

**BIRMINGHAM CITY COMMISSION MINUTES**  
**DECEMBER 4, 2017**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

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

Mayor Harris called the meeting to order at 7:30 p.m.

**II. ROLL CALL**

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

Administration: City Manager Valentine, City Attorney Currier, Planning Director Ecker, Finance Director/Treasurer Gerber, Operations Commander Grewe, City Clerk Mynsberge, City Engineer O'Meara

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

Commissioner Boutros' and Commissioner Hoff's birthdays were celebrated.

Mayor Harris announced:

- The Santa House will be open for visitors on select days through December 24<sup>th</sup> in the pavilion area in Shain Park. And you can enjoy the beauty of downtown Birmingham aglow for the holidays on a quaint carriage ride through town. The complimentary carriages are first-come first-served; carriages load at the corner of Henrietta & Merrill near Shain Park. Visit [www.enjoybirmingham.com](http://www.enjoybirmingham.com) for the Santa House and carriage ride schedules.
- The City of Birmingham has scheduled a public review period for all interested parties to review the draft 2018 Parks and Recreation Master Plan for the City of Birmingham, Oakland County, Michigan which will be available for review and comment for 30 days beginning Monday, December 4, 2017 at the following locations during regular business hours: Birmingham Municipal Building, Birmingham Department of Public Services, Birmingham Ice Arena, and Birmingham Baldwin Public Library. The draft plan is also available for review on the following website: [bhamgov.org/ParksRecPlan](http://bhamgov.org/ParksRecPlan).

**12-312-17**

**APPOINTMENTS TO THE AD HOC UNIMPROVED STREET STUDY COMMITTEE**

Mayor Harris announced there were nine applicants for the committee and that eight of them were present.

Scott Seltzer was unable to be present, but Commissioners received his written statement of interest and qualifications.

Scott Moore, a resident living on the corner of an improved and an unimproved street, was present and was interviewed by the Commission.

The Commission received David Lurie's written withdrawal from consideration for the Committee.

Dominick Pulis, Michael Fenberg, Jeffrey Heldt, Julie Hollinshead, Christina McKenna, and John Rusche were present and were interviewed by the Commission as candidates for the three Committee seats to be filled by residents living on unimproved streets.

Robert Lavoie, a candidate for the seat to be filled by a resident with a background in road design and maintenance was not present, and the Commission was in general consensus to hold that position open until Mr. Lavoie could be present to be interviewed.

A majority of Commissioners were in favor of adjourning appointments to the Committee to allow additional residents to apply and to allow Mr. Seltzer and Mr. Lavoie to interview with the Commission. Several Commission Members wished to have more diverse areas of the City represented.

City Manager Valentine indicated staff will bring the appointments back at a time when additional applications from residents representing different areas of the City have been received. All applicants will be notified when appointments to the Committee will be considered by the Commission.

**12-313-17                    APPOINTMENTS TO THE BOARD OF REVIEW**

Jill Stress, Guy Di Placido, and Lester Richey, all current members of the Board of Review, were present and were interviewed by the Commission.

**MOTION:**     Motion by Commissioner Sherman:  
To appoint Guy Di Placido to the Board of Review as a regular member to serve a three-year term to expire December 31, 2020.

VOTE:            Yeas,     7  
                      Nays,     0  
                      Absent,  0

**MOTION:**     Motion by Commissioner DeWeese:  
To appoint Lester Richey to the Board of Review as a regular member to serve a three-year term to expire December 31, 2020.

VOTE:            Yeas,     7  
                      Nays,     0  
                      Absent,  0

**MOTION:** Motion by Commissioner Boutros:  
To appoint Jill Stress to the Board of Review as an alternate member to serve a three-year term to expire December 31, 2020.

VOTE:           Yeas,     7  
                  Nays,     0  
                  Absent,  0

**12-314-17                   APPOINTMENT TO THE CABLECASTING BOARD**

Donovan Shand was present and was interviewed by the Commission.

**MOTION:** Motion by Commissioner Hoff:  
To appoint Donovan Shand to the Cablecasting Board as a regular member to serve the remainder of a term to expire March 30, 2020.

VOTE:           Yeas,     7  
                  Nays,     0  
                  Absent,  0

The City Clerk administered the Oath of Office to the appointees.

**IV.    CONSENT AGENDA**

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

**12-315-17                   APPROVAL OF CONSENT AGENDA**

The following item was removed from the Consent Agenda:

- Commissioner Sherman:           Item F, Special Event Permit for Birmingham Bloomfield Chamber – Village Fair in Shain Park Area, May 30-June 3, 2018

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner DeWeese:  
To approve the Consent Agenda, with Item F removed.

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

- A.    Approval of City Commission minutes of November 20, 2017.

- B. Approval of warrant list, including Automated Clearing House payments dated 11/22/17, in the amount of \$965,041.92
- C. Approval of warrant list, including Automated Clearing House payments dated 11/29/17, of \$1,235,902.82
- D. Resolution accepting the resignation of Kristen Baiardi from the Board of Zoning Appeals, thanking her for her service, and directing the City Clerk to begin the process of filling the vacancy.
- E. Resolution approving a request submitted by the Memorial Day Committee to hold the Memorial Day Ceremony and aerial fly over on May 28, 2018 at 10:00AM, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

**12-316-17 SPECIAL EVENT PERMIT FOR BIRMINGHAM BLOOMFIELD CHAMBER TO HOLD THE VILLAGE FAIR IN THE SHAIN PARK AREA, MAY 30-JUNE 3, 2018 (Item F)**

Commissioner Sherman expressed concern with the number of cars needing to be accommodated for the Village Fair.

