

**BIRMINGHAM CITY COMMISSION MINUTES**  
**DECEMBER 16, 2019**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

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

Mayor Pierre Boutros called the meeting to order at 7:30 PM.

**II. ROLL CALL**

ROLL CALL: Present: Mayor Boutros  
Mayor Pro Tem Longe  
Commissioner Baller  
Commissioner Hoff  
Commissioner Host  
Commissioner Nickita  
Commissioner Sherman  
Absent: None

Administration: City Manager Valentine, Assistant City Manager Gunter, City Attorney Currier, Acting City Clerk Arft, Human Resource Manager Myers, DPS Director Wood, Assistant City Engineer Fletcher, Police Commander Grewe, Police Chief Clemence, City Planner Ecker, Assistant City Manager Gunter

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

**12-298-19 ANNOUNCEMENTS:**

- Commissioner Hoff's birthday.
- City offices and Baldwin Library will be closed Tuesday, Dec. 24<sup>th</sup> & Wednesday, Dec. 25<sup>th</sup>, and Tuesday, Dec. 31<sup>st</sup> & Wednesday, Jan. 1<sup>st</sup>, 2020.
- The City will hold the Long Range Planning Workshop on Saturday, January 25, 2020 at 8:30 A.M. in City Hall.

**12-299-19 APPOINTMENT OF JAMES N. ALLEN, BIRMINGHAM CITY CLERK:**

Human Resource Manager Myers presented this item.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Hoff:  
To accept the recommendation of the City Clerk Selection Sub-Committee to appoint James N. Allen as the Birmingham City Clerk effective January 2, 2020.

VOTE: Ayes, 7  
Nays, 0

**12-300-19 ADMINISTRATION OF OATH**

Acting City Clerk Arft administered the Oath of Office to James N. Allen, City Clerk.

**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.

**12-301-19 APPROVAL OF CONSENT AGENDA**

The following items were removed from the Consent Agenda:

Commissioner Hoff: Item D - Resolution confirming the City Manager’s authorization for the emergency expenditure related to the repair of vehicle #157 by J.B. DLCO Auto Repair Center & Multistate Transmissions for \$14,483.65 from the Auto Equipment Fund account #641-441.006-933.0200, pursuant to Sec. 2-286 of the City Code.

Commissioner Baller: Item G - Resolution accepting the resignation of Christopher Longe from the Architectural Review Committee, thanking him for his service, and directing the City Clerk to begin the process of filling the vacancy.

Item I - Resolution approving the Professional Communications Services Agreement with Van Dyke•Horn in the amount of \$7,000 per month and additional communications services charged in accordance with their rate card of December 11, 2019 subject to compliance with the City’s insurance requirements as specified in the agreement, and authorizing the Mayor and Acting City Clerk to sign the agreement on behalf of the City.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Hoff: To approve the Consent Agenda, excluding Items D, G, and I, which were pulled from consent.

ROLL CALL VOTE: Ayes, Mayor Boutros  
Mayor Pro Tem Longe  
Commissioner Baller  
Commissioner Hoff  
Commissioner Host  
Commissioner Nickita  
Commissioner Sherman  
Nays, None

- A. Resolution approving the Regular City Commission meeting minutes of December 9, 2019
- B. Resolution approving the Ad Hoc Clerk Selection Committee special meeting minutes of December 10, 2019.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated December 11, 2019 in the amount of \$1,205,771.25.
- E. Resolution approving both Change Orders #1 and #2 with Mechanical Design & Installation, LLC. in the combined amount not to exceed \$17,549.00 to be funded from the City Hall and Grounds

Capital Improvement Account #401-265-001-977-0000 to complete the New Boilers and Controls Upgrade for City Hall and further; approving the appropriation and amendment to the fiscal year 2019-2020 Capital Projects Fund budget as presented.

- F. Resolution setting Monday, January 13, 2020 at 7:30 PM for a public hearing to consider approval of the following amendments to Chapter 126, Zoning:
1. Article 3, Overlay Districts, section 3.04(A) to amend the building height standards in the D5 zone of the Downtown Birmingham Overlay District; and
  2. Article 9, Definitions, section 9.02 to add a definition for the term abutting.

