

BIRMINGHAM CITY COMMISSION MINUTES
MARCH 13, 2017
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Mark Nickita called the meeting to order at 7:30 PM.

II. ROLL CALL

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

Administration: City Manager Valentine, City Attorney Currier, Acting Clerk Arft, City Planner Ecker, Building Director Johnson, Police Chief Clemence, DPS Director Wood, City Engineer O'Meara, Finance Director Gerber, Human Resource Manager Taylor

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

03-54-17 APPOINTMENTS TO MULTI-MODAL TRANSPORTATION BOARD

MOTION: Motion by Bordman:

To appoint Amy Folberg to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2020.

VOTE: Yeas, 7
Absent, None

MOTION: Motion by Harris:

To appoint Dr. Daniel Rontal to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2020.

VOTE: Yeas, 7
Absent, None

MOTION: MOTION by Boutros:

To appoint Katie Shafer, as an alternate member, to the Multi-Modal Transportation Board to serve a three-year term to expire October 27, 2019.

VOTE: Yeas, 7
Absent, None

MOTION: MOTION by Hoff:

To appoint Lara Edwards, to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2020.

VOTE: Yeas, 7
Absent, None

03-55-17 APPOINTMENT TO CABLECASTING BOARD

Commissioner Hoff confirmed with Acting Clerk Arft that the Commission is being asked to appoint three regular members and one alternate member

MOTION: MOTION by Bordman:

To appoint Michael Fenberg to a three-year term on the Cablecasting Board to expire March 30, 2020.

VOTE: Yeas, 7
Absent, None

MOTION: MOTION by DeWeese:

To appoint Elaine Mclain to a three-year term on the Cablecasting Board to expire March 30, 2020.

VOTE: Yeas, 7
Absent, None

MOTION: MOTION by Harris:

To appoint Scott Weller to a three-year term on the Cablecasting Board to expire March 30, 2020.

VOTE: Yeas, 7
Absent, None

MOTION: MOTION by Sherman:

To appoint George Abraham to a three-year term on the Cablecasting Board as an Alternate member to expire March 30, 2019.

VOTE: Yeas, 7
Absent, None

03-56-17 APPOINTMENT TO PLANNING BOARD

MOTION: MOTION by Boutros:

To appoint Janelle Boyce to a three-year term on the Planning Board for a term to expire on March 28, 2020.

VOTE: Yeas, 7
Absent, None

MOTION: MOTION by Sherman:

To appoint Bert Koseck to a three-year term on the Planning Board for a term to expire on March

28, 2020.

VOTE: Yeas, 7
Absent, None

03-57-17 APPOINTMENTS TO STORM WATER UTILITIES APPEAL BOARD

Commissioner Hoff suggested we wait to appoint to this Board, since neither applicant was able to attend and she would like to interview them.

Commissioner DeWeese noted there are more openings on this Board. If others are interested, they should contact the City Manager to follow-up.

Commissioner Hoff noted that one of the applicants currently serves on the Board of Building Trade Appeals. She confirmed with City Manager Valentine that the applicant, if approved, would be required to resign that position on the Board of Building Trader Appeals. Commissioner Hoff expressed concern regarding a possible conflict of interest. City Manager Valentine responded there is no conflict. The Commission agreed to reschedule for March 27, 2017.

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

3-58-17 APPOINTMENT OF CITY CLERK

Human Resource Manager Taylor described the process to fill this position. Five candidates were interviewed and two advanced to be interviewed on March 7th by the City Clerk Selection Sub-Committee comprised of Commissioner Sherman and Commissioner Bordman, City Manager Valentine and Human Resource Manager Taylor. The Sub-Committee recommended Cherilynn Brown. After receiving a satisfactory background report, an offer of employment was made to Ms. Brown, which she accepted. Her start date is April 3, 2017.

Cherilynn Brown thanked the Commission for the opportunity to join the team and to serve the City of Birmingham.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner DeWeese:
To accept the recommendation of the City Clerk selection sub-committee to appoint J. Cherilynn Brown as the Birmingham City Clerk effective April 3, 2017.

VOTE: Yeas, 7
Nays, None
Absent, None

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.

03-59-17 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Item E (Advisory Parking Committee Recommendation) by Mayor Nickita
- Item A (Minutes of February 27, 2017) by Commissioner Hoff
- Item H (Celebrate Birmingham Parade) by Commissioner Hoff

MOTION: Motion by Pro Tem Harris, seconded by Commissioner Sherman:

To approve the Consent Agenda, with the following items removed, Items A, E and H.

