

**BIRMINGHAM CITY COMMISSION MINUTES**  
**JUNE 6, 2016**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mark Nickita, Mayor Pro Tem, called the meeting to order at 7:31 PM.

**II. ROLL CALL**

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

Administration: City Manager Valentine, City Attorney Currier, Clerk Pierce, Fire Chief Connaughton, City Engineer O'Meara, City Planner Ecker, Police Chief Clemence, Library Director Koschik, Assistant Library Director Craft

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

**06-179-16 APPOINTMENT TO THE BOARD OF ETHICS**

**MOTION:** Motion by Harris, seconded by Bordman:  
To appoint James Robb, 1533 Pleasant Ct., to the Ethics Board to serve a three-year term on the Board of Ethics to expire June 30, 2019.

VOTE: Yeas, 6  
Absent, 1 (Hoff)

**06-180-16 APPOINTMENT TO THE ADVISORY PARKING COMMITTEE**

**MOTION:** Motion by DeWeese:  
To appoint Gayle Champagne, 833 Hazel to the Advisory Parking Committee, as the resident shopper member, to serve the remainder of a three year term to expire September 4, 2016.

VOTE: Yeas, 6  
Absent, 1 (Hoff)

The Clerk administered the oath to the appointed board members.

**IV. CONSENT AGENDA**

All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a roll call vote. There will be no separate discussion of the items unless a commissioner or citizen so requests, in which event the item will be removed from the general order of business and considered under the last item of new business.

**06-181-16 APPROVAL OF CONSENT AGENDA**

The following items were removed from the consent agenda:

- Item A (City Commission minutes of May 23, 2016) by Commissioner Bordman

**MOTION:** Motion by Sherman, seconded by DeWeese:

To approve the consent agenda as follows:

- B. Approval of warrant list, including Automated Clearing House payments, of May 25, 2016 in the amount of \$350,994.04.
- C. Approval of warrant list, including Automated Clearing House payments, of June 1, 2016 in the amount of \$427,958.08.
- D. Resolution setting June 27, 2016 at 7:30 PM for a public hearing to consider approval of the Final Site Plan and Special Land Use Permit of the Townsend Hotel to convert The Corner Bar into a private reception and special event space.

- E. Resolution accepting the resignation of Johanna Slanga from the Multi-Modal Transportation Board, thanking Ms. Slanga for her service, and directing the Clerk to begin the process to fill the vacancy.
- F. Resolution approving the agreement between the Birmingham Fire Department and Michigan Academy of Emergency Services and Allied Health to allow the Birmingham Fire Department to conduct ACLS training to their paramedics. Further, directing the Mayor to sign the agreement on behalf of the City.
- G. Resolution approving the street light agreement between the City of Birmingham and DTE Energy regarding the installation of street lights at 2400 E. Lincoln Ave. Further, directing the Mayor to sign the agreement on behalf of the City. All costs relative to this agreement will be charged to the adjacent owner.

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

                                 Nays,                      None  
                                  Absent,                    1 (Hoff)  
                                  Abstention,              None

**06-182-16                      CITY COMMISSION MINUTES  
    MAY 23, 2016**

Commissioner Bordman requested the following additions:

Resolution #05-164-16: Commissioner Bordman pointed out that an elected Commissioner’s primary responsibility is to make decisions for the City and only secondarily to participate as an appointed member to an outside board. Therefore, recusal due to a conflict of interest should occur at the appointed board.

Resolution #05-173-16: Commissioner Bordman questioned whether other projects that the City had bid out this year also resulted in vendor bids much higher than expected. Mr. O’Meara responded in the affirmative.

The Commission discussed what should and should not be included in the minutes and whether a correction is necessary to understand the topic.

The Clerk read from the City Commission Rules of Procedure that “The minutes shall include the mandatory information as required by the Open Meetings Act 267 of 1976; Section 15.269. The minutes shall reflect an overview or brief summary of the subject matter and any Commission comments that may have had an effect on the outcome. Commission comments may include a summary in support or opposed and discussion which may be relevant for future reference.

The minutes shall include a participating citizen’s name and position on an issue when there is public comment during the commission meeting in all of the following instances: (1) a public hearing, (2) an agenda item or (3) recognition of citizens in the audience.”

**MOTION:**      Motion by Bordman, seconded by DeWeese:  
 To approve the City Commission minutes of May 23, 2016 as amended.

