

BIRMINGHAM CITY COMMISSION MINUTES
FEBRUARY 12, 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, Assistant City Manager Gunter, City Attorney Currier, IT Director Brunk, Chief of Police Clemence, Planning Director Ecker, Finance Director Gerber, Building Official Johnson, Assistant Building Official Morad, City Clerk Mynsberge, City Engineer O'Meara, Director of Public Services Wood

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

02-030-18 ANNOUNCEMENTS

Mayor Harris announced:

- This year marks the City of Birmingham's bicentennial year, recognizing the 200th anniversary of the first land purchase in Birmingham. The Birmingham Museum, from now through December, is presenting "The People of Birmingham: Celebrating 200 Years of Stories", featuring submissions from the people of Birmingham, about the people of Birmingham. Visit the City's website for more information.
- Commissioner Nickita's Birthday was celebrated.

02-031-18 APPOINTMENT OF ALTERNATE MEMBER TO THE HISTORIC DISTRICT COMMISSION

The Commission interviewed Kevin Filthaut to fill a vacancy for an alternate member on the Historic District Commission.

MOTION: Motion by Commissioner Hoff:

To appoint Kevin Filthaut to the Historic District Commission as an alternate member to serve the remainder of a three-year term to expire September 25, 2019.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

02-032-18

APPOINTMENT OF ALTERNATE MEMBER TO THE PUBLIC ARTS BOARD

The Commission interviewed Natalie Bishai to fill a vacancy for an alternate member on the Public Arts Board.

MOTION: Motion by Commissioner Boutros:

To appoint Natalie Bishai to the Public Arts Board as an alternate member to serve the remainder of a three-year term to expire September 25, 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.

02-033-18 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Mayor Pro Tem Bordman: Item G, Special Event Application for Michigan Parkinson Foundation
 Item H, Special Event Application for Breathe Deep Michigan 5K Walk
 Item I, Special Event Application for Celebrate Birmingham Hometown Parade
 Item M, Public Services Community Development Block Grant (CDBG) Contract

MOTION: Motion by Commissioner Sherman, seconded by Commissioner DeWeese:

To approve the Consent Agenda, with Items G, H, I, and M 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.1. Approval of City Commission meeting minutes of January 22, 2018.
- A.2. Approval of City Commission meeting minutes of January 27, 2018.
- B. Approval of warrant list, including Automated Clearing House payments, dated January 24, 2018 in the amount of \$981,621.06.

- C. Approval of warrant list, including Automated Clearing House payments, dated January 31, 2018 in the amount of \$1,557,619.15.
- D. Approval of warrant list, including Automated Clearing House payments, dated February 7, 2018 in the amount of \$627,692.97.
- E. Resolution setting a public hearing date for March 12, 2018 to consider an application for a Special Land Use Permit and Final Site Plan for 191 N. Chester.
- F. Resolution setting a public hearing date for March 12, 2018 to consider the Final Site Plan & Design and a Special Land Use Permit Amendment at 33588 Woodward to allow the addition of a new accessible bathroom to the existing Shell gasoline service station.
- J. Resolution waiving normal bid requirements for this sole source vendor and authorizing the purchase and installation of a Desktop Coder from Harvey Electronics for fiscal year 2017-2018 in the amount of \$16,021.00 from account #585-538.001-971.0100.
- K. Resolution approving the purchase of a Kodak 2400DSV Plus digital microfilm printer/scanner/reader from DSS Corporation in the amount of \$7,500.00, further authorizing this expenditure from IT Computer Maintenance account #636-228.000-933.0600.
- L. Resolution authorizing the IT department to purchase the licenses and maintenance for the ArcGIS software installed in Community Development, total cost not to exceed \$8,950.00. Funds are available in the IT GIS fund account #636-228.000-973.0500.
- N. Resolution awarding the Birmingham Police Department Main Entrance ADA Retrofit contract to Meridian Contracting Group in the amount of \$51,156.00 charged to account #248-690.000-836.0100 for \$33,322.00 and #101-265.001-977.0000 for \$17,834.00; further authorizing the Mayor and City Clerk to sign the contract on behalf of the city; and further approving the appropriation and amendment to the General and Community Development Block Grant Funds as follows:

General Fund:

Revenues

Draw from Fund Balance	101-000.000-401.0000	\$17,834.00
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Expenditures

City Hall and Grounds		
Buildings	101-265.001-977.0000	\$17,834.00

Community Block Grant Fund:

Revenues

Federal Grants	248-000.000-503.0000	\$33,322.00
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Expenditures

Barrier Free Improvements	248-690.000-836.0100	\$33,322.00
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- O. Resolution approving the Golf Cart Lease Agreement between the City of Birmingham and Pifer, Inc. for a term commencing March 10, 2018 and terminating on October 31, 2020 for a total amount of \$105,300.00. Further, authorizing the Mayor and City Clerk to sign the Agreement on behalf of the City upon receipt of proper insurances. Funds for this lease are contained with the Equipment Rental line items, account #584-753.002-941.0000 and #597-753.002-941.0000.