- B. Approval of Ad Hoc City Clerk Selection Committee minutes of March 7, 2017
- C. Approval of warrant list, including Automated Clearing House payments, of March 1, 2017 in the amount of \$ 594,113.41
- D. Approval of warrant list, including Automated Clearing House payments, of March 8, 2017 in the amount of \$ 4,444,298.82
- F. Resolution authorizing the rooftop valet assist program at the Chester St. and Pierce St. Parking Structures administered by SP+ Parking, and as recommended by the Advisory Parking Committee, at an estimated total cost of \$64,600, during the closure of on-street parking related to the Old Woodward Ave. Paving Project.
- G. Resolution approving the purchase of one (1) new Ford F-550 chassis from Gorno Ford through the State of Michigan extendable purchasing contract #071B1300005 for a total of \$43,259.00; further approving the purchase of one (1) Versalift VSI-361 telescopic aerial platform lift from Cannon Truck Equipment through the State of Michigan extendable purchasing contract #071B2200263 for a total of \$83,064.00. The total expenditure for this vehicle and aerial lift platform is \$126,323.00. Funds for this purchase are available in the Auto Equipment Fund, account #641-441.006-971.0100.
- I. Resolution approving a request from the City of Birmingham to hold the In the Park concerts on Wednesdays from June, 2017 through August, 2017, and the Birmingham Bloomfield Community Coalition Youth Action Board's Teen Summer Concert on Friday, June 16, 2017 in Shain Park, 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.

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

V. UNFINISHED BUSINESS

**03-60-17 PUBLIC HEARING TO CONSIDER RENEWAL OF 2017 LIQUOR
 LICENSE-EMAGINE PALLADIUM/IRONWOOD GRILL, 250 N. OLD
 WOODWARD-VIOLATION OF SPECIAL LAND USE PERMIT**

Acting Clerk Arft explained that the Public Hearing was scheduled by the Commission on February 27, 2017 to consider whether to file an objection to the renewal of the liquor license for the business with the Michigan Liquor Control Commission. The reason for the hearing was the licensee's failure to comply with the terms of the liquor license or any conditions imposed by the City Commission or the Liquor Control Commission at the time of issuance or transfer of the license. (City Code Chapter 10, Section 10-40 (5)) In this case, a Special Land Use Permit amendment is required for transfer of ownership or name. Acting Clerk Arft explained that notices of the Public Hearing were sent by Certified Mail, Return Receipt Requested, to Emagine Palladium/Ironwood Grill, 209 Hamilton Row, and to CH Birmingham LLC, P.O. Box 2041, Troy, Michigan. Both notices were received and are on file in the Clerk's Office.

Mayor Nickita opened the Public Hearing at 8:35 PM.

Jon Goldstein, partner in CH Birmingham, LLC and Cloud Nine, was present to speak on behalf of the licensee. Mayor Nickita and Commissioner Sherman asked that Mr. Goldstein explain to the Commission the current status of the required Special Land Use Permit amendment.

Mr. Goldstein explained that this is a name change of the restaurant within the Emagine Palladium Theater from Ironwood Grill to Four Story Burger. He said his partner Paul Glantz, was involved initially in the Special Land Use Permit process. Mr. Goldstein was unaware that this was a requirement of the liquor license, and had a lack of understanding of the City's process. He noted that the proper building permits had been applied for with the City, and in early February 2017, he was notified that there was a problem regarding the Special Land Use Permit. He said the application has now been submitted to the City and the fees have been paid.

Mayor Nickita explained the City's requirements and agreements as being very specific in this situation. The agreement must be followed, and when modifications are being discussed, they must be brought through the appropriate channels within the City to be re-evaluated. He said the word "Special" here is key.

Commissioner Sherman asked Mr. Goldstein if Mr. Glantz is still the CEO of the company, and if Mr. Glantz had mentioned that he had executed the SLUP. Mr. Goldstein said he did not. Commissioner Sherman asked if Mr. Glantz was present tonight. Mr. Goldstein said Mr. Glantz was out of town. Commissioner Sherman asked if Mr. Goldstein attended the City Commission meeting on February 27, 2017. Mr. Goldstein responded that he did not attend the meeting.

Commissioner Sherman feels the organization is still the same and that Mr. Goldstein and Mr. Glantz did not communicate, giving Commissioner Sherman concerns. Mr. Goldstein responded that he believed there was no transfer, and that only the concept and name was changed.

Commissioner Sherman explained that the site plan is specific, even as to sign details. He asked Mr. Goldstein if the sign was changed. Mr. Goldstein responded that the sign was taken down, and there is temporary signage on the inside until the outside signage is changed.

Mayor Nickita asked for confirmation from Mr. Goldstein that there is signage. Mr. Goldstein confirmed there is signage on the ceiling of the building.

Commissioner Hoff said she is interested in hearing about the plans for the new restaurant, which must be approved by the City Commission pursuant to the SLUP agreement. She noted that as of March 2, 2017, the SLUP amendment application and fee was received, but no plans were submitted. She indicated that the applicant was contacted about it.

Mr. Goldstein responded that he received an email today from Ron and Roman indicating they had submitted floor plans of everything that had changed.

Commissioner Sherman acknowledged that the plans were just submitted today, but have not been reviewed.

Commissioner Bordman said she views our ordinances as very important, and is disappointed that they are not considered important to Mr. Goldstein's company. She noted that the Commission has a second matter to consider tonight involving this company. She does not want to make a decision tonight because the City has not seen everything.

