

BIRMINGHAM CITY COMMISSION MINUTES
NOVEMBER 14, 2016
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Rackeline J. Hoff, Mayor, called the meeting to order at 7:30 PM.

II. ROLL CALL

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

Administration: City Manager Valentine, City Attorney Currier, Acting Clerk Arft, DPS Director Wood, Police Chief Clemence, Finance Director Gerber, Building Official Johnson, City Planner Ecker, IT Manager Brunk, BSD Director Heiney, Assistant to City Manager Haines, HR Manager Taylor

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

11-331-16 ORGANIZATION OF CITY COMMISSION

MOTION: Motion by Sherman, seconded by DeWeese:

To nominate Mayor Hoff as the temporary chair of City Commission for purposes of conducting the Mayor and Mayor Pro Tem election.

VOTE: Yeas, 7
Absent, None

MOTION: Motion by Bordman:

To nominate Mayor Pro Tem Nickita as Mayor.

VOTE: Yeas, 7
Absent, None

MOTION: Motion by Boutros:

To nominate Commissioner Harris as Mayor Pro Tem.

VOTE: Yeas, 7
Absent, None

The Acting Clerk administered the oath to Mayor Nickita and Mayor Pro Tem Harris.

Mayor Nickita and Mayor Pro Tem Harris expressed their appreciation for the honor and thanks for the continued support and confidence from their families, staff, residents and businesses.

Mayor Nickita presented a gift on behalf of the City to outgoing Mayor Hoff and recognized her efforts as a third time Mayor for the past year.

Outgoing Mayor Hoff commented that the past year as Mayor has been one of the busiest, productive, and most rewarding years as Mayor. She expressed her thanks to the staff and the community for the support she has received.

The meeting was recessed at 8:16 PM.

INTERMISSION

Mayor Nickita reconvened the meeting at 8:35 PM.

City Manager Valentine explained the appointments to the various boards of representatives from the City Commission.

11-332-16 APPOINTMENTS TO THE RETIREMENT BOARD, RETIREES HEALTH CARE FUND COMMITTEE, CORRIDOR IMPROVEMENT AUTHORITY, AND FOUNDATION FOR BIRMINGHAM SENIOR RESIDENTS.

MOTION: Motion by Hoff, seconded by Boutros:
To appoint Mark Nickita, Mayor, to the Retirement Board.

VOTE: Yeas, 7
 Absent, None

MOTION: Motion by Bordman, seconded by DeWeese:
To appoint Andrew Harris, Mayor Pro Tem, to the Retirement Board.

VOTE: Yeas, 7
 Absent, None

MOTION: Motion by Harris, seconded by Sherman:
To appoint Mark Nickita, Mayor to the Retirees Health Care Fund Committee.

VOTE: Yeas, 7
 Absent, None

MOTION: Motion by DeWeese, seconded by Boutros:
To concur in the Mayor's appointment of Commissioner Sherman to the Triangle District Corridor Improvement Authority.

VOTE: Yeas, 7
 Absent, None

MOTION: Motion by DeWeese, seconded by Boutros:

To concur in Mayor's appointment of Commissioner Hoff to the Foundation for Birmingham Senior Residents.

VOTE: Yeas, 7
 Absent, None

11-333-16 APPOINTMENT TO THE ADVISORY PARKING COMMITTEE

City Manager noted that we received an application from William Newman applying as a business owner. Upon review of his application, his business is outside of the parameters of the downtown area which is one of the requirements of this position. He was notified of that requirement and has withdrawn his application.

11-334-16 APPOINTMENT TO PUBLIC ARTS BOARD

Interviews of Maryann Schlie, 19186 Devonshire, Beverly Hills, and Heather Duggan, 9427, Brighton were conducted. Mr. Eddleston was unavailable for tonight's meeting.

