

BIRMINGHAM CITY COMMISSION MINUTES
SEPTEMBER 16, 2019
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Patty Bordman, Mayor, 7:30 pm

II. ROLL CALL

PRESENT: Mayor Bordman
Mayor Pro Tem Boutros
Commissioner DeWeese
Commissioner Harris
Commissioner Hoff
Commissioner Nickita
Commissioner Sherman

ABSENT: None

ADMINISTRATION: City Manager Valentine, City Attorney Currier, Deputy Clerk Arft, Human Resource Manager Myers, City Engineer O'Meara, Assistant Engineer Fletcher, DPS Director Wood, DPS Manager Filipski, Police Chief Clemence, Finance Director Gerber, Assistant Planner Dupuis, Building Official Johnson, IT Director Brunk, Library Director Koschik, Assistant Library Director Craft

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

09-209-19 ANNOUNCEMENTS:

- Mayor Bordman announced that the City of Birmingham received a fabulous award on September 16, 2019. The award will be placed in Lot #6/The Farmers' Market Lot for the beautiful landscaping that was redone due to the changes in the lot to correct water run-off. It has a landing spot that has two benches and is a great spot to sit on the river year round. In addition, Plant Michigan Green Community Landscape Beautification Award was presented to the City; the plaque will be placed in City Hall. The competition was the entire State of Michigan and the other winners in Southeast Michigan were District Detroit, Bedrock Detroit, and The RiverWalk in Detroit. Included with the award and plaque was a proclamation from the State of Michigan signed by Mari Manoogian, State Representative, Mallory McMorrow, State Senator, Garlin Gilchrist, II, Lieutenant Governor, and Gretchen Whitmer, Governor congratulating the City of Birmingham on this award. She attributed this success to the City Staff who executed the project. The mayor further commented "Yeah for Birmingham".

- Mayor Bordman reported on this year's Sister city Good Will Mission to Japan illustrated by a slide show:
 - 53rd Year that Birmingham had a sister city in Shiga Prefecture.
 - A delegation of 3 Mayors, 15 Cities, and 30 participants. Mayor Bordman and Her husband represented Birmingham.
 - An impactful and interesting experience.
 - Home stay with a gracious family.
 - Shiga Prefecture was chosen for Michigan because they have Lake Bewa, the largest freshwater lake in Japan and Michigan has Lake Michigan. Lake Bewa is 1/86 the size of Lake Michigan.
 - Miho Museum, designed by IM Pei.
 - Ischia Madeira Temple
 - Everyone had to wear slippers wherever they went. Street shoes did not go inside.
 - Host family was Shatoshi and Yoshiko Fujisake; the man of the house is a monk and attached to the house is a temple. He even rang a gigantic gong daily at 7:00a.m.
 - The Japanese ate octopus on a Stick.
 - Greeted at City Hall by the entire staff and the Office of Mayor was applauded. It was a heartfelt experience for Mayor Bordman.
 - There was a gift exchange which the City of Birmingham received a plate with a picture of Mount Fuji and a box of good luck charms from the City of Ritto. Mayor Bordman was honored with a wooden lamp made by the Mayor of Ritto's father.
 - She visited the Ramen Noodle factory where 4 million units a day are made for Japanese consumption only. They also have plants in California and Pennsylvania.
 - A party was given in honor of Mayor Bordman.
 - Farewell Luncheon for all of the participants.
 - Fantastic Cultural Exchange Program with Ritto, Japan.
 - The City does not expense this program.
- On Thursday, September 19th, at 7:00 PM, the Museum's Fall Lecture Series featuring Birmingham's First Families will begin at the Baldwin Public Library's Jean Lloyd Room. The first presentation by Museum Director Leslie Pielack is entitled, "The Allens and the New City", which explores how Harry and Marion Allen ushered in the change from rural village to modern city in the early 20th century. The lecture is free, but please register online at the library's website.
- On Saturday, September 21st, at 1:00 PM, the Friends of the Birmingham Museum will host the popular annual Fall Greenwood Cemetery Tour, which focuses on Birmingham's pioneers. \$10 per person, \$5 per student, and families \$20. Meet at the east gate; no parking is available in the cemetery.
- Head to Beverly Park on September 28th for the third annual Read in the Park. Meet authors, walk the Storybook Trail, and enjoy beautiful Beverly Park. At 1:30 PM hear *New York Times* bestselling author Michael Zadoorian speak about his life and writing career. At 3:00 PM visit with beloved children's author Kelly DiPucchio for a special story time.
- The City of Birmingham has recently been recognized as one of the Safest Cities to Live in Michigan for 2019 by BackgroundChecks.org. This organization establishes a safety index, which measures the safety of a given community based on crime rates and the size of its police force. Birmingham ranked 8th overall for the state and is a testament to the