Joe Baldwin Bauman, President of Bloomfield Birmingham Chamber of Commerce, stated the parking concerns will be addressed by:

- One church on W. Maple permitting the use of their 500-car lot;
- Another church on W. Maple potentially also allowing the use of their lot; and,
- United Shore providing employees with access to other parking in the City.

Mr. Baldwin Bauman explained to:

- Commissioner Nickita that the current plan is similar to last year's parking plan, except that the plan was not implemented last year because of the delay on the Old Woodward project. This year the plan will be implemented.
- Commissioner Sherman that the estimated number of employees last year was lower than the actual number who attended, which contributed to space issues.
- Commissioner Hoff that United Shore is doing things internally to encourage their employees to park in the alternate lots rather than in the parking structures.
- The Commission that the Fair could be a good way to encourage people to visit downtown Birmingham businesses. The Chamber is working on a program to have local businesses give discounts to people wearing a wristband from the Fair.
- Commissioner DeWeese that off-site parking will be free and shuttles will be running.

Mr. Baldwin Bauman added that United Shore could limit the number of prepaid parking deck passes they give to their employees.

Commissioner Hoff suggested handing out the discount wristbands at the off-site parking in order to incentivize the lots' use. Mr. Baldwin Bauman expressed approval of the idea and said he would look into setting up information booths with the t-shirts and wristbands at the offsite lots.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Bordman:  
To approve a request submitted by the Birmingham Bloomfield Chamber to hold the Village Fair in the Shain Park area, May 30–June 3, 2018, including the private party, 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.

VOTE:           Yeas,       7  
                  Nays,       0  
                  Absent,    0

**V. UNFINISHED BUSINESS**

None.

**VI. NEW BUSINESS**

**12-317-17           PUBLIC HEARING TO CONSIDER THE FINAL SITE PLAN AND SPECIAL LAND USE PERMIT FOR 33353 WOODWARD AVENUE – TIDE DRY CLEANERS**

Mayor Harris opened the public hearing at 8:44 p.m.

From Senior Planner Baka's report to City Manager Valentine dated November 27, 2017:

The subject business is proposed to be located at 33353 Woodward Avenue in a new one-story 7,227 sq. ft. commercial/retail building and parking lot that is replacing the former Tuffy Automotive building on the west side of Woodward between Davis and Smith. The applicant is a drive-in service for customers to pick up and/or drop off their garments while remaining in their vehicle. The service of patrons while in their vehicles is considered a drive-in facility and requires a Special Land Use Permit (SLUP) under Article 2, Section 2.31 (B2B – General Business). Article 9, Section 9.02 (Definitions) defines a drive-in as a commercial establishment developed to serve patrons while in the motor vehicle in addition to within a building or structure. The parking area for service to patrons in vehicles will be located on the west elevation along the alley under a metal canopy attached to the back of the building outside of the west entrance.

The Planning Board recommended the SLUP for approval with the following conditions:

1. The total square footage of signage must be reduced to 108 sq. ft. or less;
2. The canopy must be attached to the building.

Planning Director Ecker explained to:

- Commissioner Boutros that the SLUP is required because of the drive-in service, and that the parking spaces are required because of the size of the building.
- Commissioner Hoff that the building is intended for multi-tenant use.

Shannon Marklin, a real estate manager for corporate Tide, stated that the canopy is an added convenience as protection from weather.

Ms. Marklin confirmed for Mayor Pro Tem Bordman:

- The company has 60 of these drive-ins across the United States;
- This drive-in would be the first Tide location in Michigan; and,
- Tide has also signed a lease for a drive-in in Shelby Township.

- The parking lot would allow customers to enter from both Woodward and Davis whether Tide occupies the end cap of the building or another business does.
- Transaction times average between thirty seconds and 2 minutes, and two cars could be helped at any given time.
- On-site dry-cleaning would only be for the Birmingham location. The Shelby Township location does its own dry-cleaning.
- A delivery van will be available to provide delivery service and will be parked at the operator's house every evening.
- According to a traffic study in Chicago, peak times yielded twelve cars per hour.

Planning Director Ecker confirmed for Commissioner Nickita that the canopy must be fully attached to the building, but the method of attachment will be approved administratively during the permitting process.

Commissioner Nickita expressed concern:

- That the Commission was not provided with information on the method of affixing the canopy since it is a required part of the proposal; and
- That there is not sufficient information in the site plan regarding proximity to residences, sidewalk connections, adjacent buildings, and the general neighborhood layout.

Duane Barbat, property owner, explained to Commissioner Nickita that:

- There is a parking lot barrier between the building and the closest residents; and
- The lot is not owned by Mr. Barbat; and,
- If the canopy is approved, drawings by a State of Michigan engineer will be submitted to the building department.

Commissioner Nickita expressed:

- Confidence in Mr. Barbat's plan based on his previous work in Birmingham; but
- That he still views this plan submission as incomplete.

Mr. Barbat replied that his company has not been asked to submit structural plans to the Commission before.

Mr. Barbat told Commissioner Hoff:

- There is no plan to prevent left-turn exits onto Davis.
- The proposal is for two covered spaces to be serviced by employees, the total lease to Tide is 3,000 sq. ft. contingent on the drive-in approval, and 2,000 sq. ft. will be dedicated to the cleaning plant, which may service other small operations in the future.