Commissioners Hoff and Boutros expressed that they would like the opportunity to interview the third applicant as well before making the appointment, and the commission concurred. The applicants here tonight do not have to come back again. Staff will contact the applicant for his availability and the commission will vote after hearing from the remaining applicant.

11-335-16 APPOINTMENT TO THE DESIGN REVIEW BOARD AND HISTORIC DISTRICT COMMISSION (ALTERNATE MEMBER)

Applicant Adam Charles was not in attendance, and the commission would like to reschedule his interview. Staff will contact him for his availability and reschedule.

11-336-16 APPOINTMENT TO THE BIRMINGHAM SHOPPING DISTRICT BOARD

MOTION: Motion by Bordman, seconded by Boutros:

To concur in the city manager's appointment of Samy Eid to the Birmingham Shopping District Board, as the business operator or property owner member, to serve the remainder of a four-year term to expire November 16, 2017.

VOTE: Yeas, 7
 Absent, None

The Acting Clerk administered the oath to the appointed board member.

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.

The following items were removed from the Consent Agenda:

- Item B (Minutes of October 27, 2016) by Commissioner Hoff.
- Item M (Common Ground Special Event request) by Commissioner Hoff.

11-337-16

MOTION: Motion by Sherman, seconded by DeWeese:

To approve the Consent Agenda as follows:

- A. Approval of City Commission Minutes of October 10, 2016.
- C. Approval of warrant list, including Automated Clearing House payments, of October 26, 2016 in the amount of \$1,129,400.77.
- D. Approval of warrant list, including Automated Clearing House payments, of November 2, 2016 in the amount of \$815,101.17.
- E. Approval of warrant list, including Automated Clearing House payments, of November 9, 2016 in the amount of \$624,938.05.
- F. Resolution authorizing the expenditure of \$20,000 from the Automobile Parking System fund promotion account (Account No. 585-538.001-901.0300) to assist the BSD in creating their proposed 2016 holiday promotional TV campaign.
- G. Resolution setting Monday, December 5, 2016 at 7:30 PM for the public hearing for the 2017 Community Development Block Grant Program.
- H. Resolution approving the purchase and planting of 116 trees from KLM Landscape for the 2016 fall tree purchase and planting project for a total project cost not to exceed \$35,140.00. Funds are available from the Local Streets Fund-Forestry Service Contract account #203-449.005-819.0000, the Major Streets Fund-Forestry Service Contract account #202-449.005-819.0000, the Local Streets Fund-Operating Supplies account #203-449.005-729.0000 and the Major Streets Fund-Operating Supplies account #202-449.005-729.0000 for these services. Further, authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.
- I. Resolution authorizing the IT Department to purchase the Palo Alto firewall replacement through Amerinet using GSA Multiple Award Schedule IT-70 contract #GS-35F-0511T the purchase price not to exceed \$64,906.40. Funds for this purchase are available in the IT Network Upgrade fund account #636-228.000-973.0400.
- J. Resolution authorizing the IT Department to purchase the suggested Brocade infrastructure refresh through Data Partners Inc. using MiCTA Contract #134AN-TISA2013-0416. The purchase price not to exceed \$70,009.30. Funds for this purchase are available in the IT Network Upgrade fund account #636-228.000-973.0400.
- K. Resolution approving the purchase of one (1) new Toro Groundskeeper 4500D and one (1) Toro Groundskeeper 3500D from Spartan Distributors, through the State of Michigan extendable purchasing contract #071B0200329 for a total expenditure not to exceed \$92,854.03. Funds for this purchase are available in the Auto Equipment Fund account # 641-441.006-971.0100.
- L. Resolution approving a request submitted by the Birmingham Jewish Connection to display a Menorah in Shain Park from December 22, 2016 – January 2, 2017 and to hold a lighting ceremony on December 28, 2016, 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.
- N. Resolution approving the purchase of the traffic signal modernization for the intersection of 14 Mile/Saxon Drive and Southfield Road from the Road Commission for Oakland County in the amount of \$61,875.00; further, waiving normal bidding requirements and authorizing this expenditure from account number 202-303-001-971.0100.