fine services our police department provides. Mayor Bordman recognized the Police Chief for this achievement.

09-210-19 APPOINTMENTS TO THE ADVISORY PARKING COMMITTEE

The City Commission planned to interview current members:

1. Gayle Champagne - Resident Shopper – Not present
2. Judith Paskiewicz – Resident (unable to attend)

Commissioner Hoff expressed that she does not know Gayle Champagne and expected to interview her prior to appointment. However, she did know Judith Paskiewicz. Ms. Paskiewicz served with Commissioner Nickita and Commissioner Hoff on the Parking Development Committee. In her role, she was very involved and interested. Commissioner Hoff felt that the commission should be consistent and either have both come back for an interview or make both appointments tonight.

Mayor Bordman suggested putting off these appointments until the candidates for the Advisory Parking Committee are available to attend an interview. There were no objections by the Commission.

09-211-19 APPOINTMENT TO THE HISTORIC DISTRICT COMMISSION

The City Commission interviewed current member Natalia Dukas.

MOTION: Motion by Nickita:

To appoint Natalia Dukas as a regular member to the Historic District Commission to serve a three-year term to expire September 25, 2022.

VOTE: Yeas, 7
 Nays, 0

Deputy City Clerk Arft administered the Oath of Office to Ms. Dukas.
Ms. Dukas was advised that she would not need to return for the DRB component.

09-212-19 APPOINTMENT TO THE BOARD OF ZONING APPEALS, ALTERNATE

The City Commission interviewed the following applicants.

1. Adam Rubin
2. George (Jerry) Attia

MOTION: Motion by Mayor Pro Tem Boutros:

To appoint George (Jerry) Attia as an alternate member to the Board of Zoning Appeals to serve a three-year term to expire February 17, 2020.

VOTE: Yeas, 7
 Nays, 0

Deputy City Clerk Arft administered the Oath of Office to Mr. Attia.

09-213-19 APPOINTMENT OF HEARING OFFICER, ALTERNATE

The City Commission interviewed applicant G. Michael Wooley

MOTION: Motion by Commissioner Hoff:
To appoint G. Michael Wooley as an alternate to the Hearing Officer, to serve a three-year term to expire June 30, 2021.

VOTE: Yeas, 7
 Nays, 0

Deputy City Clerk Arft administered the Oath of Office to Mr. Wooley.

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 these items unless a commissioner or citizen so requests, in which event the item will be removed from the general order of business and considered either immediately following the vote on the Consent Agenda or under the last item of new business.

09-214-19 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

Mayor Pro Tem Boutros:	Item U - Resolution approving Special Event - Art Birmingham 2020.
Commissioner Hoff:	Item I - Resolution approving Kenning Park Ballfield #4 Modification Contract Award
Mayor Bordman:	Recusal from Item A - Resolution approving the Regular City Commission meeting minutes of August 19, 2019 due to absence.
Commissioner Harris:	Recusal from Item A - Resolution approving the Regular City Commission meeting minutes of August 19, 2019 due to absence. Recusal from Item U - Resolution approving Kenning Park Ballfield #4 Modification Contract Award due to his Little League Affiliation.
Commissioner Nickita:	Recusal from Item A - Resolution approving the Regular City Commission meeting minutes of August 19, 2019 due to absence.