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

**V.                      UNFINISHED BUSINESS**

**VI.                      NEW BUSINESS**

**06-183-16                      BALDWIN PUBLIC LIBRARY  
    ADULT SERVICES RENOVATION**

Library Director Koschik explained that the City Commission received the architecture, mechanical, electrical, and structural drawings along with renderings, elevations, and sections for the Adult Services Renovation. He noted that the previous drawings showed windows all the way along the curve of the wall. He noted that the windows will stop twelve feet short at each end of the curve and a section of limestone will be added. He noted this change balances the design at each end and saves \$18,000.00 per end. He noted a minor change to the light fixtures and light bulbs which will improve the lighting.

**MOTION:** Motion by Sherman, seconded by DeWeese:  
To endorse the final plan as of May 17, 2016 for the Baldwin Public Library Adult Services renovation, as developed by Luckenbach Ziegelman Gardner Architects, with the proviso that the plan will be modified solely as to the ballasts used for the lighting in the electrical portion of the plan and to authorize the issuance of a Request for Proposals for construction.

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

**06-184-16 AUTO PARKING SYSTEM  
CHANGES TO RATES AND POLICIES**

City Engineer O'Meara presented the proposed changes to the rates and policies in the auto parking system. He explained that item 1 is to change the daily rate at all five parking garages. Four of the structures have not had a rate change since 1996. The Ad Hoc Parking Development Committee is working on a package for a reconstruction of at least one, if not two, structures in the future. There would be a lot of potential expenses in the future and there is a large parking demand, which makes it time to increase revenues. This is focused on those who are parking for long periods of time each day. The rates would be doubled from what they are today, but still keep the two-hours free parking package, up to a maximum of \$10.00.

In response to a question from Commissioner DeWeese regarding the minimum charge of \$5.00 after 10:00 PM, Mr. O'Meara explained that when the rate was increased to \$10.00 the employees who left late at night felt they were being unjustly charged because the garage is almost empty. Commissioner Bordman expressed concern with this.

Mr. O'Meara explained that item #2 increases the monthly permit rate. A fixed number of permits are sold in each structure based on previous experiences as to how many that structure can take before it gets too full. All five garages have a waiting list of over a year.

Mr. O'Meara explained that item #3 gives the employers an off-site parking package option. The City would cover the cost of the rental for the spaces in a remote church parking lot. The employers would cover the cost of a carpool or shuttle for their employees. City Manager Valentine explained that the City Manager and BSD Director have been promoting this option. Mr. O'Meara commented that SP+ has also been promoting this option.

Mr. O'Meara explained that item 4 recommends lowering the number of permits sold at the Park Street and North Old Woodward Structures to 750 and 800 as the structures cannot handle the demand.

Mr. O'Meara explained that item 5 is to increase the meters on Chester from \$0.50 to \$1.00 per hour. He confirmed for Mayor Pro Tem Nickita that approximately two-thirds of the meters are currently \$1.00.

Mr. O'Meara explained that item 6 would offer evening employees an evening permit with the provision that they would not arrive until after 4:00 PM and must not leave the car overnight at a cost of \$20.00 per month. He confirmed for Commissioner Sherman that the equipment could be programmed to limit entry to after 4:00 PM only.

Commissioner Sherman noted that an average business month is 22 days. In the current fee structure between the hourly and monthly permits, it would take between 11–13 days to break even and the other 9-11 days were the benefit of having the permit. Under the new proposal the breakeven point becomes 7 days and anything after 7 days is a substantial discount to the daily rate. He expressed concern with this.

Commissioner DeWeese stated that he has reservations about the monthly parking rate increase being too low compared to the other rates. He noted that part of the reason for the demand is that it is underpriced. Once the rate is higher, it gives people the incentive to consider parking off-site. He stated that basically the residents are subsidizing the people who are working in the community that do not necessarily live here.

In response to a question from Commissioner Bordman, Mr. O'Meara confirmed that less than 20% of the evening permit parkers are parking at the Park Street and North Old Woodward Structures.

Clinton Baller, 388 Greenwood, stated that the City is subsidizing parking. He stated that the parking problem could be solved if the market rates were charged.

David Bloom noted that the cost to use a structure will be doubled for residents. He suggested residents could be subsidized with free parking.

Bill Serwer, resident at Merrillwood Apts, stated that one cannot compete for parking on Merrill and the top two floors of the structure are empty around 8:00 PM. He stated that he cannot get a parking permit for his street because of the competing interests.

Commissioner DeWeese stated that a more strategic view of the tradeoffs and balances is needed. He suggested that the transient, customer, and visitor base is treated more equally.

Commissioner Harris commented on the Advisory Parking Committee goals and noted that the Commission has been trying to achieve these objectives. Mr. Valentine commented that this could be sent to the Advisory Parking Committee to refine their proposal based on the City Commission input.

