

BIRMINGHAM CITY COMMISSION MINUTES
JULY 22, 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 Rinschler
Commissioner Sherman
Absent, Commissioner Nickita

Administration: City Manager Bruner, Attorney Currier, Clerk Broski, Assistant City Manager Valentine, Planner Baka, Police Chief Studt, Deputy Chief Clemence, DPS Director Wood, Building Official Johnson

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

07-210-13 CABLE BOARD UPDATE

Elaine McClain, Cablecasting Board, explained the results of the survey on how people access cable are important as it demonstrates the need for public education and governmental programming, and is a revenue stream to the four communities of Birmingham, Beverly Hills, Bingham Farms, and Franklin. She stated the survey results will be linked on the website.

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.

07-211-13 APPROVAL OF CONSENT AGENDA

The following item was removed from the consent agenda:

- Item K (Hill School Bell Structure) by Commissioner Hoff

MOTION: Motion by Rinschler, seconded by Sherman:

To approve the consent agenda as follows:

- A. Approval of City Commission minutes of July 8, 2013.
- B. Approval of warrant list, including Automated Clearing House payments, of July 10, 2013 in the amount of \$610,324.51.
- C. Approval of warrant list, including Automated Clearing House payments, of July 17, 2013 in the amount of \$1,285,073.22.

- D. Resolution approving a request submitted by the Birmingham Bloomfield Chamber, Junior League of Birmingham, and The Community House requesting permission to hold the annual Halloween Parade and Pumpkin Patch on Sunday, October 20, 2013 in downtown Birmingham, 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 a request submitted by Lutheran Church of the Redeemer requesting permission to place a Nativity scene in Shain Park from November 27, 2013 to December 30, 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.
- F. Resolution approving the request submitted by the Birmingham Bloomfield Chai Center requesting permission to place a Sukkah in Shain Park, September 22nd – 24th, 2013, with a family event on September 22nd 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 an amendment to the Schedule of Fees, Charges, Bonds and Insurance, for Water and Sewer Connections as submitted.
- H. Resolution setting a public hearing date for August 12, 2013 to consider an application for a Special Land Use Permit Amendment and Final Site Plan for 1803.E. 14 Mile Rd. – Embury United Methodist Church.
- I. Resolution setting a Public Hearing for August 12, 2013 to consider the proposed Lot Rearrangement of 572 Watkins and 559 Southfield.
- J. Resolution setting a Public Hearing for August 12, 2013 to consider the proposed Lot Rearrangement of 740 N. Adams.

ROLL CALL VOTE: Yeas, Commissioner Hoff
 Commissioner McDaniel
 Mayor Pro Tem Moore
 Commissioner Rinschler
 Commissioner Sherman
 Mayor Dilgard
 Nays, None
 Absent, 1 (Nickita)
 Abstentions, None

The Commission agreed to hear Item K (Hill School Bell Structure) at this time.

**07-212-13 HILL SCHOOL BELL STRUCTURE
 ARCHITECTURAL DESIGN SERVICES**

Commissioner Hoff noted that the proposal is for architectural design services to create a display for the bell between the Allen House and Hunter House. She questioned the increase to the proposed bid price. Russ Dixon, Museum Board Chairperson, explained that the increase reflects the construction administration services, which was not included in the original bid. He confirmed that the proposal for design services is being paid for by the Friends of the Birmingham Historical Museum.

MOTION: Motion by Hoff, seconded by McDaniel:
To approve a service agreement with H2A Architects for architectural design services for the Hill School Bell Structure for fiscal year 2013-2014 in the amount of \$10,000.00 from account # 101-804.002-811.0000, to be reimbursed by the Friends of the Birmingham Historical Museum & Park. Further, to direct the Mayor and City Clerk to sign the agreement on behalf of the City.

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

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

**07-213-13 SPECIAL EVENT REQUEST
MULTI-CULTURAL DANCE & MUSIC CELEBRATION**

Mayor Pro Tem Moore disclosed that he is a member of the First Baptist Church. He recused himself from the discussion and left the room.

Keely Tyson, event planner, explained that the event includes multi-cultural music and dance performances in Shain Park. She stated that the event is free to the public. She explained the performances will be done by a variety of groups from the metro Detroit area.

MOTION: Motion by Hoff, seconded by McDaniel:
To approve a request submitted by the First Baptist Church of Birmingham requesting permission to hold the Multi-Cultural Dance & Music Celebration on October 5, 2013 in Shain Park, 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, Nickita)

Mayor Pro Tem Moore returned.

**07-214-13 PUBLIC HEARING – ZONING ORDINANCE AMENDMENT
DESIGN REVIEW**

Mayor Dilgard opened the Public Hearing at 7:42 PM to consider an amendment to the Zoning Ordinance, Chapter 126, 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.

