearing House payments, of December 21, 2016 in the amount of \$1,564,889.66.
- D. Approval of warrant list, including Automated Clearing House payments, of January 4, 2017 in the amount of \$261,311.20.
- E. Resolution accepting the resignation of Harold Gottlieb from the Board of Review, thanking him for his service, and directing the Acting Clerk to begin the process of filling the vacancy.
- F. Resolution accepting the resignation of Scott Bonney from the Architectural Review Committee, thanking him for his service, and directing the Acting Clerk to begin the process of filling the vacancy.
- G. Resolution accepting the resignation of Michael Steinberger from the Board of Review, thanking him for his service, and directing the Acting Clerk to begin the process of filling the vacancy.
- H. Resolution approving a request from the Birmingham Shopping District to hold Birmingham Farmers’ Market on Sundays from May through October, 2017 from 9:00 AM to 2:00 PM, in Municipal Parking Lot No. 6 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
- I. Resolution approving a request from the Birmingham Shopping District to hold the Family Movie Nights on June 23, July 15, and August 11 in Booth Park, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
- J. Resolution approving the use of two (2) parking spaces in the right-of-way directly abutting the property located at 33263 Woodward to fulfill a portion of the off-street parking requirements per Article 4, section 4.43 (G)(1) of the Zoning Ordinance, and to make any improvements recommended by the Engineering Division.
- K. Resolution setting Monday, February 13, 2017 at 7:30 PM for a public hearing to consider the following amendments to Chapter 126 Zoning:
 - (a) Article 3, Downtown Birmingham Overlay District, Section 3.04, to create a new D5 Zone and to establish development standards for this district;
 - (b) Article 6, Nonconformances, Section 6.02, to allow for the extension and/or enlargement of existing legal, non-conforming buildings;

AND

Resolution setting Monday, February 13, 2017 at 7:30 PM for a public hearing for to consider the rezoning of the following properties:

- (a) 555 S. Old Woodward (555 Office and Residential Buildings) from D4 in the Downtown Overlay to D5 in the Downtown Overlay;
 - (b) 411 S. Old Woodward (Birmingham Place) from D4 in the Downtown Overlay to D5 in the Downtown Overlay; and
 - (c) 225 E. Merrill (Merrillwood Building) from D4 in the Downtown Overlay to D5 in the Downtown Overlay.
- L. Resolution setting Monday, February 13, 2017 at 7:30 PM for a public hearing to consider the proposed rezoning of 412 – 420 E. Frank Street from B1 (Neighborhood

Business), R3 (Single-Family Residential), & B2B (General Commercial) to TZ1 (Transitional Zoning).

M. Resolution setting Monday, February 13, 2017 at 7:30 PM for a public hearing to consider the following amendments to Chapter 126, Zoning:

- (a) Article 02, section 2.29 (General Business), to allow bistros in the Rail District as a use requiring a Special Land Use Permit;
- (b) Article 02, section 2.31 (General Business), to allow bistros in the Rail District as a use requiring a Special Land Use Permit; and
- (c) Article 09, section 9.02 (Definitions), to add a definition for Rail District.

AND

Resolution setting Monday, February 13, 2017 at 7:30 PM for a public hearing to consider the following amendments to Chapter 126 Zoning:

- (a) Section 2.29, B2 (General Business) to amend the accessory permitted uses; and
- (b) Appendix C, Exhibit 1, Economic Development Licenses map.

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

Commissioner Bordman asked that the vote tally be included for the Birmingham Shopping District Board member appointment in the November 21, 2016 minutes. She asked that her title be added to her name on page 12.

MOTION: Motion by Bordman, seconded by Boutros:
To approve the November 21, 2016 minutes, as amended.

VOTE: Yeas, 7
Nays, None
Absent, None

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

01-02-17 MKSK DESIGN FOR OLD WOODWARD AND MAPLE

City Planner Ecker explained the history and action needed tonight. On December 12, 2016, the MKSK team presented their final plans and recommendations to the City Commission, including their recommended design elements, streetscape and furnishing materials and final striping and landscaping recommendations. After much discussion, the City Commission directed the MKSK team to further study and add mid-block pedestrian crossings on Old Woodward south of Maple, on E. Maple east of Old Woodward, and to add pedestrian safety islands or medians with landscaping at Hamilton and N. Old Woodward, Merrill and S. Old Woodward, and on W. Maple just west of Pierce. In addition, the City Commission noted that the corrections had not been made to the drawings to show the existing alley just west of Pierce on the north side of W. Maple. The MKSK team was requested to refine the plans based

on the comments made, and to return to the City Commission on January 9, 2017 with the proposed changes.