Commissioner Boutros commented that the rates need to be increased as they are lower than others and are below market value.

Commissioner Bordman suggested following up on the suggestion to work out an advantageous parking arrangement for residents. City Attorney commented that it would need additional review.

**MOTION:** Motion by Bordman, seconded by DeWeese:

To adopt the recommendations by the Automobile Parking System Board regarding their recommendations for #3, 4, 5 as stated in the memo:

3. To offer off-site parking to employers within the Central Business District at no cost to the employer, provided the employer finances the cost of transportation through their selected means, such as carpooling, shuttle, or valet, and as documented by separate agreement, with a maximum total value (for all employers) of approximately \$30,000 per year.
4. To lower the authorized number of monthly permits at the following parking structures, as follows:

Parking Structure	Current Authorized Permits	Recommended Auth. Permits
Park St.	815	750
N. Old Woodward Ave.	900	800

5. To increase all parking meters on Chester St. currently set at 50¢ per hour to \$1 per hour.

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

City Engineer O'Meara commented that the original motivation to change the daily rate in item 1 was to move some of those all day parkers out of the garage. He questioned whether the Commission wanted to lower the rate based on the discussion. Mayor Pro Tem Nickita noted that the issue with item 1 is not the rate, but the \$5.00/\$10.00 issue after 10:00 PM. He noted that this item could move forward if the following language was removed: "The above applies to charges applied prior to 10 PM every evening. Charges after 10 PM will have a maximum value of \$5.", and the Advisory Parking Committee could review it and return with a revision.

Commissioner DeWeese commented that he would prefer to take care of the monthly permits first as it is a balance. He does not want to decide on the increase until he sees the increase in the monthly permits. He stated that he will not support either at this time.

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

To approve the following changes to rates and policies of the Auto Parking System, as recommended by the Advisory Parking Committee:

1. Effective July 1, 2016, to change the daily parking rate at all five parking structures, as follows:

<i>Time</i>	<i>Existing Rate at Four Structures</i>	<i>Existing Rate at Pierce St. Str.</i>	<i>Proposed Rate</i>
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<i>Less than 2 hours</i>	<i>Free</i>	<i>Free</i>	<i>Free</i>
<i>Less than 3 hours</i>	<i>\$1</i>	<i>\$1</i>	<i>\$2</i>
<i>Less than 4 hours</i>	<i>\$2</i>	<i>\$2</i>	<i>\$4</i>
<i>Less than 5 hours</i>	<i>\$3</i>	<i>\$3</i>	<i>\$6</i>
<i>Less than 6 hours</i>	<i>\$4</i>	<i>\$4</i>	<i>\$8</i>
<i>Less than 7 hours</i>	<i>\$5</i>	<i>\$5</i>	<i>\$10</i>
<i>Less than 8 hours</i>	<i>\$5</i>	<i>\$7.50</i>	<i>\$10</i>
<i>More than 8 hours</i>	<i>\$5</i>	<i>\$10</i>	<i>\$10</i>

Commissioner Sherman suggested modifying item 6 to allow monthly permits to be sold after 4:00 PM. The three garages where permits are allowed to be sold would be held until additional direction is received from the Advisory Parking Committee.

VOTE: Yeas, 5  
Nays, 1 (DeWeese)  
Absent, 1 (Hoff)

**MOTION:** Motion by Sherman, seconded by Bordman:  
6. To offer Evening Only Monthly Permits at all five parking structures, allowing unlimited parking to permit holders after 4 PM every day, at a rate discounted by \$20 per month over the regular monthly permit rate. Any parkers that currently have a regular permit, if those permits are in Park Street or North Old Woodward, be retired. If they are in any of the other decks, those permits will not be reissued until the Commission receives a report back from the Advisory Parking Committee and takes action.

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

**MOTION:** Motion by DeWeese, seconded by Bordman:  
To refer Item 2 to the Advisory Parking Committee to evaluate the monthly permit rates in context to the daily rates, look at comparable structures around the country, maintenance and replacement costs, and to evaluate the number of permits in the remaining decks in relation to the customers (from item 6) and the net effect of the outcome to be more consistent with the express parking system goals of parking first and foremost for customers and visitors of various businesses and residents.

David Bloom stated that there is a rolling schedule to repair the structure and maintenance done on a regular basis. He suggested there be work done to establish an appropriate time period to pay down the cost of a structure and how much money is needed to maintain it, and eventually rebuild the space.

