Birmingham City Commission Minutes
Special Meeting
July 29, 2024
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: https://vimeo.com/991811464

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Elaine McLain, Mayor, opened the meeting with the Pledge of Allegiance.

II. ROLL CALL

City Clerk Bingham called the roll.

Present: Mayor McLain
MPT Schafer
Commissioner Baller
Commissioner Haig
Commissioner Host
Commissioner Long
Commissioner Longe

Absent: None

Staff: City Manager Ecker; City Clerk Bingham, Assistant City Manager Clemence, City Engineer Coatta, Assistant City Manager Fairbairn, Police Captain Kearney, City Attorney Kucharek

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

VIII. NEW BUSINESS

07-508-24 Senior/Recreation Center Project

CM Ecker and Brian Deming, the City's owner's representative from Kramer Management Group, presented the item. Staff answered informational questions from the Commission.

Parrish Underwood, President and CEO of the YMCA of Metropolitan Detroit, and Cris Braun, Executive Director of Next, provided comment and answered informational questions from the Commission.

Commissioners raised the following points during discussion:

- It would be necessary to hear more from the YMCA before determinations could be made.

- The original plan was that the building would be renovated for Next's use, for approximately $5 to $8 million, which would be paid over time. After the three years, the YMCA would have maintained operations in a very limited capacity. The Ad Hoc Senior/Recreation Center Committee's (SCC) work has found that the building is in poorer condition than the original due diligence indicated. Additionally, renovation costs are significantly higher than when the building was purchased.
- The City's recreational programming is provided through its work with partners, as opposed to being provided directly. The intent was to follow the Birmingham-Bloomfield Art Association model, where Birmingham would own the facility, and a tenant-partner would provide services. There was a hope that some community rooms would be available to the community, and that the YMCA would continue on in a limited capacity.
- The City did not intend to retain the pool, because the City did not intend to directly offer recreational programming and the original assessment was that the pool was not salvageable.
- Since the YMCA has now indicated an interest in remaining in the community longer-term, negotiations about how the project might accommodate the City's, Next's and the YMCA's needs remain ongoing. These conversations need to be formalized. It may be beneficial to bring in someone with experience in commercial real estate or other related topics to assist in these conversations.
- The Commission has had insufficient opportunity to discuss the project, and consequently voting on this project tonight would be inappropriate.
- This project represents a significant opportunity to serve youth and seniors in the community. If the YMCA is interested in remaining in the community, that would be of great benefit.
- If the YMCA was willing to pay for its portion of the building, and a potential pool, expanding its footprint within the building could be much more feasible. It is necessary to know the financial resources the YMCA would be able to commit to this project.
- This project needs to be done well, and it would be inappropriate for the Commission's vote to be driven by an externally-imposed deadline.
- It would likely be appropriate to reconsider the originally contemplated 75%/25% split between Next and the YMCA, respectively, since the circumstances have changed. The City's relationship with the YMCA has been longstanding, and meets the needs of many community members. If the YMCA is to remain, it must have enough space to have a viable business case.
- While a new building might be the most appropriate option, there was less clarity presently about how the building might integrate sustainability, serve the needs of the community, comply with zoning regulations, and accommodate the potential tenants. This needs to be a matter of continuing research and discussion.
- Next may still need to vacate Midvale School in 2026, which impacts the timeline. Additionally, it is important to remember that the City does not have an unlimited ability to invest in this project, as there are other major projects requiring the City's investment.
- This project sounds like a public-private partnership, and there needs to be clarity about the financial and legal aspects of how it would function.
- Next is a significant resource to individuals aged 50 and over, though Next does not limit its membership by age. People interested can find out more information about Next's programming at birminghamnext.org.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Haig:
1. To demolish and build new. 2. These three parties need to meet, they need to be represented by counsel. They should not stick to any allocation, percentage-wise, of space. They should figure out the sharing arrangement, and they should contemplate, or discuss, a variety of partnership structures they can bring back to us. The City expects the YMCA to contribute commensurate with the square footage they would be utilizing. 3. That we begin the process of doing financial and legal due diligence on our partners. That may involve hiring outside counsel, or our existing auditing firm, to examine tax returns, financial statements, and potential legal structures.

Commissioner comments on next steps were as follows:

- An RFP cannot be issued without a square footage size and estimated construction cost. Architects' standard contracts are a percentage of construction costs.
- It would be beneficial if all parties and attendant counsel could meet and come to an agreement within the next two to three weeks. Clarity regarding shared space and potential operating models would be necessary.
- Information should then be provided to the Commission at the end of August 2024, in order for the Commission to determine the maximum out-of-pocket investment the City would be prepared to make in the project.
- This matter would not ready for a bond request for November 2024.
- It might be appropriate to ask staff to return to the meeting after next with specific information including agreements, proposals, and floor space.
- The Commission did not provide the SCC with budgetary and square footage guidelines from the outset, which has influenced the process.
- The original proposal was a reasonable project, whereas the options presented tonight were significant capital expenditures. There is precedent for the City revising significant projects to make them more financially modest while still meeting community needs.
- Next and the YMCA would likely be able to come to an agreement on a facility that would have a reasonable cost.

Public Comment

Mike Clift commented regarding the City's financial investment in the project and the YMCA's value to the community.

