

BIRMINGHAM CITY COMMISSION MINUTES
JANUARY 14, 2013
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

George Dilgard, Mayor, called the meeting to order at 7:30 PM.

II. ROLL CALL

ROLL CALL: Present,	Mayor Dilgard Commissioner Hoff Commissioner McDaniel Commissioner Nickita (arrived at 7:32 PM) Commissioner Rinschler
Absent,	Mayor Pro Tem Moore Commissioner Sherman

Administration: City Manager Bruner, Attorney Currier, Clerk Broski, Assistant City Manager Valentine, DPS Director Wood, Planning Director Ecker, City Engineer O'Meara, Deputy Chief Clemence

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

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.

01-01-13 APPROVAL OF CONSENT AGENDA

The following items were removed from the consent agenda:

- Item A (Minutes of December 17, 2012) by Commissioner Hoff
- Item G (Purchase of Utility Vehicle) by Commissioner Hoff
- Item E (Midwest Fiber Networks Telecommunications Permit) by Dorothy Conrad
- Item I (Amendment to Tree Care and Removal Agreement) by Mayor Dilgard

MOTION: Motion by Rinschler, seconded by McDaniel:

To approve the consent agenda as follows:

- B. Approval of warrant list, including Automated Clearing House payments, of December 19, 2012 in the amount of \$718,070.15.
- C. Approval of warrant list, including Automated Clearing House payments, of January 2, 2013 in the amount of \$1,410,436.36.
- D. Approval of warrant list, including Automated Clearing House payments, of January 9, 2013 in the amount of \$2,957,051.00.

- F. Resolution approving the purchase of one (1) new 2013 GMC Sierra 1500 4x4 from Red Holman Pontiac GMC, using Oakland County Cooperative bid pricing for a total expenditure of \$21,577.00. Funds for this purchase are available in the auto equipment fund, account #641.441.006-971.0100.
- H. Resolution approving the agreement with Pro Pump Controls Inc. in an amount not to exceed \$18,590 to rebuild the Pumps/Motors at Lincoln Hills Golf Course; and authorizing the Mayor and City Clerk to sign the Agreement contingent upon receipt of all required insurances. Further, authorizing a budget amendment as follows for this purchase.

Revenue Account	#597-000.000.677.0001	\$18,590
(Lincoln Hills Golf Course)		
	Total	\$18,590
Expenditure Account	#597-753.001-981.0100	\$18,590
(Public Improvements)		
	Total	\$18,590
- J. Resolution setting a public hearing date for February 11, 2013 to consider approval of the Final Site Plan and Special Land Use Permit for Birmingham Sushi Cafe, at 377 Hamilton Row, pursuant to Article 7, section 7.34, Zoning, of the Birmingham City Code.
- K. Resolution setting a public hearing date for February 11, 2013 to consider approval of the Final Site Plan and Special Land Use Permit for What Crepe?, at 172 N. Old Woodward, pursuant to Article 7, section 7.34, Zoning, of the Birmingham City Code.
- L. Resolution setting a public hearing date for February 11, 2013 to consider approval of the Final Site Plan and Special Land Use Permit for Crush Bistro, at 555 S. Old Woodward, pursuant to Article 7, section 7.34, Zoning, of the Birmingham City Code.
- M. Resolution approving the street light agreement between the City of Birmingham and DTE Energy regarding the installation of street lights at 116 S. Old Woodward Ave. Further, directing the Mayor to sign the agreement on behalf of the City. All costs relative to this agreement will be charged to the adjacent owner.
- N. Resolution adopting the submitted Performance Plan for the City Manager for the next evaluation period.

ROLL CALL VOTE: Yeas, Commissioner Hoff
 Commissioner McDaniel
 Commissioner Nickita
 Commissioner Rinschler
 Mayor Dilgard
 Nays, None
 Absent, Mayor Pro Tem Moore
 Commissioner Sherman
 Abstentions, None

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

01-02-13 SPECIAL EVENT REQUEST
FARM TO TABLE BLOCK PARTY

Kathie Ninneman, Community House, explained the event is focused on Michigan farmers. She noted that the Community House will be coordinating with the Principal Shopping District and Farmers Market. She stated that wine will be served on the enclosed Community House terrace.

