

BIRMINGHAM CITY COMMISSION MINUTES
JUNE 3, 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: City Manager Bruner, Attorney Currier, Clerk Broski, Assistant City Manager Valentine, Deputy Treasurer Klobucar, Billing Manager Laing, Assistant to the Manager Wuerth, City Engineer O'Meara, City Planner Baka, Finance Director Ostin

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

06-168-13 CABLECASTING BOARD UPDATE

Elaine McLain, Chair of the Cablecasting Board, commented that a random selection of residents will be receiving a survey about cable issues. She noted that residents who do not receive the survey can log on to the Cable Board website, www.birminghamareacableboard.org, to complete a survey.

06-169-13 APPOINT TO THE BOARD OF ETHICS

MOTION: Motion by Hoff

To appoint James Robb, 1533 Pleasant, to serve a three-year term on the Board of Ethics to expire June 30, 2016.

VOTE: Yeas, 7
Absent, None

The Clerk administered the oath to the appointed board member.

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.

06-170-13 APPROVAL OF CONSENT AGENDA

The following items were removed from the consent agenda:

- Item K (2012-2013 budget amendment) by Commissioner Hoff
- Item A (Minutes of May 20, 2013) by Dorothy Conrad

MOTION: Motion by Sherman, seconded by McDaniel

To approve the consent agenda as follows:

- B. Approval of warrant list, including Automated Clearing House payments, of May 22, 2013 in the amount of \$1,074,897.64.
- C. Approval of warrant list, including Automated Clearing House payments, of May 29, 2013 in the amount of \$348,944.01.
- D. Resolution approving a request submitted by Don Thomas Sporthaus requesting permission to hold the Rail Jam in Woodward Triangle area on September 21, 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.
- E. Resolution approving the service agreement with the Cultural Council of Birmingham/Bloomfield in the amount of \$4,200 for services described in Attachment A of the agreement for fiscal year 2013-2014 account number 101-299.000-811.0000, and further directing the Mayor and City Clerk to sign the agreement on behalf of the City.
- F. Resolution approving the service agreement with Birmingham Area Seniors Coordinating Council in the amount of \$44,410 for services described in Attachment A of the agreement for fiscal year 2013-2014, account number 101-299.000-811.0000, and further directing the Mayor and City Clerk to sign the agreement on behalf of the City.
- G. Resolution approving the agreement with Midwestern Audit Services, Inc. to provide collection agency services to the City for a three-year term and authorizing the Mayor and City Clerk to execute the agreement on behalf of the City.
- H. Resolution approving the service agreement with Great Lakes Roofing, Inc. for chimney and masonry repairs at the Birmingham Historical Museum & Park, contingent upon the approvals required by Sec. 2-289 of the Birmingham City Code, for fiscal year 2012-2013 in an amount not to exceed \$13,595.00 from account #401-804.002-977.0000. Further, directing the Mayor and City Clerk to sign the agreement on behalf of the City.
- I. Resolution approving the agreement with National Elevator Consultants, Inc., to provide consulting services to upgrade the Park Street parking structure elevator for a cost not to exceed \$13,000.00. All expenditures for this work shall be charged to the Auto Parking System Fund account no. 585-538.003-977.0000.
- J. Resolution setting a public hearing date for June 24, 2013 to consider an application for a Special Land Use Permit Amendment and Final Site Plan for 600 N. Old Woodward for Succo Fresco.

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

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

**06-171-13 PUBLIC HEARING OF CONFIRMATION
E. MAPLE GARDENS WATER AND SEWER PROJECT**

Mayor Dilgard opened the Public Hearing of Confirmation at 7:36 PM for the replacement of sewer laterals within the E. Maple Gardens Water and Sewer Improvement Project area.

Billing Manager Laing recommended confirmation of the roll.

The Mayor closed the Public Hearing at 7:37 PM.

MOTION: Motion by Sherman, seconded by Rinschler:

To confirm Special Assessment Roll No. 856, to defray the cost of the installation of sewer laterals within East Maple Gardens on Dorchester Road, Yorkshire Road and East Maple Road:

WHEREAS, Special Assessment Roll, designated Roll No. 856, has been heretofore prepared by the Billing Manager for collection, and

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 to cause payment of the cost thereof to be made at a date closer to the time of construction and Commission Resolution 05-159-13 provided it would meet this 3rd day of June, 2013 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this June 3rd, 2013, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll as determined in Section 94-9 of the Code of the City of Birmingham,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 856 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that special assessments shall be payable in ten (10) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of four and a quarter percent (4.25%) on all unpaid installments.

VOTE: Yeas, 7
Nays, None
Absent, None

**06-172-13 PUBLIC HEARING – LOT REARRANGEMENT
572 WATKINS & 559 SOUTHFIELD**

Mayor Dilgard opened the Public Hearing to consider the proposed Lot Rearrangement of 572 Watkins and 559 Southfield at 7:37 PM.

