

BIRMINGHAM CITY COMMISSION MINUTES
AUGUST 27, 2018
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Andrew M. Harris called the meeting to order at 7:30 PM.

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, Deputy City Clerk Arft, Police Chief Clemence, City Planner Ecker, DPS Supervisor Filipski, Assistant City Manager Gunter, DPS Director Wood.

08-232-18 AMENDMENT TO AGENDA – UNFINISHED BUSINESS ITEM B – NELSON NYGAARD CONTRACT AMENDMENT

To amend the August 27, 2018 Agenda in include Unfinished Business Item B – Resolution amending a contract with Nelson Nygaard.

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

08-233-18 ANNOUNCEMENTS:

- Friday, August 31st is the last day to pay July 2018 Property Taxes without penalty.
- City Offices will be closed on Monday, September 3rd in observance of Labor Day.

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.

08-234-18 APPROVAL OF CONSENT AGENDA

- Commissioner Hoff: Abstained from Item C because the August 22, 2018 Automated Clearing House payments included a payment to Commissioner Hoff for her services at the August 7, 2018 election under Election Worker payment #260571.

The following items were removed from the Consent Agenda:

- Commissioner Hoff: Item E, Resolution approving the purchase of holiday lights from Wintergreen Corporation for a total cost not to exceed \$23,250.00. Funds are available from the General Fund-Community Activities Operating Supplies account #101-441.004-729.0000 for this purchase.
 - Mayor Pro Tem Bordman: Item A, Resolution approving the City Commission meeting minutes of August 13, 2018.
- B. Resolution approving the warrant list, including Automated Clearing House payments, dated August 15, 2018 in the amount of \$8,708,005.82.
 - C. Resolution approving the warrant list, including Automated Clearing House payments, dated August 22, 2018 in the amount of \$1,084,471.13.
 - D. Resolution approving the purchase of one (1) Talon leaf claw from Henke Manufacturing Corporation in the amount of \$12,160.00 from account 641-441.006-971.0100.
 - F. Resolution approving the purchase of a new 2019 Ford Escape from Gorno Ford through the State of Michigan extendable purchasing contract #2WDU-0040A in the amount of \$20,539.00 from account #101-371.000-971.0100.
 - G. Resolution approving the purchase of one (1) new 2019 Ford Taurus Police Interceptor from Gorno Ford through the State of Michigan Mi-Deal extendable purchasing contract #071B7700181 in the amount of \$30,196.00 from account #641-441.006.971.0100.
 - H. Resolution confirming the City Manager's authorization for the emergency expenditure regarding the repair to city vehicle #91 by Ed Rinke Chevrolet in the amount of \$7,231.18 from the Auto Equipment Fund account #641-441.006-933.0200, pursuant to Sec. 2-286 of the City Code.
 - I. Resolution approving the contract for 2018-19 pavement marking handwork with Hart Pavement Striping Corporation in the amount of \$87,690.00 for combined fall 2018 and spring 2019 paintings; further authorizing and directing the mayor and city clerk to sign the contract on behalf of the city; further authorizing this budgeted expenditure from account number 202-303-001-937.0200.
 - J. Resolution accepting the resignation of Thomas Trapnell from the Design Review Board and the Historic District Commission as a Regular Member, thanking him for his service, and directing the City Clerk to begin the process of filling the vacancy.
 - K. Resolution authorizing the City's compliance with the provisions of State of Michigan Public Act 152 of 2011, by exercising the City's option to exempt itself from the requirements of the Act; and further, directing the City Engineer and Finance Director to sign and submit the required form to the Michigan Department of Transportation.
 - L. Resolution setting Monday, September 17, 2018 for a public hearing to consider approval of the following ordinance amendments to Chapter 126, Zoning of the Birmingham City Code:
 1. Section 3.04, Specific Standards, Building Use, to amend the regulations of the bistro Special Land Use Permit;
 2. Section 5.06, O1 – Office District, Specific Standards, Building Use, to amend the regulations of the bistro Special Land Use Permit;
 3. Section 5.07, O2 – Office District, Specific Standards, Building Use, to amend the regulations of the bistro Special Land Use Permit;