MOTION: Motion by Commissioner Sherman, seconded by Mayor Pro Tem Boutros:
To approve the Consent Agenda, excluding Items I and U, and noting recusals.

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

- A. Resolution approving the Regular City Commission meeting minutes of August 19, 2019
- B. Resolution approving the warrant list, including Automated Clearing House payments, dated August 21, 2019 in the amount of \$733,242.11.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated August 28, 2019 in the amount of \$10,862,758.68.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated September 4, 2019 in the amount of \$3,374,117.29.
- E. Resolution approving the warrant list, including Automated Clearing House payments, dated September 11, 2019 in the amount of \$26,967,337.90.
- F. Resolution approving the purchase of one (1) LCT600 model ODB Extreme-Vac and two (2) 9' debris boxes from Bell Equipment Company through the Sourcewell/NJPA cooperative purchasing contract #041217-ODB in the amount of \$76,220.47 from account #641-441.006.971.0100.
- G. Resolution approving the purchase of one 2020 Chevrolet Tahoe police patrol unit through the Oakland County extendable purchasing contract #05218 in the amount of \$36,896.00 from account #641- 441.006.971.0100.
- H. Resolution approving the purchase of one 2020 Ford Explorer Police Interceptor from Gorno Ford through the Oakland County extendable purchasing contract #OAK-4944 in the amount of \$35,080.00 from account #641-441.006.971.0100.
- J. Resolution approving the purchase of a new John Deere 1575 commercial mower from Deere & Company, using MI-Deal Contract #071B7700085 extendable purchasing pricing for a total expenditure of \$32,455.72. Funds for this purchase are available in the Auto Equipment Fund, account #641.441.006-971.0100.
- K. Resolution approving the purchase of (1) Polaris Ranger 1000 EPS Northstar Edition from Ball Equipment; further charging this expenditure in the amount of \$23,144.00 to the Automobile Parking System capital outlay account # 585-305.000-971.0100.
- L. Resolution approving the contract for 2019-20 handwork pavement markings with Hart Pavement Striping Corporation in the amount of \$107,200.00 for combined fall 2019 and spring 2020 applications; further approving the contract for 2019-20 pavement marking longlines with PK Contracting, Inc. in the amount of \$10,027.00 for spring 2020; further authorizing and directing the mayor and city clerk to sign the agreements on behalf of the city; further authorizing these budgeted expenditures from account number 202-303-001-937.0200.
- M. Resolution approving the service agreement with Duke's Root Control, Inc. of Syracuse, NY for the treatment of sanitary sewer root growth in an amount not to exceed \$100,000.00 from account #509-536.002-811.0000.
- N. Resolution approving the cost sharing agreement with the Road Commission for Oakland County, agreeing to pay the City of Birmingham's share of the cost to replace the traffic

signal at the intersection of 14 Mile Rd. and Greenfield Rd., at an estimated cost of \$27,500 to be charged to account number 202-303.001-971.0100.

- O. Resolution approving the 2019 Emergency Management Performance Grant and federal funds for \$22,686.00. Further, directing the Mayor to sign the agreement on behalf of the City and any required quarterly reports or surveys associated with the grant.
- P. Resolution approving a purchase of a LIFEPAK 15 v4 defibrillator plus accessories from Stryker in the amount of \$33,033.30 from account #101-336.000-971.0100 and further approving the appropriation and amendment to the 2019-2020 General Fund budget.
- Q. Resolution approving the revised contract with SMART year 2020; and further directing the Mayor to sign the Municipal Credit and Community Credit contract for fiscal year 2020 on behalf of the City.
- R. Resolution authorizing the IT department to purchase 95 block hours of GIS support from Geographic Information Services, Inc. 2100 Riverchase Center, Suite 105, Birmingham, AL 35244, the total purchase not to exceed \$15,000.00. Funds are available in the IT GIS fund account # 636-228.000-973.0500.
- S. Resolution approving an adjustment in Election Inspector compensation to \$16.50/hour for a Super Chair, \$13.00/hour for a Chairperson, \$12.00/hour for a Vice Chair, \$11.00/hour for an Inspector, and \$20.00 for a 2-hour training session.
- T. Resolution approving a special event permit as requested by the Lutheran Church of the Redeemer to display the Christmas Nativity in Shain Park beginning November 27, 2019 through December 31, 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.
- V. Resolution adopting the Michigan Local Agency Pavement Warranty Program resolution in accordance with MCL 247.663.

