

BIRMINGHAM CITY COMMISSION MINUTES
AUGUST 19, 2019
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem Pierre Boutros called the meeting to order at 7:30 P.M.

II. ROLL CALL

Present: Mayor Pro Tem Boutros
Commissioner DeWeese
Commissioner Hoff
Commissioner Sherman

Absent: Mayor Bordman
Commissioner Harris
Commissioner Nickita

Administration: City Manager Valentine, City Attorney Currier, Deputy City Clerk Arft, DPS Manager Filipski, City Engineer O'Meara, Police Chief Clemence

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

08-204-19 ANNOUNCEMENTS

- Mayor Patty Bordman was unable to attend this meeting because she was in Shiga Prefecture, Ritto, Japan representing the City of Birmingham at the State of Michigan Sister City Program. It was the 53rd year that the City participated in the Program.
- Please note that the City Calendar is in error showing a City Commission meeting on September 5. The City Commission meetings in September are scheduled for September 16 and September 23.

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.

08-205-19 APPROVAL OF CONSENT AGENDA

The following item was removed from the Consent Agenda:

Commissioner Hoff: Item A – Regular City Commission Meeting minutes of August 5, 2019.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Hoff:
To approve the Consent Agenda, excluding Item A that was pulled from consent.

ROLL CALL VOTE: Ayes: Mayor Pro Tem Boutros
 Commissioner DeWeese
 Commissioner Hoff
 Commissioner Sherman

 Nays: None

 Absent: Mayor Bordman
 Commissioner Harris
 Commissioner Nickita

- B. Resolution approving the warrant list, including Automated Clearing House payments, dated August 7, 2019 in the amount of \$ 855,344.03.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated August 14, 2019 in the amount of \$6,809,504.31.
- D. Resolution confirming the City Manager’s authorization for the emergency expenditure related to the repair of vehicle #30 by Southeastern Equipment Company in the amount of \$7,850.00 from the Auto Equipment Fund account #641.441.006-933.0200, pursuant to Sec. 2-286 of the City Code. Vehicle #30.
- E. Resolution approving the purchase of one 2020 Chevrolet Tahoe from Berger Chevrolet, Inc. through the Oakland County extendable purchasing contract #05218 in the amount of \$35,510.00 from account #641-441.006.971.0100 to replace fire vehicle #5508.
- F. Resolution awarding the ADA Upgrade Tennis Facility Main Entrance contract to MGSE Security LLC in the amount of \$21,200 charged to account number 248-690.000-836.0100; having the Mayor and City Clerk sign the contract on behalf of the City; and further appropriating and amending the 2019-2020 Community Development Block Grant Fund as follows:

Community Development Block Grant Fund

Revenues:		
Federal Grants	248-000.000-503.0000	<u>\$21,200</u>
Total Revenues		\$21,200
Expenditures:		
Barrier Free Improvements	248-690.000-836.0100	<u>\$21,200</u>
Total Expenditures		\$21,200

- G. Resolution awarding the 2019 Asphalt Paving Program to Asphalt Specialists, Inc., Contract #9-19 (P), as modified, in the amount of \$1,054,508, to be charged as follows:

Major Street Fund	202-449.001-981.0100	\$ 569,821.20
Local Street Fund	203-449.001-981.0100	\$ 464,686.80

Further, to approve the appropriation and amendment to the 2019-2020 fiscal year Local Street Fund budget as follows:

Local Street Fund

Revenues:

Draw from Fund Balance	203-000.000-400.0000	\$25,000
Total Revenue Adjustments		\$25,000

Expenditures:

Other Contractual Service	203-449.001-981.0100	\$25,000
Total Expenditure Adjustments		\$25,000

08-206-19 (ITEM A) REGULAR CITY COMMISSION MEETING MINUTES OF AUGUST 5, 2019

Commissioner Hoff requested two corrections: Page 7, Commissioner Harris agreed with Commission Harris. Should have been Commissioner Harris agreed with Commissioner Sherman. Page 6, "Commissioner Hoff how does a pool or garden fall into this..." The word "asked" was omitted.