4. Section 5.08, P – Parking District, Specific Standards, Building Use, to amend the regulations of the bistro Special Land Use Permit;
 5. Section 5.10, B2 – General Business District, B2B – General Business District, B2C –General Business District, Specific Standards, Building Use, to amend the regulations of the bistro Special Land Use Permit;
 6. Section 5.11, B3 – Office-Residential District, Specific Standards, Building Use, to amend the regulations of the bistro Special Land Use Permit;
 7. Section 5.12, B4 – Business-Residential District, Specific Standards, Building Use, to amend the regulations of the bistro Special Land Use Permit;
 8. Section 5.13, MX – Mixed Use District, Specific Standards, Building Use, to amend the regulations of the bistro Special Land Use Permit; and
 9. Section 9.02, Definitions: Bistro.
- M. Resolution approving the Program Year 2018 High Intensity Drug Trafficking Area (HIDTA) Sub recipient agreement between the County of Oakland and the City of Birmingham. Further, authorizing the Mayor and the City Manager to sign the agreement on behalf of the City.
- N. Resolution authorizing the expenditure to replace the elevator door in the Chester parking garage to Kone Inc. in the amount of \$27,583.00 to be paid from the Parking Fund account #585-538.008-930.0200.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita: To approve the Consent Agenda with items A and E removed, and noting Commissioner Hoff's abstention from Item C.

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

Absent, none

08-235-18 PURCHASE OF HOLIDAY LIGHTS (ITEM E)

DPS Director Wood said:

- The City may order a modest amount of lights from Xpress Holiday Lighting in the future, and contract their decorating services in a location for a trial period.
- This potential trial is unrelated to the current purchase of holiday lights before the Commission.
- While the City may not move forward with a trial period, if the trial period occurs it would likely be after the 2018 holiday season and the location is to be determined.

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman: To approve the purchase of holiday lights from Wintergreen Corporation for a total cost not to exceed \$23,250.00. Funds are available from the General Fund-Community Activities operating Supplies account #101-441.004-729.0000 for this purchase.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

08-236-18 APPROVAL OF CITY COMMISSION MEETING MINUTES OF AUGUST 13, 2018 (ITEM A)

Mayor Pro Tem Bordman noted she initiated the motion to nominate City Manager Valentine as a voting delegate to the Michigan Municipal League, but not the motion to nominate herself. She asked the minutes be corrected accordingly.

MOTION: Motion by Mayor Pro Tem Bordman, seconded by Commissioner DeWeese:
 To approve the City Commission meeting minutes of August 13, 2018.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

V. UNFINISHED BUSINESS

08-237-18 DOWNTOWN RETAIL REVIEW RFP

Planning Director Ecker noted:

- The updates and changes made to the RFP based on the Commission’s feedback from the August 13, 2018 meeting.
- Part one includes the original written directives, and part five clarifies the goals of those original directives.
- There are only five walkable communities in metro Detroit and Birmingham is the most developed in this respect, meaning that comparison to other local communities does not leave much room for growth. In contrast, Washington D.C. has 35 walkable areas, for instance, some of which might better speak to some of Birmingham’s retail goals.

Mayor Pro Tem Bordman recommended modifying:

- 1a to state “to evaluate the current geographic boundary of the retail district to determine if modification is needed, and to also consider whether a priority level hierarchy consisting of the downtown core and other areas within the current redline retail boundary is advisable.”
- 3 to end with “compared to similar local and regional cities with similar demographics, inadequate mass transit, and walkable downtowns,” in order to prevent comparing Birmingham to significantly larger metropolitan areas like Chicago or New York.
- 4 to state “the city would also like to see projections for how main street retail might change in relation to online retailing and as malls and big box stores lose favor, and walkable urban markets increase in favor.”

Commissioner Nickita recommended modifying Mayor Pro Tem Bordman’s above suggestion to “compared to similar local, regional, and national cities” in order to include a broader range of cities for comparison.

Commissioner Sherman said he would only maintain the changes suggested for 1a, as point 3 added nothing, and point 4 is based on assumptions. He added that the Commission should not be wordsmithing RFPs during their meetings.

