

**BIRMINGHAM CITY COMMISSION MINUTES**  
**SEPTEMBER 23, 2019**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Patty Bordman called the meeting to order at 7:30 p.m.

**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, Assistant City Manager Gunter, Acting City Clerk Arft, Human Resource Manager Myers, City Engineer O'Meara, City Planner Ecker, Assistant Engineer Fletcher, DPS Director Wood, DPS Manager Filipski, Police Chief Clemence, Finance Director Gerber, Deputy Treasurer Klobucar

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

**09-221-19 ANNOUNCEMENTS**

- Commissioner Sherman's birthday was withdrawn. His birthday is on October 3<sup>rd</sup> and will be observed at the regular meeting of the City Commission on October 7, 2019.
- State Senator Mallory McMorrow addressed the City Commission and all attendees of this meeting with updates from her office.
  - The state budget had not been passed as of this meeting.
  - The School Aide Fund K-12 budget was passed last week, which was split along party lines in the house. Wherein the senate, all of the senate democrats voted no on the school aide fund budget along with one republican. Studies have been commissioned by the state to show what is needed for education funding; and while the budget did show improvement, it did not include enough to include education for all students.
  - Adequate funding for the implementation of the Lead and Copper Rule is a priority for this office.

- She noted that she serves on the following committees: Energy and Technology, Minority Vice Chair for Economic Development and Small Business, and Retention of people of the State.
- Coffee hours and public constituent hours are held biweekly; dates and times are posted on the Senator's website.
- There is a Senior Listening Tour scheduled to address senior's concerns.
- The office of the Senator is also organizing town halls in the near future to address the important issues of the constituency.
- Mayor Bordman asked about revenue sharing and the State's attempts to pull back on local control. Senator McMorrow expressed that the governor had been very vocal about the federal mandates that decreased revenue sharing to municipalities. She went on to say that whether or not you felt strongly about the Governor's \$.45 gas tax to support road restoration, it raised the necessary revenue of \$2.5B annually to allow increases in education funding and lock off the school aide fund from being robbed with other budget holes. It also increased revenue sharing to a step in the right direction. It is the mind set that funds need to be returned to local communities and local schools. If affluent communities are struggling due to decreases in revenue sharing, than less affluent communities are struggling as well. She asked that communities help her office in becoming a loud voice. Senator McMorrow is advocating to give full local control back to municipalities because there are a lot of issues that should not be managed on the State level.

**09-222-19                      APPOINTMENT TO THE MUSEUM BOARD**

Patrick J. Hughes, City Manager Valentine's appointment to the Museum Board, was interviewed by the Commission for confirmation.

**MOTION:** Motion by Commissioner Harris:  
To confirm the City Manager's appointment of Patrick J. Hughes to the Museum Board as a Business Owner member for a three-year term to expire July 5, 2022.

VOTE:                      Ayes, 7  
                                    Nays, 0

**09-223-19                      APPOINTMENT TO THE ADVISORY PARKING COMMITTEE**

Gayle Champagne (resident shopper) and Judith Paskiewicz (resident) were interviewed for appointment to the Advisory Parking Committee.

Commissioner Hoff noted that this is an important board; and suggested that Ms. Paskiewicz serve as a business member as opposed to a resident member due to her business interest in Birmingham.

Mayor Bordman suggested that Commission postpone Ms. Paskiewicz's appointment until the next regular meeting of the City Commission and told her that she would not have to come back for an interview.

**MOTION:** Motion by Commissioner DeWeese:  
To appoint Gayle Champagne to the Advisory Parking Committee as a regular member who is a resident shopper within the Parking Assessment District to serve a three-year term to expire September 4, 2022.

VOTE: Ayes, 7  
Nays, 0

Acting City Clerk Arft swore in the appointees into office.

**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.

**09-224-19 APPROVAL OF CONSENT AGENDA**

The following items were removed from the consent agenda:

Commissioner Hoff: Item D - Resolution approving funding in the amount of \$3,587.00 for the removal of the bus shelter near the northeast corner of Woodward and 14 Mile Road, and the relocation and installation of this bus shelter to the northwest corner of the intersection of Woodward and 14 Mile Road, on the north side of 14 Mile Road;

**AND**

Resolution approving funding in the amount of \$17,500.00 for site preparation and sidewalk installation at the transit stop on 14 Mile west of Woodward, and for site preparation, sidewalk installation and construction of a retaining wall at the transit stop on E. Maple west of Coolidge;

**AND**

Resolution approving funding in the amount of \$23,290.00 for the purchase and installation of a new bus shelter at the existing SMART bus stop on the north side of E. Maple just west of Coolidge Highway;

**AND**

Resolution approving the appropriations and amendment to the 2019-2020 General Fund and Capital Projects Fund budgets.