- H. Resolution approving the invoices from Harvey Electronics to perform system upgrades totaling \$24,756.80, allocated equally to each garage to ensure PCI compliance requirements are met and customer credit data remains secure when using the parking garages. The upgrades will be charged to the following accounts:

Pierce Street Garage	\$4,951.36	Account 585-538.002-971.0100
Park Street Garage	\$4,951.36	Account 585-538.003-971.0100
Peabody Street Garage	\$4,951.36	Account 585-538.003-971.0100
N. Old Woodward Garage	\$4,951.36	Account 585-538.005-971.0100
Chester Garage	\$4,951.36	Account 585-538.008-971.0100

**12-302-19 (ITEM D) EMERGENCY REPAIR OF VEHICLE #157**

Commissioner Hoff asked if the failure was due to operator error or a vehicle defect. She also wanted clarification on the scope of work and if the invoice accurately reflected the scope.

DPS Director Wood confirmed that the recommended repairs resulted from transmission failure. The invoice reflects the removal of the old transmission assembly and installation of a new transmission assembly.

**MOTION:**

Motion by Commissioner Hoff, seconded by Commissioner Nickita:

To approve the resolution confirming the City Manager's authorization for the emergency expenditure related to the repair of vehicle #157 by J.B. DLCO Auto Repair Center & Multistate Transmissions for \$14,483.65 from the Auto Equipment Fund account #641-441.006-933.0200, pursuant to Sec. 2-286 of the City Code.

VOTE:           Ayes,                 7  
                  Nays,                 0

**12-303-19 (ITEM G) RESIGNATION OF CHRISTOPHER LONGE FROM ARC**

Commissioner Baller pulled this item from consent to recognize the many years of service of Christopher Longe to this City and to highlight a few of his accomplishments.

- 1984 Began practicing Architecture in the City of Birmingham
- 2004 Appointed to the Architectural Review Committee
  - Design of Shain Park
  - New Chesterfield Fire Station
  - Brookside Terrace
  - Dakota Condominium
  - McCain Worldwide Renovation
  - 250 Martin St. Renovation
  - Briggs Building Renovation - Lulu Lemon
  - Universal Watch Building Renovation
  - Peabody Mansion Restoration for Hidachi

- Numerous homes and townhomes in Birmingham.

Mayor Boutros explained that while he has been an asset to the City in serving on the ARC, he could not serve on a board if he had a spouse serving as a commissioner; it is viewed as a conflict of interest as outlined in the applicable City Ordinance.

**MOTION:** Motion by Commissioner Baller, seconded by Commissioner Host:  
To approve the resolution accepting the resignation of Christopher Longe from the Architectural Review Committee, thanking him for his service, and directing the City Clerk to begin the process of filling the vacancy.

VOTE:           Ayes,           7  
                  Nays,           0

**12-304-19                    (ITEM I) PROFESSIONAL SERVICE AGREEMENT FOR VAN DYKE-HORN**

Commissioner Baller pulled from consent to hear from the City Manager on this contract.

City Manager Valentine explained that the City, in the past, had an individual who served in a communications capacity overseeing communications planning; the individual has left employ with the City. As a result, staff evaluated what needed to be done on a short-term basis moving forward. An RFQ was issued to several firms that have the capacity to provide the services that the City is looking for and at the caliber that the City wants to provide them. This firm was chosen because they submitted the best-qualified quote to provide daily management of the City’s social media platforms, and the overall strategic direction of the communications plan. The new approach would be re-evaluated over the next 6 months and a recommendation would be brought back to the commission as to whether to continue with this type of arrangement, modify it, or move in a different direction.

Commissioner Hoff asked:

- Who would be the city contact,
- who would direct the work of this contractor,
- and will a person be located in City Hall.

City Manager Valentine replied that he is also the public information officer for the City, and will direct the work. He went on to say that, there would be someone here at least 1 day a week to meet with staff, City Manager, and others in reference to communications.

Anne Marie Erickson, Beverly Hills resident, spoke on behalf of Van Dyke-Horn. She referenced Kay Byrd, a Birmingham resident, as the person who will work with the City and be the primary point of contact.

Commissioner Hoff commented that the firm’s previous municipal experience seemed to be project-oriented; she asked how that experience would transfer to ongoing communications.

Ms. Erickson agreed that her experience is project based but went on to say that the City of Birmingham is in a unique position to evaluate whether an Agency or FTE would better suit the needs of the City.

Commissioner Baller asked Ms. Erickson to identify the City’s strengths and weaknesses in terms of the current communications plan.

