

**BIRMINGHAM CITY COMMISSION /
PLANNING BOARD JOINT WORKSHOP SESSION MINUTES
SEPTEMBER 18, 2017
DPS FACILITY, 851 SOUTH ETON
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

PRESENT: Mayor Nickita
Mayor Pro Tem Harris
Commissioner Bordman
Commissioner Boutros
Commissioner DeWeese
Commissioner Hoff (arrived at 7:35 PM)
Commissioner Sherman

Scott Clein, Planning Board Chairman
Stuart Jeffares, Member
Janelle Whipple-Boyce, Member
J. Bryan Williams, Member
Robin Boyle, Member

ABSENT: Bert Koseck, Member
Gillian Lazar, Member
Lisa Prasad, Member
Daniel Share, Member

ADMINISTRATION: City Manager Valentine, City Attorney Currier, Deputy Clerk Arft,
Planning Director Ecker

Mayor Nickita explained that this meeting will be a workshop session. No formal decisions will be made. The purpose of the workshop is to focus on problem definition and desired outcomes.

III. ITEMS FOR DISCUSSION

A. REVIEW OF CITY-WIDE MASTER PLAN CONSULTANT REQUEST FOR PROPOSALS

City Planner Ecker explained the request for proposal (RFP) incorporates all comments from joint meetings, topic requests, and miscellaneous comments over the past year. All changes asked for thus far have been incorporated.

Mayor Nickita asked for Commission comments.

Commissioner Sherman commented that the plan has been seen a number of times, and gone through a number of revisions. He continued that he wanted to incorporate the 2014 review of the 2016 plan by Andres Duany. City Planner Ecker said she would add it to the list, and Commissioner Sherman concluded that he saw nothing else missing from the RFP.

Mayor Nickita added that:

- The document Commissioner Sherman referenced was a review document.
- DPZ submitted a document after that review, and it was an all-encompassing review of the plan. It included department issues and pretty extensive public interaction. There were meetings, presentations, and it was a multi-faceted city initiative.
- The document gave recommendations to move forward and a sense of where the City was on the plan.
- Even though it was not an official plan, the Mayor believes it is an important supplemental document that should be included in the plan.

Commissioner DeWeese expressed concern about the point on page six which reads: "Update of Residential Housing section to include neighborhood vision in residential areas, analysis of changes in residential patterns and residential areas from 1980 to now, typology and character of neighborhoods, development trends, future projections and future direction." He believed that point did not sufficiently address either the issues and visions people have in the neighborhoods, or the relationship between residential and commercial needs.

Commissioner DeWeese continued that:

- He did not understand the reference to one-way streets in the fourth bullet point on page six. The City does not have one-way streets, and he added that for walkable communities one-way streets are not usually desirable.
- He still did not see a sufficient expression of a vision for the desired future direction and character of the City.
- The 2016 plan included such a vision for the downtown, and added that there was something of a vision included in the Master Plan, but he felt that such a vision was lacking in this document.
- He wants to see the community come together and make a decision of what they think Birmingham is, and should be.
- Implementing a walkable community and new urbanism has been successful, but is not sure that "contemporary technologies" are as cutting edge as what the City of Birmingham already does. He wanted to make sure that the RFP emphasizes the goal of taking what the City is already doing well and bringing it to the next level.

Mayor Nickita built off Commissioner DeWeese's comments to say that an expanded overview with introductory goals in the overall framework plan could be useful. City Planner Ecker suggested that the first bullet point on page six would be the place to expand on the City's goals and intentions. The Mayor agreed the RFP could get more specific there regarding what the City is looking for and what it would like the document to become. He added that the bullet could even include more specifics like "collective utilization of [the City's] different districts coming together".

Commissioner Bordman wanted the first bullet point on page seven, "Comprehensive Community Engagement Plan", to include a parenthetical that will change the paragraph to read "to stimulate public discourse to gather input from residents and business owners (property owners and retailers)" in order to more broadly include all of the potential stakeholders.

City Planner Ecker confirmed for Mayor Pro Tem Harris that a North Bates potential development is covered in the 2016 plan and in the review document.

