

**BIRMINGHAM CITY COMMISSION MINUTES**  
**JUNE 24, 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 Mayor Pro Tem Moore Commissioner Nickita Commissioner Rinschler Commissioner Sherman
Absent,	None

Administration: City Manager Bruner, Attorney Currier, Clerk Broski, Assistant City Manager Valentine, Assistant to the Manager Wuerth, DPS Director Wood, Planning Director Ecker, Assistant Finance Director Gerber, Police Chief Studt, Deputy Chief Clemence, City Engineer O'Meara

**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.

**06-182-13 APPROVAL OF CONSENT AGENDA**

The following items were removed from the consent agenda:

- Item N (2013-2014 Birmingham Area Cable Board Budget) by Commissioner Hoff
- Item V (Installation of Porous Pave in Rouge River Trail System) by Dorothy Conrad

**MOTION:** Motion by Sherman, seconded by Hoff:

To approve the consent agenda as follows:

- A. Approval of City Commission minutes of June 3, 2013.
- B. Approval of City Commission/Planning Board workshop minutes of June 10, 2013.
- C. Approval of warrant list, including Automated Clearing House payments, of June 5, 2013 in the amount of \$491,913.89.
- D. Approval of warrant list, including Automated Clearing House payments, of June 12, 2013 in the amount of \$449,688.44.
- E. Approval of warrant list, including Automated Clearing House payments, of June 19, 2013 in the amount of \$760,203.10.

- F. Resolution approving the addendum to the Day on the Town event on July 27, 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.
- G. Resolution approving the addendum to the Pierce & Merrill Block Party on July 13, 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.
- H. Resolution appointing Lauren Wood as the City representative and Carrie Laird as the alternate representative to the Board of Trustees of the Southeastern Oakland County Resource Recovery Authority for the fiscal year beginning July 1, 2013.
- I. Resolution approving the purchase of (26) Armor Express RAZOR vests and (26) ARA-SHOCK plates in the amount of \$17,692.00 from C.M.P. Distributors, Inc. Further, authorizing this budgeted expenditure from account number 265-302.001-971.0100.
- J. Resolution approving the bid amount of \$25.22/catch basin and \$.99/lineal foot at a total cost not to exceed \$59,645.30 for catch basin leads respectively from United Resource, LLC and to authorize the Mayor and City Clerk to sign the contract on behalf of the City upon receipt of proper insurances. Funds for this project are contained within the major and local street funds, account numbers 202/203-449.004-937.0400.
- K. Resolution requesting reimbursement for the maximum allotment of \$2,773.19 for eligible mosquito control activity under the Oakland County's West Nile Virus Fund Program:

WHEREAS, upon recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

WHEREAS, the City of Birmingham, Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW THEREFORE BE IT RESOLVED that the Birmingham City Commission authorizes and directs its Director of Public Services, as agent for the City of Birmingham, in the manner and to the extent provided under Oakland County Board of Commissioners, to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

- L. Resolution approving the service agreement with Deaf & Hearing Impaired, Inc. in the amount of \$2,370.00 for services described in Attachment A of the agreement for fiscal year 2013-2014, account number 101-215.000-811-0000. Further, directing the Mayor and City Clerk to sign the agreement on behalf of the City.

- M. Resolution approving the appropriations and amendments to the fiscal year 2012-2013 budget as follows:

General Fund

Revenues:

Draw from Fund Balance 101-000.000-400.0000	\$15,000
Total Revenue Adjustments	\$15,000

Expenditures:

Transfer to Parks & Recreation		
	Debt Service Fund 101-999.000-999.0308	\$15,000
	Total Expenditure Adjustments	\$15,000
<u>Parks &amp; Recreation Debt Service Fund</u>		
Revenues:		
	Property Taxes 308-000.000-402.0001	(\$15,000)
	Transfer in General Fund 308-000.000-699.0101	<u>\$15,000</u>
	Total Revenue Adjustments	\$ 0