City Planner Baka explained that currently the review process requires all design reviews to go before the Design Review Board. If an additional site plan is required, it goes before the Planning Board. The proposed ordinance amendment would allow the Planning Board to do the design review for the applicants that require a site plan as well in order to streamline the process. He noted that this would not apply to buildings or sites in the historic districts which require approval by the Historic District Commission.

The Mayor closed the Public Hearing at 7:44 PM.

MOTION: Motion by Rinschler, seconded by McDaniel:

To adopt an ordinance amending Chapter 126, Article 7, Processes, Permits and Fees, Section 7.08, Design Review, of the Birmingham City Code to eliminate redundancy in the review process by no longer requiring duplicate design reviews for projects by the Planning Board and Design Review Board.

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

**07-215-13 STIPULATION TO AMEND CONSENT JUDGEMENT
BOLYARD V CITY OF BIRMINGHAM**

City Attorney Currier explained that a patio area was originally proposed. The applicant would like to construct a deck instead. He stated that the deck does not increase the size of building originally approved. Since this matter was a consent judgment, it could not be administratively approved by the building official.

MOTION: Motion by Sherman, seconded by McDaniel:

To approve the Stipulation to Amend the Consent Judgment and to authorize the Mayor, City Clerk and City Attorney to sign the Stipulation.

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

**07-216-13 MUNICIPAL CONSULTING SERVICES, LLC
EXECUTIVE COMPENSATION STUDY**

Mayor Dilgard explained that the scope of work and number of communities to evaluate has increased, therefore the cost has increased.

Commissioner Hoff expressed her opposition to the increase and noted that many of the communities are not comparable to Birmingham. She stated that the communities should have similarities to Birmingham. She stated that she does not feel this is needed and has confidence in the Commission to negotiate the city manager's contract. She stated that if the Commission feels strongly that comparisons are needed, she suggested fewer communities and a focus on communities with a downtown area.

Dorothy Conrad questioned why the Michigan Municipal League (MML) was not used. She stated that she disagrees with the comparables.

Mayor Pro Tem Moore explained that the analysis will go beyond comparables. He explained that the communities chosen incorporated certain facets of Birmingham. He explained that the MML also provides this service on a fee basis. Mayor Dilgard noted that the cost would be the same and that there are very few experts in the field. Commissioner McDaniel noted that the range of benefits will be reviewed as well as salary.

Commissioner Sherman noted that the list of communities should be narrowed down to regain the scope of the original intent.

MOTION: Motion by Rinschler, seconded by McDaniel:
To approve the agreement with Municipal Consulting Services, LLC for an executive compensation study for the city manager position not to exceed \$5,000.00, to authorize the mayor and mayor pro tem to select the comparable communities (ten or less), and to authorize the mayor and city clerk to sign the agreement.

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

**07-217-13 CLOSED SESSION REQUEST
 PENDING LITIGATION**

MOTION: Motion by Hoff, seconded by Sherman:
To meet in a closed session to consult with the 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, Commissioner McDaniel
 Mayor Pro Tem Moore
 Commissioner Rinschler
 Commissioner Sherman
 Commissioner Hoff
 Mayor Dilgard
 Nays, None
 Absent, 1 (Nickita)
 Abstentions, None

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

07-218-13 COMMUNICATIONS
The Commission received the following communications:

- Patricia Andrews regarding Greenwood Cemetery
- Margaret Betts regarding Greenwood Cemetery
- Alice Thimm regarding Greenwood Cemetery
- Comcast regarding channel lineup change
- Consumers Energy Notice of Hearing

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

07-219-13 OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA
Dorothy Conrad commented that the commission should have held a hearing to determine whether the City should enter into a contract for the management of Greenwood Cemetery. She stated that the advisory boards should have reviewed the matter. She suggested the motion be rescinded.

City Manager Bruner explained that a community meeting will be held on September 10th. He stated that the cemetery is in a historic district and cannot be expanded or modified without commission approval. He confirmed for Commissioner Hoff that the contract took affect July 1st and could be terminated with a ninety-day notice.

X. REPORTS

07-220-13 COMMISSIONER COMMENTS

Commissioner McDaniel reported that the Joint Senior Services Committee presentation in Beverly Hills received a positive response.

07-221-13 JOINT SENIOR SERVICES COMMITTEE MINUTES

The Commission received the minutes of the Joint Senior Services Committee.

07-222-13 STAFF REPORTS

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

The Commission recessed to closed session at 8:22 PM.

The Commission reconvened in open session at 8:40 PM.

XI. ADJOURN

The Mayor adjourned the meeting at 8:40 PM.

Laura M. Broski
City Clerk