AND

Resolution agreeing to implement the Local Agency Pavement Warranty Program and annually report in accordance with the law.

- W. Resolution authorizing the City's compliance with the provisions of State of Michigan Public Act 152 of 2011, by exercising the City's option to exempt itself from the requirements of the Act; and further, directing the City Engineer and Finance Director to sign and submit the required form to MDOT.
- X. Resolution approving the Agreements for John Connaughton dated September 28, 2011 with extension dated February 8, 2018; for Sharon Ostin dated December 20, 2011; and Carlos Jorge dated November 23, 2015, October 2, 2017 and December 17, 2018.
- Y. Resolution setting Monday, October 7, 2019 at 7:30 PM for a public hearing to consider approval of a Special Land Use Permit and Final Site Plan and Design Review for 117 Willits to allow the operation of three new food and drink establishments Shift / Sidecar /Slice,

serving alcoholic liquors, in accordance with Article 7, Section 7.34 of the Zoning Ordinance.

09-215-19 (ITEM I) KENNING PARK BALLFIELD #4 MODIFICATION CONTRACT AWARD

Commissioner Hoff thought the public should be aware of this project and felt it was appropriate to bring this item forward. She asked Lauren Woods to explain why it is on the Consent Agenda Tonight.

- A Modification to field #4 that was necessary due to the easterly fields being reconstructed.
- Minimize the cost by using staff for some demolition required to modify the field and keeping majority of outfield fencing.
- Received competitive pricing from existing contractor.
- Commissioner Hoff asked if the same contractor that did the other two ball fields is doing the work on this project. Ms. Woods affirmed.
- Commissioner Harris asked if the part of the initial project that included scoreboards was in jeopardy. Ms. Wood affirmed that it is true with the input of Little League who asked the City to hold off on the boards because they were unhappy with the ones that were specified in the plans. The boards that they wanted were pricier and decided to phase into the project in spring or fall when funds may be available to contribute towards the scoreboards.
- Mayor Bordman expressed that the Birmingham Little League Association is very involved in this project, contributing \$315,000.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner DeWeese: To approve the resolution awarding the Kenning Park Ballfield #4 modification to WCI Contractors, Inc. in an amount not to exceed \$55,100.00, to be funded from account 401-751.001-981.0100 and further; approving the appropriation and amendment to the fiscal year 2019-2020 General Fund and Capital Projects Fund budgets.

VOTE: Ayes, 7
Nays, 0

09-216-19 (ITEM U) SPECIAL EVENT – ART BIRMINGHAM 2020

Mayor Pro Tem Boutros asked if the applicant was aware that the closure of the Maple Road due to an existing project; if so, what measures are being taken.

- Annie VanGelderan, Birmingham Bloomfield Art Center, expressed that the biggest concern is parking.
- Five complimentary valet stations have been added to accommodate art fair patrons. The cost would be covered by the BBAC.
- Mayor Pro Tem Boutros felt that the patrons would not be able to access the stores on Maple and asked if it would be difficult to postpone the event or skip a year.
- Annie affirmed that it would be difficult due to the established art fair circuit and postponing would cause a loss of prominent artists and the quality of the fair would be compromised.
- Commissioner Hoff asked if the current map of road closures reflect reality due to the construction projects scheduled for the assigned weekend. She also asked for a project status report for spring 2020 to have an idea of how to schedule events.