Planning Director Ecker noted that preventing left turns onto Davis was not a requirement put forth by the Planning Board for approval of the plan.

Ms. Marklin explained to:

- Commissioner Hoff that environmentally-friendly Green Earth solvent and Tide detergent would be used to process the dry-cleaning.

- Mayor Pro Tem Bordman that the only 24/7 parts of the business are a drop-box in the back and a kiosk in the front where a customer can pick up their dry-cleaning before or after hours with a code.

Mr. Ken Platt, a resident on Davis, submitted a communication to the Commission expressing opposition to the project.

Brian Fitzerman expressed his general approval of the plan, but added that he would like to see

- No left turn onto Davis;
- A STOP sign added to the exit onto Davis; and,
- The drop-box moved to the Woodward side, so as to not disturb the Davis-side residents late at night.

Ms. Marklin addressed Mr. Fitzerman's concerns by stating:

- There would be an additional drop-box on the Woodward side; and,
- Based on experience in other locations, if the drive-in spaces are occupied, customers will park and enter the store, so queuing cars should not be an issue.

Ms. Marklin told Commissioner Hoff there are usually two to three employees at a time, with five to seven employees working over the course of a day. Mr. Barbat added there is a side lot for employee parking, leaving sufficient parking for customers.

There being no further comment, Mayor Harris closed the public hearing at 9:20 p.m.

Commissioner DeWeese noted the no left turn sign could be placed in future if necessary.

Commissioner Hoff expressed concern for the residents, and stated that it is important in Birmingham to get the residents' buy-in and respect.

Mr. Barbat stated that he has attended two meetings only seen two residents and one letter.

Mary McCray (1332 Davis) stated that she is concerned with left turns onto Davis, and the potential need for overflow parking which might end up on Davis.

Commissioner Hoff expressed support for a no left turn sign in the parking lot.

Commissioner Nickita stated that he lives very close to this area, and that almost no other businesses have parking lot signage preventing certain exits. He continued that businesses busier than the proposed Tide dry-cleaner have not caused complaints of cut-through traffic, and that adding the parking lot signage lacks both precedent and necessity based on other examples.

**MOTION:** Motion by Commissioner DeWeese, seconded by Mayor Harris:

To approve the Final Site Plan and Special Land Use Permit to allow service to patrons in their vehicles at 33353 Woodward Avenue – Tide Dry Cleaners as recommended by the Planning Board on October 25, 2017. (*Resolution appended to these minutes as Attachment A.*)

VOTE:           Yeas,       7

Nays, 0  
Absent, 0

**12-318-17 PUBLIC HEARING TO CONSIDER THE FINAL SITE PLAN AND SPECIAL LAND USE PERMIT AMENDMENT FOR 250 & 280 E. MERRILL – SALE OF ROJO AND SIDECAR RESTAURANTS**

Mayor Harris opened the public hearing at 9:28 p.m.

Commissioner Sherman recused himself based on a conversation with the City Attorney.

Commissioner Nickita explained he has a personal connection to the issue as his son works at one of the restaurants, but noted the City Attorney did not see this as a conflict of interest.

The Commission concurred.

From Planning Director Ecker's report to City Manager Valentine dated November 27, 2017:

Under Article 6, section 6.02 (5) of the Zoning Ordinance, all existing establishments with alcoholic beverage sales (on-premises consumption) require the approval of a Special Land Use Permit (SLUP) Amendment upon a change in ownership.

On October 26, 2017, the owners of Rojo and Sidecar restaurants, Rojo Five, LLC, submitted an application for a Final Site Plan and SLUP Amendment to allow for an ownership change to sell the existing Rojo and Sidecar restaurants to Sidecar Birmingham, LLC, which is owned solely by Stephen Simon. Because no changes are proposed to the layout, design, name or operation of the existing Rojo or Sidecar restaurants the City Attorney has directed this request for the transfer of ownership proceed directly to the City Commission for review.

Planning Director Ecker reiterated that there are no proposed changes to the restaurants, and the Commission usually fast-tracks these kinds of applications when a business with a SLUP changes hands.

Applicant Stephen Simon confirmed for Commissioner Boutros:

- Mr. Simon has been general manager at both Rojo and Sidecar since their respective inceptions;
- He has been in the industry for about 14 years; and,
- He is aware that any proposed changes must be brought before the Commission per the SLUP terms.

Mr. Simon told:

- Commissioner Hoff that he is only involved in Rojo's Birmingham location.
- Mayor Harris that Mr. Simon owns no other assets under Sidecar LLC.

There being no further comment, Mayor Harris closed the public hearing at 9:34 p.m.

**MOTION:** Motion by Commissioner DeWeese, seconded by Commissioner Boutros:

1. To approve the Special Land Use Permit Amendment and Final Site Plan to allow the sale of Rojo and Sidecar restaurants at 250 & 280 E. Merrill from Rojo Five, LLC to Sidecar Birmingham, LLC., subject to execution of a Special Land Use Permit contract



between Sidecar Birmingham, LLC and the City of Birmingham (*Resolution appended to these minutes as Attachment B*);

**AND**

2. To authorize the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and approving the liquor license transfer for The Sidecar Birmingham, LLC, that requests a transfer of Class C License issued under MCL 436.1521(A)(1)(B) located at 250-280 E. Merrill, Birmingham, Oakland County, MI 8009;

**AND**

3. To approve, pursuant to Birmingham City Ordinance, the Resolution authorizing the City Clerk to complete the Local Approval Notice at the request of The Sidecar Birmingham, LLC approving the liquor license transfer request of The Sidecar Birmingham, LLC for the transfer of a Class C License to be issued under MCL 436.1521 (A)(1)(B) located at 250-280 E. Merrill, Birmingham, Oakland County, MI 48009.