- O. Resolution approving the emergency purchase of repairs in the amount of \$12,880.81 to the 1999 Hi-Ranger Aerial Tower truck #154 from sole source vendor Cannon Truck Equipment. Funds for this purchase are available in the Auto Equipment Fund, account #641.441.006-971.010.
- P. Resolution approving the award of the "Fuel Pump Island Rehabilitation" project to United Petroleum Equipment for a total expenditure not to exceed \$65,500 and authorizing the Mayor and City Clerk to sign the contract on behalf of the City upon the receipt of all required insurances. Funds for this project are contained within the Capital Projects Fund, account #401-901.013-977.0000.
- Q. Resolution approving the purchase of 31 TASER X2 units and accessories from Michigan Taser Distributing in the amount of \$46,066.89 from federal Drug and Law Enforcement fund machinery and equipment account number 265-302.001-971.0100.
- R. Resolution approving a request submitted by Woodward Camera requesting permission to place two tents in the parking area in front of 33501 Woodward Ave on August 16 - 17, 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.
- S. Resolution approving the purchase of twelve (12) trash receptacles for a total purchase price not to exceed \$19,079.00 from the sole source vendor, Superior Play, LLC. Further, waiving the normal bidding requirements due to Superior Play as the sole source distributor of the "Birmingham Green" site furnishings. Funds for this acquisition will come from the Capital Projects Fund- Site Furnishings for Parks Account #401-901.009-981.0100.
- T. Resolution approving the agreement between the City of Birmingham and the Village of Beverly Hills for use of the police pistol range by Beverly Hills Department of Public Safety for \$1,500 per year; further authorizing the mayor and city clerk to sign the contract.
- U. Resolution approving the contract for Oakland Islands Irrigation to Progressive Irrigation, Inc. in the amount not to exceed \$9,996.55. Further, authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of proper insurances. Funds for this project are in the Capital Projects Fund account number #401-901.008.0100.
- W. Resolution approving the 2013-2014 outside agency contracts for Building Better Families Through Action in the amount of \$1,000, Common Ground in the amount of \$1,500, Haven in the amount of \$2,000, Birmingham Bloomfield Community Coalition in the amount of \$3,000, and Birmingham Youth Assistance in the amount of \$18,000, further authorizing and directing the mayor and city clerk to sign the agreements on behalf of the city.

- X. Resolution amending the bistro contract with Market to allow an additional month for the opening of Market bistro, thus extending the date of opening for Market bistro to August 9, 2013.
- Y. Resolution setting a public hearing date for July 22, 2013 to consider the following ordinance amendments to Chapter 126, Zoning, of the Birmingham City Code:
  - 1. To amend Article 7, Processes, Permits and Fees, Section 7.08, Design Review, Requirements to eliminate redundancy in the review process by no longer requiring duplicate design reviews for projects by the Planning Board and Design Review Board.
- Z. Resolution recognizing What Crepe Old Woodward, LLC as the legal name of What Crepe?, 172 North Old Woodward and authorizing the use of the legal name in the "Contract for a Principal Shopping District Liquor License (Bistro)" and the MLCC resolution.

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,        3 (Sherman, Moore, Hoff) from Item B - absent

**V. UNFINISHED BUSINESS**

**VI. NEW BUSINESS**

**06-183-13                    THREE-WAY STOP SIGNS AT  
    NORTHLAWN AND PLEASANT STREETS**

Deputy Chief Clemence explained the request from residents to install stop signs at Northlawn Street and Pleasant Street. He explained that the Traffic and Safety Board recommended the installation of the stop signs and a speed board. He noted that this location does not meet the national standards to warrant stop signs. The police department and consultant did not recommend this change.

Deputy Chief Clemence confirmed for Commissioner McDaniel that the speed board was to be located on Northlawn at Golfview. He confirmed the speed board does not need commission approval for installation.

He further explained that at the community forum to discuss this issue, alternate methods to make the street safer were discussed such as addition of a sidewalk and narrowing of the street.

The following individuals spoke in support of the installation of stop signs:  
 Malcolm Hendy, 2336 Northlawn  
 Joe Michalak, 1516 Northlawn  
 Lee Morof, 2348 Northlawn

Thomas McNally, 1990 Northlawn  
Kim Karbum, 1670 Northlawn  
Mike Parris, 1970 Northlawn

Ed MacDonald, at corner of Northlawn and Golfview, spoke in opposition to the speed board placed in front of his house.