- P. Resolution approving the purchase of one (1) 2018 Chevrolet Tahoe from Berger Chevrolet through the Oakland County extendable purchasing contract #5218 in the amount of \$36,170.00 from account #641-441.006.971.0100; further, approving the purchase of one (1) 2018 Ford Police Interceptor Utility from Gorno Ford through the Oakland County extendable purchasing contract #4944 in the amount of \$31,406.00 from account #641-441.006.971.0100 for a total expenditure of \$67,576.00.
- Q. Resolution approving the 2018 annual flower purchase from Croswell Greenhouse Inc. in the amount not to exceed \$20,053.85. Funds are available from the General Fund – Property Maintenance – Operating Supplies account #101-441.003-729.0000.

02-034-18 RESOLUTION APPROVING REQUEST FROM THE MICHIGIAN PARKINSON’S FOUNDATION FOR THE 5K “I GAVE MY SOLE FOR PARKINSON’S” WALK ON MAY 19, 2018 (ITEM 4G)

Mary Sue Lanigan, CEO of the Michigan Parkinson’s Foundation (“the Foundation”), was available to answer questions.

CEO Lanigan told Mayor Pro Tem Bordman that:

- The 2017 walk had 850 participants.
- There were some issues last year with keeping individuals on the sidewalk due to the number of walk attendees.
- The Foundation will pay police to help maintain the route. Per discussion with Police Commander Grewe, the walk will now cross Maple in one direction at Linden St. and at Chesterfield Ave. at the other.
- The Foundation is expecting 1,000 participants in this year’s walk.
- There was no issue with parking last year.
- 39 inspirational signs will be set up along the early portion of the route.

Commissioner Hoff stated that she participated last year, and was pleased that:

- There will be volunteers at every intersection; and
- Police will be available at Maple to assist with crossing.

MOTION: Motion by Mayor Pro Tem Bordman, seconded by Commissioner Nickita: To approve the request submitted by the Michigan Parkinson’s Foundation requesting permission to hold “I Gave My Sole for Parkinson’s,” a 5K walkathon, on Saturday, May 19, 2018, 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

02-035-18 RESOLUTION APPROVING REQUEST FROM THE LUNGEVITY FOUNDATION FOR THE 5K “BREATHE DEEP MICHIGAN” WALK ON JUNE 2, 2018 (ITEM 4H)

Katie Patterson, volunteer with the Lungevity Foundation, was available to answer questions.

Mayor Pro Tem Bordman stated she would prefer walk set-up begin at 7 a.m., not 6 a.m., in accordance with City ordinances regarding the hours allowed for activities which may cause disruptive noise.

Ms. Patterson confirmed that set-up for the Breathe Deep Michigan walk would begin at 7 a.m.

MOTION: Motion by Mayor Pro Tem Bordman, seconded by Commissioner Boutros:
To approve a request submitted by the Lungevity Foundation to hold Breathe Deep Michigan, a 5K walk, on Saturday, June 2, 2018, 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.

Jim Noble said that during the 2017 Breathe Deep Michigan walk he was prevented from exiting his neighborhood by car.

Commissioner Sherman asked Ms. Patterson to make sure walk participants know to let residents enter and exit neighborhoods.

Ms. Patterson confirmed that this information would be conveyed to the walk's Chairperson in Chicago, and that volunteers would be stationed at intersections in order to ease traffic concerns.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

02-036-18 RESOLUTION APPROVING REQUEST FROM THE CITY OF BIRMINGHAM FOR THE "CELEBRATE BIRMINGHAM PARADE" AND PARTY ON MAY 20, 2018 (ITEM 4I)

Mayor Pro Tem Bordman told the public that the 2018 Celebrate Birmingham Parade would be utilizing a different route than past parades due to planned construction on Old Woodward, and that the route is available on the City's website.

MOTION: Motion by Mayor Pro Tem Bordman , seconded by Commissioner Boutros:
To approve a request submitted by the City of Birmingham to hold the Celebrate Birmingham Parade and party in Shain Park on Sunday, May 20, 2018, 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

02-037-18 RESOLUTION AWARDING THE 2017-2018 PUBLIC SERVICES CONTRACT FOR \$46,585.00 FOR MINOR HOME REPAIR, YARD SERVICES, AND SENIOR OUTREACH SERVICES UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM THROUGH NEXT AND AUTHORIZATION FOR THE MAYOR TO SIGN THE CONTRACT ON BEHALF OF THE CITY (ITEM 4M)

Mayor Pro Tem Bordman stated that, while she is a liaison from the Commission to NEXT, she is a non-voting member, did not participate in a discussion of the Community Development Block Grant, and does not believe she has a conflict of interest.