VOTE:           Yeas,       6  
                  Nays,       0  
                  Absent,    0  
                  Recused,   1

**12-319-17                   PUBLIC HEARING TO CONSIDER 2018 PROGRAM YEAR  
                                  COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

Mayor Pro Tem Bordman let the public know that she is appointed by the Commission as a non-voting liaison to NEXT. Because she does not vote in NEXT matters, she does not believe there is a conflict of interest in her consideration of the NEXT request before the Commission.

The Commission concurred.

From Finance Director/Treasurer Gerber and Senior Accountant Burrick's report to City Manager Valentine dated November 22, 2017:

The purpose of the December 4, 2017 public hearing is to: receive citizen input regarding the 2018 Program Year Community Development Block Grant (CDBG) program; make a determination of eligible project(s) to be pursued; and determine the amount of funds to be allocated to each project.

The City of Birmingham has been given a planning allocation of \$32,020, which is the same as last year's original allocation. Funding requests from NEXT (formerly the Birmingham Area Seniors Coordinating Council (BASCC) have been received.

Under CDBG guidelines communities may only spend a maximum of 30% of their 2018 funding allocation on public service activities. Birmingham's 30% totals \$9,606 which is the amount requested by NEXT in the public services category. NEXT's request includes \$6,306 for yard services and \$3,300 for senior services to defray the expenses involved in the overall operations of NEXT's outreach program. It is recommended that funding for senior services and yard services be approved for this grant.

Mayor Harris opened the public hearing at 9:35 p.m.

Mayor Harris called for comments from the public. There were no comments from the public.

There being no further comment, Mayor Harris closed the public hearing at 9:43 p.m.

Finance Director/Treasurer Gerber explained to:

- Mayor Pro Tem Bordman that the \$22,414 referenced in the report was allocated for minor repairs on privately owned homes.
- Commissioner DeWeese that the City could spend up to the \$22,414 grant amount on minor home repairs.
- Commissioner Hoff that the City owns the tennis bubble, so retrofitting the doors is the City's responsibility, not the lessee's.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Nickita:  
To authorize the Finance Director/Treasurer to complete the 2018 Program Year Community Development Block Grant application and conflict of interest certification and to authorize the mayor to sign the application and conflict of interest certification and other documents resulting from this application on behalf of the City and submit them to Oakland County. The project(s) to be included in the application and the respective allocations of Community Development Block Grant Funds are as follows:

	APPROVED 2018
1. Public Services – Yard Services	\$ 6,306
2. Public Services – Senior Services	3,300
3. Remove Architectural Barriers – Retrofit tennis bubble entrance doors to comply with ADA standards	<u>22,414</u>
<b>TOTAL</b>	<b>\$ 32,020</b>

Mayor Harris called for comments from the public on the motion. There were no comments from the public.

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

**12-320-17                   SPECIAL EVENT REQUEST – KIDS HELPING KIDS WALK**

From City Clerk Cherilynn Mynsberge's report to City Manager Valentine dated November 20, 2017:

This is a special event application submitted by the Community House and Variety, The Children's Charity requesting permission to hold Kids Helping Kids Walk. This is planned to offer 1 mile, 2 mile or 3 mile routes on sidewalks in the neighborhood of The Community House. The event is planned for Sunday, April 29, 2018. Set up is from 7:00

a.m. to 9:00 a.m. The event is scheduled to take place from 9:00 a.m. to 12:00 p.m.  
Tear down is from 12:00 p.m. to 1:00 p.m.

Vice President of Philanthropy from the Community House, Jackie McIntosh, was available to answer questions.

Commissioner Sherman commented that in years past there have been issues with having enough volunteers and keeping walkers on the sidewalk.

Ms. McIntosh noted measures, including staggered start times, to keep participants out of the road.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner DeWeese:  
To approve a request from the Community House and Variety, The Children's Charity to hold the Kids Helping Kids Walk on Sunday, April 29, 2018 on the sidewalks of the Community House neighborhood streets, 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.

VOTE:           Yeas,       7  
                  Nays,       0  
                  Absent,    0

**12-321-17                   GENERAL INVESTMENT POLICY REVISIONS**

From Finance Director Gerber's report to City Manager Valentine dated November 22, 2017:

Investment of the City's public funds is restricted by Public Act 20 of 1943, as amended, and further by the City's General Investment Policy approved by the City Commission. The Policy incorporates the provisions of state law, further restricts the types of securities that can be purchased, places additional percentage limits on security types and issuers, and limits maturities. The City's non-discretionary investment advisor, Insight Investment, reviews the parameters set forth in the Policy from time to time and may make recommendations to revise the Policy when deemed prudent. The last revision to the policy was in October 2011.

The investment advisor has reviewed the Policy and is recommending several minor changes which would eliminate references to the General Investment Committee which is no longer in existence and revisions to the definitions of investments that the City may purchase. In addition, a change is proposed for Section 7.0 of the Policy and would permit the City's investment advisor to perform the due diligence for the City when compiling a listing of financial institutions that are approved for investment purposes. The revised language would permit the investment advisor to utilize the investment advisor's list of broker/dealers when executing transactions on behalf of the City. This would benefit the City by allowing the investment advisor access to a much larger group of approved broker dealers, resulting in the opportunity of securing higher yielding securities for the City. Several municipalities in Michigan have adopted the Insight Investment certification process and recommended broker/dealer language: Ann Arbor, Auburn Hills, Livonia and townships of Delta and West Bloomfield.