Accordingly, MKSK has further studied each of the issues raised by the City Commission on December 12, ~~2017~~ 2016 and has prepared a refined plan for consideration. The revised plans have added a mid-block crossing on S. Old Woodward south of Maple, and on E. Maple east of Old Woodward as requested by the City Commission, and street views of each of these crossings have been provided. The MKSK team has further studied the issue of adding pedestrian safety islands or medians at the three other proposed locations, and their studies have shown that the installation of medians or crossing islands at each of the identified locations would interfere with truck turning movements, and thus they cannot recommend the addition of such islands or medians at Hamilton and N. Old Woodward, Merrill and S. Old Woodward or at Pierce and W. Maple. The MKSK team has also revised the design of W. Maple at Pierce to correctly show the one way entrance to the alley on the north side of W. Maple, and has updated the plans to show the use of flush curbs on only two corners of Maple and Old Woodward where acute angles are present. Granite bollards continue to be proposed on these two corners only. Based on the input of the City Commission, staff will develop a bid package with two alternatives: one option including specifications for the use of the existing City standard materials in the proposed design; and a second set of alternate specifications for the use of enhanced materials as proposed. The project will then be bid out with both alternatives, and the City Commission will have the opportunity to select the appropriate materials and level of finish based on the actual costs for each option as submitted by respondents.

Ms. Ecker introduced Matt Manda and Caitlin Malloy Marcon from MKSK to briefly address the three areas to review and refine.

Mr. Manda discussed the center medians on Old Woodward at Hamilton and at Merrill. He described the conflict that large vehicles have when turning left on to Old Woodward at the intersections. The conflict is about 25 feet, and therefore, MKSK is recommending that landscape medians are not located there because of the wear and tear and destruction they would experience. MKSK recommends flush brick center turn lane in those locations to mitigate those conflicts.

Mr. Manda explained the revisions to the turning radiuses based on turning templates, and the number of flush curb conditions were minimized. The only two locations will be at Old Woodward and Maple. Bollards will be installed at those locations to provide protection to pedestrians.

Mr. Manda advised that they designed a midblock crossing and median on E. Maple. He noted the median does not go on the other side of the crosswalk due to the lack of room for the traffic lights. He said there is a median west of it that will provide some protection and will be signed. The second midblock crossing on Old Woodward has protective medians on both sides of the crossing. After further study, MKSK removed the median at the alley access on E. Maple due to a tight turn and the median would be in conflict with larger vehicles making that movement coming westbound on Maple into the alley.

Mr. Manda described midblock crossings and medians that were reviewed on Old Woodward, the alley access on Maple, and on E. Maple.

MKSK has recommended a material pallet for each streetscape and also compared the current parking counts as compared to the proposed parking. The difference is about 12-15 spaces lost.

Mr. Manda explained that work on the final design needs to be done based on survey information, so there will be some adjustments made. He reviewed the items that still need some input.

Commissioner Boutros asked for the midblock locations. Mr. Manda said the Old Woodward location aligns with the centerline of the existing passageway. The E. Maple location is close to Joseph A. Banks that leads to Café Via, and does not align exactly with the passageway. He explained that it is slightly offset to the east due to how close the crossing was to the drive lanes transition.

Mayor Nickita commented that the point of the midblock crossing is to align with either of the passageways or to be truly midblock between Peabody and Old Woodward. Mr. Manda said they looked at pushing it further east and were concerned with the number of parking spaces lost there and the negative effect. They were losing six spaces.

Mayor Nickita expressed a concern with the location of this crossing. It is an odd alignment and safety is the issue here. If people do not see the crossing, it is likely they will cross unsafely. The idea is to clearly define the crossing. He believes that it can be done without losing that many parking spaces.

Mr. Manda said there is also the geometry of the transitioning drive lanes to the intersection as well.

Mayor Nickita said we will be re-striping E. Maple as well so the crosswalk could be set as the starting point and stripe the parking behind it. Mr. Manda said it could be shifted east.

Commissioner Bordman asked what the width of the crosswalk is on Old Woodward, and how many parking spaces were taken to accommodate it. Mr. Manda said it is 12 feet wide, and is aligned with the via passageway. Commissioner Bordman asked if less parking would be lost if it was designed narrower than 12 feet.

Mayor Nickita expressed concern with the width as well.

Commissioner Hoff confirmed that the median on W. Maple has been eliminated. Mr. Manda recommended that a median be put in on E. Maple and if another parking space is removed, a larger median can be built. Mayor Nickita noted that changing the location as presented tonight would make it a truly midblock crossing.