Item E - Resolution approving the contract change amount with WCI Contractors, Inc. in the amount not to exceed \$9,426.00, 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.

City Manager Valentine: Item E - WCI Contractors' Contract Change

**MOTION:** Motion by Commissioner Sherman, supported by Commissioner Nickita:  
To approve the Consent Agenda, excluding Items D and E, which were pulled from consent.

ROLL CALL VOTE: Ayes: Mayor Bordman

Mayor Pro tem Boutros  
Commissioner DeWeese  
Commissioner Harris  
Commissioner Hoff  
Commissioner Nickita  
Commissioner Sherman

Nays: None

- A. Resolution approving the Regular City Commission meeting minutes of September 16, 2019.
- B. Resolution approving the warrant list, including Automated Clearing House payments, dated September 18, 2019 in the amount of \$1,634,175.38.
- C. Resolution authorizing the City Manager to cast a vote, on the City's behalf, for the incumbent member of the Michigan Municipal League Liability and Property Pool Board of Directors for three-year term, beginning January 1, 2020.
- F. Resolution confirming the City Manager's authorization for an emergency expenditure pursuant to Sec. 2-286 of the City Code in the amount of \$8,469.84 at the Chester Street parking garage to meet fire safety inspection requirement to be paid by account #585-538.008-977.0000

**09-225-19 (ITEM D) PURCHASE AND INSTALLATION OF FAST BUS SHELTER**

Commissioner Hoff asked when will the FAST shelters be installed, and are there only two. Ms. Ecker expressed that the shelters will be installed as soon as possible. There is a six week lead time on material, but the goal is to have the shelter installed by the time the weather changes. There is only one proposed to be installed at this time is located at Woodward and 14 Mile Rd.

Mayor Bordman noted that the bus system have significantly improved by FAST bus service. She sought to encourage everyone to use alternative transportation to reduce the number of cars in use.

**MOTION:** Motion by Commissioner Hoff, supported by Commissioner Sherman:

To approve the resolution for funding in the amount of \$3,587.00 for the removal of the bus shelter near the northeast corner of Woodward and 14 Mile Road, and the relocation and installation of this bus shelter to the northwest corner of the intersection of Woodward and 14 Mile Road, on the northside of 14 Mile Road;

**AND**

To approve the resolution for funding in the amount of \$17,500.00 for site preparation and sidewalk installation at the transit stop on 14 Mile west of Woodward, and for site preparation, sidewalk installation and construction of a retaining wall at the transit stop on E. Maple west of Coolidge;

**AND**

To approve the resolution for funding in the amount of \$23,290.00 for the purchase and installation of a new bus shelter at the existing SMART bus stop on the north side of E. Maple just west of Coolidge Highway;

**AND**

Approving the Resolution for the appropriations and amendment to the 2019-2020 General Fund and Capital Projects Fund budgets.

VOTE:           Ayes, 7  
                   Nays, 0

**09-226-19                    (Item E) KENNING PARK BALL FIELD CHANGE ORDER**

Ms. Wood presented a corrected suggested resolution.

Commissioner Hoff asked who would be paying for the scoreboards, and why would sod be installed as opposed to seeding.

Ms. Wood explained that the cost of the scoreboards, as specified, were included in the initial contract. She also explained that sodding as opposed to seeding was less labor intensive; therefore reducing the cost. While there was no added cost to the infield improvements, the outfield is a lot larger. The modification resulted in a net increase of \$16,130.00.

Mayor Bordman asked Ms. Wood to elaborate on the effect of seeding vs. sod for the DPS crews during spring in preparation for field use. Ms. Wood explained why sod was a better value for the product.

**MOTION:** Motion by Commissioner Hoff, and supported by Commissioner Harris (Board Member of the BLL, a 3rd party beneficiary to this contract):

To approve the contract change amount with WCI Contractors, Inc. in the amount not to exceed \$20,702.00, to be funded from account 401-751.001-981.0100. The new contract amount is \$757,702.00. Further, to approve the appropriation and amendment to the fiscal year 2019-2020 General Fund and Capital Projects Fund budgets as follows:

General Fund

Revenues:

101-000.000-400.0000	Draw from Fund Balance	<u>\$20,702.00</u>
Total Revenue		\$20,702.00

Expenditures:

101-999.000-999.4010	Transfers Out – Capital Projects Fund	<u>\$20,702.00</u>
Total Expenditures		\$20,702.00

Capital Projects Fund

Revenues:

401-751.001-699.0101	Transfer In – General Fund	<u>\$20,702.00</u>
Total Revenue		\$20,702.00

Expenditures:

401-751.001-981.0100	Public Improvements	<u>\$20,702.00</u>
Total Expenditures		\$20,702.00

VOTE:           Ayes, 7  
                   Nays, 0

**V. UNFINISHED BUSINESS**

**09-227-19 MAPLE ROAD STREETScape DESIGN REFINEMENTS**

Brad Straiter, MKSK Consultant, presented this item.

