

BIRMINGHAM CITY COMMISSION MINUTES
OCTOBER 7, 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 Commissioner Nickita Commissioner Rinschler Commissioner Sherman
	Absent,	Mayor Pro Tem Moore

Administration: City Manager Bruner, Assistant City Manager Valentine, Attorney Currier, Deputy Clerk Arft, DPS Director Wood, City Engineer O'Meara, Assistant City Engineer Cousino, Finance Director/Treasurer Ostin, Planning Director Ecker, Senior Planner Baka, PSD Director Heiney

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

10-277-13 APPOINTMENT TO THE BOARD OF ZONING APPEALS

MOTION: Motion by Nickita:

To appoint Jeffery Jones to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2016.

MOTION: Motion by Hoff:

To appoint Charles Lillie to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2016.

VOTE ON NOMINATION OF JONES:

Yeas, 6
Absent, 1 (Moore)

VOTE ON NOMINATION OF LILLIE:

Yeas, 6
Absent, 1 (Moore)

10-278-13 APPOINTMENT TO THE BROWNFIELD REDEVELOPMENT AUTHORITY

The Commission agreed to postpone the appointment to the Birmingham Brownfield

Redevelopment Authority to a future meeting as the applicant was not in attendance to be interviewed.

The Deputy Clerk administered the oath of office 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.

10-279-13 APPROVAL OF CONSENT AGENDA

The following items were removed from the consent agenda:

- Item A (Minutes of September 23, 2013) by Dorothy Conrad
- Item J (Adams Road Bridge Lighting) by Commissioner Hoff
- Item K (PSD Holiday Advertising Campaign) by Commissioner Hoff
- Item O (Municipal and Community Credit 2014 Contract) by Dorothy Conrad

MOTION: Motion by McDaniel, seconded by Sherman:

To approve the consent agenda as follows:

- B. Approval of warrant list, including Automated Clearing House payments, of September 25, 2013 in the amount of \$501,625.13.
- C. Approval of warrant list, including Automated Clearing House payments, of October 2, 2013 in the amount of \$6,601,340.78.
- D. Resolution postponing the public hearing to consider a SLUP amendment and revised Final Site Plan for Luxe Bar and Grille at 525 N. Old Woodward to allow outdoor dining expansion on the adjacent property at 535 N. Old Woodward until November 25, 2013.
- E. Resolution setting a public hearing date for November 11, 2013 to consider an application for a Special Land Use Permit Amendment and Final Site Plan for 1755 and 1775 Melton – Eton Academy.
- F. Resolution scheduling a public hearing to consider the vacation of the twenty foot wide alley between 663 Harmon St. and 660 Dewey St. on Monday, November 11, 2013, at the regularly scheduled City Commission meeting, subject to an easement for public utilities being retained, and subject to comments received by the utility companies.
- G. Resolution setting a public hearing at the regular meeting of November 11, 2013, to consider the final conceptual designs of Lincoln Ave. (Southfield Rd. to Woodward Ave.) and N. Eton Rd. (Derby Rd. to Yorkshire Rd.) as reviewed by the Multi-Modal Steering Committee, and as recommended in the draft Multi-Modal Transportation Master Plan.
- H. Resolution approving the appointment of election inspectors for the November 5, 2013 City Election pursuant to MCL 168.674(1) and authorizing the City Clerk to make revisions as needed.
- I. Resolution authorizing the City Manager to cast a ballot on behalf of the City of Birmingham for the Michigan Municipal League Liability and Property Pool Board of Directors.
- L. Resolution awarding the East Side Sewer Internal Inspection Contract, Contract #11-13(S), to Advanced Underground Inspection, LLC, of Westland, MI, in the amount of \$20,320, to be charged to the Sewer Fund, account number 590-536.001-811.0000.
- M. Resolution approving the agreement with the Oakland County Water Resources Commissioner's Office for ingress and egress to the area defined as "Access Area" on

Exhibit "B", and further, directing the Mayor and City Clerk to sign the agreement on behalf of the City.

- N. Resolution awarding the 2013-2014 Public Services contract totaling \$9,899 for Yard Services and Senior Outreach Services to the Birmingham Area Seniors Coordinating Council (BASCC) under the Community Development Block Grant Program; and further directing the Mayor to sign the contract on behalf of the City
- P. Resolution approving the contract for Kenning Park Ball Fields Maintenance project to Homefield Turf and Athletic, Inc. in the amount not to exceed \$15,008.00. Further, authorizing the Mayor and City Clerk to sign the Agreement on behalf of the City upon the receipt of proper insurances. Funds for this project are in the Capital Projects Fund account #401-751.001-981.0100.
- Q. Resolution giving local governmental approval to Crush, LLC for its outdoor service area on city property at 555 S. Old Woodward.