Commissioner Hoff confirmed the use of bulb outs at intersections which decreases the distance for pedestrians and to increase the aesthetics, yet the bollards have to be installed to prevent vehicles. She questioned if the bulb outs can be made regular sized. Mr. Manda said the two corners in question are very tight, and the actual turning movement of a large truck will run over that. The curb will be run over a great deal which will deteriorate the curb quickly. The flush curb condition makes it easier for that movement to occur. The introduction of bollards is for the safety of the pedestrians. He explained the bollards signal to the pedestrian where to

stand when a truck approaches, and also to signal to the driver that there is a certain amount of space given to make the maneuver.

Mayor Nickita noted that the drawing depicts an 18 ~~wheeler~~ wheel semi truck-trailer, and suggested that is not a standard or a guideline. He suggested we should design for a more typical vehicle.

Commissioner Bordman expressed concern about the size of bulb outs. She is in favor of reducing the size.

Commissioner Hoff confirmed the size of the travel lanes, center lane, parking bays and sidewalk area.

Mayor Nickita commented on the medians in the places where we will never have vehicle traffic at all because left turns are not permitted there. The intention to put some type of landscape or median was that it will add to the visual recognition of the crosswalk there and a safe point midway. The locations are at Hamilton, and at Merrill. The recommendation to eliminate it was that the turning radius is too severe. He questioned if we are again designing for an 18 wheeler. He said we have the same condition on Old Woodward at Harmon currently where we have a median and a crosswalk and a nose lip at the end that projects into the intersection. He said the projection was not recommended in the design, and said his review of the intersections did not indicate any trucks hitting and it is a full curb. He asked to find another way of addressing the concern of clipping, and thinks it could be pushed back enough to actually be placed there, or design a rolling curb option to allow us to have some give if there is an issue.

Mayor Nickita said they have an idea of using this space by making it helpful for pedestrians and potentially some landscape to beautify it. Mr. Manda said MKSK could provide for the median design depending on the type of truck and/or route changes.

Commissioner DeWeese commented that the same standards were applied to both sides of median even though the conditions are different depending on direction being traveled on Old Woodward, and asked why are both the same distance from the crosswalk when only one is affected by a left turn. Mr. Manda said when the turning templates are applied, the intersection is not as large as one might think.

Mayor Nickita noted that speed is an issue as well because when the dimensions and radius are calculated, it is calculated by speed. If speed diminishes, the radius can be tighter.

Commissioner DeWeese confirmed that the measurements are being based on a very large vehicle. Mayor Nickita understands that those trucks do come into town for deliveries, but there is a recognition that there is a plan of action or a travel way out. It is a combination of strategies to achieve what we want, which is a safe, very pedestrian-friendly downtown, as walkable and comfortable as possible for pedestrians.

Commissioner Boutros asked if signage would be a solution to communicate to delivery vehicles. Mr. Manda said that could be a solution.

Mayor Nickita said he is clarifying the goals and whether or not the goals can be achieved.

Commissioner Bordman added that there are different criteria and assumptions being suggested tonight which explains the conflict when there really is not a conflict.

Mr. Manda agreed that it is design criteria and priorities and the process involves putting those in order and evaluating. If having a medium to large size trucks in the downtown is not a desirable criteria, that will have an impact on the intersections, curves and details.

Mayor Nickita commented that we are very close. There are some subtleties to the midblock crossings. He confirmed with Mr. Manda that the width of the crossing on Maple is 10 feet. It may be too close to Old Woodward. He said that is another priority criteria issue. Surely, parking is a priority, but also designing a pedestrian crossing in the most appropriate way is a very important priority. He thinks we have to minimize the parking loss by doing it at the Café Via ~~via~~ and not at the Social Kitchen restaurant crossing. We can explore options on how to address a couple of medians in the way we discussed achieving the goals.

Mayor Pro Tem Harris recognized we are on a tight timeline, and wondered if an additional iteration will affect the timeline.

City Manager Valentine said we are very tight on the timeline, and as we move forward, that will push things back. It would be an additional two weeks before the next meeting. Mr. Manda said that is enough time to revise and bring back. Mayor Nickita said it is very important to do this as well as we can.

Mayor Nickita clarified the items discussed which include diminishing the width of midblock crosswalks to maximize parking wherever that is possible, and some of the options for the medians in two locations. The only other median we did not discuss is the alley located by Pierce. He suggested designing something there that would be similar to the other median designs, perhaps smaller and with a rolling curb. Mr. Manda said that is a very narrow alley. Mayor Nickita suggested that we might consider recommending a traffic pattern question on whether that is done one way or the other. He suggested looking at the use at that alley to determine if there is another option.

