

BIRMINGHAM CITY COMMISSION MINUTES
JULY 9, 2018
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, Assistant to the City Manager Haines, Building Official Johnson, City Clerk Mynsberge, City Engineer O'Meara, BSD Director Tighe

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

07-190-18 ANNOUNCEMENTS

Mayor Harris announced:

- Mark your calendars for upcoming In The Park Concerts: Jill Jack with folk music on Wednesday, July 11th at noon, followed by blues act Mainstreet Soul at 7:00 p.m. The following Wednesday, July 18, Magic Bus will play psychedelic 60's & 70's music beginning at 7:00 p.m.
- The Baldwin Public Library presents Music Explorers, with the Baldwin String Ensemble on Sunday, July 15 at 2:00 p.m. The program takes a close look at Franz Schubert's string quartet, "Death and the Maiden."
- The Birmingham Farmers Market takes place every Sunday, 9:00 AM - 2:00 PM in Lot 6 across from Booth Park. Come enjoy fresh produce, flowers, prepared foods, and other treats.
- The Birmingham Shopping District is hosting Birmingham Movie Night on Friday, July 20th at 7:30 PM in Booth Park featuring the 80's blockbuster "Back to the Future."

07-191-18 APPOINTMENTS TO THE GREENWOOD CEMETERY ADVISORY BOARD

The City Commission interviewed current members George Stern, Laura Schreiner, and Linda Peterson, and new applicant Charles McIntyre. New applicant Deborah Shinder was not present.

MOTION: Motion by Commissioner DeWeese:
To appoint George Stern to the Greenwood Cemetery Advisory Board as a regular member to serve a three-year term to expire July 6, 2021.

VOTE: Yeas, 5
Nays, 0
Absent, 0

MOTION: Motion by Mayor Pro Tem Bordman:
To appoint Linda Peterson to the Greenwood Cemetery Advisory Board as a regular member to serve a three-year term to expire July 6, 2021.

VOTE: Yeas, 7
Nays, 0
Absent, 0

MOTION: Motion by Commissioner Sherman:
To appoint Laura Schreiner to the Greenwood Cemetery Advisory Board as a regular member to serve a three-year term to expire July 6, 2021.

VOTE: Yeas, 7
Nays, 0
Absent, 0

MOTION: Motion by Commissioner Sherman:
To appoint Charles McIntyre to the Greenwood Cemetery Advisory Board as a regular member to serve a three-year term to expire July 6, 2021.

VOTE: Yeas, 1
Nays, 0
Absent, 0

Mayor Harris announced the three incumbents, Mr. Stern, Ms. Schreiner, and Ms. Peterson, would continue to serve.

07-192-18 APPOINTMENTS TO THE HISTORIC DISTRICT STUDY COMMITTEE

Mayor Harris noted Mr. Milan withdrew his application due to competing priorities. The Commission interviewed current members Gigi Debbrecht and Patricia Lang.

Commissioner Hoff, noting the Committee only meets by resolution of the City Committee, voiced concern that the Committee is not being given more frequent opportunities to be active. She indicated she would raise the issue under the "Commissioner Comments" portion of the agenda.

MOTION: Motion by Commissioner Hoff:
To appoint Gigi Debbrecht to the Historic District Study Committee as a regular member to serve a three-year term to expire June 25, 2021.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

MOTION: Motion by Commissioner DeWeese:
To appoint Patricia Lang to the Historic District Study Committee as a regular member to serve a three-year term to expire June 25, 2021.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

07-193-18 APPOINTMENT TO THE BOARD OF ZONING APPEALS

The Commission interviewed current alternate Board of Zoning Appeals member Jason Canvasser.

MOTION: Motion by Mayor Pro Tem Bordman:
To appoint Jason Canvasser to the Board of Zoning Appeals as a regular member to serve a three-year term to expire June 25, 2021.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

07-194-18 APPOINTMENT TO THE BIRMINGHAM SHOPPING DISTRICT BOARD

City Manager Valentine asked the City Commission to concur with him in appointing Zachary Kay to the Birmingham Shopping District Board.