Commissioner DeWeese asked City Attorney Currier what the deadline is for notifying the Michigan Liquor Control Commission of the City's objection to the liquor license renewal. City Attorney Currier said an objection to a renewal must be filed with MLCC by the local legislative body not less than 30 days before the date of expiration of the license. He noted that this license is to expire on April 30, 2017, so the Commission must take action on the renewal in March. Commissioner DeWeese understands that the Commission has the ability to not only take away the company's liquor license, but to close the business, which would be a very serious step.

Mayor Pro Tem Harris asked City Planner Ecker how long it would take for the staff to review the SLUP amendment application. She responded that the Planning Board will meet on March 22, and assuming a decision is made to recommend or deny it, it would be April before coming to the Commission for consideration.

City Manager Valentine suggested tabling the Commission's decision on the renewal to the MLCC to March 27, 2017 meeting, which would give staff time to review the plans. The Commission can then make an informed decision on the renewal of the liquor license or objection to renewal of the license, and if the Commission needs a Public Hearing to consider the revocation of the SLUP on April 13, 2017.

Mayor Pro Tem Harris said there are two components to this issue. The first issue is the liquor license renewal. We can continue the Public Hearing on the renewal issue to March 27, 2017, review the plans at that time, and make a decision on the liquor license renewal then.

Commissioner Sherman agreed that we should postpone to a date certain to continue the Public Hearing. In so doing, the Planning Board can review the plans and make a recommendation at its March 22nd meeting. The Commission will at least have that information on March 27, 2017 in order to make the decision of renewal or non-renewal.

MOTION: Motion by Sherman, seconded by Boutros:

To postpone the Public Hearing to March 27, 2017 at 7:30 PM to continue the discussion as to renewal of the liquor license.

Commissioner Boutros expressed concern that the business owner did not take this process seriously, and is giving the owners the benefit of the doubt. The business is highly respected in our community. He said he believes there was a lack of communication.

Commissioner Hoff is concerned that the owners are counting on Ron and Roman's plans as being complete, but it does not sound as though the owners are involved. She said the Commission wants to understand the name change and the new concept. She suggested the owners be sure the application is complete, because there will not be another chance to correct the application.

Mayor Nickita recognized the exceptional City staff, and suggested the owners listen to their advice and follow their instructions. There is a clearly defined process to follow.

Mayor Pro Tem Harris noted for Mr. Goldstein that the Michigan Department of Licensing and Regulatory Affairs shows that their application was pending and that a request was made on

February 21, 2017 for additional documents or fees. He suggested that he check into that as well.

VOTE: Yeas, 7
 Nays, None
 Absent, None

VI. NEW BUSINESS

03-61-17 PUBLIC HEARING TO CONSIDER TERMINATION OF SPECIAL LAND USE PERMIT AT 250 N. OLD WOODWARD – EMAGINE PALLADIUM/IRONWOOD GRILL

City Planner Ecker explained that Emagine Palladium/Ironwood did not get approval before changing the name of the restaurant. A name change requires a SLUP amendment. They did not get prior approval before changing their name.

MOTION: Motion by Sherman, seconded by Harris:
Resolution setting Thursday, April 13, 2017 at 7:30 PM for a Public Hearing to consider termination of the Special Land Use Permit at 250 N. Old Woodward, Emagine Palladium Theatre and Ironwood Grill restaurant.

Commissioner DeWeese emphasized that this gives the applicant two weeks to submit an application. If it is not taken care of then, the City Commission will decide what action to take.

Mayor Pro Tem Harris noted that setting a Public Hearing does not mandate any type of action. If the application is complete, the Commission would not have to take any action.

VOTE: Yeas, 7
 Nays, None
 Absent, None

03-62-17 PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDMENT – CHAPTER 126, ZONING, STRUCTURE STANDARDS, DORMERS

Assistant Planner Baka explained that in the joint meeting last June with the Commission and Planning Board, an issue was identified by staff that there were no regulations in place to govern the size of dormers on the upper levels of homes. Subsequently, the Commission directed the Planning Board to review dormer habitable attic regulations in the Zoning Ordinance. The Board was asked to clarify the types of dormers permissible that project from second story roofs, enclosing those inhabitable attics, provide recommendations for width limitations for dormers projecting from the second story, and refine the maximum area of regulations for inhabitable attics. The Planning Board began holding study sessions, and the first thing they looked at was the definition of dormer. There is already a detailed definition of dormer in place which references, but does not limit itself to many different types of dormers as listed in the Ordinance including flat, deck, hipped, shed, gabled, inset, arch, segmental and eyebrow style roofs. The Board felt this was a sufficient definition. They studied issues of dormers on accessory structures which is the only place currently with regulations. The Board discussed some width limitations on the principal structures and the regulations for habitable attics. Building Director Johnson wanted comment and to get clarification. During plan review, the department struggles with elevations like these, because some designs get creative.

Mr. Baka said there were discussions as to whether gable roofs and extensions of houses

should be considered a dormer or not.

Building Director Johnson said modifications have been made over time in the overall heights; the intention is to mirror the language in the current Boca Code. Discussion continued about a half floor, and the definition of a story.