01-03-17 FINAL REPORT OF THE AD HOC RAIL DISTRICT REVIEW COMMITTEE

City Planner Ecker provided background and history of the Ad Hoc Rail District Review Committee established by the City Commission on January 11, 2016, to study existing and future conditions and to develop a recommended plan to address parking, planning and multi-modal issues in the Rail District and along S. Eton Road ("the Rail Plan").

Over the past eight months, the Ad Hoc Rail District Review Committee has worked to identify issues in the Rail District and along S. Eton, and to develop a plan with recommendations to address parking, planning and multi-modal issues in the Rail District, as directed by the City Commission. The Ad Hoc Rail District Review Committee requested funds to hire a consultant to review some of the intersection design concepts discussed by the Committee, and to conduct an analysis of parking in the study area. Based on the Committee's direction, the findings outlined in the consultant's report, and the input of the public, a draft of the Ad Hoc Rail District Report requested by the City Commission has been prepared. On December 5, 2016, the Ad Hoc Rail District Review Committee held their final meeting to review and approve their final report. After much discussion, the Ad Hoc Rail District Review Committee voted to recommend

approval of the final report to the City Commission, with minor changes. All of the requested changes have been made.

Ms. Ecker introduced Sean Campbell, Assistant Planner and Brooks Cowen, Planning Intern who provided assistance with the GIS analysis of parking and intersection design.

Ms. Ecker explained the goals and objectives of the committee which included:

Goals:

To create an attractive and desirable streetscape that creates a walkable environment that is compatible with the adjacent residential neighborhoods.

To design the public right-of-way for the safety, comfort, convenience, and enjoyment for all modes of transportation throughout the corridor.

To facilitate vehicular traffic and parking without sacrificing the corridor's cycling and pedestrian experience.

To minimize the impacts of traffic on the existing residential neighborhoods.

To recommend updates to the Rail District zoning regulations as needed to meet goals.

Objectives:

To use creative planning to promote a high quality, cohesive right-of-way that is compatible with the existing uses in the corridor.

To implement "traffic calming" techniques, where appropriate, to reduce speeds and discourage cut-through traffic on residential streets.

To enhance pedestrian connectivity through the addition of crosswalks, sidewalks, and curb extensions.

To improve accommodations for bicycle infrastructure on Eton Road.

To create a balance between multimodal accessibility and parking provisions.

Ms. Ecker said the concerns were apparent during the tour. Key areas identified were S. Eton and Maple. Discussion included widening the sidewalk on the west side of the street for a bigger safety zone for pedestrians. Widening the sidewalk on the east side of S. Eton was also suggested to create a bigger plaza area there as well. They also discussed adding a splitter island to give a pedestrian island in the middle for people walking across. Several intersections up and down S. Eton were also looked at and the need for additional bump outs, and better striping. The intersection at S. Eton and Bowers was felt to be an important area with a great deal of activity. Bump outs and using different accent material in that area to create a plaza feel which would remind vehicles to slow down in the area.

Ms. Ecker noted a parking inventory and study were conducted. The study revealed there are 2,480 parking spaces in the district as a whole. There are 941 on-street parking spaces, 1539 parking spaces on individual private properties. The north end of the district has more a need for parking at different times. The south end is busier during the working day, but it clears out at 5:00 PM.

It was noted that the entire west side of S. Eton was never at full capacity. The highest use was around Griffin Claw with 28 out 60 spaces that were full on a Friday night.

Ms. Ecker discussed future build-outs and how they reached some of the conclusions. She explained that the issue became clear because they have to self-park, maximum build-out will not be done, and the biggest issue is that there is no shared parking in the area. That keeps

the development down to roughly 26-30% of what could be done under the ordinance. Many of the parcels in the focus area do not have enough space to provide required parking for four stories of retail and residential uses unless they build an underground parking facility. Based on recent development trends in the area, this is unlikely to occur and thus, buildout rates will likely remain in the 20-30% range of maximum build-out, requiring less than 1,070 additional parking spaces in the study area. It is important to note that based on the current standards, all of these additional parking spaces must be provided by individual property owners and/or developers. Thus, the City need only focus on encouraging an efficient use of private parking facilities, and ensuring good right-of-way design to accommodate additional vehicle traffic and balance the needs of non-motorized users. The provision of additional public parking is not warranted now, nor in the near future.