Commissioner Hoff, in replying to Commissioner DeWeese, noted that page six reads "extensive public input will also be encouraged throughout the entire master planning process including

specific discussions on residential areas, the downtown and commercial areas, and the transitional areas that connect these zones,” and that she thought this was sufficiently inviting the public to participate.

Commissioner DeWeese clarified that his concern is not the process, but the kind of outcome. The goal is to take those conversations and make recommendations for the City from them. His concern was that many of the bullet points focused on updating what the City already does, but not providing a new, overarching direction.

City Planner Ecker explained for Commissioner Hoff that point eight on page eight calls for public parking to be priced according to its demand.

Mayor Nickita asked if there is a way to include Birmingham’s intent in its interactions with adjacent communities. City Planner Ecker stated that this would be challenging because adjacent communities do not always share Birmingham’s goals.

Mayor Nickita concurred, but wanted a stated goal that Birmingham will do the best it can to make borders as seamless as possible for both communities.

Mayor Nickita then called for comments from the Planning Board.

Mr. Williams wanted the City’s consultants to be made aware that changes in Birmingham have not always happened under the purview of the Master Plan. Major historical zoning changes, like transitional zoning, garages, and dormers, occurred outside of the master planning process from 1980, and will now need to be brought in.

City Manager Valentine clarified for Mr. Boyle that the Master Plan and the Recreation Plan are on a similar track. The Master Plan for the Parks and Recreation programs will be completed ahead of the citywide Master Plan, but when the citywide Master Plan RFP is issued, City Manager Valentine does not anticipate the Parks and Recreation Master Plan will be completed. Some language should be added to the Master Plan RFP that when the Parks and Recreation Master Plan is completed, it will be incorporated and shared at the appropriate time.

City Manager Valentine explained to Commissioner Hoff that:

- The RFP would likely be issued after the first of the year.
- He intends on having the resources and people to carry it through after that date.
- The City is in the process of adding a new planner.

Commissioner Hoff expressed her belief that the City must not delay action on all issues until completion of the Master Plan, since the planning process will likely take longer than a year.

Mayor Nickita and Commissioner DeWeese concurred with Commissioner Hoff. Commissioner DeWeese added:

- That a Master Plan is an overview plan with the overall goals and objectives of the City.
- The City needs to continue making decisions at lower levels while the planning process progresses.
- The City should continue using the guides it has used to make those decisions until new guides are released with the new Master Plan.

Mayor Nickita addressed the language regarding neighborhood conditions in the plan, wanting to be sure that:

- The language provided enough information for the consultant team since the Master Plan is the most focused neighborhood planning the City performs, and since Birmingham does not have a sub-area plan for the neighborhoods.
- There is a way to address issues that were not included in the 1980 Master Plan such as tear-downs and combined lots.

Commissioner DeWeese explained that:

- The Mayor's point is the same one the Commissioner was trying to make earlier.
- Birmingham has very distinctive neighborhoods, such as the walkable downtown, the near-town, and the very suburban areas, and without a sub-area plan, the City has been going on what was written in the 1980 Master Plan.
- There is a need to update the language of the Master Plan to create guidelines for the changes the City is experiencing and whatever future changes can be foreseen.

Mr. Jeffares added that he wants to make sure that children and seniors are well-represented in the master planning process.

Ms. Whipple-Boyce suggested the City may want to study whether it is desirable to establish some consistency between residential neighborhoods as part of the master planning process. She mentioned sidewalks, curbs, treatment of streets, signage, and lighting as a few of the aspects to be potentially considered.

Mayor Nickita suggested:

- The master planning process should clarify identifiable neighborhoods within Birmingham by making reference to specific
 - historic attributes;
 - the physical conditions of the landscape;
 - the housing type;
 - the period in which the buildings were built; or
 - any other number of ways to characterize a given neighborhood.
- This clarity would allow the City to plan for how they would like these neighborhoods to be preserved or updated.
- The Master Plan should also identify primary, secondary, and tertiary linkages between the neighborhoods with the intent of focusing on these routes over time for scheduling future infrastructure improvements.

B. REVIEW OF CURRENT DRAFT OF PERSONAL SERVICES DEFINITION

Mayor Nickita explained the goal of this review was to focus on the current draft and the details of the draft which has been in front of both the Planning Board and the Commission.