MOTION: Motion by Commissioner DeWeese:
To concur with the City Manager’s appointment of Zachary Kay to the Birmingham Shopping District Board as a regular member representing, as an operator, a business located within the Birmingham Shopping District to serve the remainder of a four-year term to expire November 16, 2019.

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.

07-195-18 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Commissioner Hoff: Item B, Resolution Approving City Commission Meeting Minutes of June 25, 2018.
Item L, Resolution Approving the Contract for Skating Director

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:
To approve the Consent Agenda, with Items B & L 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. Resolution approving the Joint City Commission/Planning Board meeting minutes of June 18, 2018.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated June 27, 2018 in the amount of \$1,764,668.32.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated July 4, 2018 in the amount of \$696,231.58.
- E. Resolution approving the purchase of (32) Armor Express RAZOR vests in the amount of 19,542.52 from Kiesler Police Supply; further charge this this budgeted expenditure to account number 101- 301.000-743.0000; further authorizing the Mayor and City Clerk to sign the agreement on behalf of the city.
- F. Resolution approving the outside agency service agreement for services described in Attachments A and B of the agreement for fiscal year 2018-19 with Birmingham Bloomfield Community Coalition in the amount of \$3,000 from account number 101-301.000-811.0000, and further to direct the Mayor and City Clerk to sign the agreements on behalf of the City.
- G. Resolution authorizing the purchase of (14) Latitude 14 Rugged 5414 mobile data computers, power adapters and docking stations from Dell, Inc.; further waiving competitive bidding requirements and utilizing Oakland County CLEMIS cooperative purchasing for this equipment in the amount of \$35,584.18; further authorizing this budgeted expenditure from account number 265-302.002-971.0100.
- H. Resolution approving purchase of (10) Stalker DSR Enhanced dual antenna radar units from Applied Concepts, Inc. in the amount of \$19,950.00; further waiving competitive

bidding requirements for this sole source vendor purchase via State of Michigan purchasing contract # 071B4300042; further authorizing this budgeted expenditure from account number 265-302-002-971.0100.

- I. Resolution approving the purchase of (6) Taser X-2 CEW units form Axon Enterprise, Inc. in the amount of \$9,570.00; further to waive competitive bidding requirements as Axon Enterprises, Inc. is a sole source vendor; further charging this budgeted expenditure to account number 101- 301.000.734.0000; further authorizing the Mayor and City Clerk to sign the agreement on behalf of the City.
- J. Resolution approving the purchase of a traffic signal modernization for the intersection of Maple and Lakepark from the Road Commission for Oakland County in the amount of \$80,548.49; further waiving normal bidding requirements and authorizing this expenditure from account number 202-303-001-971.0100.
- K. Resolution of Election Commission approving the appointment of election inspectors, absentee voter counting board inspectors, receiving board inspectors and other election officials as recommended by the City Clerk for the August 7, 2018 Primary Election pursuant to MCL 168.674(1) and granting the City Clerk authority to make emergency appointments of qualified candidates should circumstances warrant to maintain adequate staffing in the various precincts, counting boards and receiving boards.
- M. Resolution setting a public hearing date for August 13, 2018 to consider the proposed rezoning of 469 – 479 S. Old Woodward from B3/D4 to B3/D5.
- N. To set a public hearing date for August 13, 2018 to consider approval of the Final Site Plan and Special Land Use Permit for 225 E. Maple, Social Kitchen and Bar, pursuant to Article 7, section 7.34, Zoning, of the Birmingham City Code.

V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

07-196-18 PUBLIC HEARING TO CONSIDER NECESSITY FOR THE REPLACEMENT OF ALL SEWER AND WATER LATERALS NOT MEETING CURRENT CRITERIA LOCATED WITHIN THE 2018 LOCAL STREET PAVING PROGRAM AREA

Mayor Harris opened the public hearing at 7:50 p.m.