- Commissioner Harris was concerned about the ability to get into the City with the assigned construction and the proposed street closures by Art Birmingham; and suggested that the fair location be moved to another part of town.
- Mayor Bordman suggested that Annie meet with City Manager Valentine and other staff to work out the best solution to accommodate the Art Fair of 2020 and bring the resolution back later.
- Commissioner Sherman expressed that he will have the same concerns with the Chamber Carnival as well.
- Commissioner Nickita commented that Birmingham has two art fairs per year, and suggested that an Ad Hoc Committee, as an opportunity to strengthen the circumstance and utilize other parts of the City, evaluate them.
- Commissioner DeWeese expressed that location is the issue and suggested the area south of the 555 Building down to Lincoln would be a solution. He further commented that Old Woodward only has merchants on one side of the street and there would be less impact.
- Karen Daskas, Tender, appreciates arts fairs but asked if two art fairs are needed and reflected that the one on Mother's Day weekend has a negative impact on the retail businesses who serve the community six days a week annually. She volunteered to meet with the BSD to provide input and express the retail community's concerns about this event.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

09-217-19 PUBLIC HEARING – LAKEVIEW AVE. PAVING

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

Assistant City Engineer Fletcher presented the item explaining the process/policy to the residents in the affected area. There were over 30 people who attended the meeting on July 16, 2019 and as of today there are enough residents in favor of the potential project.

Commissioner Hoff wanted to confirm that all commissioners have the same materials relative to the project; Mr. Fletcher affirmed that everyone had the revision reflecting 53.8% by parcel and 52.4% by frontage.

Mayor Bordman commented that all materials sent to the Commission had been read and that she actually drove down Lakeview as well. She further expressed that several commissioners, including herself, live on unimproved streets. The following members of the public spoke:

In Favor

Mary Ellen and Carl Lyngaas, Lakeview and Vinewood
 Louise and Todd Emerson, 611 and 619 Lakeview
 Julie Hollinshead, 590 Lakeview
 Chris Walton, 608 Lakeview
 Margie Duncan, 540 Lakeview
 Peter Hollinshead, 590 Lakeview
 Sara Juarez, 591 Lakeview
 Rob Lavoie, 555 Lakeview
 Christina McKenna Walton, 608 Lakeview

Not In Favor

Dave Lurie, 755 Lakeview
 Dave Potts, 530 Lakeview
 David Louwers, 859 Lakeview
 Don Schiemann, 784 Lakeview
 Franklin Hamilton, 587 Lakeview

Mayor Bordman closed the public hearing at 9:08 p.m.

- Commissioner Hoff asked the status of the Street Improvements Ad Hoc Committee. City Manager Valentine replied that it would be another 5 - 6 months before a recommendation would come before this commission. She further asked what the difference between asphalt vs. concrete is. Mr. Fletcher explained the lifecycle and cost of each material. The City would be responsible for maintenance. She also asked how the materials are decided. City Manager Valentine replied that the current policy is concrete; if a different recommendation comes before the commission then they would have an opportunity to amend the policy.
- DeWeese asked if there were ways to pour concrete and not have it to look white. City Manager Valentine expressed that the concrete would have to be dyed and it would likely yield unfavorable results.
- Commissioner Harris asked if improved streets create safety issues. Police Chief Clemence knows of no data that suggest improvements would create safety hazards. Commissioner Harris also asked how soon the liens would be applied in response to the assessment related to the street improvement. City Attorney Currier expressed that the liens are placed as soon as the tax roll is confirmed. The liens are discharged as the assessments are paid.
- Commissioner Hoff asked if property owners could pay the assessment off earlier than the 10 years allotted. City Attorney Currier affirmed that it could be done.
- Mayor Pro Tem Boutros is a member of the Ad Hoc Committee. He expressed that the neighbors disagreeing with each other bothered him. He also felt that cape sealing is not a solution. He is in favor of moving forward to approve this resolution.
- Commissioner Nickita asked how many improved roads have been concrete. Assistant City Engineer Fletcher confirmed that all have been concrete since he has been with the City of Birmingham. Asphalt has been explored but not implemented into policy. He also asked if the infrastructure is addressed when a street is cape sealed. Mr. Fletcher said no, it is not.
- Commissioner Hoff commented on the practice of improving the streets when the appropriate number of residents come before the commission. In this instance, she is concerned about the swings in the number of residents that support the improvements.
- Mayor Bordman explained that people have moved in or out, illness and death, or simply changed their minds.