ROLL CALL VOTE: Yeas, Commissioner Hoff
 Commissioner McDaniel
 Commissioner Nickita
 Commissioner Rinschler
 Commissioner Sherman
 Mayor Dilgard
 Nays, None
 Absent, 1 (Moore)
 Abstentions, 1 (Hoff)-Reimbursement of Warrant: Hoff #223132

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

**10-280-13 SPECIAL EVENT REQUEST
 BIRMINGHAM VILLAGE FAIR**

Joe Bauman, Chamber President, explained the request to hold the 2014 Village Fair in Shain Park, along with a private party on Wednesday, May 28, 2014 for approximately 2500 United Shore Financial Services employees. There will be entertainment at the band shell as well. The rides, games and food vendors would be restricted, by means of identification such as wristbands or t-shirts, with vouchers for the food, rides and games. He provided details for accommodating the additional cars in the Pierce, North Woodward and Chester Street garages and stated that the arrangements have been discussed with the parking management. This is the Chamber's largest fundraiser each year and the private party will increase the revenue. Mr. Bauman confirmed for Commissioner Hoff that signage would be placed in the area that the fair is closed for a private party, and that the Chamber would be responsible for any damages.

MOTION: Motion by McDaniel, seconded by Nickita:
To approve a request submitted by the Birmingham Bloomfield Chamber to hold the Village Fair in the Shain Park area, May 29, 2014 to June 2, 2014, including the private party, 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.

Commissioner Rinschler commented that while he is supportive of the fair, he wants to look at the private party as an experiment, and not as an automatic endorsement of annual parties.

Mr. Bauman said that they are not marketing the party. The Chamber was approached to consider the private event.

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

**10-281-13 SPECIAL EVENT REQUEST
SEAHOLM HIGH SCHOOL 90TH FIELD DAY PARADE**

Deanna Barash, Seaholm High School Principal and Rosemary Ricelli Scheidt, Parade Chairperson, explained the request to hold the parade on October 17, 2013. This is in conjunction with the homecoming festivities. First United Methodist Church has agreed to permit parking in its parking lot for the event.

Commissioner Hoff asked about the notice that was printed in the school district newsletter she received recently, which had a different route printed in it. Ms. Barash clarified that the route was changed, but unfortunately the change did not make it into the newsletter.

Ms. Conrad objected to charging fees to the school district for a school event. Ms. Barash and Ms. Scheidt stated that the fees had been budgeted for the event. Commissioner Rinschler supported Ms. Conrad's objection regarding the fees, and does see a distinction between a school event and a school fundraising event.

MOTION: Motion by Rinschler, seconded by McDaniel:
To approve a request submitted by Seaholm High School to hold the Seaholm High School 90th Field Day Parade on October 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.

Commissioner Hoff expressed concern about the late submission of the application, and urged the commission to give some thought to the 90 day deadline for special event applications. Assistant City Manager Valentine stated that he has spoken with the school superintendent's office since this is the second instance of an application submitted with less than 90 days notice. He has been assured that all principals will be notified of the city's requirements so that this does not happen again.

Commissioner McDaniel commented he is in favor of not charging the schools a fee and feels that the issue ought to be decided by the commissioners. Mr. Bruner stated that in general, the city departments work with applicants to minimize the costs charged to them.

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

Commissioner Nickita commented that perhaps in long range planning meeting, differentiation in applicants and the type of events may be discussed by the commissioners.

**10-282-13 PUBLIC HEARING, SPECIAL LAND USE PERMIT AMENDMENT
LUTHERAN CHURCH OF THE REDEEMER, 1800 W. MAPLE**

Mayor Dilgard opened the Public Hearing to consider an application for a Special Land Use Permit amendment for Lutheran Church of the Redeemer, 1800 W. Maple at 8:08 pm.

City Planner Ecker explained the request to approve an amendment to a Special Land Use Permit and revised Final Site Plan to allow the installation of a new ground sign. She stated that this is brick construction, and noted that in this district, signage of up to 20 square feet per side is permitted. The applicant currently has just under 20 square feet. The address does not count toward signage measurement.

Planner Ecker confirmed for Commissioner Nickita that this is actual brick and the columns are constructed of high density polyurethane.

Planner Ecker stated for Commissioner Hoff that the photo in the packet is what the sign will look like and that the letters are permanent. Planner Ecker confirmed that the foundation is required to be 42 inches to allow for frost depths to prevent shifting over time.

Mayor Dilgard closed the Public Hearing at 8:11 pm.