Commissioner Hoff asked if this applies only to two story residences. Building Director Johnson said it is in the development standards for the single family zone districts.

Mayor Pro Tem Harris asked if we are going to use the definition of dormer, should we reference that definition in the proposed new ordinance so somebody down the road cannot argue that a dormer under Article IX is not applicable. Building Director Johnson believes it is not necessary. Article IX contains definitions that are applicable throughout the ordinance. A definition specific to a provision is going to be in that provision.

Assistant Planner Baka also noted that anywhere a word defined in Article IX is used in the ordinance, it is underlined in red. It indicates that there is a Birmingham definition of that word. Mayor Nickita thanked the staff and Planning Board for their hard work on this.

MOTION: Motion by DeWeese, seconded by Bordman:
To amend Chapter 126, Zoning, Article None4, Structure Standards, Section 4.75 SS-02, to create limitations on the allowable size of dormers on single family homes; and Article 09, definitions, section 9.02, to add a definition of "Attic" and to amend the definitions of "Habitable attic" and "Story" for consistency with the Michigan Residential Code.

VOTE: Yeas, 7
Nays, None
Absent, None

03-63-17 REQUEST FOR QUALIFICATIONS FOR N. OLD WOODWARD/BATES STREET PARKING & SITE DEVELOPMENT

City Planner Ecker has been looking at the parking situation in downtown Birmingham for ways to address it. She described the process to date, changes in parking demands and determining future needs. The City Commission established an Ad Hoc Parking Development Committee in 2015, and they were charged with developing an implementation strategy for addressing future parking demands, looking at costs, capacity, needs, impacts, master planning concepts, timelines, etc. The committee has been meeting for the past two years and studying exactly what the parking situation is downtown. A previous committee talked about the Pierce street structure versus the North Old Woodward structure as well. The committee recommended that we move forward with the North Old Woodward deck improvements first. The Ad Hoc Parking Development Committee also agrees, and the committee has spent the last two years studying what the parking demands are, and how many spaces we need to add. When looking at the way office space is changing, everybody is spread out in an open format which creates space for more people. It seems like the new form of office space is creating more demand. The committee determined what would be needed in terms of adding more parking to that north end of the district. They determined a number and started looking as to how they could re-develop the North Old Woodward structure by, either tearing it down, expanding it, adding on levels, etc. The committee considered what can be done to add more parking to that area while keeping in mind the Downtown Birmingham 2016 Plan that calls for Bates Street to be extended from Willits to North Old Woodward. We have a Parks plan that shows a trail connection across

the river to Booth Park. The committee recommended in January that the Commission consider issuing a Request for Qualifications. This would make it a two stage process. First, we would issue a RFQ. We would pick those that we think are qualified and they would move to the second stage, which would be a Request for Proposals. Only those qualified would be invited to submit a proposal under the RFP. The Ad Hoc Parking Development Committee also asked that we send this RFQ out to a real estate consulting firm. Ms. Ecker explained that there is a letter from Jones Lang LaSalle (JLL). JLL reviewed it and thought it was well done, and suggested that we move forward quickly with this, given the cyclical economy. They also indicated they have a potential list of developers available to the City, if needed.

Mayor Nickita explained that we are simply asking for developers to submit something to get a sense of whether or not they fall in line with something that would be applicable. He said there are a number of iterations to go yet.

Commissioner Boutros asked about time frames for responses. Planning Director Ecker said the deadline for the first phase is April 14, 2017. Deadlines for the second phase have yet to be determined.

Commissioner DeWeese pointed out that because it is a Request for Qualifications this is about finding the person or persons to produce something we will find useful.

Victor Saroki of Saroki & Associates said it was apparent that the North Old Woodward deck has the best potential. He said it yields the maximum amount of parking and created a new street as well as more development potential for the area. He worked with Carl Walker, parking consultants in Kalamazoo, on the deck designs and the calculations and proposals. He explained the structure is five levels and has about 572 spaces. The surface lot has 173 spaces, for a total of 745 spaces. He described the two schemes, their features and differences.

Discussion followed about the increase in the number of parking spaces. Mr. Saroki said the target numbers proposed were exceeded.

Commissioner Boutros asked if we put two buildings together, would they yield 2,000 spaces. Mr. Saroki believes the existing structure is not designed for additional floors on top. If a new structure is built, some of the surface parking is lost. The new total combined would be 1,088, which is less than a new deck.

Commissioner DeWeese suggested we need to remove at least the north section of the old garage to make Bates wide enough for sidewalks. If the garage is kept the way it is now, full utilization of Bates would not be possible and not be pedestrian friendly. He expressed concern about how the upper floors of the parking deck would look, and would like that look diminished. Mr. Saroki agreed, and said that would be the challenge of the architects and developers working on the project.

Commissioner Hoff thought the designs were excellent, and is happy to see an RFQ as a first step. She thinks it is a better way to move forward. She expressed concern about whether two weeks is sufficient time for firms to submit a response to a RFQ. Mr. Saroki agreed with Commissioner Hoff, because it will be a team that will need to be assembled to submit a thoughtful proposal, so more time for development is important.