City Engineer O'Meara:

- Reviewed his July 2, 2018 memo to City Manager Valentine regarding the issue; and
- Described the two-page letter that was sent, along with the public hearing notice, to all affected residents outlining the project and the unit rates. Residents may contact the Birmingham Engineering Department for a specific property rate.

Tommy Haji enquired about the unit rates as the two-page letter was not included in his mailing.

City Engineer O'Meara told Mr. Haji that the total rate for 990 Chapin would be \$1,910.

There being no further comment, Mayor Harris closed the public hearing at 7:53 p.m.

Commissioner DeWeese commented that the unit rate for each residence represents only a percentage of the actual cost of the replacements.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:
To declare necessity for the replacement of all sewer and water laterals not meeting current criteria located within the 2018 Local Street Paving Program area:
Bennaville Ave.-Edgewood Ave. to Grant St.
Ruffner Ave. – Grant St. to Woodward Ave.
Chapin Ave. – Grant St. to Woodward Ave.
(*Formal resolution appended to these minutes as Attachment A.*)

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

07-197-18 ASSIGNMENT OF DEVELOPER’S BROWNFIELD REIMBURSEMENTS FOR 856 N. OLD WOODWARD

On advice of counsel Mayor Harris recused himself, stating his firm has done business with the applicant.

Mayor Harris ceded the chair to Mayor Pro Tem Bordman at 7:54 p.m.

Planning Director Ecker:

- Reviewed her June 28, 2018 memo to City Manager Valentine regarding the issue.
- Confirmed the owner of 856 N. Old Woodward voluntarily seeks consent of the City to assign rights under agreement to their funder, Chemical Bank, and explained the Reimbursement Agreement does not require the developer to obtain the consent of the City to assign rights.
- Confirmed that with tax revenue financing, the owner of 856 N. Old Woodward does not receive revenue until the building is completed.
- Said every reimbursement agreement includes a payback period and recalled the payback period for this project is nine years.
- Said while the building does not need to be completed by a certain time, keeping the building permits active is part of the agreement, and in order to do that work must be performed on the building at least every six months.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner DeWeese:
To approve the developer’s request and consent to an assignment of the developer's reimbursements from the tax increment financing for 856 N. Old Woodward from FLC Properties #5 LLC to Chemical Bank.

VOTE: Yeas, 6
 Nays, 0
 Absent, 0
 Recused, 1 (Harris)

Mayor Harris resumed the chair at 7:58 p.m.

07-198-18 RFP FOR CITY LOGO BRANDING SERVICES

Assistant to the City Manager Haines reviewed her June 15, 2018 memo to City Manager Valentine regarding the issue.

Commissioner Hoff clarified that the new contractor need not limit themselves to the designs already proffered and should be free to create new designs if they see fit.

Assistant to the City Manager Haines said that the design contractor could design new logos, but the RFP directs the contractor to consider the logo survey data already collected.

Commissioner Hoff replied the contractor should indeed integrate the feedback from the logo survey, but that the contractor should be permitted to create a new design which integrates that input.

City Manager Valentine said the Commission could choose to emphasize within the RFP the contractor's right to create new designs if the Commission sees fit to do so.

Commissioner Nickita stated:

- Staff should make the background work on this project clear to the contractor, including information regarding public engagement, studies, and presentations to the Commission; and,
- That work, along with further input from City staff and the Commission, should be synthesized into the logo design.
- If necessary, the RFP's description of the project's background could be elaborated further.

Assistant to the City Manager Haines noted:

- The last paragraph of the background section says updating the logo "could mean a subtle enhancement or a complete change," which provides a broad directive for designing the logo.
- The Commission could narrow the directive, but the Commission can also give further input and feedback when the contractor presents their eventual logo proposal.

Commissioner Hoff said:

- The sentence Assistant to the City Manager Haines references is on-target. The concern is that the Project Description directs the contractor to "take the information already gathered to finalize and present a new City logo," which seems to indicate that the contractor's scope is limited to finalizing the information and logo options already explored.
- Further emphasizing that the logo could be "a subtle enhancement or a complete change" in the Project Description section would remedy Commissioner Hoff's concern. The contractor's work should not be limited to the logo designs already available.