Mary Donovan from Insight Investment was available to answer questions.

Finance Director Gerber clarified for Commissioner Hoff:

- Steve Gasper solely focuses on retirement investments for Birmingham, while Ms. Donovan focuses on shorter-term investments.
- The General Investment Committee duplicated the duties Insight Investment performed for the City, so it was dissolved.

Commissioner DeWeese requested that the word “settlement” be defined in the Glossary.

Ms. Donovan explained to Mayor Harris:

- Allowing Insight Investments to utilize a broader list of broker dealers ensures that the City is getting the best execution value.
- The broker dealers Insight Investments would recommend are all part of a special list of broker dealers who serve clients in the public sector.
- These broker dealers are not employed by Insight Investments.
- Insight Investments does not benefit financially from the City's choice of broker dealer.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Sherman:  
To approve the changes to the City's General Investment Policy as outlined by Insight Investment and recommended by Finance Director/Treasurer Gerber.

VOTE:           Yeas,       7  
                  Nays,       0  
                  Absent,    0

**12-322-17                   MULTI-MODAL TRANSPORTATION CONSULTING SERVICES  
REQUEST FOR PROPOSALS – CONSULTANT RESPONSES**

From the report to City Manager Valentine dated November 22, 2017 from Planning Director Ecker, Operations Commander Grewe and City Engineer O'Meara:

In 2014, the City issued a Request for Proposals (RFP) seeking traffic engineering services, supplemented with knowledge and understanding of designing and advising for multi-modal transportation concepts, particularly in an urban setting. In September 2014, the firm of Fleis and Vandenbrink (F&V) was selected as the City's traffic consultant, and has acted as a multi-modal transportation consultant to the Multi-Modal Transportation Board (MMTB) and the City Commission. However, this contract expired.

On July 24, 2017, the City Commission directed staff to issue an RFP to seek qualified consulting firms, and extended the previous contract with F&V for six months (through January 23, 2018). The RFP was issued to solicit multi-modal transportation consulting services to assist the MMTB and the City Commission in reviewing all transportation-related projects, and responses were due by 4:00 p.m. on October 6, 2017.

One response was submitted by the deadline. The proposal received was from MKSK, in partnership with F&V. The MKSK team proposes a team of urban designers, urban planners, multi-modal transportation specialists, landscape architects and transportation professionals to provide a comprehensive review of all transportation related projects in the City. The

MKSK team proposes a 90 day period of startup activities, including training and education for the MMTB, an audit of the Multi-Modal Transportation Plan, an assessment of the MMTB's current process and protocol, and the preparation of an annual work plan for the MMTB along with suggestions for improvements. The MKSK proposal also includes an hourly fee schedule for each of the professionals that are available to assist the City of Birmingham.

On October 19, 2017, the MMTB reviewed the RFP and the response from MKSK, in partnership with F&V, and voted unanimously to recommend that the City Commission enter into an agreement with the MKSK team to provide professional multi-modal transportation consulting services to the City for a three year term.

Shortly after October 19, 2017, Mr. Labadie left F&V and will no longer be a member of the MKSK team. Julie Kroll will be the project lead from F&V.

Commissioner Nickita asked Planning Director Ecker if she knew why there were not more responses to the RFP.

Planning Director Ecker expressed hesitance to restate what she had heard from consulting firms, but explained that through phone calls, an email, and general comments, she was given the impression that some of the firms feel that Birmingham is difficult to work with, and that the project requirements are onerous. One urban designer in particular said the requirements did not make sense to them.

Planning Director Ecker confirmed for Commissioner Hoff that:

- Greenway was interested in working with the City, but that they could not find a traffic engineering firm to partner with.
- The rates being quoted are industry-standard, and that City costs have gone up because of the amount of work.
- This is a three-year professional services contract, so it is open-ended in terms of hours.

Commissioner Hoff expressed concern at the length of the proposed contract, and Mayor Harris stated that there is a termination provision in the contract that lets the City out of the contract with ten days' notice.

Planning Director Ecker told Commissioner Nickita that the RFP was posted on MITN and that it was sent out to individual firms. She added that she could not recall sending the RFP to any firms without offices in the region.

Brad Strader from MKSK explained that:

- The City could either contract with MKSK, which would in turn subcontract with F&V, or contract with both directly.
- The MMTB has approved a two-way agreement between the City and MKSK.
- The fees before the Commission are MKSK fees, and F&V fees are already in F&V's contract.
- He performed training for Ann Arbor's Transportation Board earlier this year, and MKSK has presentations that could be modified to fit Birmingham MMTB topics.

- While project urban designer Joe Nickol is based in Cincinnati, he comes into the Metro Detroit area frequently for work.
- Mr. Shrader and Mr. Nickol will move forward with a context-sensitive approach, and Ms. Kroll will provide supplemental engineering considerations as needed.
- He would likely meet with the Commission first to get their priorities, come back to them with recommendations, and then proceed with the project in order to prevent superfluous visits to the Commission.

Commissioner Nickita stressed that Birmingham would be approving this proposal based on the understanding that Mr. Nickol will be heavily involved in the process.

Mr. Strader confirmed MKSK understands this is a priority for Birmingham, and MKSK is committed to meeting it.

Ms. Kroll, engineer from F&V, stated her excitement about the team for this project, and reported she has participated in every F&V project in Birmingham for the last 2 ½ years.