Planner Baka explained that the applicant is proposing to purchase 20 feet at the rear of the lot in order to build an extension on the garage. He stated that the applicant meets all requirements as stated in the code.

The Mayor closed the Public Hearing at 7:40 PM.

MOTION: Motion by Nickita, seconded by Hoff:
To approve the proposed rearrangement of 572 Watkins as proposed.

VOTE: Yeas, 7
Nays, None
Absent, None

**06-173-13 INCLUSION IN PARKING ASSESSMENT DISTRICT
550 W. MERRILL**

City Engineer O'Meara explained that the building will have more office space than what was previously there. He explained that the Planning Board required, as part of the site plan approval, that the applicant become a member of the parking assessment district. He stated that the Engineering Department and Advisory Parking Committee agree. He noted a payment of \$30,000 is required to become a part of the district.

MOTION: Motion by Rinschler, seconded by Hoff:
To approve the inclusion of the property located at 550 W. Merrill Street (Sidwell #19-36-126-018) in the Parking Assessment District according to the agreement and authorizing the Mayor and Clerk to sign the agreement between Merrill Street Investments, LLC and the City of Birmingham, subject to the closing on the school district property.

VOTE: Yeas, 7
Nays, None
Absent, None

**06-174-13 OFF-STREET PARKING REQUIREMENTS
2295 E. LINCOLN**

Planner Baka explained the request to use fourteen on street parking spaces to meet the parking requirements.

Commissioner Hoff recommended that the City review its parking requirements, rather than allotting by request. Mr. Baka explained that only parking spaces abutting the property are allowed to be requested for use toward its parking requirements. Commissioner Nickita agreed the parking requirements should be reviewed.

Dorothy Conrad commented that there is already a parking problem.

Frank Carnovale, architects for Quality Coach, explained the history of the property and the request for the use of parking spaces.

MOTION: Motion by McDaniel, seconded by Sherman:

To approve the use of fourteen (14) parking spaces on E. Lincoln, Commerce and Cole St. to fulfill a portion of the off-street parking requirements per Article 4, section 4.43 (G)(1) of the Zoning Ordinance for 2295 E. Lincoln.

VOTE: Yeas, 7
 Nays, None
 Absent, None

**06-175-13 CLOSED SESSION REQUEST
 LAND ACQUISITION**

MOTION: Motion by Hoff, seconded by Sherman:
To meet in a closed session to consider the purchase or lease of real property in accordance with Section 8(d) of the Open Meetings Act (Act 267 of 1976).

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

VII. REMOVED FROM CONSENT AGENDA

**06-176-13 APPROVAL OF COMMISSION MINUTES OF
 MAY 20, 2013**

Dorothy Conrad suggested that Resolution #05-161-13 should reflect that the item was referred to the City Manager. Mr. Bruner noted that it was suggested in the sentence before. Commissioner Moore stated that no motion was made.

Ms. Conrad suggested that Resolution #05-162-13 should state the owner of the right-of-way. Mayor Dilgard noted that the City owns the right-of-way.

MOTION: Motion by Rinschler, seconded by Nickita:
To approve the City Commission minutes of May 20, 2013.

VOTE: Yeas, 7
 Nays, None
 Absent, None

06-177-13 2012-2013 BUDGET AMENDMENT

Commissioner Hoff questioned why there is not more revenue coming in through fines and forfeitures in the 48th District Court budget.

Finance Director Ostin explained that the revenue for all of the political units has decreased considerably. She explained that Birmingham's caseload increased, however, overall there is

much less revenue. Mr. Bruner stated that the City of Birmingham is generating more cases, but the two largest jurisdictions in the district court are generating many fewer cases.

In response to a question from Commissioner Hoff, Ms. Ostin explained that the private donations are received for Barnum Park Phase II and a much smaller amount for Shain Park.

MOTION: Motion by Hoff, seconded by Rinschler:
To approve the appropriations and amendments to the fiscal year 2012-2013 budget:

General Fund

Revenues:

Property Taxes #101-000.000-402.0005	\$ (50,000)
Licenses and Permits #101-000.000-476.0000	(265,000)
Intergovernmental Revenue #101-000.000-574.0001	80,000
#101-000.000-574.0002	11,800
Charges for Services #101-000.000-631.0001	(60,000)
Fines and Forfeitures #101-000.000-657.0000	140,000
Interest and Rent #101-000.000-664.0000	(73,000)
Other Revenue #101-000.000-678.0000	144,000
Draw from Fund Balance #101-000.000-400.0000	<u>210,510</u>
Total Revenue Adjustment	<u><u>\$138,310</u></u>

Expenditures:

General Government#101-191.000-706.0004	\$(10,000)
#101-215.000-811.0000	(5,000)
#101-266.000-801.0200	(20,000)
#101-270.000-702.0001	(40,000)
#101-270.000-811.0000	(15,000)
#101-270.000-955.0100	(5,000)
#101-299.000-851.0000	(25,000)
Contingency #101-966.000-963.0100	(21,690)
Transfers Out #101-136.000-999.9999	<u>280,000</u>
Total Expenditure Adjustment	<u><u>\$138,310</u></u>