Commissioner Hoff said this project has many challenges, including financing and use of the public property. She feels a group has to come together that is familiar with public/private partnerships as well as building and design, and that process may require more time. She suggested using the list that Jones LaSalle provided.

Mr. Saroki suggested the site visit be scheduled three weeks from now. Mayor Nickita agreed that extra time does not have an impact on us.

Planning Director Ecker suggested mid-April for the mandatory meeting, and mid-May for qualifications to come back, give or take a month.

MOTION: Motion by Boutros, seconded by Hoff:
To direct staff to issue the Request for Qualifications for the N. Old Woodward/Bates Street Parking and Site Development through the MITN system to solicit qualified firms interested in pursuing the development of this area.

Commissioner Hoff would like to amend the motion to include the MITN system, as well as other developers locally, regionally, and nationally.

Commissioner Bordman said this is a significant project with many parts. The group that is going to review the responses should include the Parks and Recreation Board, since this RFQ involves Booth Park and the bridge connecting the park and the trail system. The RFQ needs the expertise of the Parks and Recreation Board represented in the review of the RFQ.

Mayor Nickita agreed and said having some additional insight from the Board is a valid point. It was agreed that the Parks and Recreation Board could be incorporated into the RFQ review.

VOTE: Yeas, 7
 Nays, None
 Absent, None

03-64-17 PROPOSED MODIFICATIONS TO BALDWIN PUBLIC LIBRARY

Library Director Doug Koschik thanked two library board members who are present this evening, Frank Pisano and Jim Suhay.

Commissioner Sherman said having gone through the blue prints already, he has no problem moving this Motion and approving this.

MOTION: Motion by Sherman, seconded by Boutros:
To approve the proposed modifications to the Baldwin Public Library as outlined on drawings A.701 and A.702 for the restoration of the Harry Allen Room window and opening the passage between Circulation and Adult Service areas with the costs of the modifications to be paid by the Library.

Mayor Nickita said the Library Board is here primarily to answer questions and to address any discrepancy or concerns that we have. We have reviewed the package and understand what is there. The relatively minor changes are typical in a historical building. When working through the process, conditions are found that need to be altered or added or were uncovered during the process that may not have been as clear previously.

Commissioner Hoff agrees and will support this. She believes there are residents at home who are watching this who have no idea what we are talking about. She believes for the sake of public that Library Director Koschik briefly highlight the process of what is going to be done.

Library Director Koschik described the two projects. One involves opening up a passage between the Circulation Department and the Adult Services Department. Currently, there is a fire door at Circulation and another fire door on the Adult Services side. Those doors would be removed and people could pass through from one side to another. Inside the stairwell there currently is a single door for the stairway going down, and no door at all for the stairway going up. The Fire Marshal has looked at the situation, and said it would be an improvement to put in an additional wall that is fire resistant and two fire doors. So in addition to improving the traffic flow and the aesthetics, we would also be enhancing the safety of the stairwell. The other proposal deals with the window that exists between the local history room, the Harry Allen Room, and adult services. That window was covered up 35 years ago and we would be removing the dry wall and the mirror material and opening up the window just as we have opened up other windows between the 1927 Building and adult services.

Commissioner Bordman noted that the Library has stated it will absorb the costs.

Mayor Pro Tem Harris also supports the changes.

Mr. Frank Pisano from the Library Board thanked Bruce Johnson and Mike Morad of the Building Department for doing such a great job at the library and informing the City as to what is going on, and coming up with different ideas to make the library better.

VOTE: Yeas, 7
 Nays, None
 Absent, None

03-65-17 CROSSWALK IMPROVEMENTS AT SAXON DRIVE & LATHAM DRIVE/NORCHESTER ROAD INTERSECTION

City Engineer O'Meara has been working with residents on Saxon for at least a year and half now on traffic issues in the area. About a year ago, we discussed putting together a special assessment to repave the street, which failed after discussion with both sides of the street. Every idea that comes up that the residents would like, requires an assessment and a lot of money input. He noticed on the Multi-Modal Master Plan that there is a recommended crosswalk improvement at the intersection of Latham, a four way intersection west of Southfield Road, and currently there is no way to cross that street unless you actually walk in the street and use the actual drive surface to get across. He worked with the Beverly Hills Village Manager, and he agreed this is a worthwhile simple improvement. The Village Board has gone on record stating that they would pay half if we want to proceed with this project. There was debate and discussion that this would not really solve the traffic issues that are on the table. The Board felt it was a worthwhile improvement to move forward with.

Commissioner Sherman confirmed with Mr. O'Meara that the Multi-Modal Board is in favor of this, the Village of Beverly Hills is willing to pay half the costs, and the residents are on board.

MOTION: Motion by Sherman, seconded by DeWeese:
To authorize the installation of crosswalk improvements at the Saxon Dr. & Latham Dr./Norchester Rd. intersection, including concrete extensions and pavement markings, to be

funded at 50% by the City of Birmingham, and 50% by the Village of Beverly Hills, with an estimated total cost of \$21,240. The work shall be completed within the 2017 Concrete Sidewalk Program, conducted by the City of Birmingham. Further, to approve the appropriation and amendment to the 2016-2017 General Fund budget as follows:

Revenues		
Draw from Fund Balance	101-000.000-400.000	\$10,120
Expenditures		
Sidewalks – Public Improvements	101-444.001-981.0100	\$10,120

City Manager Valentine noted that \$10,620 is the actual amount.