Mayor Pro Tem Bordman agreed with Commissioner Hoff, saying the RFP seemed to direct the contractor to take one of the logo options already available and merely update it. Mayor Pro Tem Bordman said this was undesirable because she did not like any of the previously presented logo options. She continued that if the selected contractor recommended updating

one of the logos, that would be fine, but the option of creating a new logo should not be prohibited. If the language allowing either "a subtle enhancement or a complete change" from the background section was reiterated in the project description section, that would remedy the issue.

Commissioner DeWeese recommended having three Commissioners on the subcommittee to evaluate proposals instead of two.

Commissioner Nickita said:

- That if enough in-depth background is provided, it should sufficiently indicate that none of the logos thus far were satisfactory and that is why a contractor is being solicited.
- He does not see a need for Commissioners to review submittals to the RFP; rather, he is comfortable allowing staff to review the submittals and make a recommendation to the Commission as is typically done.

MOTION: Motion by Commissioner Nickita, seconded by Commissioner Hoff:
To direct staff to issue the Logo Branding Services RFP with amendments as discussed to solicit a professional firm to build on the existing logo efforts, and to finalize the concepts for a new city logo;

AND

To direct staff to evaluate the proposals and provide a recommended firm to the Commission.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

VII. REMOVED FROM THE CONSENT AGENDA

07-199-18 RESOLUTION APPROVING THE CITY COMMISSION MEETING MINUTES OF JUNE 25, 2018 (ITEM B)

Commissioner Hoff drew the Commission's attention to page ten of the June 25, 2018 minutes, noting that the bullet reading "Stated the renovation and expansion of youth services is anticipated to be 9% of the total cost of the renovation project" should read "stated the design development of the renovation and expansion of youth services is anticipated to be 9% of the total cost of the renovation project".

City Manager Valentine recommended returning to the audio to clarify.

Commissioner Hoff also ventured that, during the June 25 meeting, Commissioner DeWeese directed Elmwood to attend as many Greenwood Cemetery Advisory Board meetings as possible.

Commissioner DeWeese concurred, saying the intention of his comment was to say Elmwood should be at the GCAB meetings.

City Clerk Mynsberge verified that she would clarify both issues.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner DeWeese:
To approve the minutes from the June 25, 2018 Commission meeting as corrected, contingent on confirmation from the meeting's audio recording.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

07-200-18 RESOLUTION APPROVING THE CONTRACT FOR SKATING DIRECTOR WITH JILL KOLAITIS (ITEM L)

Commissioner Hoff requested reassurance that having the same person serve as the skating director and the ice show director will not be a problem, since problems have arisen from the combination in the past.

City Manager Valentine explained:

- There were some issues with the operational practices being used in 2015-2016. At the time, the City changed those practices based on input from the parents' group.
- Now the Commission is being asked to appoint an individual to manage the program.
- The individual being recommended for the appointment has worked as the ice show director previously.

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman:
To approve the Contract for Skating Director with Jill Kolaitis effective July 10, 2018 up to and including May 10, 2019. Further, to authorize the Mayor and City Clerk to sign the Contract on behalf of the City of Birmingham upon receipt of all required insurances.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

VIII. COMMUNICATIONS

Mayor Harris noted that the Commission received a letter sharing the concerns of homeowners at 1523 Maryland Blvd. regarding potential short-term rentals at 1509 Maryland Blvd., and Building Official Johnson's response to said letter. Some of the concerns raised by the resident are addressed by the current City ordinances including:

- Limiting occupancy to two or fewer individuals; and,
- Requiring homeowners who want to rent out their properties to receive licenses and be subject to inspections.

Mayor Harris continued that there are other issues raised by current short-term rental trends that City ordinances do not address, and he asked whether the Commission believes the issue should be explored further.

Commissioner DeWeese concurred that it would be prudent to look further into the relevant issues soon, including code and code enforcement.

