

BIRMINGHAM CITY COMMISSION MINUTES
MAY 6, 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 7:31 PM.

II. ROLL CALL

ROLL CALL: Present,	Mayor Dilgard Commissioner Hoff Commissioner McDaniel Mayor Pro Tem Moore Commissioner Nickita Commissioner Rinschler Commissioner Sherman
Absent,	None

Administration: Attorney Currier, Clerk Broski, Assistant City Manager Valentine, Deputy Clerk Arft, DPS Director Wood, Building Official Johnson, Finance Director Ostin, Planner Baka

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

05-142-13 PUBLIC SERVICE RECOGNITION WEEK PROCLAMATION

Mayor recognized Public Service Recognition Week.

05-143-13 APPOINTMENT TO THE BROWNFIELD REDEVELOPMENT AUTHORITY

MOTION: Motion by Hoff, seconded by Rinschler:

To concur in the Mayor's appointment of Paul Robertson, 779 S. Bates, to the City of Birmingham Brownfield Redevelopment Authority to serve a three-year term to expire May 23, 2016.

VOTE: Yeas, 7
Absent, None

05-144-13 APPOINTMENT TO THE HOUSING BOARD OF APPEALS

MOTION: Motion by Hoff:

To appoint Robert Taylor, Jr., 3693 W. Bradford, Bloomfield Hills, to serve a three-year term on the Housing Board of Appeals to expire May 4, 2016.

VOTE: Yeas, 7
Absent, None

The Clerk administered the oath to the appointed board members.

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.

05-145-13 APPROVAL OF CONSENT AGENDA

The following items were removed from the consent agenda:

- Item A (Minutes of April 20, 2013) by Commissioner Hoff
- Item B (Minutes of April 22, 2013) by Commissioner Hoff

MOTION: Motion by Sherman, seconded by Rinschler:

To approve the consent agenda as follows:

- C. Approval of warrant list, including Automated Clearing House payments, of April 24, 2013 in the amount of \$536,470.16.
- D. Approval of warrant list, including Automated Clearing House payments, of May 1, 2013 in the amount of \$487,581.22.
- E. Resolution approving the purchase of one (1) new 2013 Elgin Whirlwind Vacuum Street Sweeper from Bell Equipment Company, using State of Michigan extendable purchasing contract #071B1300075 for a total expenditure of \$260,335.00. Funds for this purchase are available in the auto equipment fund, account #641.441.006-971.0100.
- F. Resolution waiving the competitive bidding requirement for the sole source vendor and approve the purchase of five (5) new security cameras and one (1) new server from Abel Electronics, for a total expenditure not to exceed \$15,565.15. Funds for this purchase are available in the Public Services - General Capital Outlay Fund, account #101-441.002-977.0000.
- G. Resolution setting a Public Hearing for June 3, 2013 to consider the proposed Lot Rearrangement of 572 Watkins and 559 Southfield.

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

**05-146-13 CITY COMMISSION BUDGET SESSION
MINUTES OF APRIL 20, 2013**

Commissioner Hoff made the following correction to Capital Projects Fund section:

"In response to a question from Dorothy Conrad, Ms. Ostin explained that the there is \$400,000.00 left in funds for park improvements."

MOTION: Motion by Hoff, seconded by Rinschler:

To approve the City Commission budget session minutes of April 20, 2013 as corrected.

VOTE: Yeas, 7
Nays, None
Absent, None

**05-147-13 CITY COMMISSION MINUTES
OF APRIL 22, 2013**

Commissioner Hoff made the following correction to Resolution #04-138-13:

"Commissioner Hoff agreed that the school did not provide any advance notice of the construction until contacted by Ms. Parr."

Commissioner Hoff made the following correction to Resolution #04-141-13:

"The Commission received the Birmingham Area Cable Board Amended FY 2012-13 Budget submitted by Assistant City Manager/HR Director Valentine. The report indicated a significant increase in administrative and PEG grants to participating municipalities in Birmingham Public Schools."

MOTION: Motion by Hoff, seconded by Sherman:

To approve the City Commission minutes of April 22, 2013 as corrected.

VOTE: Yeas, 7
Nays, None
Absent, None

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

**05-148-13 PUBLIC HEARING – ZONING ORDINANCE AMENDMENT
WINDOW STANDARDS**

The Mayor opened the Public Hearing at 7:40 PM to consider an amendment to the Zoning Ordinance, Chapter 126, Article 04 Development Standards, Section 4.83, WN-01 (Window Standards).