Rob Lawrence, 1629 Northlawn spoke in opposition to the stop signs.

The Commission received a letter from Marion Fitzsimmons, 2288 Northlawn.

**MOTION:** Motion by Hoff, seconded by Nickita:

To approve the installation of two new stop signs on west bound Northlawn and east bound Northlawn at Pleasant Street for re-evaluation in one year. Further, directing the Chief of Police and the City Clerk to sign the traffic control order on behalf of the City establishing the intersection of Northlawn and Pleasant as a three-way stop.

Commissioner Sherman stated that a traffic control device where it does not belong creates ambivalence to traffic control devices. He stated that this location does not meet the qualifications which should be considered. He noted that speeds on his street were reduced when the street was widened to allow on-street parking.

Commissioner Rinschler stated that he agreed with the police department that the signs would not be effective and physical changes were required. He expressed that there is a need to discuss traffic calming options.

Mayor Pro Tem Moore commented that the street needs to be physically rearranged. He suggested the roads be re-evaluated.

There will be one year test period for these street signs.

VOTE: Yeas, 4  
Nays, 3 (Dilgard, Moore, Sherman)  
Absent, None

**06-184-13 PUBLIC HEARING – SPECIAL LAND USE PERMIT  
SUCCO FRESCO, 600 NORTH OLD WOODWARD**

The Mayor opened the Public Hearing at 8:21 PM to consider an application for a Special Land Use Permit Amendment and Final Site Plan for Succo Fresco, 600 N. Old Woodward.

City Planner Ecker explained the request to add a food and drink establishment in an existing office building. She noted that alcohol will not be serviced and seating will be indoors and outdoors. She pointed out that the outdoor patio was reduced in size so it does not cover an existing easement.

The Commission discussed the easement and whether the sewer was active as the patio could be extended to add one additional table. City Manager Bruner commented that staff will

review. If there is no longer a concern, staff could administratively approve the change to the patio.

The Mayor closed the Public Hearing at 8:33 PM.

Judith Paskiewicz, tenant in the bldg, expressed concern with the location of the proposed food and drink establishment.

**MOTION:** Motion by McDaniel, seconded by Nickita:

To approve the Special Land Use Permit and Revised Final Site Plan for 600 N. Old Woodward to allow Succo Fresco to operate a food and drink establishment in an O-2 zone district.

WHEREAS, Succo Fresco filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a food and drink establishment in an O-2 zone district in accordance Article 2, Section 2.23 of Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the east side of N. Old Woodward north of Harmon;

WHEREAS, The land is zoned O-2, and is located within the Downtown Birmingham Overlay District, which permits the operation of food and drink establishments with a Special Land Use Permit;

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;

WHEREAS, The Planning Board on June 12, 2013 reviewed the application for a Special Land Use Permit and recommended approval of the application with the following conditions:  
(1) The applicant provide a trash receptacle within the outdoor dining area; and  
(2) The applicant obtain an outdoor dining permit from the City of Birmingham.

WHEREAS, The applicant submitted an application for a Special Land Use Permit and Revised Final Site Plan for Succo Fresco;

WHEREAS, The Birmingham City Commission has reviewed Succo Fresco's Special Land Use Permit application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that Succo Fresco's application for a Special Land Use Permit and Revised Final Site Plan at 600 N. Old Woodward is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit is granted subject to the following conditions:

1. Succo Fresco shall abide by all provisions of the Birmingham City Code; and
2. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, Succo Fresco and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of Succo Fresco to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

MAY IT BE FURTHER RESOLVED that Succo Fresco is recommended for the operation of a food and drink establishment without alcoholic liquors, subject to final inspection.