The Commission concurred.

MOTION: Motion by Mayor Pro Tem Bordman, seconded by Commissioner DeWeese: To award the 2017-2018 Public Services contract totaling \$46,585.00 for Minor Home Repair, Yard Services and Senior Outreach Services to NEXT under the Community Development Block Grant Program; and further, to authorize the Mayor to sign the contract on behalf of the City.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

V. UNFINISHED BUSINESS

None

VI. NEW BUSINESS

02-038-18 PUBLIC HEARING TO CONSIDER ADOPTION OF THE CITY OF BIRMINGHAM 2018 PARKS AND RECREATION MASTER PLAN

Mayor Harris opened the public hearing at 7:55 p.m.

DPS Director Lauren Wood told the Commission that:

- The Parks and Recreation Board, at their February 6, 2018 meeting, recommended that the Commission adopt the 2018 Parks and Recreation Master Plan.
- One modification was made to the Parks and Recreation Master Plan document as part of the Board's recommendation. On page 21, the sentence reading, "Park bond funds in the amount of \$3 million were used for these improvements" was struck in order to maintain consistency, since no other park improvements referenced the fund amounts used.

DPS Director Wood introduced Sarah Traxler from McKenna.

Ms. Traxler reported:

- The recommendations made by Commissioners at the 2018 long range planning meeting were integrated into the Parks and Recreation plan.
- Birmingham participates in Parks and Recreation planning to make the City eligible for grants from the Michigan Department of Natural Resources (DNR), to help the City prepare programs, and to design improvements for parks.

- Master Planning for parks does not obligate funds for projects, does not set programs in stone, and does not design parks, though it does provide the basis for designing parks in the future.
- Birmingham undertook a traditional planning process that aligns with the state's requirements for planning, including documenting the community conditions, identifying the administrative structure and funding, performing a parks, recreation, and facility inventory, engaging the public, analyzing the results with DPS and the Parks and Recreation Board, and creating an action plan. The final step is public review and adoption, an option which is before the Commission at this meeting.
- The City has followed all of the adoption steps set out by the DNR, which include a well-publicized 30-day comment period along with this evening's public hearing, the option to adopt the plan by resolution, submission of the plan to the DNR upon approval, and subsequent implementation of the plan.

Ms. Traxler explained to Commissioner Hoff that:

- Birmingham's parks are all rated moderately accessible because none of the parks are currently perfectly accessible in terms of universal design. Most of the parks were rated a three or four out of five.
- Page 51 of the Plan explains the accessibility ratings:
 - Level Three describes a park which is mostly accessible to people with a broad range of physical disabilities.
 - Level Four describes a park which is completely accessible to people with a broad range of disabilities.
 - Level Five describes a park developed or renovated adhering to the principles of universal design, which enables all environments to be usable by everyone to the greatest extent possible regardless of age, ability, or situation.
- The concept plan for Poppleton Park from 2016 should have been included in the Plan as an accomplishment, but was accidentally omitted. Ms. Traxler recommended adding it to the Plan.
- Listing the dog park twice on Page 38 was a mistake due to formatting.
- The project completion years assigned to the projects in the plan came from the recommendations of the Parks and Recreation Board. The years are suggestions, however, not commitments of the City's funding or priorities.

Commissioner Hoff asked if Birmingham's goal is to get to Level Five. DPS Director Wood confirmed it is a goal, and has been included in the concept plan.

City Manager Valentine told Commissioner Hoff that if the Plan is adopted, it will be submitted to the state to qualify for state and federal funding for parks programming. Subsequently the City decides which projects to undertake as part of the Capital Improvement Program.

Ms. Traxler told Mayor Harris that the Plan uses calendar years, not fiscal years.

DPS Director Wood replied to Mayor Harris that:

- According to page 87 of the Parks and Recreation Five Year Plan, DPS plans to hire a consultant in 2018 to address issues with the ice arena.
- The same vendor may be a consultant for all three of the current ice arena concerns.
- The ice arena review has not yet commenced.

Ms. Traxler explained to Mayor Pro Tem Bordman that:

- Park accessibility rankings are required by the DNR.
- Park accessibility rankings influence the granting process if the proposed projects are accessibility-related.
- Park accessibility rankings were determined by cross-referencing the rankings with the previous two Parks and Recreation plans and updating them with the improvements made in the parks. Every park ranking remained the same.
- McKenna will be sending out a certified playground inspector to perform inspections on all of the playgrounds. The findings will be maintained by DPS, and the Parks and Recreation Board will be able to reference these findings moving forward.