The recommendations of the committee include:

Construct bump-out curbs throughout the study area;

Install a splitter island at the crosswalk at S. Eton and Maple, widen the sidewalk on the west side of S. Eton, restripe S. Eton to realign lanes, and add enhanced crosswalk markings;

Add sharrows and buffers to S. Eton from Yosemite to 14 Mile. Maintain sharrows and accommodate parking south of Lincoln where possible.

Encourage shared parking in the district by providing the zoning incentives for properties and/or businesses that record a shared parking agreement. Incentives could include parking reductions, setback reductions, height bonuses, landscape credits, or similar offers;

Install gateway signage at the north and south ends of the study area and install wayfinding signage throughout the Rail District to direct people to destinations and parking.

Mayor Nickita commended the committee on the depth and problem solving that was undertaken.

Commissioner Bordman said the study was so thorough. She was very impressed that the committee was able to figure out the real parking needs.

Mayor Pro Tem Harris questioned what incentives there might be for shared parking. Ms. Ecker said perhaps landscaping requirements could be relaxed, but we would ask the Planning Board to study that in more detail.

Commissioner DeWeese noted there might be an economic incentive.

Commissioner Hoff asked about the southeast corner of S. Eton and Maple intersection and if the property is city property. She also asked if the Whole Foods operation was studied by the committee. Commissioner Hoff expressed concern that traffic on S. Eton will be increased. The committee's concern was with the speed of the traffic.

Mayor Pro Tem Harris asked why the committee did not recommend a dedicated bike lane. Ms. Ecker said there were a couple of issues including the bump out incompatibility as well as the pavement material issue.

Commissioner DeWeese noted that we can accept the report and use it for a general guideline. City Manager Valentine confirmed that any recommendation will be brought back to the Commission for consideration.

Mayor Nickita asked if this addressed the edge condition that has been an issue and do we need to include something in the Zoning Ordinance. Ms. Ecker said it was not discussed in detail. She said currently there is a regulation in the ordinance that does not allow parking in the first twenty feet of depth.

Mayor Nickita said this helps bring attention to a very under-utilized area of the city, and land owners do not realize that they are sitting on potential redevelopment value if they work together at shared parking for example.

MOTION: Motion by Sherman, seconded by Bordman:

To accept the final report of the Ad Hoc Rail District Review Committee, and forward same to the Multi-Modal Transportation Board for their consideration in finalizing the design of the S. Eton corridor, and to the Planning Board, and direct the Planning Board to add Recommendations 4 (Encourage Shared Parking) and 5 (Add Wayfinding Signage) from the final report to their Action List for further study, and to develop a way to implement the shared parking, and to correct the crosswalk marking within the final report as discussed.

Larry Bertollini expressed concern about the recommended options, and focusing on both sides of Maple and S. Eton, and visibility concerns.

Mayor Nickita suggested going forward to study with and without parking on both sides, and how it may affect speed. We know people tend to speed up when parking is removed on one side.

VOTE: Yeas, 7
 Nays, None
 Absent, None

01-04-17 MONTHLY PARKING PERMIT RATE INCREASES

City Engineer O'Meara explained that monthly permit rates at the structures have been adjusted on several occasions over the years, usually to reflect the difference in demand at the various parking structures. Recently, increases at all five structures were implemented in the summer of 2014, and again in 2015. As demand for parking spaces grew, increases were considered justified not only because of high demand, but also to help build a savings account in the parking system fund for potential upcoming construction.

In April of this year, staff reviewed the rates with the Advisory Parking Committee (APC), and recommended a package of increases that would primarily impact both the monthly and daily rates in the parking structures. Raising the lower priced meters so that all meters were \$1 per hour was also suggested. Other changes were included as well, designed to reduce demand in the parking structures, and to encourage employees to consider the City's off-site parking options. The APC was not inclined to recommend any changes at that meeting.

Staff refined the package based on APC input, and also provided options on how to charge the daily rate. At the May meeting, the APC approved a recommendation that included several items, with the two significant changes impacting the monthly and daily rates in the structures.

The suggested increase for most of the lower cost parking meters was not agreed to. At the June 6, 2016 Commission meeting, the recommendations of the APC were discussed.

Most of the package was approved that evening including the daily rate at the structures. The monthly rate structure was not changed at that time, and the City Commission asked at the time to consider being more aggressive.

The parking committee considered the idea for several months, and also considered the issue of the parking meter rate since the city is looking at potentially replacing the parking meters. The recommendations are presented tonight for consideration.