Ms. Erickson replied that a deep dive had not been done, but in reviewing current information, she felt the City did not need a complete overhaul. Ms. Erickson expressed that there appeared to be a robust communications platform in place, which is a great foundation to build.

City Manager Valentine added that one of the tasks is to offer critiques and recommendations for improvement over the next several months.

**MOTION:** Motion by Commissioner Baller, seconded by Mayor Pro Tem Longe:  
To approve the resolution for the Professional Communications Services Agreement with Van Dyke•Horn in the amount of \$7,000 per month and additional communications services charged in accordance with their rate card of December 11, 2019 subject to compliance with the City’s insurance requirements as specified in the agreement, and authorize the Mayor and Acting City Clerk to sign the agreement on behalf of the City.

VOTE:           Ayes,           7  
                  Nays,           0

**V. UNFINISHED BUSINESS**

**12-305-19 PLANNING BOARD REVIEW SCHEDULE FOR CITY’S MASTER PLAN**

Director Ecker presented this item.

Commissioner Host suggested that the staff bring in some of the experts from Birmingham and surrounding communities to provide input, such as Kate Beebe, who was the Master Planner for the City of Detroit under the Archer’s administration.

Commissioner Baller commented that the resolution before the commission is to approve the schedule, but he recalled that at the last meeting, the issue was raised whether the planning board was the appropriate body to set the schedule. While he believes that it is, he also felt that the City should supplement the planning board. He agreed with Commissioner Host’s suggestion.

Mayor Boutros called for a point of order and further explained to Commissioners Host and Baller that the discussion on the table was a resolution for the Master Plan schedule only.

Commissioner Hoff noted that the planning board had an action list and that many of the items on the list would be part of the Master Plan. However, three of the items are not part of the Master Plan and she felt that the commission should give direction to the planning board on when to consider them.

- Specifically:
- 1. Solar Panel Review Process
  - 2. Balcony/Terrace Enclosure
  - 3. Aging in Place

Director Ecker expressed that the planning board would address those items as they could get to them. She is hoping that they would be addressed at the February 8, 2020 meeting.

Commissioner Sherman agreed with Commissioner Hoff and further expressed that it would be helpful to have the priority list. Understanding the planning board’s desire for continuity in their discussions, he suggested that they start in February and go thru June on the same schedule just move each item back a month.

**MOTION:** Motion by Commissioner Sherman, seconded by Mayor Pro Tem Longe:  
To approve the review schedule recommended by the planning board on November 13, 2019 for an in depth review of the first draft of the Master Plan.

Commissioner Hoff asked if DPZ is willing to move their schedule back to the middle of the year.

Director Ecker affirmed that DPZ is willing.

Commissioner Baller expressed concern about DPZ falling behind schedule.

Mayor Pro Tem Longe commented that DPZ agreed to begin their days early and stay late to avoid falling behind.

VOTE:           Ayes,           7  
                  Nays,           0

**12-306-19                   FUNDING TO SUPPORT PUBLIC ENGAGEMENT OPPORTUNITIES FOR THE CITY'S MASTER PLAN FIRST DRAFT REVIEW**

Commissioner Hoff commented that it is premature to approve the suggested resolution.

Commissioner Sherman clarified that the resolution is an allocation of funds for public outreach if needed.

Mayor Boutros affirmed.

Commissioner Baller asked for more clarification.

City Manager Valentine expressed that the planning board would determine if and when there would be a need for public engagement. Approving the resolution would allow staff to spend up to the suggested amount at the right time for the services.

Commissioner Hoff expressed that before she would approve additional spending for surveys, she would like to know the results of the previous surveys and the demographic of the responses.

Director Ecker provided the number of responses to the previous surveys; and believed that there has been a significant response and is able to provide the demographics associated with the responses. She went on to say that DPZ felt the surveys were very successful.

Commissioner Nickita commented that the allotment is very flexible and felt that the commission would have the ability to evaluate results and he supports the resolution.

Commissioner Baller asked who would decide how the funding would be disbursed. City Manager Valentine expressed that while he welcomes commission input, he would make the determination.

**Motion:**                   Motion by Commissioner Nickita, seconded by Commissioner Sherman:  
To approve the resolution for the expenditure of funds from Other Contractual Services, account #101-721.000- 811.0000 to incorporate additional public engagement opportunities into the remaining portion of the master plan update, in an amount not to exceed \$28,600, as needed, to be determined by the City Manager.

