

City of Birmingham  
Birmingham Shopping District Meeting Minutes  
**Thursday, August 4, 2022 - 8:30 a.m.**  
The Community House  
Birmingham, MI 48009

Minutes of the meeting of the Birmingham Shopping District Board held Thursday, August 4, 2022, at 8:30 a.m. at The Community House.

**1. CALL TO ORDER AND ROLL CALL OF BOARD**

**PRESENT:** Astrein, Eid, Hockman, Kay, Lipari, Lundberg, Markus, McKenzie, Quintal, Roberts, Surnow

**ABSENT:** Pohlod, Director Emeritus Fehan

**ADMINISTRATION:** Ecker, Brook

**2. RECOGNITION OF VISITORS** None.

**3. PRESENTATIONS** None.

**4. APPROVAL OF MINUTES**

**MOTION:** Motion by Astrein, seconded by Kay to approve the minutes dated June 2, 2022.

**VOTE: Yeas:** Astrein, Eid, Hockman, Kay, Lipari, Lundberg, Markus, McKenzie, Quintal, Roberts, Surnow  
**Nays:** none  
**Absent:** Pohlod

**4. BOARD MEMBER COMMENTS**

Chair and Vice Chair Election

Hockman shared with the group that Pohlod had expressed interest in taking on the role of BSD board chairperson.

Markus nominated Pohlod to be BSD Board Chairperson. No other nominations were made.

**VOTE: Yeas:** Astrein, Eid, Hockman, Kay, Lipari, Lundberg, Markus, McKenzie, Quintal, Roberts, Surnow  
**Nays:** none  
**Absent:** Pohlod

Markus nominated Surnow to be BSD Vice Chairperson. Astrein nominated McKenzie to be BSD Vice Chairperson. Surnow withdrew his name from consideration and gave his support to McKenzie.

**VOTE: Yeas:** Astrein, Eid, Hockman, Kay, Lipari, Lundberg, Markus, McKenzie, Quintal, Roberts, Surnow  
**Nays:** none  
**Absent:** Pohlod

## **5. REPORTS**

### **a. FINANCE REPORT – ECKER**

Ecker reported that the BSD budget is tracking as planned. The new fiscal year started July 1 so numbers from the last fiscal year are being finalized. Work will begin on the presentation for the renewal of the special assessment.

Hockman shared that the cash flow report for the last 12 months, ending June 30, show that the BSD is in a better position than budgeted. Markus added that the City has subsidized the Executive Director's salary.

### **b. EXECUTIVE DIRECTOR REPORT - ECKER**

Ecker reported that the Executive Director selection committee interviewed four candidates. They felt that the interviews went well. They will narrow the field down to two. The finalists will be asked for a written submission and to conduct a presentation before the selection committee. The intention is to have one candidate recommended for board approval at the September meeting.

Ecker reported that wayfinding is moving forward with the rollout of the new City logo. The BSD Marketing and Advertising Committee is looking at adopting a new logo and new colors for the BSD. There will be two committee meetings this month so they can focus on the logo and start working on fall and holiday advertising campaign.

Ecker advised that the June Merchant Meeting had a good turnout. With regards to Birmingham Bucks, the S. Old Woodward construction program distributed \$840 in Birmingham Bucks in June. The Summer Bucks weekend (district-wide) distributed \$3380 in Birmingham Bucks, and the July S. Old Woodward construction program distributed \$240 in Birmingham Bucks.

Ecker explained that the BSD is required to follow the City's purchasing guidelines. This means purchases of \$6,000 or more need board approval. The BSD is a component unit of the City. Therefore, City purchasing guidelines apply.

Astrein asked if funds from the parking system were used during construction. Ecker replied that funds have been used for signage and to lease a private parking lot in the construction area.

### **c. COMMITTEE REPORTS:**

#### **SPECIAL EVENTS – ASTREIN**

Astrein reported that Day on the Town went well. There was a good crowd and he noticed many young families. We will survey merchants to ask if they would prefer to end the event at 5 p.m. instead of 6 p.m. next year. Work is beginning on the Art Walk that will take place in October.

Brook reminded the group that the Farmers Market 20<sup>th</sup> Season Celebration would be taking place at the Market on Sunday, August 7, and invited everyone to attend.

#### **MARKETING & ADVERTISING - KAY**

Kay shared that the committee is looking at revising the BSD logo. Bassett will be providing different mock-ups at the upcoming meeting. The committee will meet twice in August to allow for discussion on holiday advertising as well as the logo.

The committee received an application from Cynthia Fenner to join the committee.