- Commissioner Hoff asked what will be in the space next to the pedestrian crosswalk. Mr Straiter expressed that a raised platform would be in that space.
- Mayor Bordman expressed that the intersection is very difficult for pedestrians, and believes the raised platform would make it more difficult for pedestrians.
- Commissioner Nickita asked if the rhythm of the trees would be maintained and tree locations North and South would align. Mr. Straiter confirmed that it would in both cases.
- Commissioner DeWeese expressed that the barrier free change is an improvement.
- Commissioner Harris was assured that the standard at the Baptist church would be maintained.
- Mayor Pro Tem Boutros asked if the new ADA requirements are "a must" and would that mean losing parking spaces. He was advised that the new ADA suggestion would not reduce spaces or affect the walkability zone.
- Pierce & Maple would improve pedestrian visibility and provide scooter or bike parking.
- Commissioner Nickita noted that at the edge of Phase I and II of the project, the new trees that are in planter boxes are not aligned. He wanted to see them aligned.
- Mayor Pro Tem Boutros agreed with Commissioner Nickita.
- New Mid-block Pedestrian Crossing refinements would maintain tree alignment.
- Peabody/Woodward-MDOT agreed to go down to 10 foot lanes; sidewalk to about 13 ft
- Commissioner Hoff asked if vehicles would be able to go across Maple from Peabody to Park; Park would be 2 ways. Initially there were 72 parking spaces in the area to be improved; the current proposal appears to reduce parking to 54 spaces from 72.
- Director O'Meara verified that there would only be a loss of 6 spaces from 72.
- Commissioner Nickita would like to change the sidewalk to align the access points to the path. He would like to further make suggestions on the landscape issues and the Commission's intention to align the trees down Maple. He would like to emphasize the entrance to Peabody and Park going west, by doing something different.
- Mayor Bordman asked that while entertaining something different, keep in mind that a native species would be favored.
- Commissioner DeWeese asked if the refinement would include giving drivers greater visibility.

**MOTION:** Motion by Mayor Pro Tem Boutros and supported by Commissioner DeWeese: To endorse the Maple Road Streetscape design refinements implemented by the design team as presented with the following revisions:

- Align existing trees and revise the planter enclosures to match the proposed Maple St. trees and planters.
- Alignment of the crosswalk at the NW corner of Park and Maple with the sidewalk on N. Maple.
- Designate an alternative native species of tree in the three (3) planters on Maple between Peabody and Woodward to be differentiated from the trees west of Park and Peabody

VOTE:           Ayes,           7  
                  Nays,           0

**VI. NEW BUSINESS**

**09-228-19**

**PUBLIC HEARING OF CONFIRMATION FOR THE LAKEVIEW AVENUE PAVING SPECIAL ASSESSMENT DISTRICT.**

Mayor Bordman opened the Public Hearing at 8:38 P.M.

Deputy Treasurer Klobucar presented this item.

- Mayor Bordman noted that the interest rate went down ¼ pt from 6.25% to 6%.
- Commissioner DeWeese asked does the assessment take place once this project is approved. Construction starts first, and then cost would be assessed when the City receives final cost of construction. The project has an estimated start at the end of 2020. The ~~Commission~~ Commissioner<sup>1</sup> went further to say that he has heard from people who live on Lakeview and wanted concrete curbs and asphalt surfaces. They would like to have more input on material and flexibility on what they are willing to pay.
- City Manager Joe Valentine expressed with regard to final cost, the Commission is being asked to approve the estimated costs of the project; and the actual costs will be based on actual construction. Right now, the policy stipulates concrete for any new street constructed within the city limits. As the ad hoc unimproved study committee looks at that policy, going forward, it could change in spring of next year. If changes were implemented, it would apply to Lakeview Avenue when it is improved.
- Mayor Bordman wanted to discuss a communication from a resident regarding some homeowners who are planning to put their homes on the market; could their liens be delayed until the house is sold.
- City Attorney Currier replied that the answer is no the lien cannot be delayed. Once the roll is confirmed, the lien is attached for the amount because it has to go across the board for everyone that is involved in the Special Assessment District. He went on to say that, the lien would be a private matter between the buyer and seller in the instances of real estate transactions.
- There were no comments from the public.