Ms. Ninneman requested a change to the event time to be held from 4:00 PM to 8:00 PM on September 7th.

MOTION: Motion by Hoff, seconded by Rinschler:

To approve a request submitted by the Community House requesting permission to hold the Farm to Table Block Party on Merrill and Bates on September 7, 2013, 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, 5
Nays, None
Absent, 2 (Moore, Sherman)

**01-03-13 SOUTH OLD WOODWARD CORRIDOR
MASTER PLAN ADVISORY COMMITTEE**

Ms. Ecker explained that the advisory committee is for the south gateway project to prescreen the work and guide the consultants through the process prior to City Commission review.

The Commission suggested several changes to the proposed membership of the advisory committee, including requiring the millennial representative to be a resident and to define the area of the residential representatives.

MOTION: Motion by Rinschler, seconded by Nickita:

To establish an ad hoc S. Woodward Corridor Master Plan Advisory Committee to provide recommendations to the City Commission during the development of the S. Woodward Corridor Master Plan through April 2014;

- AND -

Further, to direct staff to solicit applications and/or appointments from the relevant boards for the following positions on the S. Woodward Corridor Advisory Committee;

1. Planning Board Member – 1
2. Design Review Board Member – 1
3. Local Business Representative – 2
4. Residential Representative (from the adjacent neighborhood, east side of Woodward) – 1
5. Residential Representative (from the adjacent neighborhood, west side of Woodward) – 1
6. Multi-model Steering Committee Representative – 1
7. Traffic and Safety Board Representative – 1
8. Millennial Resident Representative (Born after 1980) – 1

VOTE: Yeas, 5
Nays, None
Absent, 2 (Moore, Sherman)

**01-04-13 CLOSED SESSION REQUEST
LAND ACQUISITION**

MOTION: Motion by McDaniel, seconded by Hoff:

To meet in closed session to discuss land acquisition pursuant to Section 8(d) of the Open Meetings Act.

ROLL CALL VOTE: Yeas, Commissioner McDaniel

Commissioner Nickita
 Commissioner Rinschler
 Commissioner Hoff
 Mayor Dilgard
 Nays, None
 Absent, Mayor Pro Tem Moore
 Commissioner Sherman
 Abstentions, None

**01-05-13 CLOSED SESSION REQUEST
 ATTORNEY CLIENT PRIVILEGE COMMUNICATION**

MOTION: Motion by Hoff, seconded by McDaniel:
 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 Nickita
 Commissioner Rinschler
 Commissioner Hoff
 Commissioner McDaniel
 Mayor Dilgard
 Nays, None
 Absent, Mayor Pro Tem Moore
 Commissioner Sherman
 Abstentions, None

VII. REMOVED FROM CONSENT AGENDA

**01-06-13 APPROVAL OF CITY COMMISSION MINUTES
 OF DECEMBER 17, 2012**

Commissioner Hoff suggested the following corrections:
 Resolution 12-355-12: "Mr. O'Meara explained that the recommendation includes an option with a designated left turn lane and an option with ~~no~~ a designated left turn lane at the intersections. Mr. Bruner stated the next step is to prepare the application and hire a consultant to start the detailed design process."

Resolution 12-361-12: "Aaron Duluski, resident from Troy, suggested the skate park allow BMX bikes one or two days a week. Commissioner Moore suggested he contact the City Manager to discuss further. It was also suggested he present his idea to the Parks and Recreation Board."

MOTION: Motion by Hoff, seconded by Rinschler:
 To approve the City Commission minutes of December 17, 2012 as corrected.