City Planner Ecker provided an update as to what has happened since the last joint meeting of the Planning Board and the City Commission in June:

- The Planning Board received a direction memo from the City Manager to focus their efforts on defining personal services and bringing the definition through the public hearing process.
- A public hearing was held to discuss a draft definition of personal services on July 12, the hearing was continued to August 9, and then the Planning Board had a study session discussion on the definition based on the comments from the joint meeting.

- The Planning Board then decided to pass along the Board's draft definition from August 9, and recommended that the City Commission not accept it.
- The Planning Board's latest recommendation has not gone into a public hearing.

City Planner Ecker clarified for Mayor Nickita that the definition on 3A2 came from the Planning Board's study and combination of the best aspects of eight other communities' definitions of personal service, but that the Planning Board felt a definition was a piecemeal approach. The Board thought this topic should be addressed from an overview level, through the master planning process, first.

Mayor Nickita reiterated that the focus of this joint meeting is the current draft definition, and invited Chairman Clein to clarify and fill in any gaps in the Commission's understanding.

Chairman Clein:

- Apologized to the Commission for any miscommunication that arose out of his motion.
- Continued that the intention of the motion was to send along the Board's best completed definition.
- Stated the Board was not saying the definition was bad or unsupported by them; rather, they were saying they had not been able to vet the definition to their standards, and so as an advisory board of the Commission, the Board was recommending the definition not be implemented until there has been further study.

Mayor Nickita affirmed that:

- The Board's definition was an attempt to fix the ambiguity in the ordinance. If there is a recommendation that the ordinance change, that requires a higher level of study.
- There are primary and secondary issues: the gap in the ordinance definition regarding personal services, and then whether the ordinance needs to be changed.
- This definition is in line with other cities' definitions of personal services, and that it was crafted with specific attention to Birmingham's particular circumstances.
- The Planning Board should explain why they chose to include a list of types of businesses which fall under the definition of personal services.

Commissioner Sherman:

- Added that while looking at the entire ordinance may be appropriate in the future, the Commission is now just looking for how the ordinance should currently be interpreted.
- Asked the Planning Board if their definition of personal service addresses the current goal of ordinance clarification.

Chairman Clein answered Commissioner Sherman in the affirmative, specifying that the Board defined personal service as well as they were able. Chairman Clein answered Mayor Nickita that the Board preferred to keep the list of businesses for clarity, with the understanding that the list could be removed at the Commission's behest without damaging the fundamental definition.

Commissioner Hoff said:

- She sees the Planning Board as not having supported this definition, and thus it is left up to the Commission to decide whether to implement this definition.
- It seems that an increase in the number of offices opening using the definition of personal services created the necessity for the Commission and the Board to visit the definition.
- The ultimate goal is to encourage interesting storefronts, pedestrian traffic, and vibrancy and vitality in downtown Birmingham.

- Going off this goal, perhaps something like a percentage requirement (for example: requiring that 60% of customers are walk-ins as opposed to business-to-business) might also accomplish the City's goal.
- It is also important to have parking for customers as opposed to employees, given downtown's limited parking.
- This is a multi-faceted issue and every aspect should be examined because a simple definition may not solve the problem.
- She believes that the Planning Board did put forth ample, sincere effort, and that this is just essentially a hard task.

In reply to Mayor Pro Tem Harris, Chairman Clein explained that the Planning Board provided as best a definition as they could given the City's current needs and circumstances, while he personally agreed with Commissioner Hoff's stated concerns.

Commissioner DeWeese voiced partial agreement with Commissioner Hoff in that the storefronts should interest potential consumers, and that it would be inappropriate to have an office desk at a window or an office that keeps blinds or curtains closed to the street. Commissioner DeWeese continued that:

- He does not believe the Planning Board's definition sufficiently resolves the Commission's need for clarity within the ordinance.
- He is dissatisfied with the fact that the Commission asked for a recommendation, and that sending a negative recommendation back to the Commission taxes both the Commission's time and limited expertise relative to the Planning Board's expertise.
- Maybe the definition is not ready for prime-time, but a definition is needed. He does not know what the solution is.