Mayor Bordman closed the Public Hearing at 8:46 P.M.

**MOTION:** Motion by Commissioner Hoff and supported by Mayor Pro Tem Boutros: To approve the resolution ratifying and confirming the Special Assessment Roll No. 893 to defray the cost of construction for Lakeview Avenue Paving, and directing the City Clerk to endorse said roll, showing the date of confirmation and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement; and further, special assessments shall be payable in ten (10) payments as provided in Section 94-10 of the City Code with an annual interest rate of six percent (6%) on all unpaid installments.

**WHEREAS,** Special Assessment Roll, designated Roll No. 893, has been heretofore prepared for collection,

**AND**

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<sup>1</sup> As corrected on October 7, 2019.

**WHEREAS**, notice was given pursuant to Section 94-7 of the City Code, to each owner or party-in-interest of property to be assessed,

**AND**

**WHEREAS**, the Commission has deemed it practicable.

VOTE:           Ayes,               7  
                  Nays,               0

**09-229-19                   RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE MULTI-MODAL TRANSPORTATION BOARD.**

Engineering Director Paul O'Meara presented this item.

- Changes to Cranbrook Road, which is in disrepair from Maple to 14 Mile Road.
- Cranbrook Rd is a County road and it is the County's responsibility to maintain it.
- The County does not have sufficient funds for the repair and have asked Birmingham to assume some responsibility for the repair.
- It runs along the school and Birmingham has agreed to participate in the repair.
- Birmingham's share of the project has already been budgeted.
- The following recommendations resulted from the Master Plan Meetings.
  - The section from Maple to Lincoln to be converted from 4 lanes to 3 lanes.
  - 3 - 11 ft. lanes and a bike lane
  - Township is building a sidewalk
  - Crossing island at Midvale
  - Crosswalk N. of Seaholm
  - Opportunity to bring federal program (TAP Grant)
- Mayor Pro Tem Boutros asked what is the amount that Bloomfield Township committed to contributing to the project. Mr. O'Meara replied that they are funding 100% of the sidewalk and a \$400,000 of the resurfacing cost of the road.
- Commissioner DeWeese questioned if the pedestrian crosswalk accommodates bike crossing. Mr. O'Meara confirmed that it is not recommended.
- Commissioner Sherman asked what happens if the TAP grant does not materialize and would the City still be able to put in a bike lane. Mr. O'Meara expressed that it had not been addressed because in the current conditions, there would only be a bike lane in one direction and may be confusing to the public.
- Commissioner Nickita asked if the City is intending to have a standard crosswalk there. Mr. O'Meara replied that they are envisioning using the same design used on Maple Road.
- Mayor Bordman asked if the \$912,062.13 all Birmingham or would there be additional money applied to this road from Oakland County and Bloomfield Township. Mr O'Meara expressed that it is actually a \$1,600,000 cost for the road resurfacing project; being split 50% with Oakland County, 25% Bloomfield Township, and 25% Birmingham. In addition, \$912,062.13 is the Multi-Modal project for the sidewalks and bike lanes. Assuming the TAP grant is approved, the net cost to the City is \$182,000, which would be raised from special assessments.
- Commissioner Hoff noted that the City has been very wise in banking the tri-party road-funding program, allowing the City to have money set aside for this project. She also asked if bikes and pedestrians share the shared use path. Mr. O'Meara replied yes.

**MOTION:**    Motion by Mayor Pro Tem Boutros, supported by Commissioner DeWeese:

Approving the resolution to accept the following recommendations of the Multi-Modal Transportation Board:

1. The installation of improved pedestrian crossings at the intersections of Cranbrook Rd. at both Midvale Rd. and Middlebury Lane, to be included in the upcoming resurfacing project to be completed by the Road Commission for Oakland County.
2. To direct staff to apply for a Transportation Alternatives Program (TAP) grant to obtain federal funds to cover up to 80% of the construction cost of multi-modal improvements to consist of:
  - a. The installation of a 10 ft. wide concrete mixed-use path for pedestrian and bicycle usage on the east side of Cranbrook Rd. from Midvale Rd. to Lincoln Ave., and on the west side of Cranbrook Rd. from Lincoln Ave. to 14 Mile Rd.
  - b. Extension of Neighborhood Connector Route signs and harrows on Midvale Rd. from Cranbrook Rd. to Larchlea Dr.
  - c. The installation of 5 ft. wide concrete sidewalks on the east side of Cranbrook Rd. from Lincoln Ave. to Northlawn Dr., and on the south side of Lincoln Ave., from Cranbrook Rd. to Golfview Blvd.
  - d. The installation of a 5 ft. wide concrete sidewalk on the north side of 14 Mile Rd. from Crosswick Rd. to Cranbrook Rd. (Lincoln Hills Golf Course frontage).

