

**BIRMINGHAM CITY COMMISSION MINUTES
SEPTEMBER 23, 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: Assistant City Manager Valentine, Attorney Currier, Clerk Broski, DPS Director Wood, 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.

09-268-13 CONSENT AGENDA

MOTION: Motion by McDaniel, seconded by Rinschler:

To approve the consent agenda as follows:

- A. Approval of City Commission minutes of September 9, 2013.
- B. Approval of warrant list, including Automated Clearing House payments, of September 11, 2013 in the amount of \$938,129.80.
- C. Approval of warrant list, including Automated Clearing House payments, of September 18, 2013 in the amount of \$26,453,234.11.

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

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

09-269-13 550 WEST MERRILL REIMBURSEMENT FOR INSTALLATION OF SIDEWALK

City Engineer O'Meara explained that with the current renovations to the 550 West Merrill building by the Surnow Company, it is time to reconstruct the sidewalks to even the grade and eliminate the hill. The total cost to the City would be approximately \$15,500.00.

Mr. O'Meara confirmed for Commissioner Hoff that the City would pay for this improvement as it is requesting the change, not the property owner.

MOTION: Motion by Sherman, seconded by Nickita:

To authorize staff to reimburse the Surnow Co. up to \$15,367 for the installation of the sidewalk on the south side of Martin St., adjacent to 201 Southfield Rd. (upon acceptance), and waiving formal bidding requirements, allowing the developer to proceed with the work in connection to other work being done concurrently as a part of the redevelopment of 550 W. Merrill St.

VOTE: Yeas, 7
Nays, None
Absent, None

09-270-13 QUARTON LAKE MECHANICAL TREATMENT SERVICES

DPS Director Wood explained the recommendation to use mechanical harvesting to treat the water lilies at Quarton Lake. She confirmed for Commissioner Hoff that the dredging of the lake did not have an impact on the water lilies. Laura Gruzowski, of Hubbell, Roth, & Clark (HRC), explained that the dredging will deter some future growth.

Ms. Gruzowski confirmed for Commissioner Hoff that the fees involve HRC staff time, contractor to harvest, truck to transport the material off-site, and to hold additional meetings and workshops.

Discussion ensued in regards to the water quality and the effect of pollutants from fertilizers, poor construction, etc on the vegetation. Ms. Gruzowski noted the lake is pretty stagnant and the dissolved oxygen levels are low, however there are fish and frogs in the lake. She explained that the goal is to bring balance back to the lake. She confirmed that if nothing was done, the lily pads would eventually take over the lake.

Howard Christie, resident on Hawthore, suggested the DNR be brought in as they have water and dam experts.

Jerry Dancik, resident on Lakepark, stated that the lake is much shallower than it used to be. He suggested that the dam is part of the problem.

Stuart Stoller, resident on Waterfall Ct, commented on the amount of sediment in the lake and expressed concern with using chemicals as the chemicals will kill all the vegetation and landscaping of those who irrigate with water from the lake.

Ms. Wood explained that the method of choice is mechanical harvesting. She noted that the Parks and Recreation Board was unanimous that no chemicals be used.

MOTION: Motion by McDaniel, seconded by Moore:

To approve the proposal with Hubbell, Roth & Clark, Inc. for all services associated with the mechanical treatment at Quarton Lake in an amount not to exceed \$17,500.00. Further, to authorize the appropriation and amendment to the fiscal year 2013-2014 budget as follows for this purchase.

General Fund:

Revenues:

Draw from Fund Balance, #101-000.000-400.0000	\$17,500
Total Revenue Adjustment	\$17,500

Expenditures:

Parks-Quarton Lake Maintenance, #101-751.000-935.0300	\$17,500
Total Expenditure Adjustment	\$17,500

VOTE: Yeas, 7
 Nays, None
 Absent, None

**09-271-13 KENNING PARK
 DEVELOPMENT OF MASTER PLAN**

DPS Director Wood explained that there are funds budgeted to improve the parking lot at Kenning Park. She stated that Johnson Hill Land Ethics Studio was hired to assist with a design and architectural drawings to develop concept plan for the parking lot. The concept plan includes streetscape, wayfinding, sidewalks, street lights, etc and exceeds what was budgeted.

Ms. Wood noted the parking lot will be done and the other items could be phased in after a couple years.

Discussion ensued regarding the parking lot and master plan. Commissioner Sherman commented on spending funds on the parking lot and not taking into account how the park will look, he suggested putting a plan together in stages. Commissioner Hoff noted that the master plan is not proposing to move the parking lot to a different area. Commissioner Rinschler suggested the parking lot and master plan be done.

Commissioner Hoff moved to authorize the Administration to proceed with plans and specifications to bid out the Kenning Park Parking Lot Renovation project within the \$500,000 budgeted and to approve the proposal from Johnson-Hill Land Ethics Studio in an amount not to exceed \$7,400 for the purpose of assisting with the development of a master plan for Kenning Park; contingent upon receipt of proper insurance. Further, to waive the formal bidding requirements. There was no second.