Mayor Nickita said the ambiguity in the ordinance must be resolved. He continued that the issues Commissioner Hoff and the Planning Board raise may be solved incrementally, and that a definition may be the first step towards a more fully researched and developed solution down the line.

Mayor Pro Tem Harris agreed with Mayor Nickita, added that he believes the Planning Board completed the task asked of them by the Commission, and that it is now the Commission's responsibility to complete the definition for the short-term.

Ms. Whipple-Boyce agreed with Mayor Pro Tem Harris, and added that the Planning Board provided a unanimously-defined, uncontroversial explanation of personal services. She hoped the Commission would consider both the definition and the negative recommendation on implementing it, because she believes the Planning Board is unlikely to have further forward movement on the matter.

Commissioner Hoff introduced information regarding the Birmingham shopping district's current study in reviewing strategies for securing retail tenants and doing a market analysis, and that the research will be completed in time for the Planning Board's review of retail later this year. She believed there will be tie-in with this research, and stated that the shopping district had not been involved in these discussions.

Chairman Clein clarified that representatives from the shopping district had been invited to participate in the discussion on multiple occasions, and that they were unable to attend.

Commissioner Hoff said that she does not then know if what the shopping district is studying would be helpful or not, but that it might be another piece of information to consider.

Mr. Jeffares added that the Planning Board wished to be sure of the effect of changing the ordinance by changing a definition, and that it was not possible to do so. He reiterated that the Board put a lot of effort into considering all of the relevant factors, including looking into the Master Plan.

Commissioner Boutros stated he believes there is a unique circumstance behind the Planning Board's non-recommendation, but the Commission needs to:

- Resolve the grey area in the ordinance, and
- Communicate more with the Birmingham shopping district about issues retailers expect to be facing.

Mayor Nickita confirmed for Commissioner Boutros that the Planning Board recommends addressing the definition of personal services through the master planning process.

Ms. Whipple-Boyce conjectured that representatives from the Birmingham shopping district did not accept the Board's invitations because they would be split in opinion. The retailers would want a definition like the one on 3A2, but the property owners would not. As a result, she believes waiting for their report will not yield any further relevant information.

Mr. Williams noted some residents and the Association of Birmingham Place were against a more limited definition of personal services. The Association specifically mentioned developments already in process that might be curtailed by the definition.

Chairperson Clein added that there were plenty of letters from other residents in support of a more limited definition of personal services, and that there is support on both sides of the issue.

Commissioner Bordman said she believes:

- The Planning Board misunderstood the task set before them by the Commission.
- The Commission merely wanted a simple definition of personal services as a phrase already in the ordinance, and not any visioning of the City at this time.

Mayor Nickita offered that he sees this dialogue with the Planning Board as helpful, that the Commission received some new information, and that he appreciated the Planning Board's comments.

IV. PUBLIC COMMENT

Mayor Nickita opened public comment. He requested that the comments remain under two minutes and stay relevant either to the RFP process or to the current draft of the personal services definition.

Marlin Wroubel of 1812 Yosemite, represents the owners of the 325 N. Old Woodward Bldg. Mr. Wroubel believes the City has been all right without a definition of personal services up until now, and that this seemingly minor change may actually have a significant impact, especially for building owners. Since there would be increased cost for building owners, Mr. Wroubel believes the Commission owes it to those owners to study the impact of the change first.

Paul Magy, 708 Shirley and an attorney at Clark Hill. He represents business owners, residents, and retailers. Mr. Magy stated that he believes:

- The Planning Board was correct in not supplying a definition that had not been sufficiently vetted.
- The Commission should send the definition back to the Planning Board and give them the time required to study all of the options and outcomes.
- That the Birmingham shopping district study findings should be considered, and that the shopping district should at least be called upon to reply to the Board's invitations, even if they do not attend.
- A lot of harm could result from implementing this definition without enough time to study it.

City Manager Valentine confirmed for Commissioner Hoff that once proposals are back from the Master Plan RFP, committees will be established to review the proposals.

Mayor Nickita said he saw the meeting as a productive and pleasant enough discussion, and thanked everyone in attendance.

V. ADJOURN

The meeting adjourned at 8:51 PM.

Cheryl Arft, Deputy Clerk