MOTION: Motion by Commissioner Hoff, Seconded by Commissioner DeWeese Resolution approving the City Commission meeting minutes of August 5th as corrected.

VOTE: Ayes, 4
 Nays, 0
 Absent, 3

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

08-207-19 BURN FITNESS BREAST CANCER 5K RUN

Deputy City Clerk Arft presented this item.

Commissioner Sherman disclosed that Alyssa Tushman, the applicant, is a family friend. He did not feel that it would be a conflict of interest.

City Manager Valentine confirmed that the staff reviewed this item and found it acceptable in regards to all departmental concerns and asked Ms. Tushman to address the commission.

Alyssa Tushman, co-owner of Burn Fitness and a breast cancer survivor chose Birmingham as a central location for their first annual 5k run in October. The upcoming event is extremely personal to her and exciting for the organization. For the first time in the history of the run, they would be raising monies and securing sponsors themselves for this event.

Commissioner Hoff agreed that the planned run would be a fine event however, there appeared to be some inconsistencies in the application. She asked if there was a Burn Fitness facility in Birmingham. In addition, she inquired how the event name was connected and who would benefit from the proceeds.

1. Ms. Tushman clarified that there is a location in Rochester Hills, Clawson, and Livonia. Birmingham would be a central location for all of the facilities to participate in the event.

2. She further stated that 100% of the proceeds would benefit the Rogel Cancer Center in Ann Arbor, which she attributed to saving her life.
3. Ms. Tushman expressed that the reference to The Birmingham Harriers 5K Run and Walk only outlined the route provided by the City Clerk. "Cult for a Cure" is the official name of the event.

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Sherman

To approve a request from Burn Fitness to hold the Cult for a Cure Breast Cancer 5K at Seaholm High School and on the surrounding streets on October 26th, 2019 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:

Ayes,	4
Nays,	0
Absent,	3

08-208-19 RESOLUTION TO MEET IN CLOSED SESSION PURSUANT TO SECTIONS 8(E) AND 8(H) OF THE OPEN MEETINGS ACT

MOTION: Motion by Commissioner Sherman, Seconded by Commissioner Hoff.
To meet in closed session pursuant to the Open Meetings Act Section 8(e) regarding 2400 E. Lincoln v. City of Birmingham, and TIR Equities v. City of Birmingham.

ROLL CALL VOTE:

Ayes:	Mayor Pro Tem Boutros Commissioner DeWeese Commissioner Hoff Commissioner Sherman
Nays:	None
Absent:	Mayor Bordman Commissioner Harris Commissioner Nickita

No action was expected.

(A roll call vote is required and the vote must be approved by a 2/3 majority of the commission. The commission will adjourn to closed session after all other business has been addressed in open session and reconvene to open session, after the closed session, for purposes of taking formal action resulting from the closed session and for purposes of adjourning the meeting.)

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

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

X. REPORTS

- A. Commissioner Reports
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 1. Parking Utilization Report
 2. Logo Report
 - A. On-line surveys provided some feedback but was incomplete.
 - B. Commissioner Hoff inquired when the item would come back to the commission.
 - C. City Manager Valentine expressed that it would be brought back when the survey is completed and there is a full commission.
 3. City Clerk Certification

Mayor Pro Tem Boutros made a statement regarding his candidacy for Birmingham City Commission:

- When Pierre Boutros filed for placement on the November 2019 ballot, he was unaware that there were errors in his July and October 2016 quarterly campaign finance filings.
- Both reports included all required information, but a clerical error mischaracterized some data.
- Upon learning of the error, an amended report was filed.
- While disappointed that this unfortunate series of events led to his name being removed from the printed November ballot;
- he respects and appreciates the importance that campaign finance laws played in this process.
- He loves the City of Birmingham and have served the City's residents with dedication and pride for the last 4 years.
- Mayor Pro Tem Boutros announced that he would be running for re-election as a write in candidate in November 2019.

XI. ADJOURN

Mayor Pro Tem Boutros adjourned the meeting to closed session at 7:45 P.M.

Cheryl Arft, Deputy City Clerk
/vc