Paul Reagan commented regarding Next's financial contributions to the project and the YMCA's aptitude for designing spaces for a variety of programming.

Terri Gellatti supported doing financial due diligence and looking into whether any for-profit entities might be interested in participating in this project.

Michael Seltzer, trustee of Franklin, commented regarding the YMCA's financial position.

Gordon Rinschler supported seeking further assistance from Mr. Deming and legal counsel in determining how best to move forward.

Pam Hansen, trustee of Franklin, commented regarding Next's value to Franklin residents, the future working relationship between all involved parties, and whether any other entities might be interested in participating in this project.

Francis “Judy” Martins commented regarding CM Ecker’s presentation, sustainability considerations, spatial considerations, and the value that next provides.

Kate Beebe commented regarding the park’s relationship to the project and senior center best practices.

Shahad Atiya inquired regarding deadlines, the work of the SCC while negotiations are underway, and whether space allocations were included in the recently-passed senior millage.

David Bloom commented regarding individuals’ present financial distress, the likely costs of a bond for this project when including interest, affordable housing for seniors, and other communities’ financial investment in the project.

Pam Graham commented regarding the SCC’s work and how the Commission could further support that work.

Grant Nimtz supported some comments by Messrs. Rinschler and Bloom, and commented regarding the project’s potential funding arrangements.

ROLL CALL VOTE:	Ayes,	MPT Schafer
		Mayor McLain
		Commissioner Baller
		Commissioner Longe
		Commissioner Haig
		Commissioner Long
	Nays,	Commissioner Host

The Mayor thanked Mr. Deming, Mr. Cataldo from NORR, and all participants, and Commissioner Longe thanked the SCC.

07-509-24 Sidewalk Requirements for Residential Development

CE Coatta, CM Ecker, and CA Kucharek presented the item. Staff answered informational questions from the Commission.

Commissioners raised the following points during discussion:

- The present policy results in design issues, where a sidewalk looks out-of-scale when next to certain rights-of-way and streets.
- The Commission voted not to add sidewalks in general to Arlington, though the City required that sidewalks be installed as part of a residential development on Arlington.
- Sidewalks are also being added in areas where there is presently no plan to add sidewalks.
- The City should come up with a plan for remedying sidewalk gaps wherever sidewalks have been added.
- The moratorium should not be lifted until a plan for closing the gaps is in place.

- Michigan offers grant funding for safe routes to school, and that funding could be used to close sidewalk gaps within two miles of an elementary school.
- There would be different ways to proceed vis-a-vis the moratorium.
- The ordinance should likely be modified to say 'may' instead of 'shall' in order to give the City more discretion to consider context.
- The moratorium should remain in place until the ordinance can be appropriately rewritten.
- A motion could be to give rational thought to closing some of the sidewalk gaps, and to have a program where the City envisions implementation within the next five to 10 years.
- This matter needs to be considered more methodically.
- If there is an amendment to the ordinance, the use of 'he' and 'his' to refer to the City Engineer in the ordinance should be updated as well.
- Changes to the ordinance should specify conditions where sidewalks should be added so that the Engineering Department could make future decisions based on those criteria.

Public Comment
Kent Johnston supported adding sidewalks in a uniform way, citing safety concerns regarding the present approach.

Grant Nimtz supported regular audits of the City's practices to ensure that enforcement of other ordinances is not missed in the future.

MOTION: Motion by Commissioner Host, seconded by MPT Schafer:
To direct staff to amend the ordinance to change shall to may be constructed at the discretion of the City Engineer, for the next meeting, and then to further look into how to expand upon that and put specific guidelines with regards to when to apply this.

Commissioner comments on the motion were as follows:

- While the ordinance is being re-written, perhaps the addition of sidewalks should be at the discretion of the Commission rather than the City Engineer.
- The Multi-Modal Transportation Board might be able to study and recommend appropriate sidewalk-installation criteria.
- There was uncertainty as to whether changes could be made to the sidewalk requirements for any of the 11 listed properties.

Public Comment
Mr. Johnston supported the addition of an appeal process and commented regarding the site plans for his property.

ROLL CALL VOTE: Ayes, MPT Schafer
Mayor McLain
Commissioner Baller
Commissioner Longe
Commissioner Haig
Commissioner Host
Commissioner Long

Nays, None

07-510-24 12 Month Performance Review

CM Ecker presented the item.

There were brief Commissioner comments in support of using the framework provided by the City Manager Performance Evaluation from the City of Austin.

MOTION: Motion by Commissioner Host, seconded by Commissioner Baller:
To have the City Manager performance evaluation from the City of Austin prepared for us to evaluate and review.

Commissioner comment on the motion was as follows:

- One aspect of the City Manager Performance Evaluation from the City of Durand seemed useful, but using the City Manager Performance Evaluation from the City of Austin was acceptable.
- CM Ecker was thanked for providing this item and keeping the 12 month performance review on schedule.

VOICE VOTE: Ayes, MPT Schafer
Mayor McLain
Commissioner Baller
Commissioner Longe
Commissioner Haig
Commissioner Host
Commissioner Long

Nays, None

XI. ADJOURN

The Commission motioned to adjourn at 11:37 p.m.

Alexandria Bingham, City Clerk

Laura Eichenhorn, City Transcriptionist