VOTE: Yeas, 7  
Nays, None  
Absent, None

**06-185-13 GREENWOOD CEMETERY  
CEMETERY MANAGEMENT SERVICES**

Assistant to the Manager Wuerth explained that the agreement with the Historic Elmwood Cemetery (Elmwood) includes managing the day to day operations, maintenance of the burials and interaction with the customers. He stated that Elmwood will be able to provide enhanced levels of service. He noted that capital projects previously discussed by the Commission are not included in the motion, but would be presented to the Commission at a later date.

Commissioner Hoff expressed concern with a potential conflict of interest with the consultant being a part of this contract and the Archdiocese of Detroit being involved in a public cemetery.

Larry Sloane, L.F. Sloane Consulting Group, explained that Elmwood is a not for profit organization with a voluntary board of directors. He explained that he is held on retainer by Elmwood, not Birmingham. He noted that the archdiocese would be a subcontractor of Elmwood, not the City.

Dorothy Conrad expressed concern with the City entering into the agreement.

Commissioner McDaniel expressed concern with the return on investment if the income goes to the management company. Mr. Wuerth explained that the fees for services provided will be collected by the management company. Sales of new plots will be split between the management company, City, and endowment fund.

Commissioner Rinschler expressed support as the City is losing money on the cemetery and this would save money.

Commissioner Nickita pointed out that either party can terminate the agreement at any point with 90 days notice and staff will be monitoring the situation.

**MOTION:** Motion by Rinschler, seconded by Moore:  
To approve the service agreement with the Historic Elmwood Cemetery for cemetery management services at the Greenwood Cemetery, contingent upon the approvals required by Sec. 2-289 of the Birmingham City Code. Further, to direct the Mayor and City Clerk to sign the agreement on behalf of the City.

Mr. Sloane confirmed for the Commission that the original records will remain with the Clerk.

VOTE: Yeas, 4  
Nays, 3 (Hoff, McDaniel, Sherman)  
Absent, None

**06-186-13 VIA WAYFINDING SIGNAGE – WILLITS ALLEY &  
SOCIAL/COMMONWEALTH PASSAGE**

Planning Director Ecker explained the proposal for signage in the Willits Alley and Social/Commonwealth Passage includes two pole mounted wayfinding signs, two wall mounted blade wayfinding signs, one flush mounted sign and installation of a crosswalk. She noted there would be signs at each entry point of the alleys and a directional sign in the middle.

Commissioner Hoff questioned how the signs would be illuminated. Ms. Ecker confirmed the sign would be in Birmingham green with white lights. She noted that the City would enter into agreements for power from the building owners. She noted informal discussion with the building owners have taken place.

Commissioner Sherman expressed concern and commented the building owners should be approached first, prior to building the signs. He noted that the amount to be paid to the building owner has not yet been determined.

Mayor Pro Tem Moore agreed that the details need to be worked out before ordering the signs.

Commissioner McDaniel noted that this proposal takes the ~~via~~ wayfinding issue to a complex level. He stated that the via signs are only needed at both entrances.

**MOTION:** Motion by Nickita, seconded by Moore:

To approve the agreement with Universal Sign Systems for the fabrication and installation of via wayfinding signage in the Social/Commonwealth Passage and the Willits Alley in the amount of [insert amount] contingent upon the approvals required by Sec. 2-289 of the Birmingham City Code; and to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

Expenditures:

Wayfinding Signs – not to exceed (Account # 101-721.000-825.0100)	\$23,000
Total Expenditures – not to exceed	\$23,000

-AND-

To enter into a contract with Tri Powers Properties Inc. for the installation of two wall mounted via wayfinding blade signs on the west elevation of the building located at 261 E. Maple, abutting the Social Passage; entering into a contract with Comerica Inc. for the installation of one flush mounted via wayfinding wall sign on the rear of the building located at 220 Hamilton Row, abutting the Social/Commonwealth Passage; entering into a contract with Richard Astrein for the installation of one wall mounted via wayfinding blade sign on the east elevation of the building located at 138 W. Maple, abutting the Willits Alley; entering into a contract with Crowley Willits Retail LLC. for the installation of one flush mounted via wayfinding wall sign on the rear of the building located at 117 Willits, abutting the Willits Alley; and entering into a contract with Willits St. Limited Partnership for the installation of one wall mounted via wayfinding blade sign on the west elevation of the building located at 275 N. Old Woodward, abutting the Willits Alley.