Advisory Parking Committee Chairperson provided an overview about the considerations and perspective of the parking committee as they developed the recommendations.

Mayor Nickita clarified that there has never been a time when all the decks were full.

Commissioner Hoff noted that the decrease in capacity is a result of other factors that have been implemented such as valet service in the structures, valet service on the street, and the parking lot at Maple and Woodward for permits.

City Manager Valentine noted that the average time that decks are filled is two hours during the day in certain decks on certain days. Mayor Nickita confirmed that there are some decks that are never full.

Mr. Kuhne said the question with regard to raising monthly rates is, is it for more revenue or to modify behavior. With regard to street meters, in theory, they should be a higher rate. An effort is made to balance what the right numbers are, taking into account what BSD has to say. Higher demand locations are priced higher. He said historically, we have had higher rates closer to N. Old Woodward and Maple. The far north and south edges still have 50 cent meters. He said the parking committee believes that the center area should be \$1.50 an hour.

Commissioner Hoff asked what kind of responses are coming from business owners in town. Mr. Kuhne said the committee does not hear directly from businesses about rates. BSD is the conduit to give a sense of the temperature. Mr. Kuhne said the recommendation is based on BSD input.

Commissioner DeWeese said given the construction on Woodward, he is willing to support the recommendation for this year. We are going to have businesses that will have to hang on to survive and he does not want to bring undue pressure on the businesses. He said the increase is not huge and amounts to \$.42 an hour being charged for parking in a \$70 per month structure for a full time employee. He said rates need to be raised higher to incentivize people to consider the other parking options. The biggest argument for the committee's recommendation right now is the construction on Woodward. He said we cannot keep increasing rates in \$5 increments. We need to be more realistic in terms of actual value.

Richard Astrein commented on the decrease in business due to upcoming construction and a three-year cycle of construction.

Commissioner Bordman asked if he is suggesting no rate increase. Mr. Astrein confirmed he is, or at the very least, the minimum amount.

Commissioner Hoff asked if we have heard from retail and office employers that pay their employees' parking. Mr. O'Meara said we have a 2-3 year wait for permits, and in the interim, they have to pay the \$10 a day rate and have already experienced the increase.

Mayor Nickita thinks this is reasonable increase for the foreseeable future.

MOTION: Motion by Sherman, seconded by DeWeese:
(Resolution A)

To authorize monthly permit rate increases effective March 1, 2017, according to the following schedule:

Pierce St.	\$70
Park St.	\$70
Peabody St.	\$70
N. Old Woodward Ave.	\$70
Chester St.	\$50
Parking Lot 6 – Regular	\$70
Parking Lot 6 – Economy	\$50
South Side (Ann St.)	\$60
South Side (S. Old Woodward Ave.)	\$35

(Resolution B)

To direct staff to increase all parking meters by 50¢ per hour as the new CivicSmart Liberty parking meters are installed, effectively raising the \$1 per hour meters in the central core of the downtown to \$1.50 per hour, and raising the 50¢ per hour meters to \$1 per hour.

Commissioner Hoff asked for more information on the CivicSmart Liberty parking meters before voting on Resolution B.

Commissioner Sherman suggested changing the resolution to have the meters also go out as of March 1st and eliminate the reference.

City Manager Valentine asked Police Chief to explain the thought process. Chief Clemence said it was thought if we purchase new meters for the entire downtown area, that it could be implemented in conjunction with the completion of the Old Woodward project for the entire city.

Commissioner Sherman and Commissioner DeWeese withdrew Resolution B.

VOTE: Yeas, 7
 Nays, None
 Absent, None

01-05-17 PURCHASE OF CIVICSMART LIBERTY PARKING METERS AND VEHICLE SENSORS AND CREDIT CARD PROCESSING FEES

Police Chief Clemence, Commander Grewe and Mr. Brad McGee were present and provided background information on the proposed parking meters, and discussed the results of the trial conducted between August 1st and August 30th, 2016. He described the price comparisons of both systems, and the wireless connectivity fees and charges, which have been proposed to be absorbed by the City. He suggested that it is a good time to consider emerging parking technologies as our current equipment is aging.

Commissioner Bordman asked if the City expects to experience a consistent 19% increase in revenue as was experienced during the trial. Chief Clemence said predictions are for a higher increase. Commissioner Bordman asked if that revenue increase will cover the ongoing expenses. Chief Clemence said it is expected to offset that cost after Finance Director Gerber reviewed the numbers.

Commissioner Hoff asked if coins can be used in the meters. Chief Clemence said that was an important feature of the system. Chief Clemence said the new meters will show the remaining time as the meters do today. Any denomination coin can be used.