Mayor Pro Tem Bordman stated that:

- She appreciates the focus on park accessibility, but is concerned that the rankings inflate the actual accessibility of some of the parks.
- Manor Park has a ranking of three, which indicates that most of the parking is paved, but there is actually no paved parking or pathways in the park.
- Relying on past rankings is understandable but may have painted an inaccurate picture.
- There are other parks that seem to be inaccurately ranked, including Martha Baldwin Park, which has no paved pathways or parking and Linn Smith Park which has no paved pathways or parking.
- There should be another review of the parks' rankings before the Commission approves the master plan because some of the parks ranked three or four should have more accurately been ranked level one or two.
- The emphasis on environmentally friendly weed- and insect-control is commendable.
- It will be more difficult for Birmingham to receive funding to improve accessibility from the DNR if the rankings of its parks are inaccurately inflated.

Ms. Traxler replied to Mayor Harris that:

- She does not believe the Plan should proceed without complete buy-in from the Commission. To this end, she would be happy to conduct a review of the parks' rankings.
- Since the City has no grant applications scheduled for 2018, performing the review before its 2019 grant applications would be beneficial.

Commissioner DeWeese expressed:

- Surprise at how highly the parks were ranked.
- Belief that the rankings should err lower in order to provide room for improvement.
- Concurrence with Mayor Pro Tem Bordman that the Plan should be adopted only once the park rankings are reviewed, which should only take two to four weeks.
- That his years of work with para- and disabled athletes inform his perspective on the matter. Many of Birmingham's parks would be insufficiently navigable for such individuals.
- Understanding that while some parks may never achieve a ranking of five, that does not mean the rankings should be artificially inflated.

Commissioner Hoff reiterated that, based on Ms. Traxler's comments, lower park accessibility rankings heighten the chance for accessibility-related grants. Commissioner Hoff agreed with Mayor Pro Tem Bordman and Commissioner DeWeese that the parks' rankings should be re-evaluated.

Ms. Traxler stated that:

- In thirteen years of doing this work, she has never seen a community state that their parks rankings are too high.
- Communities are usually struggling, and as a result seek inflationary rankings so as to appear more desirable.
- She is happy to review the park rankings per this conversation.

Ms. Traxler told Commissioner Boutros that she would specifically look into how changing the park rankings would affect the City's likelihood of receiving DNR grants.

Commissioner DeWeese said that, other than the feedback on park rankings, the Plan is outstanding.

Patty Blair asked when further citizen input would be solicited for the concept plan. Ms. Blair shared concern about Poppleton Park, but also suggested other citizens may have concerns regarding various aspects of the Plan.

City Manager Valentine explained to Ms. Blair that:

- Once the concept Plan is adopted, it becomes the City's Master Plan for Parks and Recreation.
- After that, the individual park plans are subject to the City's annual Capital Improvement programming, which requires further vetting both before and after entering the design stage. Citizen feedback would be solicited during this part of the project.

City Manager Valentine confirmed for Mayor Harris that the concept plan for Poppleton Park has been approved, but the vetting process has not yet begun for the design stage.

City Manager Valentine told John Rusche that the concept plan gets funded during the annual budgeting process which includes a plan of the five-year financial capital project forecast.

City Manager Valentine told Mayor Harris that the concept plan should go back before the Parks and Recreation Board at their next meeting on March 6, 2018 before returning to the Commission.

City Attorney Carrier confirmed for Commissioner Hoff that the public hearing should be continued to a date certain, which would mean that the public hearing would not have to be re-noticed.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Hoff:
To reopen the public hearing and continue it to a date certain of March 26.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

02-039-18 PUBLIC HEARING TO CONSIDER NECESSITY FOR THE REPLACEMENT OF SEWER AND WATER LATERALS LOCATED WITHIN THE LIMITS OF THE OLD WOODWARD AVE. PAVING PROJECT

Mayor Harris opened the public hearing at 8:35 p.m.

City Engineer Paul O'Meara reported:

- All active water services currently less than 1-inch diameter will be replaced with new 1-inch plastic pipe. In addition, all lead water services will be replaced with new plastic pipe, matching their existing size, or at least 1-inch minimum, whichever is greater.
- All active sewer laterals identified as being over 50 years old will be replaced. Given the commercial nature of the project, some older sewer laterals will be larger sizes, including 8 inch, 10 inch, and 12 inch (designed to carry roof drainage).
- All owners in the district received the details of the project and the date and time of the public hearing through both a mailing and hand-delivered letters.

There was neither Commission nor public comment.