VOTE: Yeas, 5
 Nays, None
 Absent, 2 (Moore, Sherman)

**01-07-13 MIDWEST FIBER NETWORKS, LLC
 TELECOMMUNICATIONS PERMIT**

Mr. Currier confirmed for Ms. Conrad that the applicant will provide telecommunications for business fiber communications, not cable television subscribers.

MOTION: Motion by Hoff, seconded by Rinschler:
To approve the Midwest Fiber Networks, LLC Telecommunications Right-of-Way METRO Act Safe Harbor Application and Safe Harbor Unilateral Permit.

VOTE: Yeas, 5
Nays, None
Absent, 2 (Moore, Sherman)

01-08-13 PURCHASE OF UTILITY VEHICLE

Commissioner Hoff stated that she had wanted to discuss consent item F (purchase of GMC Sierra) instead of consent item G (purchase of utility vehicle).

MOTION: Motion by Hoff, seconded by Rinschler:
To approve the purchase of one (1) new John Deere Model 1445 Series II Utility Vehicle, snow broom, and 60" mowing deck from D&G Equipment, Inc., through the State of Michigan extendable purchasing contract #071B0200317 for a total expenditure of \$32,845.23. Funds are available for this purchase in the Auto Equipment Fund, account #641.441.006-971.0100.

VOTE: Yeas, 5
Nays, None
Absent, 2 (Moore, Sherman)

01-09-13 PURCHASE OF GMC SIERRA

Commissioner Hoff questioned the point system used to determine the vehicle replacement. Ms. Wood explained the point system has been in place since 2011 used for all City vehicles to analyze the vehicles for replacement.

01-10-13 AMENDMENT TO TREE CARE AND REMOVAL AGREEMENT

Mayor Dilgard noted that three accounts are being used and suggested it would be helpful to know the total budget for the future. Ms. Wood clarified for Mayor Dilgard that staff will be updating the records from the tree survey.

In response to a question from Commissioner Hoff, Ms. Wood explained that staff will handle the forestry calls from residents and J.H. Hart will be called if an expert is needed.

MOTION: Motion by Rinschler, seconded by Hoff:
To approve the Amendment to the Tree Care and Removal Agreement with J. H. Hart Urban Forestry, commencing July 1, 2013 and ending June 30, 2016, in the amount set forth in the bid form. Funds are available in each of the following accounts for these services: Major Streets Fund – Street Trees - Forestry Service Contract account #202-449.005-819.0000; Local Streets Fund – Street Trees – Forestry Service Contract account #203-449.005-819.0000; Parks Fund – Forestry Service Contract account #101-751.000-819.0000. Further, to authorize the Mayor and City Clerk to sign the Agreement upon receipt of all required insurances.

VOTE: Yeas, 5
Nays, None
Absent, 2 (Moore, Sherman)

VIII. COMMUNICATIONS

01-11-13 COMMUNICATIONS

The Commission received the Village of Bingham Farms resolution supporting Regional Transit Authority.

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

01-12-13 OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

Dorothy Conrad suggested reports from the Police Department, Fire Department and the Department of Public Service be included in the Long Range Planning meetings.

X. REPORTS

01-13-13 COMMISSIONER REPORTS

The Commission intends to appoint to the Public Arts Board on January 28, 2013.

01-14-13 COMMISSIONER COMMENTS

Commissioner Rinschler pointed out that the community forum regarding the library will be held on January 23rd.

01-15-13 ALTERNATIVES ANALYSIS UPDATE

The Commission received the Alternative Analysis Update submitted by Planning Director Ecker.

01-16-13 GRASS AND SNOW ENFORCEMENT FINE REVIEW

The Commission received the Tall Grass and Snow Enforcement Fine Review submitted by DPS Director Wood.

Ms. Wood confirmed for Commissioner Nickita that complaints come in through code enforcement, staff, and residents.

The Commission recessed to closed session at 8:14 PM.
The Commission reconvened in open session at 9:15 PM.

XI. ADJOURN

The Mayor adjourned the meeting at 9:15 PM.

Laura M. Broski
City Clerk