Commissioner Boutros asked if the maximum times will be stay the same as currently. Chief Clemence said the time limits will be maintained at this time.

Commissioner Bordman said she is in favor of the system for the the central area, but knows we have parking issues in other places such as near Seaholm and on residential streets near Griffin Claw. She suggested we consider a kiosk/collection area instead of permit parking in some of the residential areas. She would like to keep those options open when considering parking issues in other areas of the city.

Commissioner Hoff said she does not see this positively. She thinks the loss of leftover time when a vehicle exits a spot is a negative perception. She asked if the City is trying to increase revenues. Chief Clemence said he does not think we are in the revenue business. In order to be competitive with other marketplaces, our technology should be first rate. He believes we are meeting the demand to be able to pay for parking with a credit card, which is perceived as a convenience by the public. Commissioner Hoff asked if anything is wrong with our current equipment. Chief Clemence said we replace a certain number of meters each year. It is considered old technology. The vendor has said that parts replacement will become an issue, so the meters will have to be replaced at some point. He noted that the current housings are being used for the new equipment to save on that cost.

Commissioner Hoff expressed concern in light of the fact that the City recently approved new electronic equipment in the structures. She is concerned that the new equipment will not be user friendly for everyone. She thinks we need a little balance, but is not sure it is good, user friendly equipment. She is concerned that it may keep people out of downtown, and about public perception.

City Manager Valentine noted that coins will still be able to be used with the new equipment, so it is a status quo situation. He said we can take what we have and are accustomed to, and expand it to allow for additional opportunity with the system.

Commissioner Sherman said the suggested meter is going to look the same as it does now. He thinks it makes sense.

MOTION: Motion by Sherman, seconded by Harris:

To accept the recommendation of the Advisory Parking Committee approving the purchase of 1,277 CivicSmart Liberty parking meters and vehicle sensors in the amount of \$787,270 for capital outlay and an additional \$586,143 for monthly maintenance and connectivity fees; further charging these expenditures to Auto Parking System Fund account number 585-538.001-981.0100, and direct staff to offer a credit card payment option at the new CivicSmart

Liberty parking meters, with all said card processing fees charged to the Auto Parking System Fund.

VOTE: Yeas, 6
 Nays, 1 (Hoff)
 Absent, None

01-06-17 PARKING METER INCREASES

Mayor Pro Tem Harris clarified that the increase would be implemented at the time the new parking meter equipment is rolled out. City Valentine confirmed that is the case.

MOTION: Motion by DeWeese, seconded by Sherman:
To direct staff to increase all parking meters by 50¢ per hour as the new CivicSmart Liberty parking meters are installed, effectively raising the \$1 per hour meters in the central core of the downtown to \$1.50 per hour, and raising the 50¢ per hour meters to \$1 per hour.

Commissioner Sherman clarified that the increase has nothing to do with the new technology per se. It is being done this way because the new meters will allow the increase to be done in a cost effective manner, rather than sending someone out to change each and every meter by hand.

Commissioner Hoff does not have a problem with the rate increase. She noted that to stay at a meter for two hours, \$3.00 in quarters will be needed, or the other options can be used for payment.

VOTE: Yeas, 7
 Nays, None
 Absent, None

**01-07-17: ORDINANCE AMENDING CHAPTER 74 OFFENSES, ARTICLE IV –
 BAD CHECKS**

Commander Scott Grewe explained the request for amending the ordinance relative to bad checks, as it was discovered that the penalty was incorrect.

MOTION: Motion by Boutros, seconded by Hoff:
To amend Part II of the City Code, Chapter 74 Offenses, Article IV. Offenses Against Property, Division 2 – Theft, Section 74-95 Bad Checks to replace “fine not more than \$100.00 and/or imprisonment for up to 90 days” with “fine not more than \$500.00 and/or imprisonment for up to 93 days” and authorize the Mayor and City Clerk to sign the ordinance on behalf of the city.

VOTE: Yeas, 7
 Nays, None
 Absent, None

01-08-17: ORDINANCE AMENDING CHAPTER 74 OFFENSES, ARTICLE VIII

Command Scott Grewe explained that our City Attorney asked for the specific language to be included to avoid any dispute in court.

MOTION: Motion by Boutros, seconded by Hoff:
To amend Part II of the City Code, Chapter 74 Offenses, Article VIII – Offenses Against Public

Morals, Division 1 Generally, Section 74-241 Indecent Exposure and Section 74-242 Indecent or Obscene Conduct to add "including, but not limited to urinating in public" and authorize the Mayor and City Clerk to sign the ordinance on behalf of the city.