Mayor Harris closed the public hearing at 8:36 p.m.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:
To adopt the formal Resolution declaring necessity for all sewer and water laterals not meeting current criteria located within the limits of the following properties to be replaced as a part of the Paving Project on Old Woodward Ave.: (*Formal resolution appended to these minutes as Attachment A*)

- "Assessor's Plat No. 27" - Lot 4, except that part taken for Willits Alley right-of-way, lot 5, lot 6.
- "Assessor's Plat No. 19" - The easterly 44 ft. of lot 4, except that part taken for Willits Alley right-of-way, lots 5-10 inclusive, except that part taken for Willits Alley right-of-way.
- "Assessor's Plat No. 21" - Lots 20-28 inclusive.
- "Merrill's Plat" - The northerly 80.76 ft. of the westerly 13 ft. of lot 2, lot 3.
- "Assessor's Plat No. 24" - Lots 1-8 inclusive.
- "Assessor's Plat No. 25" - The easterly 27.07 ft. of the southerly 44.25 ft. of lot 3, the easterly 35.98 ft. of lot 21, lots 22 - 24 inclusive.
- "Assessor's Replat of Lots 1-9 Inclusive Brownell Subdivision and Lots 8-15 Inclusive Part of Lot 16 and Vacated Street of Hunter's Eastern Addition" - Lots 1, 2, 4.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

02-040-18 PUBLIC HEARING TO CONSIDER NECESSITY FOR THE INSTALLATION OF SIDEWALK ENHANCEMENTS ON THE OLD WOODWARD AVE. PAVING PROJECT

Mayor Harris opened the public hearing at 8:36 p.m.

City Engineer O'Meara reported that the Old Woodward Avenue streetscape enhancements would include construction of exposed aggregate concrete and regular concrete pavement sidewalks, new trees and landscaping, irrigation, granite seating features, and a new electrical system.

The City is planning to assess seventy-five percent (75%) of the estimated cost against the assessment district, and twenty-five percent (25%) of the estimated cost against the City at large.

Commissioner DeWeese said that the square footage referenced in the report is the square footage of sidewalk in front of each business.

City Engineer O'Meara clarified that the City is assessing cost based on the average square footage of sidewalk in front of each business, and not on the individual square footage of sidewalk in front of each business.

Mayor Harris closed the public hearing at 8:38 p.m.

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Boutros: To adopt the formal resolution declaring necessity for the construction of sidewalk enhancements, the improvement to be known as "Old Woodward Ave. Streetscape Enhancements", consisting of the construction of exposed aggregate concrete and regular concrete pavement sidewalks, new trees and landscaping, irrigation, granite seating features, and new electrical system (on Old Woodward Ave. only), within the district consisting of all properties, both public and private, on Old Woodward Ave. from Willits St. to Brown St., as well as for 400 feet of Maple Rd. west and east of the Old Woodward Ave. intersection. (*Formal resolution appended to these minutes as Attachment B*)

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

02-041-18 PARKING CONSULTANT SERVICES

Assistant City Manager Gunter provided background, reporting:

- The Advisory Parking Committee (APC) on January 3, 2018 approved a Request for Proposals (RFP) soliciting Parking Consultant Services to conduct an analysis and provide recommendations to improve the parking system in the Central Business District.
- Four bids were received on January 25, 2018.
- Staff conducted an internal review in order to allow the APC to interview a maximum of three bidders. Based on initial scoring, staff invited the top three vendors to participate in interviews: Nelson Nygaard, Rich & Associates, and Walker Consultants.

- At the close of the interviews, the APC recommended the City proceed with Nelson Nygaard given their national experience, familiarity with the existing system in the City, and their multi-modal, holistic approach to planning.
 - Nelson Nygaard was recommended despite providing the highest bid because the APC was most confident in the team's ability to provide the services the City needs.
 - The project team includes a project manager specializing in parking master planning and a deputy project manager with transportation and community planning experience, operational and technical leads at Dixon, and multimodal, wayfinding, and land use staff at MKSK.
- The APC expressed disappointment that the local teams did not have a thorough understanding of Birmingham's concerns.
- Staff conducted a reference check on Nelson Nygaard and received positive feedback from past clients. These clients noted that they have maintained positive working relationships with Nelson Nygaard over many years.

Assistant City Manager Gunter introduced Chris Bongorno from Nelson Nygaard and Brad Strader from MKSK, and stated that Algirdas Vaitus, Chairperson of the APC Board, and Gayle Champagne, member of the APC Board, were also in attendance.

Mr. Bongorno told Commissioner Hoff that:

- Project Manager Tom Brown and Mr. Borgorno, Deputy Project Manager, both live in Ohio, a short drive from Birmingham.
- He joined Nelson Nygaard recently, but has worked with them previously both professionally and as a client.
- Nelson Nygaard proposes subcontracting with Dixon Resources Unlimited (Dixon) due to Dixon's strong focus on municipal parking systems, regulation and operation systems, and technology. Julie Dixon, principal consultant at Dixon, is based out of Los Angeles.
- Nelson Nygaard proposes subcontracting with MKSK because of their extensive local experience. Mr. Strader from MKSK has specifically worked as an advisor to Birmingham's Multi-Modal Transportation Board (MMTB) for a number of years.

City Manager Valentine told Commissioner Hoff that Carl Walker had previously looked at Birmingham's parking structures from an engineering perspective. City Manager Valentine clarified that the team from Nelson Nygaard, in contrast, will do a full operational assessment of the parking system.