**MOTION: Motion by Markus, seconded by Quintal to appoint Cynthia Fenner to the Marketing & Advertising Committee.**

**VOTE: Yeas: Astrein, Eid, Hockman, Kay, Lipari, Lundberg, Markus, McKenzie, Quintal, Roberts, Surnow**

**Nays: none**

**Absent: Pohlod**

Ecker explained that the committee would like to extend the Fall Bucks promotion from 7 to 11 days, to include Thursday, September 15 – Sunday, September 25, 2022.

**MOTION: Motion by Markus, seconded by Astrein to approve the extension of the Fall Bucks promotion from 7 days to 11 days, to include Thursday, September 15 – Sunday, September 25, 2022, with a promotional cap of \$20,000.**

**VOTE: Yeas: Astrein, Eid, Hockman, Kay, Lipari, Lundberg, Markus, McKenzie, Quintal, Roberts, Surnow**

**Nays: none**

**Absent: Pohlod**

#### **MAINTENANCE/CAPITAL IMPROVEMENTS - LIPARI**

Lipari reported that the idea of having valet during construction remains paused, as there has not been strong feedback from businesses that it would be beneficial.

The committee is working on scheduling a DPS appreciation luncheon. Pohlod will help to coordinate, as she owns a Tropical Smoothie Café. If other board members would like to help offset expenses, they are welcome to donate.

#### **BUSINESS DEVELOPMENT - MCKENZIE**

McKenzie shared that they are completing the business mix analysis and expect to have something to share with the board in the next month or two.

The committee also worked on the RFP for the retail recruiter. Ecker provided the committee with clarification on the compensation and they looked at the scope of work. The committee feels the Executive Director should own the business mix analysis and the recruiter should execute against the Executive Director's plan.

There was discussion amongst board members on whether or not there is the proper mix of businesses, density, and outdoor dining. Ecker suggested that board members attend City Commission meetings when discussions include these items. The tenant mix analysis will also be a good resource in the future for these discussions.

#### **EXECUTIVE BOARD REPORT - HOCKMAN**

No report given.

#### **d. PARKING REPORT - ASTREIN**

Astrein reported that the new Parking Manager has started and seems to understand the situation. Work is being done on maintenance and cleanliness of the decks.

Markus shared that there have been questions from citizens regarding the parking system. The City believes that the parking system was always supposed to accommodate growth. Markus recognized

the foresight that city planners had when putting the lots and decks in the middle of the city. Astrein agreed, adding that other cities try to copy Birmingham.

**e. CHAMBER REPORT**

There was no report from the Chamber.

**f. COMMUNITY HOUSE REPORT**

There was no report from The Community House.

**6. APPROVAL OF VOUCHERS**

**MOTION: Motion by Markus, seconded by Astrein to approve the vouchers, dated August 4, 2022.**

**VOTE: Yeas: Astrein, Eid, Hockman, Kay, Lipari, Lundberg, Markus, McKenzie, Quintal, Roberts, Surnow**  
**Nays: none**  
**Absent: Pohlod**

**7. UNFINISHED BUSINESS None**

**8. NEW BUSINESS**

**a. Community House Contract**

Ecker explained that she was able to work with the Community House to secure the same \$50 per meeting rate for board meetings for the coming fiscal year.

**MOTION: Motion by Markus, seconded by Astrein to approve a contract with the Community House for a one-year term to rent space to conduct monthly BSD board meetings, at a cost of \$50 per month.**

**VOTE: Yeas: Astrein, Eid, Hockman, Kay, Lipari, Lundberg, Markus, McKenzie, Quintal, Roberts, Surnow**  
**Nays: none**  
**Absent: Pohlod**

**b. WOMC Contract for Birmingham Cruise Event**

**MOTION: Motion by Markus, seconded by Kay to approve a sponsorship agreement with WOMC/Audacy for the Birmingham Cruise Event on August 20, 2022 and further, to authorize the Chair and Interim Executive Director to execute the agreement accordingly.**

**VOTE: Yeas: Astrein, Eid, Hockman, Kay, Lipari, Lundberg, Markus, McKenzie, Quintal, Roberts, Surnow**  
**Nays: none**  
**Absent: Pohlod**

**c. Holiday Season – Santa Contracts**

Ecker explained that we are planning to work with three Santas this holiday season. All three of them are returning from last season.