Commissioner DeWeese asked that the City Attorney explain what is considered a public place. City Attorney Currier said if the conduct is visible to the public, it is considered a public place.

01-09-17: ORDINANCE ADDING SECTION 1-18 STORM WATER UTILITY APPEALS BOARD

City Attorney Currier explained that the ordinance was modeled after proposed legislation that is forthcoming. Citizens must have a place to redress issues with respect to charges or fees. This ordinance proposes to set up an appeals board made up of two professional engineers. By not limiting this to Birmingham residents only, we have a bigger pool of candidates.

Commissioner Hoff expressed concern about wording and asked for some clarification.

Attorney Currier suggested adding to paragraph a(1) of the ordinance that begins with "The City Commission shall appoint a 3 member Storm Water Utility Appeals Board...", and add to it "~~that~~ 2 of the 3 members shall be licensed professional engineers."

Commissioner Sherman suggested adding in the same paragraph that they are not employed by the City.

Mayor Pro Tem Harris said of the alternates, members must be engineers.

Commissioner Bordman understands that this ordinance incorporates the aspects of Section 114-402. When looking at sub-part (j) of that section, it advises that someone can appeal the decision of the appeals board to Circuit Court. She would like to see that in the main ordinance as well, because she does not think it is fair for people to have to search around to see if they can appeal to Circuit Court. City Attorney Currier agreed, and suggested it be in both places.

MOTION: Motion by Hoff, seconded by Bordman:

To add Section 1-18 to the Birmingham City Code establishing a Storm Water Utility Appeals Board for disputed fees with the following revisions: In paragraph 1, under (a) Storm Water Utility Appeals Board, we include the 2 of the members should be licensed professional engineers not employed by the City, and add Section (3), "A person aggrieved by a decision of the Appeals Board on an appeal under this section may appeal to the Circuit Court in which the property is located. An appeal to the the Circuit Court must be filed within thirty (30) days of the Appeals Board's decision."

Commissioner DeWeese and Mayor Pro Tem Harris confirmed that the language relative to the requirement of one alternate to be a licensed professional engineer.

VOTE: Yeas, 7
 Nays, None
 Absent, None

01-10-17: CITY CLERK SELECTION SUB-COMMITTEE

City Manager Valentine explained that the Clerk is appointed by the City Commission, and suggested that the commission may want to form a sub-committee to assist in the selection. The commitment will be about a four to five hour commitment.

Commissioner Hoff asked how many candidates would be interviewed by the sub-committee. City Manager Valentine said two or three.

Commissioner DeWeese suggested that the Mayor, Mayor Pro Tem and previous Mayor be appointed.

Mayor Nickita would like to get some of the new commissioners involved.

Commissioners Bordman, Sherman, Hoff and Commissioner Boutros expressed interest.

Commissioner Sherman expressed concern that three commissioners is too many for a sub-committee . He agreed with Commissioner DeWeese's idea.

MOTION: Motion by Boutros, seconded by DeWeese:
To appoint a sub-committee comprised of Commissioners Sherman and Bordman, the City Manager, and the HR Manager to conduct final interviews and recommend a finalist candidate for the position of City Clerk for approval by the City Commission.

VOTE: Yeas, 7
 Nays, None
 Absent, None

01-11-17 CLOSED SESSION – ATTORNEY/CLIENT PRIVILEGE

MOTION: Motion by Sherman, seconded by Boutros:
To meet in closed session to discuss an attorney/client privilege communication in accordance with Section 8(h) of the Open Meetings Act.

ROLL CALL VOTE: Yeas, Commissioner Sherman
 Commissioner Boutros
 Commissioner Hoff
 Mayor Nickita
 Mayor Pro Tem Harris
 Commissioner Bordman
 Commissioner DeWeese

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

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

X. REPORTS

- A. Commissioner Reports
 The City Commission will appoint members to the Architectural Review Committee, Public Arts Board, Storm Water Utility Appeals Board, and Board of Building Trades Appeals on January 23, 2017, and the Board of Zoning Appeals, Triangle District

Corridor Improvement Authority, and the Board of Review on February 13, 2017.

- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff

The City Commission received the Elm St. Parking Space, submitted by City Engineer O'Meara

The Commission recessed to Closed Session at 11:03 PM

The meeting reconvened in Open Session at 11:35 PM.

XI. ADJOURN

The meeting was adjourned at 11:35 PM.

Cheryl Arft
Acting City Clerk