Assistant Manager Gunter explained to:

- Mayor Pro Tem Bordman that the lowest bidding teams focused heavily on Birmingham's parking structures and engineering, as opposed to the wider focus on the Central Business District and the other aspects of parking in Birmingham that Nelson Nygaard provided.
- Commissioner Nickita that this study will not focus on zoning because zoning is one of the focuses of the Master Planning process. This study will, however, look at parking demand and some different options for utilization.

Mr. Bongorno stated that the budget was calculated in order to allow the team to perform optimally, and that the travel and expense budget remained as lean as possible.

Mr. Strader added that, from his experience, projects in Birmingham require a comprehensive approach, and Nelson Nygaard, MKSK and Dixon accounted for that in the bidding process.

Mr. Bongorno confirmed for:

- Mayor Pro Tem Bordman that the team will make it to Birmingham as frequently as is necessary, and that the travel budget will not be an impediment to the team's ability to work locally.
- Commissioner Nickita that the team's first approach will be to assess what Birmingham is doing well, and then to take relevant examples from other communities for inspiration.

City Manager Valentine told:

- Mayor Pro Tem Bordman that the funds for this project come from the parking system's Enterprise Fund.
- Commissioner Nickita that it may be worth clarifying the desired focus on parking zoning for the RFP process for the Master Plan. The Master Planning process is a land-use plan, whereas the Nelson Nygaard project is for operational assessments.

Mr. Strader clarified that the parking consultant team's approach is to optimize the City's current parking circumstances.

Mr. Bongorno told Commissioner Hoff that:

- The demand-management aspect of the project will incorporate some multi-modal strategies into the parking solutions.
- The parking consultant team will specifically focus on the existing parking structures, the existing on-street spaces, the technology, how the systems work together and the City's agreement with the parking operator as potential sources for parking solutions.
- The APC and other stakeholders will be thoroughly involved in developing parking solutions that are Birmingham-specific.

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

To approve the recommendation of the Advisory Parking Committee to award the service agreement with Nelson Nygaard for Parking Consultant Services for fiscal year 2017-2018 in the amount of \$90,442.00 from account #585-538.001-811.0000. Further to direct the Mayor and City Clerk to sign the agreement on behalf of the City, contingent upon successful execution of the contract by the parties..

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

VII. REMOVED FROM THE CONSENT AGENDA

The items removed were discussed earlier in the meeting.

VIII. COMMUNICATIONS

02-042-18 MUNRO – PIERCE STREET FENCE

Christina Munro and John Munro came before the Commission to ask for an amendment of the City's ordinance regarding fences.

Mr. Munro stated:

- A neighbor's proposed fence would abut the Munros' driveway and impede the Munros' ability to enter and exit their vehicles in their driveway.
- Three different local communities' ordinances disallow front yard fences, and Michigan outlaws fences which are considered a 'nuisance'.
- Birmingham currently allows fences up to the sidewalk of a property.
- That even if an ordinance amendment cannot remedy their specific situation, they request the Commission still consider an ordinance amendment in order to prevent this potential future cause of animosity between neighbors.

Commissioner DeWeese and Mayor Harris:

- Commended the Munros on their well-expressed letter and on their concern for the Birmingham community.
- Agreed to look into the issue.

Ms. Munro requested notification of the Commission's findings. Mayor Harris confirmed the Commission would be in touch.

02-043-18 DAXTON HOTEL LIQUOR LICENSE REQUEST

Rick Rattner appeared before the Commission and introduced Mark Mitchell, owner of the Daxton Hotel. Mr. Rattner explained that the Daxton Hotel (Daxton) is seeking an ordinance amendment that is almost identical to a Bistro or Economic Development License. Mr. Rattner added that the amendment the Daxton is seeking is similar to the ones granted the theaters in town.

Mr. Rattner confirmed for Commissioner Hoff that if the Daxton purchased a Class C quota license, the hotel could use the license.

Commissioner Sherman clarified that Mr. Rattner is requesting to bring in an outside license, instead of purchasing one of the Class C quota licenses available in Birmingham. Mr. Rattner confirmed this was the case.

City Attorney Currier explained that:

- When the lines for the Economic Development Zone (EDZ) were drawn, the parcel where the Daxton is located was excluded.
- If the lines for the EDZ were redrawn, the Daxton could bring in any license it chooses.
- The Daxton would still need to comply with the City's requirements for Special Land Use Permits (SLUP) and contracts.
- The Daxton may also want to reclassify their license to a Hotel A or B license, which is done with the Liquor Control Commission (LCC).
- The request before the Commission seeks to redraw the EDZ in order to include the Daxton.

City Manager Valentine clarified for Commissioner Boutros that:

- In order to sell alcohol, the Daxton could purchase either a quota license from within the City, or a Bistro license, which may be brought in from the State.