**MOTION: Motion by Astrein, seconded by Kay to approve the following contracts for Santa performers for the 2022 operating hours of the Santa House in Shain Park during November and December 2022, at a maximum total cost of \$7,992.50, and authorize the Chairperson and Executive Director to execute the following agreements:**

- i) Contract with Bernard Brewer, in an amount not to exceed \$1,782.50;**
- ii) Contract with Randy Lee Wagner, in an amount not to exceed \$5,175.00, with the condition that all required insurance documentation is provided prior to October 1, 2022; and**
- iii) Contract with Joseph Eadie, in an amount not to exceed \$1,035.00, with the condition that all required insurance and sole proprietorship documentation is provided prior to October 1, 2022.**

**VOTE: Yeas: Astrein, Eid, Hockman, Kay, Lipari, Lundberg, Markus, McKenzie, Quintal, Roberts, Surnow**

**Nays: none**

**Absent: Pohlod**

#### **d. CoStar Contract**

Ecker explained that a contract with Costar was executed in 2018 by a former director, but had not been approved by the BSD board as required. The terms of the contraction are extremely onerous against the BSD and provide for fee increases, automatic term extensions and penalties for termination. Legal counsel did not review the terms of the contract prior to execution by the former director. The Business Development Committee discussed this matter in detail, and recommends terminating the contract.

In order to terminate the contract, 90-days notice must be given prior to April 21, 2023. If the BSD board wishes to terminate the contract, the Executive Director will ensure a notice of termination is sent to Costar in accordance with the terms and conditions.

**MOTION: Motion by Markus, seconded by Kay to terminate the license agreement with CoStar by providing written notice of termination to CoStar in January 2023, 90 days prior to April 21, 2023 and to authorize the Executive Director to provide this notice of termination in accordance with the terms and conditions attached in the CoStar license agreement.**

**VOTE: Yeas: Astrein, Eid, Hockman, Kay, Lipari, Lundberg, Markus, McKenzie, Quintal, Roberts, Surnow**

**Nays: none**

**Absent: Pohlod**

#### **e. RFP for Retail Recruiter**

Ecker explained that, although a new Executive Director is not yet in place, the Business Development Committee would like to move forward with the process of securing a new Retail Recruiter.

Markus had a recommendation on Section 5 of the RFP. He would like to clarify the maximum business expense by adding "including insurance". McKenzie added that there would be a \$30,000 base pay, \$2,500 per month, with up to an additional \$50,000 in incentives. \$5,000 is allocated to business expenses.

Ecker referenced attachment C for more details on the payment structure. The tiered priority list ties into the business mix analysis and offers rewards for getting key tenants. There is an \$80,000 maximum payment cap proposed in the RFP.

**MOTION: Motion by Surnow, seconded by McKenzie to approve the Retail Recruiter RFP, with the addition of “including insurance” to Section 5, and to authorize issuance on MITN to solicit retail recruiters to assist the BSD in attracting and retaining a strong retail core in Birmingham.**

**VOTE: Yeas: Astrein, Eid, Hockman, Kay, Lipari, Lundberg, McKenzie, Quintal, Roberts, Surnow**  
**Nays: none**  
**Absent: Markus, Pohlod**

#### **f. RFP for Winter Markt Electrical Services**

Ecker explained that the RFP is seeking proposals for a new 3-year contract to provide electrical services for the Winter Markt.

**MOTION: Motion by Astrein, seconded by Quintal to approve the Winter Markt Electrical RFP and authorize issuance on MITN to solicit contractors to provide temporary electrical service and full power hookup for the 2022, 2023, and 2024 Birmingham Winter Markt special event.**

**VOTE: Yeas: Astrein, Eid, Hockman, Kay, Lipari, Lundberg, McKenzie, Quintal, Roberts, Surnow**  
**Nays: none**  
**Absent: Markus, Pohlod**

#### **g. Holiday Lighting Request from DPS**

Ecker shared that the BSD currently reimburses the Department of Public Services (DPS) 20% of the cost holiday lights. The DPS would like to have this percentage increased to 35%. The board discussed the fact that since we are currently paying a percentage of costs, that the arrangement already accounts for inflation.

Hockman concluded that the consensus of the board is that no, they are not willing to adjust the percentage paid to 35%.

Ecker mentioned that, due to the location change for this year's Birmingham Cruise Event, WXYZ has requested a pause in their sponsorship agreement. After brief discussion, the board agreed that, since no money is involved, they are okay with pausing the contract this year and starting it up again for the 2023 event.

### **9. INFORMATION**

- a. Retail Activity**
- b. Announcements**
- c. Letters, Board Attendance & Monthly Meeting Schedule**

### **10. PUBLIC COMMENTS**

### **11. ADJOURNMENT – 9:30 A.M.**

Respectfully submitted,  
Jaimi Brook (back-up notes on file)