ROLL CALL VOTE: Yeas, Commissioner Bordman
 Commissioner Boutros
 Commissioner DeWeese
 Mayor Pro Tem Harris
 Commissioner Hoff

Commissioner Sherman
Mayor Nickita
Nays, None
Absent, None

ITEMS REMOVED FROM CONSENT AGENDA

11-338-16 COMMON GROUND 2017 STREET ART FAIR

Commissioner Hoff noted that the section of S. Old Woodward where the Common Ground Street Art Fair is proposed to be under construction from April to June 2017. She asked to confirm that there will be enough room for the event to be held. City Manager Valentine said that in the event there is an unforeseen delay in the project, the event could be impacted. He indicated that if that occurs, this event would be brought back to the commission for any amendments that may be needed at that time.

Commissioner Hoff asked if there be enough room for the art fair to be held there. City Manager Valentine said the event is set up at the center of S. Old Woodward so the new curb design will not be a factor. He added that the city is not planning any obstacles in the road, but if there is an idea for a pedestrian crossing or something of that nature, then that would be an adjustment the applicant would have to make.

MOTION: Motion by Hoff, seconded by Sherman:

To approve a request from Common Ground to hold the 43rd Annual Birmingham Street Art Fair on South Old Woodward on September 16 - 17, 2017, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any location change or minor modifications that may be deemed necessary by administrative staff at the time of the event.

VOTE: Yeas, 7
Nays, 0
Absent, None

11-339-16 MINUTES OF OCTOBER 27, 2016 MEETING

Commissioner Hoff asked for the October 27, 2016 minutes to be removed for staff to review the tape relative to the Brownfield Plan and Agreement and for the minutes to be brought back for approval.

Commissioner Bordman requested the minutes include the reasoning behind the votes on the parking control equipment discussion and asked that the acting clerk revise the minutes to include that discussion.

Commissioner Hoff added that she is concerned that the Brownfield Plan agreement reflects the accurate amount for the city's payment as discussed on October 27, 2016.

City Planner Ecker said the agreement has been sent back to environmental attorney Jeff Haynes for the revisions to paragraph 5 as directed by the commission. The revised agreement will be submitted for city signatures soon with the change in the agreement.

V. UNFINISHED BUSINESS

11-340-16 TRANSIT SHELTER PLACEMENT

City Planner Ecker explained that originally the commission approved a bus shelter for S. Old Woodward and Merrill St. Because of the planned construction, a suggestion from Engineering to change that and have one on West Maple. At the time, a new reflex line was being discussed and that there may be another stop that would have higher ridership that we should look into. SMART was asked to provide ridership information, and SMART provided a list of the top 11 stops in Birmingham. The reflex stop at Adams and Bowers is not on the list at this time, but it may change because that service has been operational only since September, There are existing shelters at 5 of the locations, one of which is in storage currently due to construction and will be returned when the Forefront building is completed. The S. Woodward and Merrill shelter is first on the list, the E. Maple and Woodward stop is number 5, and the E. Maple and Old Woodward stop is number 7. The next 3 are all in the project area for the Old Woodward and Maple proposed construction area. Numbers 9, 10 and 11 on the list are outside the project area for placement. She suggested that since the shelter is already on order, the commission may want to consider placing the shelter at one of those lower-ranked locations.

Mayor Nickita confirmed that the list is based on ridership numbers, and are ranked as most active. The reflex stop is not identified because it has only been in operation for a short time, and is not included on the top 10 ridership stop list.

City Manager commented that if the commission wanted to establish it as a local priority, that could be done.

Commissioner Hoff asked if the shelter can be purchased now and store it until the Old Woodward construction project is complete next summer. City Planner Ecker said it could be stored at DPS facility.