- The Daxton is requesting permission to bring in a state license to be used for hotel-only classification in a similar manner to the licenses currently permitted to the theaters in Birmingham.
- City Manager Valentine did not believe the Daxton was asking to be redrawn into the Economic Development Zone.

City Manager Valentine and City Attorney Currier told Commissioner Hoff that:

- The Townsend Hotel has a Hotel B license, which is a quota license.
- A hotel can operate in Birmingham with a quota license.

City Manager Valentine clarified that a Hotel B license allows alcohol to be served in rooms and common areas, whereas a Class C license allows alcohol to be utilized only in common areas.

City Attorney Currier told Commissioner Hoff that if a hotel receives a Class C license, the license could be reclassified as a hotel license by the LCC, which would allow a hotel to serve alcohol in both rooms and common areas.

City Manager Valentine confirmed for Mayor Harris that it is more challenging for a business to acquire a quota license than it is to acquire a Bistro license.

City Attorney Currier explained to Commissioner DeWeese that:

- What the City calls a Bistro license, the LCC calls an Economic Development License (EDL).
- An EDL can only be granted within certain zones, and can be purchased for \$20,000. The license is not transferrable by owner or to location.
- If a business purchases a Class C license from a business in another city in Oakland County to satisfy Birmingham's Bistro requirements, the business owner could keep their license because it is not in the Bistro license category controlled by the State.
- By contract the City prohibits businesses from transferring licenses or moving locations without City permission because the licenses are made site-specific through a SLUP.
- All quota licenses are Class C licenses, but not all Class C licenses are quota licenses.
- In order to purchase an EDL, a business needs to prove that no quota licenses are available and no other transferrable licenses within the County are available to transfer into the City.
- Satisfying the requirements for an EDL purchase is more difficult than purchasing a Class C license and bringing it into the City and trying to reclassify it as a hotel license.

Commissioner Sherman stated that the Planning Board should review the issue and make a recommendation. The Commission concurred.

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

None.

X. REPORTS

02-044-18 COMMISSIONER REPORTS

The City Commission will appoint three regular members to the Cablecasting Board on March 12, 2018.

The City Commission will appoint two regular members to the Multi-Modal Transportation Board on March 12, 2018.

The City Commission will appoint three regular members to the Parks & Recreation Board on March 12, 2018.

The City Commission will appoint three regular members to the Planning Board on March 12, 2018.

02-045-18 COMMISSIONER COMMENTS

Mayor Pro Tem Bordman reiterated that fundraising walks should not be permitted to begin set-up before 7 a.m. The Commission concurred.

Mayor Harris commended the Baldwin Library on their success with the Battle of the Books.

02-046-18 CITY STAFF

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

Commissioner DeWeese said:

- He has received feedback from citizens concerned that the number of available spaces shown outside the parking garages may be inaccurate.
- The inaccuracy may stem from snow blocking available spaces or double-parking.
- If the spaces available count is to err, it should err on the side of fewer spaces available.
- City Manager Valentine has confirmed that when valet is available, the number of spaces available takes that reduction into account.
- He thinks it is important that the space available count be credible.

City Manager Valentine firmly stated that while anecdotal evidence demonstrates public perception, the displayed count of spaces available is accurate. He continued that City staff could look further into the issue of double-parking in the garages.

Commissioner DeWeese agreed that the numbers are likely accurate, but said he is concerned with addressing the public's perception of an inaccurate count.

XI. ADJOURN

Mayor Harris adjourned the meeting at 9:34 p.m.

J. Cherilynn Mynsberge, City Clerk

RESOLUTION 02-039-18

SPECIAL ASSESSMENT DISTRICT
SEWER AND WATER LATERALS REPLACEMENT
AS PART OF THE PAVING PROJECT ON OLD WOODWARD AVE.
FROM WILLITS ST. TO BROWN ST.

WHEREAS, The City Commission has established a policy requiring the replacement of all sewer laterals that are over 50 years old when the City street is open for reconstruction; and

WHEREAS, The City Commission has established a policy requiring the replacement of undersized or lead water lateral lines when the City street is open for reconstruction; and

WHEREAS, The City Commission is of the opinion that replacement of sewer and water laterals not meeting current criteria as a part of the planned road paving project is declared a necessity; and

WHEREAS, Formal bids have been received and the actual cost per foot for replacement of the sewer and water laterals has been determined.

RESOLVED, That all sewer and water laterals not meeting current criteria located within the limits of the following properties shall be replaced as a part of the paving project on Old Woodward Ave. from Willits St. to Brown St.; and

RESOLVED, That at such time as the Assessor is directed to prepare the assessment roll, of which 100% of the contractor's charge to replace sewer and water laterals shall be charged to the adjoining property owners benefiting from the sewer or lateral; and

RESOLVED, That there be a special assessment district created and special assessments levied in accordance with benefits against the properties within such assessment district, said special assessment district shall be all properties, within the following district:

"Assessor's Plat No. 27"

Lot 4, except that part taken for Willits Alley right-of-way, lot 5, lot 6.