Commissioner Nickita said he is encouraged by the direction in which the process is going and expects the Commission to monitor the process closely since there are many moving parts.

Mayor Harris stated he would like both MKSK and F&V to be parties to the contract with the City.

**MOTION:** Motion by Commissioner DeWeese, seconded by Commissioner Boutros:  
To approve the recommendation of the Multi-Modal Transportation Board and enter into an agreement with the MKSK/Fleis & Vandenbrink team to provide professional multi-modal transportation consulting services to the City of Birmingham for a three year term, to be payable from account #202-449.007-804.0100. Further, to direct the Mayor and City Clerk to sign the agreement on behalf of the City.

VOTE:           Yeas,       7  
                  Nays,       0  
                  Absent,    0

**12-323-17                   SOUTH ETON ROAD – MAPLE ROAD TO 14 MILE ROAD – MULTI-MODAL TRANSPORTATION BOARD RECOMMENDATIONS**

From the report to City Manager Valentine dated November 22, 2017 from Planning Director Ecker, Operations Commander Grewe and City Engineer O’Meara:

In 2016, the City Commission appointed an Ad Hoc Rail District Committee to study the Rail District with respect to parking and traffic issues. A final report was received by the Commission in December of last year. Since several of the Committee’s recommendations had to do with the commercial section of S. Eton Rd., the Multi-Modal Transportation Board (MMTB) first focused on the segment from Maple Rd. to Lincoln Ave. In August of this year the MMTB endorsed a series of recommendations for three portions of that segment: Maple Road to Yosemite Boulevard, Yosemite Boulevard to Villa Avenue and Villa Avenue to Lincoln Avenue.

With the grand opening of Whole Foods at 2100 E. Maple Road planned for October 2017, the City Commission focused on improvements suggested for the north block of S. Eton Road at Maple Road. No action has yet been taken.

Subsequently the MMTB studied the section of S. Eton Road from Lincoln Avenue to 14 Mile Road. After reviewing 12 different cross-sections designed to provide improved facilities for pedestrians and bicyclists, as well as reduced traffic speeds, a preferred cross-section was advertised by postcard and posted on the City's website. The preferred option proposed bump-outs at each intersection, as well as an 8 ft. wide bi-directional bike lane on the west side parkway, using the large green space that exists in the public right-of-way.

Following a public hearing at the MMTB's regular meeting of November 2, 2017, the MMTB approved a recommendation for the segment between Lincoln Avenue. and 14 Mile Road.

City Engineer O'Meara presented aerial photography as the background for the plans for the entire S. Eton Road corridor, and provided commentary on the discussions which influenced the final decisions of the MMTB.

City Engineer O'Meara presented the proposed construction sequence and costs:

Segment	Pedestrian Improvements	Bicycle Improvements
Maple to Yosemite (not including pedestrian island)	\$49,600	\$400
Yosemite to Villa	\$164,600	\$14,600
Villa to Lincoln	\$467,500	\$158,900
South of Lincoln to 14 Mile	\$554,200	\$275,900
TOTAL Maple to Lincoln	\$681,700	\$173,900
TOTAL South of Lincoln to 14 Mile	\$554,200	\$275,900
TOTAL Maple to 14 Mile	\$1,235,900	\$449,800

PROJECT GRAND TOTAL = \$1,685,700

City Engineer O'Meara continued, in order to assist in paying for this work, it is recommended that the City apply for federal funding through the Transportation Alternatives Program (TAP). The deadline to apply for funding is March 2018, with the City receiving notification if they were successful in July 2018. The City could then budget for its share of the project for fiscal year 2019/2020, and build the project as soon as late summer, 2019. The grant would pay for 80% of the construction costs. The City would be responsible for the remaining 20% match, as well as 100% of engineering and design costs. Using the numbers above, it is estimated that the City's share for the entire project would be \$499,000.

City Engineer O'Meara also commented that if the grant is not awarded, other than a special assessment for sidewalks between Yosemite Blvd. and Villa Ave., the only funding source for this project would be the Major Streets Fund. Currently, the Major Street Fund requires a contribution from the General Fund to pay for annual expenses, therefore, the General Fund would be the main source of funding for this project.

Planning Director Ecker offered summary comments.

City Engineer O'Meara explained to Mayor Pro Tem Bordman:

- Leaf removal will be handled by asking residents to put their leaves on the other street, since they are all corner houses, instead of into the bicycle path; and,
- In light snow, snow removal from the bicycle path will not be an issue, but in heavier snows it may be because the snow from the street will be pushed into the bicycle path.

Planning Director Ecker commented that snow could be removed from the bicycle path in these circumstances after priority areas in the city are plowed.

Planning Director Ecker explained to Mayor Pro Tem Bordman that 27 different types of separators were considered by the MMTB, and the proposed option was found to be the best balance between environmental aesthetics and utility.

Commissioner DeWeese pointed out that snow plowing equipment that could be used in the bicycle lanes would also be useful for Old Woodward after the upcoming construction is complete.

Commissioner Nickita stated:

- Areas in Ferndale and around Little Cesar's Arena have installed vertical white separators and other installations similar to the non-motorized options being considered for Birmingham; and,
- Birmingham could integrate some of the installations being seen in other Metro Detroit areas if the City wants to adhere to the emerging visual regional standard.

Commissioner Hoff stated if this proposal looked more like Lincoln, she would be more supportive of it. She stated:

- She supports the narrowing of Eton, the bump-outs, and the crosswalks.
- She does not support the green painting of the bicycle path.
- She is concerned about the potential difficulty for cars backing out of driveways on Eton.