Commissioner Hoff asked if Latham has been improved. She believes Saxon needs to be improved as it is not in very good condition. She believes that it is a good idea to put in a crosswalk, but she thinks the answer is that the street should be improved. She realizes it requires a special assessment for the residents. She asked about Saxon and Southfield which is a much more significant crossing. People cross there to go to the market. Mr. O'Meara responded that there is a marked crosswalk there and handicapped ramp which has been there for many years.

Commissioner Hoff asked if there would be bulbouts at this intersection. Mr. O'Meara explained that once you get into things like that then you are talking about a much higher level of improvement, and we need to start talking about an assessment again.

Commissioner Hoff asked about striping the pavement. Mr. O'Meara said there is no concrete surface to walk across. The ditches on all four corners have to be filled in to make it a flat surface so that people can actually use the sidewalk to cross.

Commissioner Hoff asked if there were sidewalks on all four corners. Mr. O'Meara said that Saxon has sidewalks in both directions and Beverly Hills has them going south as well, but we do not to the north.

Commissioner Bordman asked if the suggested resolution included the electronic speed indicators. Mr. O'Meara answered that it did not. The Police Department already has that budgeted and is hoping to move forward with that if they can find a good location. The indicators do not require commission authorization.

VOTE: Yeas, 7
 Nays, None
 Absent, None

03-66-17 CHESTERFIELD FIRE STATION CONTRACT AWARD

Fire Chief Connaughton said the Fire Station project continues to move forward. He is here to make a recommendation for our contractor, but he wants to review some timelines and activities to explain how we got here this evening. On January 19th, the solicitation was issued on MITN. We requested a qualified professional contractor to provide construction services, demolition and removal of existing building. On February 2nd a mandatory pre-bid meeting was held, 17 contractors attended and many questions were answered. They did a short tour of the building and grounds. On February 23rd at 2:00 PM, the bids were opened publicly, and 8 bids were received and accepted. They ranged from \$2,458,900 to \$3,220,000. A team was created consisting of Community Development Staff, our architectural firm, and two Fire Department

members to assess the proposals. They created a short list of five contractors based primarily on costs. After more review, the team determined that two contractors would be first, Axiom Construction Services Group, and second, Cedroni Associates. Presidents from both companies were interviewed and Axiom was chosen. Axiom, especially in the superintendent position, has more experience and will be the person working with us every day. Axiom also had a bid \$121,100 less than Cedroni. Also, Axiom has more experience building fire stations. His recommendation is Axiom. He added an amendment to the agreement regarding asbestos abatement. The EPA requires any time that you demolish a building there needs to be an asbestos report done. BDS Environment prepared the report and provided a \$25,000 quote for the removal. Axiom agreed to sub-contract the removal of asbestos for the same price and will fit it into their timeline.

Commissioner Sherman asked if Chief Connaughton is comfortable working with them and Chief Connaughton answered he was.

MOTION: Motion by Sherman, seconded by DeWeese:

To approve the execution of a contract with Axiom Construction in the amount not to exceed \$2,483,900.00 for the provision of construction services for a new fire station and demolition/removal of the existing building, along with asbestos abatement, to be funded from account number 491-339.000-977.0000; further, to authorize the Mayor and Clerk to sign the agreement on behalf of the City, subject to all necessary insurance requirements being met.

Commissioner Hoff confirmed with Chief Connaughton that if approved tonight, construction is to begin April 3 or close to this date. She asked if this project will be completed by January 12, 2018. Chief Connaughton confirmed. She asked if they will move the personnel and equipment over to the Adams Station. Chief Connaughton confirmed.

Commissioner Hoff asked about the three addendums. Chief Connaughton clarified that they were addendums to the RFP. As more questions came to us, we had to make an addendum so all the contractors could see our responses. There were three addendums to it, there were 65 questions asked of us after we had already had our meeting. As these came in, we would make addendums to it and report those back out to the contractors.

Chief Connaughton said the cost proposal clarifies the scope of work for any issues that were uncertain during the scope of work or clarify where bidders can ask questions. Those questions are then collected and responded to by the City in the form of an addendum to the RFP. There were three addendums issued regarding this RFP process subsequent to the pre-bid meeting. They are incorporated herein because the answers and the information provided as part of those addendums are then by reference incorporated into the RFP.

Mayor Pro Tem Harris said the proposed contract amount is \$2,483,000, and he asked what the budgeted amount was. Chief Connaughton answered \$3,000,000 flat.