Commissioner Hoff commented that this is an example of how the Commission does focus on the best interest of the residents; coupled with the Lakeview Avenue street improvement project. These programs are specifically for the safety, convenience, and for the walkability for the residents in this area.

VOTE:           Ayes,           7  
                  Nays,           0

**09-230-19                   RESOLUTION ACCEPTING TRAFFIC SIGNAL CHANGES AT THE NORTH OLD WOODWARD AND WILLITS INTERSECTION.**

Julie Crowe, Fleis and Vandenbrink, presented the item.

- Mayor Bordman feels secure knowing that there is a signal for the pedestrian only to get into the intersection without fear of a car turning right at the same time.
- Pro Tem Boutros expressed that the only solution is to have no turn on red anywhere. However, he does not know the impact of enforcing not turn on red.
- Commissioner Nickita asked how much traffic capacity this intersection has relative to the Brown and Old Woodward. The information was not available.
- Mayor Pro Tem Boutros noted that Maple and Old Woodward is believed to be unsafe by pedestrians.
- Commissioner Hoff asked for accident statistics for the police chief. He responded no and no and expressed that he does not know of the intersection being unsafe.
- Commissioner Sherman suggested that this type of proposal does not require physical improvement; therefore, a test would be easy. Mr O'Meara corrected him because there is a physical improvement involved of \$17,000 to change the traffic signal.
- City Manager Valentine asked what could be done on a trial basis that does not involve a capital improvement and provide benefit.

- Mr. O'Meara suggested moving right turn lanes closer to the center and use temporary bump out markers on both sides of the street that do not influence the east west movement but will affect Old Woodward crosswalk width.
- Commissioner Hoff believes that the improvements being offered for \$17,000 ~~and when redesigned make the adjustments~~ should be made and when the intersection is redesigned, make the adjustments<sup>2</sup>. She further suggests that any test should be done during the summer when pedestrian traffic is heavy.
- Mayor Pro Tem Boutros agrees with Commissioner Hoff, but if the trial phase does not work, will the light head be reusable. He expressed that he does not want a long trial.
- Commissioner Nickita believes that a 4-month test with minimal cost is appropriate. He also cannot see justification for a dedicated bus lane.
- Mayor Bordman noted that the proposed change ~~does not a~~ does not include a<sup>3</sup> leading pedestrian interval (LPI) and that is the part that should be tested.

**MOTION:** No action taken. Mayor Bordman suggested without objection that this item be returned to the agenda later.

**09-231-19 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 Baller/Bloom v. City of Birmingham and Section 8(h) to consider material exempt from discussion or disclosure by state or federal statute.

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

No action expected after closed session.

To closed session at 9:53 P.M.

**VII. REMOVED FROM CONSENT AGENDA**

**VIII. COMMUNICATIONS**

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

Michael Horowitz, new residents to Birmingham, apologized for not coming to a meeting before the August election. He has seen the empty storefronts downtown and downtown does define the City. He felt that the Bates Street project was very exciting. Approximately 1/3 of the

<sup>2</sup> As corrected on October 7, 2019.

<sup>3</sup> As corrected on October 7, 2019.

registered voters cast a ballot. He contended that most of the people in favor of the project or had no preference, stayed at home. He hopes that the plan or some version of the plan would reappear on the ballot. He expressed that he is sad because the parking problem really affects commerce in the City.

Mark Koroj, Warren, spoke about the Federal Lawsuit and said that it was disturbing. He felt that the Senator's campaign material in the Commission Room is a violation of the Michigan Campaign Financing Act. He wanted to remind the Commission that Open Meetings Act allow for open speech by the public.

**X. REPORTS**

- A. Commissioner Reports
  - 1. Notice of Intention to Appoint to the Design Review Board and Historical District Commission, the Board of Zoning Appeals, and the Multi-Modal Transportation Board on October 7, 2019.
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. Master Plan Report, submitted by City Planner Ecker  
Mayor Bordman noted that a draft of the master plan has not been written yet; She hope to have a draft at the 10/17 Joint Planning/City Commission Meeting
  - 2. Street Lighting Update – Triangle District & Downtown, submitted by City Engineer O'Meara
  - 3. Parking Utilization report, submitted by Assistant City Manager Gunter, she noted that the dashboard was too blurry.

**XI. ADJOURN**

Mayor Bordman adjourned the meeting at 11:10 P.M.

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Cheryl Aft, Acting City Clerk  
/vc