Commissioner Hoff stated that she will not support the motion to approve the fabrication of the signs until discussion has been initiated with the property owners to ensure they are on board.

Commissioner Sherman agreed and noted the vendors should be fully vetted. He stated that he would like confirmation that the electrical issues have been worked out.



MOTION WITHDRAWN.

**MOTION:** Motion by Nickita, seconded by Moore:

To support the wayfinding signage for the Social/Commonwealth Passage and Willits Alley as defined in the staff report and to direct staff to negotiate the contracts for the placement of the signs with private property owners as deemed appropriate.

VOTE:           Yeas, 6  
                  Nays, 1 (McDaniel)  
                  Absent, None

The Commission agreed to hear Item N (2013-2014 Birmingham Area Cable Board Budget), removed from consent agenda, at this time.

**06-187-13                   2013-2014 BIRMINGHAM AREA  
                                  CABLE BOARD BUDGET**

Elaine McClain, Cablecasting Board, presented the 2013-2014 Birmingham Area Cable Board budget.

City Attorney Currier confirmed for Commissioner Hoff that the franchise fees are not restricted and go into the general fund.

Commissioner Hoff questioned the increase in funding for advertising and promotion. Ms. McClain explained that the additional funds would be used to increase public awareness through additional mailings and presentations.

**MOTION:** Motion by Hoff, seconded by Rinschler:

To receive the 2013-2014 proposed budget from the Birmingham Area Cable Board; and further, to approve the budget as submitted.

VOTE:           Yeas, 7  
                  Nays, None  
                  Absent, None

The Commission recessed at 10:02 PM.  
The Commission reconvened at 10:07 PM.

**06-188-13                   LANDSCAPING PURCHASE AND INSTALLATION FOR  
                                  EDISON PASSAGE AND NORTH HAMILTON PASSAGE**

Planning Director Ecker explained the landscaping will occur on public property located in the North Hamilton Alley near the Park Street Garage and in the Edison Alley adjacent to the Pierce Street Garage.

**MOTION:** Motion by McDaniel, seconded by Hoff:

To approve the agreement with Commercial Grounds Services for the purchase and installation of landscaping on the public property directly east of the Pierce Street Garage, abutting the Edison Passage (west) and the public property directly south of the Park Street Garage,

abutting the N. Hamilton Passage, in the amount of \$14,752.00 contingent upon the approvals required by Sec. 2-289 of the Birmingham City Code; and to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

Expenditures:

Landscaping - not to exceed (Account #401-901.019-981.0100)	\$14,752
Total Expenditures – not to exceed)	\$14,752

VOTE: Yeas, 7  
Nays, None  
Absent, None

**06-189-13 SETTLEMENT AGREEMENT - BIRMINGHAM COMMAND OFFICERS ASSOCIATION/COMMAND OFFICERS ASSOCIATION OF MICHIGAN**

Assistant City Manager Valentine explained the provisions in the settlement agreement. He disclosed that he is a volunteer with the auxiliary program.

**MOTION:** Motion by Hoff, seconded by McDaniel:

To approve the settlement agreement between the City and BCOA/COAM 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

**06-190-13 STAFF SALARY ADJUSTMENT**

Assistant City Manager Valentine explained the proposed wage adjustment would affect twelve department heads, twenty-one supervisory employees, and forty-five part-time employees and is consistent with the settlement agreements. He also explained the increase in deductibles.

**MOTION:** Motion by Sherman, seconded by Rinschler:

To approve a 2% salary table adjustment for full-time employees in the Department Head and Administrative/Management classifications, as well as, part-time employees; and further, approving the transfer of the necessary funds by the Finance Department from Account #101-299.000-709.00 to the respective departmental personnel accounts.

- AND -

To approve increased deductibles, out-of-pocket maximums, prescription drug co-pays and office visit co-pays for the full-time Administrative/Management employees as outlined in the June 14, 2013 staff report effective January 1, 2014.