"Assessor's Plat No. 19"

The easterly 44 ft. of lot 4, except that part taken for Willits Alley right-of-way, lots 5-10 inclusive, except that part taken for Willits Alley right-of-way.

"Assessor's Plat No. 21"

Lots 20-28 inclusive.

"Merrill's Plat"

The northerly 80.76 ft. of the westerly 13 ft. of lot 2, lot 3.

"Assessor's Plat No. 24"

Lots 1-8 inclusive.

"Assessor's Plat No. 25"

The easterly 27.07 ft. of the southerly 44.25 ft. of lot 3, the easterly 35.98 ft. of lot 21, lots 22 through 24 inclusive.

"Assessor's Replat of Lots 1-9 Inclusive Brownell Subdivision and Lots 8-15 Inclusive Part of Lot 16 and Vacated Street of Hunter's Eastern Addition"

Lots 1,2,4; and

RESOLVED, That the Commission shall meet on Monday, February 26, 2018, at 7:30 P.M., for the purpose of conducting a public hearing to confirm the roll for the replacement of sewer and water laterals within the Old Woodward Ave. Paving Project.

I, J. Cherilynn Mysnberge, City Clerk of the City of Birmingham, Michigan do hereby certify that the foregoing is a true and correct copy of the resolution by the Birmingham City Commission at its regular meeting held on January 22, 2018.

J. Cherilynn Mysnberge, City Clerk

RESOLUTION 02-040-18

SPECIAL ASSESSMENT DISTRICT
SIDEWALK ENHANCEMENTS
AS PART OF THE OLD WOODWARD AVE. PAVING PROJECT

To receive the report regarding sidewalk enhancements on the Old Woodward Ave. Paving Project:

WHEREAS, The City Commission is of the opinion that construction of the improvement herein is declared a necessity.

RESOLVED, That there be constructed an improvement to be hereinafter known as

OLD WOODWARD AVE. STREETScape ENHANCEMENTS

consisting of the construction of exposed aggregate concrete and regular concrete pavement sidewalks, new trees and landscaping, irrigation, granite seating features, and new electrical system (on Old Woodward Ave. only); and

RESOLVED, That at such time as the Assessor is directed to prepare the assessment roll, seventy-five percent (75%) of the estimated cost be levied against the assessment district, and twenty-five percent (25%) of the estimated cost be charged against the City at large; and be it further

RESOLVED, That there be a special assessment district created and special assessments levied in accordance with benefits against the properties within such assessment district, said special assessment district shall be all properties, both public and private, within the following district:

“Assessor’s Plat No. 27”

Lot 4, except that part taken for Willits Alley right-of-way, lot 5, lot 6.

“Assessor’s Plat No. 19”

Lots 5-10 inclusive, except that part taken for Willits Alley right-of-way.

“Oak Grove Addition”

Lots 1, 28, and 29 inclusive, except those parts taken for Oakland Blvd. right-of-way.

“Assessor’s Plat No. 21”

Lots 20 except for the easterly 41.5 ft., lots 21-28 inclusive, lot 50 except for portion taken for Ferndale St. right-of-way, lots 51-53 inclusive, lot 54 except for that portion taken for Oakland Blvd. right-of-way, lots 55 through 59 inclusive.

"Merrill's Plat"

The northerly 80.75 ft. of lot 1, the northerly 80.75 ft. of the easterly 27 ft. of lot 2.

"Assessor's Plat No. 24"

Lots 1-9 inclusive.

"Assessor's Plat No. 25"

Kots 1, 2, the easterly 101.39 ft. of lot 3, the easterly 35.98 ft. of lot 21, lots 22 through 25 inclusive.

"Brown's Addition"

The easterly 50 ft. of lot 12, lot 13.

"Assessor's Replat of Lots 1-9 Inclusive Brownell Subdivision and Lots 8-15 Inclusive Part of Lot 16 and Vacated Street of Hunter's Eastern Addition"

Lots 1-4 inclusive.

"Assessor's Plat No. 11"

Lots 1,2, lots 3 and 4 inclusive except for that part taken for alley to east, the westerly 101 ft. of lot 5, and the westerly 82 ft. of lot 6.

"William Hart Subdivision"

The westerly 138.94 ft. of lots 1 and 2, except that part taken for Brown St. right-of-way; and

RESOLVED, That the Commission shall meet on Monday, February 26, 2018, at 7:30 P.M., for the purpose of conducting a public hearing to confirm the roll for the Old Woodward Ave. Streetscape Enhancements.

I, J. Cherilynn Mysnberge, City Clerk of the City of Birmingham, Michigan do hereby certify that the foregoing is a true and correct copy of the resolution by the Birmingham City Commission at its regular meeting held on February 12, 2018.

J. Cherilynn Mysnberge, City Clerk