MOTION: Motion by Mayor Pro Tem Boutros, seconded by Commissioner Harris:
To approve the resolution authorizing necessity for the paving of Lakeview Avenue from Harmon Street to Oak Avenue and adopt the resolution for this project.

James Gorman, 739 Lakeview, has his house on the market and is subject to lose \$30,000 in the sale due to the improvements. He expressed that the process is broken and have pitted neighbor against neighbor, urging the City to fix this process.

Dave Potts responded to the Mayor's question of how this happened. It was simply old-fashioned arm twisting, neighbor against neighbor, people in sideboards, people knocking on doors, and pitting idea against idea creating hostility.

Vote: Ayes, 7
 Nays, 0

Mayor Bordman called for a 2-minute break dismissing the public if they chose to leave at 9:29p.m.

Mayor Bordman reconvened the meeting at 9:31p.m.

09-218-19 BALDWIN PUBLIC LIBRARY YOUTH SERVICES EXPANSION & RENOVATION

Doug Koschik, Library Director, presented this item.

John Gardner, LZG Architects, presented the technical data.

- Commissioner Nickita addressed the architect about the preferred glass vs the recommendation, asking if the Guardian Clear is clearer. In terms of visibility, what is the difference? Guardian Clear has low e coding and reduces visibility without protection from ultraviolet rays increasing the heat gain in the summer and easy release of the heat in the winter.
- Commissioner Hoff asked what happened to change the specifications. Bruce Johnson explained that the ordinance changed for the glazing since the Adult Services renovation project.
- Mayor Pro Tem Boutros asked for clarification of the ordinance that he felt did not apply to the library. Clear windows apply to the retail section of the city and not the Library because it is a public building. Commissioner Hoff agreed.
- Commissioner DeWeese expressed that it makes sense, in terms of integrity to keep the same glass. When discussing UV, it has an impact on materials. While desiring clear windows in the retail environment, the counter-effects are not wanted. He would support the motion tonight.
- Commissioner Nickita believes that all ordinances should be adhered to whether or not the buildings are public or private; unless there is a distinctive reason not to do so. He further said that historically, clear glass is the standard in urban retail conditions; as illustrated across the world.
- Mayor Bordman inquired about the bird-friendly option for glass. She was told that it would be an additional \$26,000 added to the project. The project is currently over-budget and there is no funding available to support the cost of bird friendly glass and no clear answer to the number of bird attacks that may be averted.

MOTION: Motion by Commissioner Nickita, seconded by Commissioner Hoff:
To approve the use of the originally specified glazing in the construction documents approved for the Baldwin Public Library Youth Services Expansion & Renovation.

VOTE: Aye, 7
 Nay, 0

the City to protect the rights of everyone. Mr. Baller closed by saying that Birmingham residents deserve to know the cost of defending this lawsuit and what is the end game.

David Bloom, Birmingham resident, reported on legal arguments held in federal court last week. He believes that the lawsuit is so important because it concerns a violation of the first amendment. It is his hope that Birmingham will have a new City Commission in November and begin restoring public trust.

Matt Wilde, 975 Madison, commented that Birmingham is one of the best cities in the state and he loves it here. He thanked the Commission for the great work that they do for the City. He would like to see the community re-united.

X. REPORTS

- A. Commissioner Reports
 - 1. Intention to Appoint to the Board of Zoning Appeals and the Multi-Modal Transportation Board (Alternate member) on October 7, 2019.
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. City Manager Valentine acknowledged that Commissioner Nickita received the 2019 Charles Blessing Award and Commissioner DeWeese is one of four people being inducted into the 2019 United State Track and Field National Officials Hall of Fame.

XI. ADJOURN

Mayor Bordman adjourned the meeting at 10:18 p.m.

Cheryl Arft, Acting City Clerk
/vc