VOTE: Yeas, 7
 Nays, None
 Absent, None

03-67-17

AUTO PARKING SYSTEM FUND TRANSFER TO BSD

Mr. Richard Astrein of the Birmingham Shopping District Board is requesting on behalf of the BSD, that the parking system cover 50% of the costs to operate the free valet program during the Old Woodward Paving Project. They believe it is going to be a large project that is going to disrupt quite a bit of the town and they are trying to alleviate that. They have three valet stations proposed and possibly a fourth near the Park Street Structure. They think this is going to be a massive project and disruptive and the Board is hoping to put a little relief into this.

Mr. Astrein confirmed for Commissioner DeWeese that the first two hours will be free. Commissioner DeWeese asked how it is paid for if it is above the two hours. Mr. Astrein responded that the first two hours are free, and anything over two hours is \$5/hour. That will discourage office workers from pulling up and parking for the day. If parked for three hours, it will be \$15. Statistics show most people are there for two hours or less.

Commissioner Hoff stated that if you are there for five hours it would be \$15, because the first two hours are free. Mr. Astrein explained that the first two hours are free; each hour after that is \$5. If you are there another three hours, it is \$15.

Commissioner Hoff commented that it is uncertain yet where the vehicles will be. A few of the parking structures are named, but for the South Old Woodward drop off location, south of Brown street, vehicles will be parked in an adjacent private lot if available and for the Henrietta Street location, Martin Street is proposed to be closed and professionally valet parked to maximize parking. She believes those are excellent options, because she is concerned that the structures are going to be full. We have roof top valet during construction at several of the structures, and if we are taking these cars too, it might be overloaded, so she believes it is better to use the alternative.

Mr. Astrein explained that Mr. Steven Ferich of In House Valet suggested that if we use Martin, we could actually triple the capacity on Martin Street.

Mr. Ferich explained the proposal and the capacity if using the streets. He said they want to stay out of the structures. Pierce to Henrietta will be blocked off and the cars will be taken to Henrietta and Martin. He added that during the construction, Pierce Street will be closed. They originally wanted to commit Pierce, but the City felt it would get backed up.

Mr. Astrein explained it is a convenience for the customer, and Mr. Ferich will do what he normally does in downtown Birmingham with all the events he manages. The important thing to recognize is with regard to the construction, eliminating about 130 parking spaces on Old Woodward will be over-compensated by the fact that the parking structure capacity will be increased by 250 spaces with the addition of the valet assist program at the four structures. So in effect, we will have a net gain of parking in downtown Birmingham during the construction project. That would help offset some of the demand in the structure and Mr. Ferich can handle some of this with on-street parking and the lots that he has the ability to use and some of the creative street adjustments that we are looking at. All that together will have a positive effect on parking in downtown Birmingham during the construction project.

Commissioner Hoff asked about closing Martin Street. Mr. Astrein responded that it would be closed from 10:00 AM to 6:00 PM, and then it will be opened up after that. We also understand

that this is a work in progress. Once the construction project gets started and we see how the flow of traffic goes, we will have to make adjustments.

Mayor Nickita responded that we will have to be a bit creative and flexible as there will be some adjustments as we go along. We have skilled people who have knowledge of this.

Commissioner Sherman suggested a change to what is suggested in the motion to allow staff to make adjustments as needed based on their review. This would avoid a return visit to the Commission for those adjustments.

MOTION: Motion by Hoff, seconded by Boutros:

To authorize a transfer of up to \$75,000 from the Auto Parking System Fund to the Birmingham Shopping District, to cover 50% of the costs encountered by the BSD to operate the free valet program during the 2017 Old Woodward Ave. Paving Project, and to allow Martin St. from Henrietta St. to Pierce St. to be used for professional valet parking and evaluated based on need and effectiveness, and permitting staff to adjust as needed based on its review.

VOTE: Yeas, 7
 Nays, None
 Absent, None

**03-68-17 CLOSED SESSION–ATTORNEY/CLIENT PRIVILEGE
 COMMUNICATION**

MOTION: Motion by Hoff, seconded by DeWeese:

To meet in closed session to discuss an attorney/client privilege communication in accordance with Section 8(h) of the Open Meetings Act.

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

II. REMOVED FROM CONSENT AGENDA

**03-69-17 APPROVAL OF CITY COMMISSION MINUTES OF FEBRUARY 27,
 2017**

Commissioner Hoff suggested adding the words “contacted the Museum” to the first sentence in the second paragraph on page 4 of the minutes for clarification. On page 12 in the third paragraph, the minutes should identify City Attorney Currier, rather than Commissioner Currier. On page 14, in the second paragraph, Commissioner DeWeese should be identified as the speaker. On page 16, she suggested changing the words “a voluntary thing”, to “on a voluntary basis”.

MOTION: Motion by Hoff, seconded by DeWeese:
To approve the minutes of February 27, 2017, as amended.

VOTE: Yeas, 7

Nays, None
Absent, None
Abstentions: 1, (Sherman)

Commissioner Sherman abstained due to his absence at the February 27, 2017 meeting.