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

**06-185-16 TRANSITIONAL ZONING REFRESHER REGARDING TZ2**

City Planner Ecker presented an overview on transitional zoning. She explained that there are several parcels across the City that are on busy commercial streets or next to commercial areas and are next to single family residential areas. The Planning Board wanted to develop a fully integrated mixed use pedestrian oriented environment that would work as a transition between these higher density areas and the lower density areas.

Ms. Ecker explained that the uses, development standards, setbacks, and heights in each district were reviewed. TZ1 is a new residential only zone. TZ2 allowed for a mix of commercial and residential uses, but controlled some of the uses and limited some of the uses. TZ3 were for properties that were on very busy streets and allowed for a few more uses than TZ2 because of the fact they were located on very busy streets. She pointed out that TZ1 and TZ3 were adopted by the City Commission.

Mayor Pro Tem Nickita pointed out that there are gap points in the downtown plans. Most of these leftover areas were zoned in ways that were not in accordance with the way the larger plans were done. The intention of this was to clean up the spots that were left over and in a manner where it was congruent with the now evident policies of walkability, pedestrian

oriented, mixed use, certain density and heights, and urban development ideas that are now used as the City's standard.

**06-186-16                    WOODWARD AVENUE COMPLETE STREETS PLAN**

Mayor Pro Tem Nickita disclosed that his firm worked on this project. He noted that his involvement in the project is complete and the firm has been paid in full. He noted that no City funds supported this project.

City Planner Ecker explained that this project was funded by the Federal Highway Administration. The Woodward Avenue Action Association partnered with the Michigan Department of Transportation, the Detroit Department of Transportation, SMART, SEMCOG, Wayne and Oakland Counties and the eleven municipalities along the Woodward Corridor. She explained the RFP process and charrettes held to develop a comprehensive consistent approach for all of Woodward that worked for everyone, but tailored to each community's wants and desires. She explained that draft concept plan was reviewed by the Multi-Modal Steering Committee and the Planning Board. She explained the changes recommended by the Planning Board. She noted that the suggested resolution is accept the 14 Mile to 16 Mile portion of the plan.

Mayor Pro Tem Nickita pointed out that this complete streets plan is congruent with the City's complete streets overall conceptual support and the Multi-Modal Plan.

In response to a question from Commissioner DeWeese, Ms. Ecker confirmed that approving this in concept is to show the Commission's overall support for this type of change and to be consistent along the corridor.

**MOTION:** Motion by Bordman, seconded by Boutros:  
To approve in concept the Woodward Avenue Complete Streets Plan prepared and approved by the Woodward Avenue Action Association in October 2015.

Michael Nummer, 611 Westwood, expressed concern with the spending of money and committing funds to projects. He noted that if the Commission gives its approval of the plan, it reflects that residents are willing to spend the money.

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

**06-187-16                    CLOSED SESSION REQUEST  
                                     ATTORNEY / CLIENT PRIVILEGE COMMUNICATION**

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

ROLL CALL VOTE:    Yeas,                    Commissioner Boutros  
   Commissioner DeWeese  
   Commissioner Harris  
   Commissioner Sherman  
   Commissioner Bordman  
   Mayor Pro Tem Nickita  
                                  Nays,                    None  
                                  Absent,                1 (Hoff)  
                                  Abstention,          None

**VII. REMOVED FROM CONSENT AGENDA**

**VIII. COMMUNICATIONS**

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

**06-188-16                    OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA**

The following residents expressed concern with the cost of the Villa Ave Paving Project:

- Laura Johnson, 1735 Villa
- Lisa Testa, 1474 Villa
- Scott Lange, 1235 Villa
- Sharon Sheldon, 1408 Villa

Mayor Pro Tem Nickita noted that a meeting regarding this project will be held with the homeowners later this week.

**X. REPORTS**

**06-189-16 COMMISSIONER REPORTS**

The Commission intends to appoint members to the Museum Board, Greenwood Cemetery Advisory Board, and Multi-Modal Transportation Board on July 11, 2016.

**06-190-16 COMMISSIONER COMMENTS**

Mayor Pro Tem Nickita commented that the Congress for New Urbanism conference is being held this week.

**06-191-16 CITY STAFF REPORTS**

The Commission received the Hill School Bell Brick Paver Fundraiser update submitted by Museum Director Pielack.

The Commission received the Third Quarter Financial Reports submitted by Finance Director Gerber.

The Commission recessed to closed session at 10:41 PM.  
The Commission reconvened in open session at 11:03 PM.

**XI. ADJOURN**

The meeting adjourned at 11:03 PM.

Laura M. Pierce  
City Clerk