Local Street Fund

Revenues:

Other Revenue (Special Assessments)#203.000.000-672.0203	\$(260,000)
Draw from Fund Balance #203-000.000-400.0000	<u>260,000</u>
Total Revenue Adjustment	<u><u>\$0</u></u>

Solid Waste Fund

Revenues:

Taxes #226-000.000-402.0001	\$(23,200)
Draw from Fund Balance #226-000.000-400.0000	<u>34,200</u>
Total Revenue Adjustment	<u><u>\$11,000</u></u>

Expenditures:

Refuse Pickup #226-582.000-827.0100	<u>\$11,000</u>
Total Expenditure Adjustment	<u><u>\$11,000</u></u>

Debt Service Funds

Revenues - Facility Bonds:

Draw from Fund Balance #302-000.000-400.0000	<u>\$15,000</u>
Total Revenue Adjustment	<u><u>\$15,000</u></u>

<u>Expenditures - Facility Bonds:</u>	
Transfer to Park Bonds #302.906.002-999.0308	<u>\$15,000</u>
Total Expenditure Adjustment	<u>\$15,000</u>

<u>Revenues - Park Bonds:</u>	
Taxes #308-000.000-402.0001	\$(15,000)
Transfer in Facility Bonds #308-000.000-699.0302	<u>15,000</u>
Total Revenue Adjustment	<u>\$0</u>

Law and Drug Enforcement Fund

<u>Revenues:</u>	
Fines and Forfeitures #265-000.000-660.0002	\$41,610
Draw from Fund Balance #265-000.000-400.0000	<u>44,960</u>
Total Revenue Adjustment	<u>\$3,350</u>

<u>Expenditures:</u>	
Operating Supplies #265-302.001-729.0000	<u>\$3,350</u>
Total Expenditure Adjustment	<u>\$3,350</u>

Capital Projects Fund

<u>Revenues:</u>	
Interest and Rent #401.000.000-664.0000	\$(16,000)
Donations #401-751.001-674.0004	<u>(34,000)</u>
Total Revenue Adjustment	<u>\$(50,000)</u>

<u>Expenditures:</u>	
Facility Renovations #401-339.000-977.0000	\$(30,000)
#401-901.013-977.0000	(10,000)
Property Maintenance #401-265.003-977.0000	<u>(10,000)</u>
Total Expenditure Adjustment	<u>\$(50,000)</u>

VOTE: Yeas, 7
 Nays, None
 Absent, None

VIII. COMMUNICATIONS

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

06-178-13 OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

Dorothy Conrad expressed her disappointment with the location of the Government Day reception. She also expressed her concern with the method in which the library contract was approved by the Commission. She stated the members of the ad hoc committee should have given written reports to the Commission.

The following residents expressed concern with disrepair of 1211 Holland and expressed concern with section 8 housing. The residents also questioned the City policy on rentals and section 8 housing.

- Catherine Glossmann, 1195 Holland
- Ron Hormel, resident

- Steven Gertz, 1525 Holland

Mr. Bruner will follow up with Ms. Glossmann regarding the rental ordinance and section 8 housing and direct staff to review the property discussed.

State Representative Mike McCready presented an update on the state budget process and noted the issues pending include transportation and infrastructure.

X. REPORTS

06-179-13 COMMISSIONER REPORTS

The Commission intends to appoint members to the Museum Board on July 8, 2013.

06-180-13 COMMISSIONER COMMENTS

In response to a question from Commissioner Hoff regarding the upcoming City Commission/Planning Board workshop, Mr. Bruner explained that there will not be a quorum of the Planning Board on the scheduled meeting date of June 17th. He recommended the meeting be moved to June 10th. Mr. Bruner explained the agenda will include a discussion on transitional zoning.

Commissioner Hoff suggested a discussion on bistros and the number of seats and hookah bars. Mr. Bruner confirmed that staff is working on an ordinance amendment for tobacconist.

The Commission agreed to move the City Commission / Planning Board workshop session from June 17th to June 10th.

The Commission discussed the tentative public hearing schedule for consideration of the draft Multi-Modal Master Transportation Plan.

Commissioner Hoff suggested residents are notified once the draft plan is available in order to give them a chance to weigh in during the decision process. Commissioner Sherman expressed concern with holding the Commission public hearing only two weeks after the Planning Board public hearing on this matter. He suggested notification to the residents through the quarterly. Commissioner Hoff suggested notifying the residents on the streets directly named in the plan. Commissioner McDaniel expressed concern with funding.

06-181-13 CITY STAFF REPORTS

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

The Commission received the City Manager Performance Plan Status Report.

The Commission recessed to closed session at 8:47 PM.
The Commission reconvened in open session at 9:13 PM.

XI. ADJOURN

The Mayor adjourned the meeting at 9:13 PM.

Laura M. Broski
City Clerk