**AND**

To approve an amendment to the 2019-2020 General Fund budget as presented.

VOTE:           Ayes,           7  
                  Nays,           0

**VI. NEW BUSINESS**

**12-307-19 CONTINUATION OF PARKING RESTRICTIONS**

Commander Grewe presented this item.

Commissioner Hoff asked when the restrictions would be reviewed next. Commander Grewe responded that after the Citywide Master Plan review is complete and the recommendations are out, there would be a review of the existing parking restrictions.

Commissioner Nickita commented that it is clear that the City needs to continue with things as they are until the master plan review is complete; and expressed his support for this resolution at this point.

**MOTION:** Motion by Commissioner Nickita, seconded by Mayor Pro Tem Longe: To approve the resolution for continuation of the parking restrictions already in place on Frank between Bates and Chester, Glenhurst between Lincoln and Midvale, Haynes between S. Eton and Columbia and Hazel between S. Eton and Columbia, and to conduct an additional review following the acceptance of the City Master Plan.

Mayor Boutros asked what would happen with new petitions from residents. Commander Grewe affirmed that he has received new petitions recently; and the residents understand that the master plan process is under review and are willing to wait until it is complete.

VOTE:           Ayes,           7  
                  Nays,           0

**12-308-19 CONSULTING SERVICES FOR THE BIRMINGHAM ICE ARENA**

DPS Director Wood presented this item.

Mayor Pro Tem Longe and Mayor Boutros engaged in a discussion supporting the proposed resolution.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Nickita: To approve the suggested resolution approving the proposal from Plante & Moran Cresa, LLC in the amount not to exceed \$18,000, plus out-of-pocket expenses not-to-exceed two hundred fifty Dollars (\$250.00) for the purpose of assisting with capital planning and operational review consulting services for the Birmingham Ice Arena; contingent upon receipt of proper insurance. Further, to waive the formal bidding requirements. Funds for this purchase are available from General Fund – Parks – Other Contractual Service account #101-751.000-811.0000.

VOTE:           Ayes,           7  
                  Nays,           0

**12-309-19 OAKLAND COUNTY WATER RESOURCES COMMISSIONER’S REQUEST FOR EASEMENT AT LINCOLN GOLF COURSE**

Assistant City Engineer Fletcher presented this item. Mr. Mantis, OCWRC, was present for questions.

Commissioner Sherman clarified that the easement request is over an existing easement that the OCWRC currently possess.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Nickita:  
To approve the resolution approving the easement document presented by the Oakland County Water Resources Commissioner's office to allow the construction, operation and maintenance of two (2) communication and electrical conduits within the Lincoln Hills Golf Course.

Commissioner Host asked how long the proposed construction would take to complete. Mr. Mantis estimated 4-5 months to avoid disruption to the golf season.

Commissioner Sherman confirmed with Mr. Mantis that the golf course would be restored to its current condition or better after the project is complete.

Mayor Boutros asked for an estimate if the winter season was severe. Mr. Mantis expressed that it would be delayed by that time.

VOTE:           Ayes,           7  
                  Nays,           0

**12-314-19                   ENGINEERING AND FIRE DEPARTMENT FEE SCHEDULE AMENDMENT**

Acting City Clerk Arft presented this item.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Sherman:  
To approve the resolution amending the Schedule of Fees, Charges, Bonds and Insurance, in the following sections, as stated in this report Engineering and Fire Department.

VOTE:           Ayes,           7  
                  Nays,           0

**VII.   REMOVED FROM CONSENT AGENDA**

Addressed at the beginning of the meeting.

**VIII.   COMMUNICATIONS**

**12-315-19                   COMMUNICATION FROM MR. BLACK**

Mr. Mitch Black, Dick O'Dows, addressed the commission about the road construction in front of his business blocking the use of his front entrance. The restaurant was unable to use their outdoor seating area during the summer of 2017 through 2019 due to the same road construction. Now, moving forward to 2020 they are subject to the same and would like to use the rear area of this space, now called "The Dow", for outdoor seating on a temporary basis for the summer. When road construction is complete, the restaurant will need to re-engineer the platform they have used in prior years and at that time would need to use the rear space for business. The owners would like the commission to waive the formal permit process and allow outdoor seating at the rear of the restaurant, temporarily, for the summer of 2020.