Commissioner Nickita:

- Supported Mayor Pro Tem Bordman's modifications due to the RFP's previous clarity issues.
- Supported Commissioner Sherman's recommendation that if 4 is changed, it be incorporated as a point-of-reference instead of as an assumed conclusion.
- Recommended changing the beginning of 1c to "To recommend ordinance language to address the prohibition of desks," have it continue as-is, and end at "retail district." Where this verbiage appears in 7, he recommended making the same changes.
- Recommended also evaluating the size of leasable spaces as part of 3.
- Recommended changing "determine the demand for" to "determine the current retail environment" in the second line of 3.
- Recommended adding "pedestrian-oriented" in front of "uses" in the fourth line of 5.
- Recommended changing the title of 7 to "Provide final analysis, including potential options for retail-tiers and pedestrian-oriented uses within each tier."
- Recommended changing, six lines from the bottom of the page, the language to "final analysis should include the potential boundaries".
- Said overall that this version of the RFP is considerably better than what was presented at the August 13, 2018 meeting.

Commissioner DeWeese commended staff on their updates to the RFP.

City Manager Valentine confirmed that staff could either make the above changes and issue the RFP or could make the above changes and bring it back before the Commission for a final look.

Commissioner Hoff questioned whether the RFP is too restrictive to yield creative expert responses.

Commissioner Nickita stated that the RFP seeks specific feedback on how to strengthen the redline retail district, without curtailing a consultants' ability to be creative in their recommendations.

Planning Director Ecker said:

- The RFP is direct, focused and clear.
 - 4 can be modified to read "the City would also like to see projections of how demand for main street retail may change in relation to current trends with regards to malls, big box stores, online retailing, walkable urban retail, and other similar trends."

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Boutros: To approve the downtown retail review RFP, with suggested modifications made tonight, and to direct staff to issue the modified RFP.

VOTE:	Yeas,	7
	Nays,	0
	Absent,	0

08-238-18 AMENDMENT TO NELSON/NYGAARD CONTRACT

Assistant City Manager Gunter gave a brief overview of Planning Director Ecker's August 27, 2018 memo to City Manager Valentine on the issue.

Mayor Pro Tem Bordman said that Birmingham's aging population should be included as an element in paragraphs two and three of the Scope of Work. The last sentence of paragraph two

should be amended to read, "...the changes in parking demand caused by the increase in the number of office workers per sq. ft. of space, the effect of an aging population on parking needs, and identify any unintended consequences..." with the rest of the sentence remaining as-is.

Mayor Harris suggested providing the consultants with the latest census data to render a clearer demographic picture of Birmingham, specifically in regards to Mayor Pro Tem Bordman's point about age.

Assistant City Manager Gunter confirmed Nelson-Nygaard has access to all of Birmingham's parking reports.

MOTION: Motion by Commissioner DeWeese, seconded by Mayor Pro Tem Bordman: To amend the existing Nelson-Nygaard contract for Parking Master Plan services dated February 12, 2018, with suggested modifications made tonight, and to include additional scope to evaluate parking requirements as identified in the zoning code for both private developments and mixed use zone districts located within the Downtown Overlay, the Triangle District, and the Rail District. The work will be performed at a cost not to exceed \$17,640 to be paid using account #585-538.001-811.0000.

VOTE:	Yeas,	7
	Nays,	0
	Absent,	0

VI. NEW BUSINESS

08-239-18 BATES ST. EXTENSION AND N. OLD WOODWARD PROJECT

City Attorney Currier reviewed the August 24, 2018 memo and attendant information provided to City Manager Valentine regarding the Bates St. Extension and N. Old Woodward project.

City Manager Valentine explained that the City's development consultant for this project, Jones Lang LaSalle, Inc., is waiting on an environmental study in order to assess whether there are any issues with the property moving forward. The site survey, title search and appraisal would be performed after the environmental study concludes.

MOTION: Motion by Commissioner Boutros, seconded by Mayor Pro Tem Bordman: To approve the expenditure of \$40,000 to conduct an environmental study, surveys, title search and appraisals of the North Old Woodward parking deck and Parking lot 5, with said authority to be limited for one (1) year only from the date of the resolution and expiring one (1) year from the date thereof, and further to charge the automobile parking fund #585-538.001-811.0000 for these services.

VOTE:	Yeas,	7
	Nays,	0
	Absent,	0

VII. REMOVED FROM CONSENT AGENDA

Items were addressed earlier in the meeting.

VIII. COMMUNICATIONS

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

X. REPORTS

- A. Commissioner Reports
- B. Commissioner Comments

Mayor Pro Tem Bordman commended City Clerk Mynsberge on the cover sheet that explained which agenda packet items to conserve for future meetings.

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff

XI. ADJOURN

The meeting adjourned at 8:30 p.m.

J. Cherilynn Mynsberge, City Clerk