**03-70-17 ADVISORY PARKING COMMITTEE RECOMMENDATION -
INCREASE IN TIME LIMIT ON W. MERRILL, BETWEEN CHESTER
AND BATES**

Mayor Nickita expressed concern about employees or people unrelated to the Community House using the affected parking spaces when the intent is to accommodate meetings at the Community House. He said most meetings at the Community House are three hours or less. He said it seems like it would be attractive to others to park there, and whether increasing the time limit to four hours is excessive. He did not see the answer to that question in the report.

City Engineer O'Meara responded that the meters can be set for two hours or four hours, and that is the current City policy. He said the Community House requested four hours. The study done revealed that there was not much demand during the mid-part of the days when there was no event at the Community House, so the assumption was there is not a large attraction to employees or others.

Commissioner Hoff asked if the meters on north side of the Community House will stay at two hour limits. Mr. O'Meara responded they will. Commissioner Hoff said she thinks this is a good change, but is concerned about drop-offs with the child care center at the Community House. She asked if that had been taken into consideration. Mr. O'Meara said the 4 PM time was not considered because it is definitely not peak usage time. The Community House was concerned with the two meeting times discussed by the Parking Committee.

MOTION: Motion by Sherman, seconded by Boutros:

To accept the recommendation of the Advisory Parking Committee, and approve an increase in the time limit for the eight (8) metered parking spaces on the south side of W. Merrill St. between Chester St. and Bates St. from two (2) to four (4) hours.

VOTE: Yeas, 7
 Nays, None
 Absent, None

03-71-17 CELEBRATE BIRMINGHAM PARADE SPECIAL EVENT

Commissioner Hoff wanted to alert the public to the change in the route of the parade this year due to the Old Woodward construction. She noted the new route will be from South Old Woodward at Frank, to Brown, then Pierce, then Martin and to Bates, ending at Shain Park. She asked City Engineer O'Meara about his comment on the intersection at Brown and whether there would be ample room for the parade participants to proceed through that area. Mr. O'Meara said they will be sure to keep the intersection open enough to get everyone through.

MOTION: Motion by Hoff, seconded by Bordman:

To approve a request submitted by the City of Birmingham to hold Celebrate Birmingham Parade on Sunday, May 21, 2017, 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, None
 Absent, None

VIII. COMMUNICATIONS

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

Herb Knowles, President of Cinderella Patch Condominium Association commented on the recent power outage and the length of time needed to return service to Birmingham residents. He urged the City to be an advocate for the residents to deal with this type of emergency.

City Manager Valentine said the concerns will be discussed with the companies.

Commissioner DeWeese noted that a lot of his neighbors do not have power.

X. REPORTS

3-72-17 COMMISSIONER REPORTS

The Commission will appoint members to the Architectural Review Committee, Housing Board of Appeals, Board of Building Trades Appeals, and the Brownfield Redevelopment Authority on April 13, 2017.

City Manager Valentine noted we also plan to make appointments to the Storm Water Utility Appeals Board as well as the Parks and Recreation Board on March 27, 2017.

3-73-17 COMMISSIONER COMMENTS

Commissioner Bordman wanted to talk about the attendance on volunteer boards. She has talked to City Manager Valentine about some of the attendance reports we have received, and she discovered that attendance is taken differently by different Boards. She thinks this causes confusion when it is included in the Commissioner packet. One of the things we need to do is standardize the way attendance is taken, in terms of what counts as attendance and what does not. If a person's absence results in a meeting being cancelled, it should be noted that is what happened because of a lack of quorum. Otherwise, it looks like there was no meeting and no reason given for it. Additionally in our packet, sometimes we get the attendance for some Boards and we do not get the attendance for other Boards. For example, tonight the Multi-Modal Board's attendance record was there, but not the Cable Casting Board, so she would like to see that standardized as well.

City Manager Valentine noted the Multi-Modal Board, the Planning Board, and the other Boards that were considered this evening were all City-initiated Boards. The Cable Casting Board is actually run through the Cable Administrator, and is a separate group. The Clerk's office has to solicit those records.

Commissioner Bordman said that does complicate things, but if we are going to be appointing people, I think we should know if they are coming to the meetings or not. She thinks the format is different for all of our Boards, which is one of the problems. Additionally, we have just started appointing more alternate members, and that issue came to her attention as to how we count their attendance and what we expect from them. Do we expect them to appear at all the meetings, or only when called to fill in for someone. She thinks this is worthy of a discussion and a direction to people who are appointed as alternates. She thinks that

alternates should be expected to come to all the meetings for continuity, so that they begin to have institutional knowledge that is part of decision making and for comraderie.

City Manager said this will be on our next agenda, because we have been compiling all the data from all the Boards to put together a summary of where the issues are with attendance. We will try to determine where you want to add alternates and where you want to look at alternative policies.

Mayor Pro Tem Harris expressed his preference to have the material provided in the agenda packet in chronological order to the extent possible. He thinks it is easier to study and prepare for. He added that there is a past practice of the City helping residents who are having problems with utility providers, and he urged the City to do all it can to help residents who are without power for this long of time during winter.

The Commission moved to Closed Session at 10:53 PM.

The Commission returned to Open Session at 11:38 PM.

XI. ADJOURN

The meeting adjourned at 11:38 PM

Cheryl Arft
Acting City Clerk