Mayor Boutros noted that the commission does not take action on this part of the agenda, but could request more information for an agenda item at a future meeting.

Commissioner Sherman asked if this type of request would require an amendment to the SLUP that would be able to time-out.

Commissioner Hoff suggested that the administration put this request on a future agenda.

Commissioner Host agreed with Commissioner Hoff.

Commissioner Baller asked for clarification of what exactly would be put on the agenda.

City Manager Valentine explained that it would be an amendment to the SLUP to consider relocating the outdoor dining from the street to the back area owned by the applicant for a time during 2020; and consider the request to waive the fee for the application process.

Commissioner Nickita commented that the process would have to be recognized; the planning board would need to review the SLUP amendment and make a recommendation.

City Manager Valentine commented that it is a very simple and straightforward request. The administration would proceed in a way to accommodate the demands of the outdoor seating season.

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

### **12-316-19 PUBLIC COMMENT**

- Paul Reagan, 997 Purdy Street, expressed his concern about commercial parking on Purdy, parking around Barnum Park as if it were a City parking lot, and using existing data in the planning process for additional parking.
- Eric Wolfe, 393 E. Frank Street, noted that parking on his street is for residents only, but the commercially zoned businesses have been issued guest parking permits. He expressed that he would like the City to correct the practice of issuing commercial businesses guest parking permits in residential parking areas.

## **X. REPORTS**

### **12-317-19 COMMISSIONER COMMENTS**

- Commissioner Host commented on the 26 miles of unimproved roads in the City and believes that asphalt should be offered as a choice. He also suggested that<sup>1</sup> the commission should allow the residents to speak at the beginning of the meeting to express their opinion on road improvements.
- Commissioner Baller asked that the commission consider expediting review of neighborhood parking in the master plan and enforcement of parking policies. He went on to say that, the commissioners' silence on this issue is sending a message to the community about parking.
- Commissioner Hoff suggested that Commissioner Host encourage Ms. Kate Beebe to apply to the planning board when there is an opening.
- Mayor Pro Tem Longe asked if there could be a mechanism to have an individual appointed to a board or committee for limited service.
- In response to Mayor Pro Tem Longe's question, City Manager Valentine explained that in order to appoint individuals for limited service, the composition of the board would have to be amended in accordance with the ordinance that governs that board.

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<sup>1</sup>As amended on January 13, 2020.

- Commissioner Nickita expressed that an ad hoc committee could satisfy this request; relative to Ms. Beebe, he would support her input and expertise at the table.
- Mayor Boutros felt that adding an additional layer would complicate the process.
- Commissioner Sherman pointed out that the current Ad Hoc Street Committee was set up to provide information to the commission and now Commissioner Host is asking that the decision come back to the commission instead of waiting for a recommendation.
- Commissioner Baller expressed that he appreciated the discussion.
- Commissioner Sherman recognized Cheryl Arft for her service as Acting City Clerk. He went on to say that, she ran a successful election and let her know that it could not have been done without her. He extended his thanks on behalf of the commission for her efforts.
- Mayor Pro Tem Longe suggested a joint meeting with the Advisory Parking Committee in 2020.
- Commissioner Baller and Commissioner Host both support the idea of a joint meeting.
- Commissioner Nickita added for clarity that a consultant was hired to work on the master plan. The consultant's scope of work included a thorough parking analysis; and it would not be prudent to discuss parking until the consultant's recommendation have been presented.
- Mayor Boutros agreed with Commissioner Nickita.
- Commissioner Baller asked if the September 2018 Downtown Parking Plan, submitted by Nelson and Nygaard, were experts providing recommendations based on data.
- City Manager Valentine explained that it was a series of recommendations for the APC to digest and begin implementing.
- Mayor Pro Tem Longe clarified that she wants to hear from the APC about their philosophies, priorities, and opinions on the Nelson and Nygaard report.
- Commissioner Sherman suggested that this discussion be tabled until the new commissioners have completed the Commissioner's Academy in January.
- City Manager Valentine suggested that the commission invite the APC to the Long Range Planning Meeting in January.

<b>XI. ADJOURN</b>
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Mayor Boutros ended the meeting by wishing everyone a Happy Holiday and Prosperous New Year; and adjourned the meeting at 9:26 p.m.