Mayor Pro Tem Bordman suggested that staff could survey nearby communities similar to Birmingham to see how they are dealing with the issue in order to provide a further basis for discussion.

Commissioner Nickita said:

- The City must clarify its vision for Birmingham neighborhoods in order to determine the correct approach to short-term rentals.
- Part of the dialogue around this issue might occur during the Master Planning process, through the Planning Board, or through Commission discussion. It would be possible that certain parts of the City could be zoned for this use, depending on the City's intent. Additionally, the City could allow it in some areas by ordinance, but a building could choose not to permit it through the tenants association.

Commissioner Hoff said that while the issue could be part of the Master Plan process, it is also time-sensitive and should be explored in the short-term.

Mayor Harris summarized consensus to have staff investigate the issue in the short term, with potential additional consideration in the Master Plan.

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

Ara Darakjian, representative for the TIR Equities Proposal for the N. Old Woodward/Bates Development, appeared before the Commission. Mr. Darakjian reported that the TIR Equities team is offering to build the parking deck at no cost to the City, retain the income until the investment is paid back, and then sell the deck to Birmingham for \$1, which would save the City between \$40 - \$50 million in bonds and expenses to build the parking deck. In addition, Mr. Darakjian reiterated that their proposal is negotiable, and that the team remains able to build the parking deck four levels underground and to a height determined by the City.

City Manager Valentine said he would like to have a conversation with Mr. Darakjian regarding the matter.

X. REPORTS

07-201-18 COMMISSIONER REPORTS

The City Commission will appoint three regular members to the Advisory Parking Committee on August 13, 2018.

The City Commission will appoint one resident member to the Ad Hoc Joint Senior Services Committee on August 13, 2018.

07-202-18 COMMISSIONER COMMENTS

Commissioner Hoff asked whether there is a way to allow the Historic District Study Committee (HDSC) to be more active in the City, suggesting that perhaps the HDSC could work with the Museum Board on preservation and historic issues, in order to utilize their knowledge and desire to be involved.

Commissioner DeWeese recalled that the purpose of the HDSC was to do the due diligence in order to designate a Birmingham home 'historic'. He continued that perhaps staff could create a

resolution granting the HSDC an advisory capacity to the Commission regarding ways to make the City more historically-oriented in terms of preservation and designation.

Mayor Pro Tem agreed with the previous statements.

City Manager Valentine stated that:

- Matt Baka is the staff liaison to the HDSC.
- Their most recent project was considering the de-designation of 361 E. Maple.
- The scope of the HDSC was changed by the Commission approximately five years ago to be more narrow.
- The HDSC can be asked to assume more of an advisory role at the Commission's discretion.

Commissioner Hoff suggested Mr. Baka ask the HDSC for their feedback and insights regarding the HDSC's structure.

Commissioner DeWeese requested a contingency analysis performed by staff to determine the interconnections of the upcoming planned infrastructure projects, including whether it might be better to do phase three before phase two of the Old Woodward project, taking relevant factors such as Federal funding, planned projects on Bates Street and Maple, and effects on the business community into account.

07-203-18 CITY STAFF

The Commission received the Parking Utilization report submitted by Assistant City Manager Gunter.

City Manager Valentine explained:

- Staff is working with the vendor to find and verify all the information previously requested by the Commission, clarifying that there is no automatic way to retrieve the specific information requested.
- Staff is working on a dashboard to keep track of the most key considerations.

Mayor Pro Tem Bordman noted that cars parking beyond the three-hour short-term limit currently receive three warnings. Given the occasional monitoring of the issue, this demonstrates a larger problem. She suggested the City policy should allow for one warning followed by a ticket for a subsequent offense.

Commissioner DeWeese suggested that perhaps a third offense results in the loss of a parking permit.

City Manager Valentine confirmed staff would look at the issue further.

XI. ADJOURN

Mayor Harris adjourned the meeting at 8:40 p.m.

J. Cherilynn Mynsberge, City Clerk