Commissioner Hoff moved to authorize the Administration to proceed with plans and specifications to bid out the Kenning Park Parking Lot Renovation and to approve the proposal

from Johnson-Hill Land Ethics Studio in an amount not to exceed \$7,400 for the purpose of assisting with the development of a master plan for Kenning Park; contingent upon receipt of proper insurance. Further, to waive the formal bidding requirements. There was no second.

MOTION: Motion by Rinschler, seconded by McDaniel:

To approve the proposal from Johnson-Hill Land Ethics Studio in an amount not to exceed \$7,400 for the purpose of assisting with the development of a master plan for Kenning Park; contingent upon receipt of proper insurance. Further, to waive the formal bidding requirements. Funds for this purchase are available from General Fund – Parks – Other Contractual Services account #101-751.000-811.0000.

VOTE: Yeas, 7
Nays, None
Absent, None

**09-272-13 LINDEN PARK
 CONIFER ROCK GARDEN DONATION PROJECT**

DPS Director Wood explained the proposal by Marshall Lasser to donate a Japanese-style Conifer Rock Garden at Linden Park. She noted that the donation is contingent upon being approved and completed this year. She explained that the Parks and Recreation Board took no action on this item as they were concerned with funding, ongoing maintenance of the site, and parking. Ms. Wood explained that typically donors donate 100% of the project. The donation would only cover 50% of the cost.

In response to a question from Commissioner Rinschler about making this more visible, Mr. Dul explained that Mr. Lasser has recommended additional screening of the feature. Commissioner McDaniel noted that they are limited in where this could be placed due to easements as the south end of the park is a floodplain.

Commissioner Hoff noted that a policy is in place, in which the donor gives a proposal, the City determines who the contractors are. She expressed concern with a donor asking for taxpayer dollars, with citizens trimming trees on City property, and with setting a precedent as to who determines what will be in the park.

Commissioner Rinschler stated that he does not support this as it is precedent setting to approve a matching donation. He noted that other donations have been fully paid for by the donors.

Mayor Pro Tem Moore noted that this type of project would have to be vetted and planned and needs further dialog.

The following individuals expressed concern with the use of non-native plants and not adhering to the park's master plan.

Patricia Bordman, resident on Lakepark
Anne Bray, 1260 Buckingham

Commissioner McDaniel made a motion to authorize the Conifer Rock Garden donation project at Linden Park and approving the Gift Agreement with Marshall Lasser for a gift of up to \$30,000; with the City of Birmingham responsible for the remaining one-half of the project cost

not to exceed \$30,000; for a total project cost not to exceed \$60,000. Further, to waive the formal bidding requirements and approving the sole source purchase of goods and services with Rockworks and Michael J. Dul & Associates, Inc. Further, to authorize a budget amendment for this purchase. There was no second.

The Commission expressed appreciation of the offer and noted the importance of the vetting process.

**09-273-13 CLOSED SESSION REQUEST
PURCHASE OR LEASE OF PROPERTY**

MOTION: Motion by Sherman, seconded by McDaniel:
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

VIII. COMMUNICATIONS

09-274-13 COMMUNICATIONS

The Commission received the following communications:

- Oakland County Homeland Security Division regarding 9/7/13 Siren Test Results
- Wide Open West regarding a programming change

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

X. REPORTS

09-275-13 COMMISSIONER COMMENTS

Commissioners Hoff, Moore, and Nickita presented an update from the Michigan Municipal League conference.

09-276-13 CITY STAFF REPORTS

The Commission received the Greenwood Cemetery Community Meeting report submitted by City Manager Bruner.

Commissioner Sherman and Commissioner Hoff agreed that a cemetery board should be appointed to oversee the operations of the cemetery.

Commissioner Rinschler and Mayor Pro Tem Moore suggested staff return with a specific recommendation as to the pros and cons of a board versus an ad hoc committee.

Commissioner McDaniel suggested the committee have Commission representation. Mr. Currier confirmed that is possible on an ad hoc committee only.

Dorothy Conrad and Pam DeWeese spoke in favor of appointing a cemetery board.

Dorothy Conrad stated her understanding that nothing further will be done regarding the cemetery until a meeting is held and the contract is reviewed. She stated that she does not want to see the current management company moving forward with any plans.

Mayor Pro Tem Moore confirmed that the management company would have to go through the historic board and City Commission prior to moving forward with any plans.

Mr. Currier confirmed for Ron Buchanan that Elmwood took over the contract for lawn care.

The Commission recessed to closed session at 10:07 PM.

The Commission reconvened in open session at 10:44 PM.

XI. ADJOURN

The Mayor adjourned the meeting at 10:44 PM.

Laura M. Broski
City Clerk