Commissioner Hoff noted that the stop at E. Maple and Woodward Ave. is ranked number 5 and there is no construction planned at that location.

Mayor Nickita commented about the space for a shelter. The measurements would need to be taken.

Commissioner Hoff said her preference is to buy and store the shelter for Old Woodward and Merrill because that is a heavily used stop. Her second choice is to explore the E. Maple and Woodward stop for size. City Planner clarified that the developer has the shelter in storage for the Old Woodward and Daines stop.

Commissioner Bordman asked if the shelter is packaged to ship and would be protected, and Ms. Ecker said it is.

Mayor Pro Tem Harris asked about a deadline for when city has to exercise the SMART credits for the purchase of the shelter. City Planner Ecker said the deadline is two years from the date it was approved. She noted that we met the deadline, since we have already ordered it but not yet delivered.

Mayor Nickita expressed concern about having a structure like the shelter located at Old Woodward and Merrill which is in the actual core of the downtown. He said this is where the highest level of retail and tightest sidewalk conditions are. He suggested that our consultants might assist by giving direction on whether this is something that would fit within the context.

He said this would be right in front of the theater and may be somewhat imposing. It may not be the right spot for a structure.

City Manager Valentine said the intention is to identify the areas. The plans for the specific sites will come back to the commission once the location is identified. The normal process would be to take the location to the Architectural Review Committee. Their recommendations that should be made and subsequently come to the commission for final approval. The decision tonight is to provide areas on which to focus.

Commissioner DeWeese is comfortable with the storage idea. The Old Woodward section will hopefully be done in nine months. Since we may have the opportunity, enough space or bump-out to be able to handle the structure. Given that we do not have delivery yet, storage may be only six months. He would like to delay the decision and store it. Once we have a clearer idea of what we are doing on Old Woodward because most of these priorities are Old Woodward.

Commissioner Bordman suggested that since we are in the planning process for Old Woodward, we ask the consultant if the top three preferences are appropriate for the spaces. Since we obtained approval from the bus company to change a location on a previous occasion, we could request their approval again if the consultants suggest a different location.

Commissioner Hoff said that the purpose is to protect the people from the weather, not to enhance the streetscape.

Commissioner Sherman suggested asking staff to look at the five stops that have no's to determine if a bus shelter would work there, and take it off the list if it does not. Ask the consultants to determine where the shelters should be placed.

Mayor Nickita commented that there are six out of the eleven locations that should be determined whether or not there is a priority. The consultant can incorporate the priority and their design.

City Manager said that the direction given tonight will be followed and come back with more detail.

VI. NEW BUSINESS

11-341-16 BRAND DEVELOPMENT SERVICES AGREEMENT

Assistant to the City Manager Haines explained that the Ad Hoc committee evaluated the firms and decided on McCann Detroit. She further described the next steps including the visionary meetings with residents, businesses and other committee members in early December. A proposal will then be brought to the Brand Development committee in mid-January and shortly thereafter, will recommend their top selection to the commission.

Commissioner Hoff asked that McCann Detroit provide details of the contest they are planning. Melissa Leonard of McCann Detroit chose to hold a contest among their nine world class designers on staff and compete against each other. The choices will be narrowed down to three for the presentation to the commission. The winner will receive a \$5000 stipend. McCann is ~~take~~ doing everything else on pro bono.

MOTION: Motion by Hoff, seconded by Boutros:

To approve the agreement between the City of Birmingham and McCann Detroit for brand development services as outlined in the Request for Quote, and related to the rebranding of the City logo, in an amount not to exceed \$5,000, with all funding being charged to 101-299.000-811.0000. Further, to authorize the Mayor and the City Clerk to sign the agreement on behalf of the City.

Mayor Nickita added that he was quite impressed with this team and is looking forward to upgrading our loco.