Mr. Baka explained that the Planning Board requested a modification to the ordinance to allow some flexibility regarding window standards due to a recent site plan review. Mr. Currier recommended the Planning Board develop effective standards for when the second floor window requirements could be waived.

The Mayor closed the Public Hearing at 7:42 PM.

The Commission took no action.

05-149-13 BPOA/POAM SETTLEMENT AGREEMENT

Mr. Valentine reviewed the provisions of the settlement agreement.

MOTION: Motion by Sherman, seconded by McDaniel:

To approve the settlement agreement between the City and BPOA/POAM as recommended for a renewal of the collective bargaining agreement through June 30, 2016, and to authorize the Finance Director to transfer the appropriate funds for the contract effective July 1, 2013.

VOTE: Yeas, 7
Nays, None
Absent, None

**05-150-13 HEALTH CARE PLAN
SEASONAL AND TEMPORARY EMPLOYEES**

Mr. Valentine explained the changes to the health care plan to include seasonal and temporary employees as a result of health care reform. He explained the City's plan to minimize its exposure for penalties and continue to maintain the same service levels.

The Commission discussed the impact to the City, who would be affected, and how the hours of the seasonal and temporary workers will be tracked.

MOTION: Motion by Rinschler, seconded by Sherman:
To direct the administration to implement a new health care plan offering for eligible seasonal and temporary employees to be effective January 1, 2014.

In response to a question from Dorothy Conrad, Mr. Valentine explained that the definition of contract employee is set by the Department of Labor and does not qualify in this circumstance.

VOTE: Yeas, 7
Nays, None
Absent, None

**05-151-13 STATE OF MICHIGAN ECONOMIC VITALITY
INCENTIVE (EVIP) PROGRAM**

Mr. Valentine explained the recommendation to exempt the City from PA 152, which still affords the City the opportunity to receive the last third of the new state shared revenue funding for 2013.

MOTION: Motion by Rinschler, seconded by Hoff:
To comply with the provisions of the State of Michigan Economic Vitality Incentive Program (EVIP) by exercising the City's option to exempt itself from the requirements of Public Act 152 of 2011 for 2013:

WHEREAS, In 2012 the State of Michigan replaced statutory revenue sharing payments to communities with allocations resulting from compliance with its Economic Vitality Incentive Program (EVIP) and

WHEREAS, the EVIP program for calendar year 2013 has established reporting requirements pursuant to Section 952 of 2012 Public Act 200 (PA 200), and

WHEREAS, PA 200 provides for two options in determining compliance for calendar year 2013, which includes an exemption from Public Act 152 of 2011, and

WHEREAS, the City of Birmingham is best positioned to determine what benefits should be offered in order to attract and retain the best qualified City employees while managing overall costs, and

WHEREAS, The City of Birmingham has been successful in managing active health care expenses with strategic initiatives through collective bargaining, without assistance from the State of Michigan, and

NOW THEREFORE BE IT RESOLVED, The City of Birmingham hereby elects to comply with the provisions of the State of Michigan Economic Vitality Incentive Program (EVIP) by exercising the City's option to exempt itself from the requirements of Public Act 152 of 2011 for calendar year 2013.

VOTE: Yeas, 7
 Nays, None
 Absent, None

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

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

05-152-13 OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

Dorothy Conrad expressed concern with the quality of work done by Consumers Energy on Yorkshire. She noted that sidewalks are being torn up, holes being dug, and tree roots being removed.

Mr. Valentine stated that staff will follow up on this matter.

X. REPORTS

05-153-13 COMMISSIONER COMMENTS

Mayor Dilgard recognized Police Chief Studt who was name a Diversity Champion by the Race Relations and Diversity Task Force.

05-154-13 THIRD QUARTER INVESTMENT REPORT

The Commission received the March, 2013 Investment Report submitted by Finance Director Ostin.

05-155-13 NATIONAL HIGHWAY PERFORMANCE PROGRAM

The Commission received an update on the National Highway Performance Program submitted by City Engineer O'Meara.

05-156-13 ENGINEERING DEPARTMENT PROJECT UPDATE

The Commission received the Engineering Department Project Update submitted by City Engineer O'Meara.

XI. ADJOURN

The Mayor adjourned the meeting at 8:12 PM.

Laura M. Broski
City Clerk