Planning Director Ecker stated there is a larger buffer area and better sight lines on Eton with this proposal than there are now.

Commissioner DeWeese stated his support for the proposal.

Commissioner Nickita said:

- The proposal addresses many concerns regarding pedestrian and bicyclist safety that have emerged from this area over the last few years.
- If Birmingham continues to invest in its bicycle infrastructure, more people will utilize it.
- Birmingham may receive up to 80% of the costs for the project in TAP grant money.
- If Birmingham does not receive the grant money immediately for the project, the City could make some interim changes with paint in the style of what has been done in Ferndale and Downtown.



- Painting in the interim would allow the Commission to study the proposed changes further before physically implementing them, and then to pursue grant money on the basis of the study's conclusions.

Mayor Pro Tem Bordman voiced support for Commissioner Nickita's proposal to test some of the ideas with paint.

Mayor Harris agreed with Mayor Pro Tem Bordman.

City Engineer O'Meara and Planning Director Ecker confirmed for Mayor Harris that the TAP grant is approved either in toto or not at all. Planning Director Ecker offered that a similar proposal in Dearborn was funded previously.

Commissioner Boutros stated his support of Commissioner Nickita's proposal.

Commissioner DeWeese said he would like to see City Engineer O'Meara come back to the Commission in spring 2018 to present the options for testing the concepts with paint.

Commissioner Sherman stated that other materials are also welcome for creating a test case.

Commissioner Nickita pointed out the test case will need to be revisited if the City receives the TAP grant in 2018.

**MOTION:** Motion by Commissioner DeWeese, seconded by Commissioner Bordman: To approve the recommendations of the Multi-Modal Transportation Board for S. Eton Rd. from Maple Rd. to 14 Mile Rd. for pedestrian and bicycle improvements throughout the corridor in concept, as outlined below:

A. Maple Rd. to Yosemite Blvd.:

1. Relocate the west side curb for the entire block from its current location to a point three feet closer to the center of the road, thereby allowing the west side sidewalk to be rebuilt at 8 feet wide.
2. Install an enhanced, larger sidewalk ramp area at the southeast corner of Maple Rd.
3. Install sharrows in both directions on the existing travel lanes.

**AND**

B. Yosemite Blvd. to Villa Ave.:

1. Relocate the curbs on both sides of the street to create a two-lane street with 15 foot travel lanes. Parking shall be removed from both sides of the street.
2. Install a 4 ft. wide parkway between the sidewalks and the new curb, and install new street trees, at a spacing of 40 ft. each.
3. Install 6.5 to 8 ft. wide sidewalks on both sides of the street.
4. Install sharrows in both directions on the existing travel lanes.

**AND**

C. Villa Ave. to Lincoln Ave.:

1. Remove parking on the west side of the street, to be replaced with an 8.5 ft. wide bi- directional bike lane and a 1.5 ft. buffer with raised markers.
2. Install a 3 ft. wide painted buffer between the northbound travel lane and the

- parking lane (on the east side of the street).
3. Install curbed bump-outs at marked pedestrian crosswalks on the east side of the street, at the intersections of Villa Ave., Hazel St., Palmer Ct., Bowers St., Holland Ave., Webster Ave., Cole Ave., and Lincoln Ave.
  4. Install green marked bicycle crossings on the western leg of the intersections of Villa Ave., Hazel St., Bowers St., Haynes St., Holland Ave., Webster Ave., Cole Ave., and Lincoln Ave.

**AND**

D. South of Lincoln Ave. to 14 Mile Rd.:

1. Install an 8 ft. wide on-street parking lane on the west side of the street, separated from traffic with a solid line, with 24-hour parking permitted;
2. Install a double yellow centerline for S. Eton Rd. to create two 10 ft. wide travel lanes (on the east side of the street) for vehicles;
3. Install an 8 ft. wide bi-directional bike lane 2 ft. from the back of curb on the west side of S. Eton Rd.;
4. Maintain a 2 ft. wide landscaped buffer between the on-street parking lane and the bike lane;
5. Install curb bump-outs and crosswalks at the intersections of Melton Rd., Humphrey Ave., Sheffield Rd., and Bradford Rd., as noted on the attached plan;
6. Install green marked bicycle crossings on the western leg of the intersections of Lincoln Ave., Melton Rd., Humphrey Ave., Sheffield Rd., and Bradford Rd., as noted on the attached plan.
7. The City shall assume responsibility for the maintenance of the 8 ft. bike lane.

**AND**

Further, to direct staff to apply for federal funding for these improvements through the Transportation Alternatives Program administered by the Michigan Dept. of Transportation, and report back to the Commission when status of the grant for the 2018 application has been determined.

**AND**

To proceed with a traffic study of the Maple Rd. intersection in the spring of 2018, with truck turning movements quantified, for further review by the Multi-Modal Transportation Board, and a final recommendation to the City Commission.

VOTE:           Yeas,       6  
                   Nays,       1 (Hoff)  
                   Absent,   0

**VII. REMOVED FROM CONSENT AGENDA**

The items removed were discussed earlier in the meeting.

**VIII. COMMUNICATIONS**

None.

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

None.

**X. REPORTS**

**12-324-17 COMMISSIONER REPORTS**

The City Commission will appoint two resident members to the Public Arts Board on January 8, 2018, and will appoint one alternate member to the Board of Zoning Appeals on January 22, 2018.