VOTE: Yeas, 7
 Nays, None
 Absent, None

11-342-16 EMPLOYMENT OF RELATIVES POLICY AMENDMENT

Human Resource Manager Yvonne Taylor explained the proposed amendment to the policy. It has been a long-standing policy of the city to not hire relatives of any city employee. This amendment seeks to hire relatives of only temporary and seasonal employees into temporary and seasonal positions. Our DPS operations will see the biggest impact with seasonal, temporary staff at golf courses, parks and recreation department, city beautification efforts during the spring, summer and fall seasons. The city hires on average 50-75 seasonal staff, and they have experienced some challenges over the past several years. She explained that surrounding communities have different policies in which they do hire relatives and do have lots of employee referrals. She noted that the effectiveness of the policy change will be evaluated during the 2017 year.

Commissioner Hoff clarified the new policy only includes temporary and seasonal employees. City Manager Valentine explained the policy.

Mayor Pro Tem Harris asked if this policy amendment applies to part-time or full-time employee's relative. City Manager confirmed it applies only to temporary or seasonal employees. HR Manager Taylor said most communities do not have such a restriction. They do hire temporary and seasonal relatives of full time employees as well.

Mayor Nickita commented that this proposal will expand our current circumstance and allow some flexibility that we do not currently have.

Commissioner Boutros commented that this opens a lot of doors for referrals.

MOTION: Motion by Boutros, seconded by DeWeese:
To adopt the "Employment of Relatives" Policy Amendment as a City policy and authorize the HR Department to implement and enforce accordingly.

VOTE: Yeas, 7
 Nays, None
 Absent, None

11-343-16 BPOA SETTLEMENT AGREEMENT AND CONTRACT RENEWAL

Human Resource Manager Taylor explained that the new 3-year agreement covers 24 sworn officers, 7 dispatchers and the current agreement expired June 30, 2016. Settlement on the new agreement was reached between the parties on October 13, 2016 and the union ratified on

October 27, 2016. The primary economic provisions are consistent with the city's overall bargaining strategy as well as the recent Command Officer's Association settlement agreement.

MOTION: Motion by Sherman, seconded by Bordman:

To approve the settlement agreement of October 13, 2016 between the City and BPOA/POAM for a renewal of the collective bargaining agreement through June 30, 2019. Further, authorizing the transfer of the appropriate funds by the Finance Department for the contract effective July 1, 2016.

VOTE: Yeas, 7
Nays, None
Absent, None

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

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

X. REPORTS

11-344-16 COMMISSIONER REPORTS

The Commission intends to appoint two members to the Triangle District Corridor Improvement Authority and two regular members and one alternate member to the Board of Review on December 5, 2016.

Commissioner Bordman commented we should consider creating alternate members to the Public Arts Board. The board has had trouble establishing a quorum which may have been solved now with recent new members. With alternate members, it would make it easier to have regular meetings. Additionally, more opportunities will be opened for citizens to serve.

Mayor Nickita asked if there is a criteria and/or is there any downside to having alternates to Boards, and is having alternates more cumbersome.

City Manager Valentine said the challenge is specific criteria for the board, and in appointing Alternates, the individual would have to include the criteria. He thinks there are ways to do it, and if the commissioners want to proceed, staff could come back with recommendations.

Mayor Nickita expressed concern of not being able to hold a meeting due to lack of a quorum. He said the City Manager and staff review and discuss the criteria.

Commissioner DeWeese commented that the key factor to using alternates is the board having an ongoing problem with obtaining a quorum. He likes the idea of alternates of critical boards to see those people and then they are the natural people to appoint when there is a vacancy in the board if they otherwise qualify. Also, it ensures that enough board/committee members are present to hear those coming before the board.

Commissioner Sherman commented that the number of vacancies on a board enter into the equation as well.

Commissioner Hoff said we also have to look at attendance at the meetings. We should get at the problem. She agrees there is a place for alternates on certain boards.

XI. ADJOURN

The meeting adjourned at 9:21 PM.

Cheryl Arft
Acting City Clerk