VOTE: Yeas, 7  
Nays, None  
Absent, None

**06-191-13 ELECTIONS HELD IN ACCORDANCE WITH PROVISIONS OF MICHIGAN ELECTION LAW AND ORDINANCE AMENDMENT**

City Clerk Broski explained that the Home Rule City Act allows the City to adopt, by resolution, any changes to election provisions within the City Charter. She noted that the proposed resolution will make any non-conforming provisions in the Charter consistent with changes to the Michigan Election Law, therefore a Charter amendment is not needed. She further recommended that the City Code be amended to make the filing deadline for nominating petitions consistent with state law.

**MOTION:** Motion by Sherman, seconded by Nickita:

That the City of Birmingham's elections shall be consistent with all provisions of Michigan Election Law according to Home Rule City Act (Act 279 of 1909):

WHEREAS, the Home Rule City Act (Act 279 of 1909) Section 117.3b(3) states, "Notwithstanding any charter provision, the city may provide by resolution for any election provision that is consistent with the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992."

NOW THEREFORE BE IT RESOLVED, that the City of Birmingham's elections shall be consistent with all provisions in the Michigan Election Law.

- AND -

Ordinance amending Chapter 46 Elections, Section 46.7 Nominating Petitions, of the Code of the City of Birmingham, amending the filing deadline for nominating petitions.

VOTE:           Yeas, 7  
                  Nays, None  
                  Absent, None

**06-192-13                    CLOSED SESSION REQUEST  
                                  LAND ACQUISITION**

**MOTION:**    Motion by Nickita, seconded by Hoff:

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

**06-193-13                    CLOSED SESSION REQUEST  
                                  PENDING LITIGATION**

**MOTION:**    Motion by Hoff, seconded by Sherman:

To meet in a closed session to consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation in accordance with Section 8(e) of the Open Meetings Act (Act 267 of 1976).

ROLL CALL VOTE:    Yeas,                   Mayor Pro Tem Moore

Commissioner Nickita  
Commissioner Rinschler  
Commissioner Sherman  
Commissioner Hoff  
Commissioner McDaniel  
Mayor Dilgard

Nays, None  
Absent, None  
Abstentions, None

**06-194-13                    CLOSED SESSION REQUEST  
   PERSONNEL EVALUATION**

**MOTION:** Motion by Nickita, seconded by Rinschler:  
To meet in closed session to consider the City Manager's personnel evaluation as requested by the City Manager.

VOTE:                    Yeas, 7  
                                 Nays, None  
                                 Absent, None

**VII. REMOVED FROM CONSENT AGENDA**

**06-195-13                    INSTALLATION OF POROUS PAVE IN  
   ROUGE RIVER TRAIL SYSTEM**

DPS Director Wood confirmed for Dorothy Conrad that the Parks and Recreation Board received updates on the trail improvements at their meetings.

**MOTION:** Motion by Hoff, seconded by Rinschler:  
To approve the purchase and installation of Porous Pave in a 120 foot section of the Rouge River trail system to Porous Pave, Inc. in the amount not to exceed \$6,970.00. Further, to waive the normal bidding requirements due to Porous Pave, Inc. being the sole manufacturer of this product. Funds are available for this project from the Capital Projects Fund- Park Improvements # 401-751.001-981.0100.

VOTE:                    Yeas, 7  
                                 Nays, None  
                                 Absent, None

**VIII. COMMUNICATIONS**

**06-196-13**

The Commission received a communication from:

- Comcast regarding a change in channel and price
- DTE Energy regarding the installation of advanced utility meters

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

**X. REPORTS**

**06-197-13                    JOINT SENIOR SERVICES COMMITTEE REPORT**

The Commission received the final recommendation to the municipalities report submitted by the Joint Senior Services Committee.

Mayor Dilgard noted the final recommendation would be submitted by the Committee on July 8<sup>th</sup>.

**06-198-13                      CITY STAFF REPORT**

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

The Commission recessed to closed session at 10:26 PM.  
The Commission reconvened in open session at 11:49 PM.

<b>XI.    ADJOURN</b>
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The Mayor adjourned the meeting at 11:49 PM.

Laura M. Broski  
City Clerk