**12-325-17 COMMISSIONER COMMENTS**

Commissioner Nickita reiterated the need for a more detailed site plan for the proposed Tide dry-cleaners, and stated he would like a mandate that site plans are sufficiently detailed in the future.

Planning Director Ecker stated the ordinance can be changed to require more details.

Commissioner Nickita requested that the Planning Board examine what details should be required in a site plan, and those findings should be added to the ordinance.

The Commission and City Manager Valentine concurred, and City Manager Valentine stated he would pass the direction onto the Planning Board.

Commissioner Nickita ~~echoed Mayor Pro Tem Bordman's concerns about revising some of the crosswalks downtown.~~ revisited Mayor Pro Tem Bordman's concerns about crosswalk timing, and her suggestion that pedestrians be given introductory time to cross the street at busy intersections.

Commissioner Nickita He stated he would like to see:

- The timing of crosswalks and lights revisited as Old Woodward is updated.
- Buttons removed from crosswalks in order to make the intersections more pedestrian friendly.

Mayor Pro Tem Bordman clarified that her concerns stand, and that the issue was broached with her via an article sent by a constituent. She continued that:

- Oakland and Old Woodward is a particularly challenging intersection for pedestrians and that adding time for pedestrians would be very helpful.
- She would also like to see the Old Woodward and Maple intersection evaluated by the MMTB, as well as the intersection at Southfield and Maple.

The Commission concurred that the downtown core crosswalks should be reviewed. City Manager Valentine said he would have the MMTB take a look at the issue.

**12-326-17 CITY STAFF REPORTS**

The Commission received the Parking Utilization Report as submitted by City Engineer O'Meara.

**XI. ADJOURN**

Mayor Harris adjourned the meeting at 11:21 p.m.

J. Cherilynn Mynsberge, City Clerk

**12-317-17  
TIDE DRY CLEANERS  
33353 WOODWARD  
SPECIAL LAND USE PERMIT  
DRIVE-IN FACILITY  
2017**

WHEREAS, Tide Dry Cleaners applied for a Special Land Use Permit to allow the construction of a garment service facility with a drive-in facility to service patrons in their vehicles at 33353 Woodward Avenue on October 25<sup>th</sup>, 2017, such application having been filed pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the west side of Woodward between Davis and Smith;

WHEREAS, The land is zoned B2B, General Business, which permits a drive-in facility with a Special Land Use Permit;

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;

WHEREAS, The applicant submitted an application for a Special Land Use Permit and Final Site Plan to operate a drive-in facility at Tide Dry Cleaners;

WHEREAS, The Planning Board on October 25<sup>th</sup>, 2017 reviewed the application for the Special Land Use Permit and Final Site Plan and recommended approval with the following conditions:

1. The total square footage of signage must be reduced to 108 sq. ft. or less;
2. The canopy must be attached to the building.

WHEREAS, The applicant has agreed to comply with all of the conditions for approval recommended by the Planning Board on October 25<sup>th</sup>, 2017;

NOW, THEREFORE, BE IT RESOLVED, That the Birmingham City Commission finds the standards set forth in the City Code have been met and the Tide Dry Cleaners application for a Special Land Use Permit and Final Site Plan authorizing the addition of a drive-in facility is hereby approved with the following conditions:

1. The total square footage of signage must be reduced to 108 sq. ft. or less; and
2. The canopy must be attached to the building.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, Tide Dry Cleaners and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of Tide Dry Cleaners to comply with all of the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

I, J. Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on December 4<sup>th</sup>, 2017.

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J. Cherilynn Mynsberge, City Clerk

**12-318-17  
ROJO AND SIDECAR  
RESTAURANTS 250 & 280 E.  
MERRILL  
SPECIAL LAND USE PERMIT  
AMENDMENT 2017**

WHEREAS, Rojo Five, LLC has filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to sell Rojo and Sidecar restaurants to Sidecar Birmingham, LLC and continue to operate the said restaurants with alcoholic beverage sales for on-premises consumption under Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the south side of E. Merrill between Pierce and S. Old Woodward;

WHEREAS, The land is zoned B-4 and D-4, and is located within the Downtown Birmingham Overlay District, which permits restaurants with alcoholic beverage sales for on-premises consumption with a Special Land Use Permit;

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission;

WHEREAS, No site plan or design changes are proposed to the existing Rojo restaurant at 250 E. Merrill or Sidecar restaurant at 280 E. Merrill;

WHEREAS, The owner of Rojo and Sidecar restaurants, Rojo Five, LLC is now requesting approval of the Birmingham City Commission to allow a transfer in ownership of the existing restaurants to Sidecar Birmingham, LLC;

WHEREAS, The Birmingham City Commission has reviewed Rojo and Sidecar's Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that Rojo and Sidecar restaurants' application for a Special Land Use Permit Amendment authorizing a transfer of ownership of an existing establishment with alcoholic beverage sales (on-premises consumption) at 250 & 280 E. Merrill in accordance with Chapter 10, Alcoholic Liquors, is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit is granted subject to the following conditions:

1. Rojo and Sidecar restaurants shall abide by all provisions of the Birmingham City Code;
2. The Special Land Use Permit may be cancelled by the City Commission upon finding that the continued use is not in the public interest; and Rojo and Sidecar restaurants enter into a contract with the City outlining the details of the operation of the restaurants.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, Rojo and Sidecar restaurants and their heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of Rojo and Sidecar restaurants to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

I, Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on December 4, 2017.

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J. Cherilynn Mynsberge, City Clerk