MOTION: Motion by Hoff, seconded by McDaniel:

To approve a Special Land Use Permit Amendment and Revised Final Site Plan request for 1800 W. Maple, Lutheran Church of the Redeemer, pursuant to Article 7, section 7.34, Zoning, of the Birmingham City Code to allow the installation of a new ground sign:

WHEREAS, Lutheran Church of the Redeemer originally applied for and received on May 13, 1991 a Special Land Use Permit for site improvements at 1800 W. Maple, such application having been filed pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the north side of W. Maple, between Chesterfield and N. Glenhurst;

WHEREAS, The land is zoned R-1, Single Family Residential, which permits a Church and a school with a Special Land Use Permit;

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning, of the City Code requires a Special Land Use Permit to be reviewed by the Birmingham City Commission at such time that any change takes place in the building, or the use of the property is altered;

WHEREAS, The Planning Board reviewed a proposed Special Land Use Permit Amendment on August 14, 2013 to install a new monument sign for the Church. The Planning Board recommended that the Special Land Use Permit Amendment be approved with the condition that the sign must have a 42" foundation per the building department.

WHEREAS, The Birmingham City Commission has reviewed the Lutheran Church of the Redeemer Special Land Use Permit Amendment application as well as the standards for such review, as set forth in Article 7, section 7.34, Chapter 126, Zoning, of the City Code; and

NOW, THEREFORE, BE IT RESOLVED, That the Birmingham City Commission finds the standards set forth in the City Code have been met and the Lutheran Church of the Redeemer application for a Special Land Use Permit Amendment authorizing a new monument sign is hereby approved,

BE IT FURTHER RESOLVED, That all conditions of the previously approved Special Land Use Permit and subsequent amendments shall be continued as part of this Special Land Use Permit Amendment and are incorporated as herein by reference; and

BE IT FURTHER RESOLVED, That the Lutheran Church of the Redeemer 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 subsequently be amended. Failure of the Lutheran Church of the Redeemer to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

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

10-283-13 PUBLIC HEARING, SPECIAL LAND USE PERMIT AND FINAL SITE PLAN, HOME, 210 S. OLD WOODWARD

Mayor Dilgard opened the Public Hearing to consider an application for a Special Land Use Permit and Final Site Plan for HOME, 210 S. Old Woodward at 8:12 pm.

Planner Ecker explained the applicant plans a family style, casual restaurant, with an expanded kitchen area and a reduction in the size of the bar area. Outdoor dining on private property is proposed. A banquet area, where the dance floor was previously, is also planned.

Kristin Jonna, the applicant, and Roman Bonislowski, the architect, explained some of the changes being planned for the space and how they expect this restaurant to fit in Birmingham. Ms. Jonna confirmed for Commissioner McDaniel that at this time, they will be open for lunch and dinner. She hopes to offer Sunday brunch at some point in the future. Ms. Jonna noted that the Ann Arbor restaurant does have a banquet area.

Ms. Jonna informed Commissioner McDaniel that they hope to open in February, with construction to begin in November.

Mayor Dilgard closed the Public Hearing at 8:46 pm.

MOTION: Motion by Rinschler, seconded by Nickita:

To approve a Special Land Use Permit for Home at 210 S. Old Woodward to allow the operation of a food and drink establishment with on-premises consumption of alcoholic liquors:

WHEREAS, HOME 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 with on- premises consumption of alcoholic liquors in the B4 zone district in accordance Article 2, Section 2.37 of Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the west side of S. Old Woodward, south of Merrill Street;

WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits the operation of food and drink establishments serving alcoholic beverages 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 applicant submitted an application for a Special Land Use Permit and Final Site Plan for HOME;

WHEREAS, The Planning Board on August 28, 2013 reviewed the application for a Special Land Use Permit and Final Site Plan Review and recommended approval of the application with the following conditions:

- (1) The applicant obtains approval from the Historic District Commission;
- (2) The applicant obtains an outdoor dining permit from the City of Birmingham; and
- (3) The applicant comply with the requests of the Fire Department.

WHEREAS, The applicant has agreed to comply with the conditions of approval recommended by the Planning Board;

WHEREAS, The Historic District Commission on September 18, 2013 reviewed the application for a Historic Sign and Design Review and recommended approval of the application;

WHEREAS, The Birmingham City Commission has reviewed HOME'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 HOME's application for a Special Land Use Permit and Final Site Plan at 210 S. 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. HOME 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, HOME 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 HOME 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 HOME is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises with a Class C Liquor License, at 210 S. Old Woodward, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

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

**10-284-13 TRANSFER OWNERSHIP OF CLASS C LIQUOR LICENSE
 VINTAGE, LLC, 210 S. OLD WOODWARD**

MOTION: Motion by Sherman, seconded by McDaniel:

To approve the liquor license transfer of ownership of a Class C Liquor License with Sunday Sales (PM) Permit, Dance Permit, Entertainment Permit, Additional Bar Permit, Official Permit (Food) and Outdoor Service Area Permit from Woodward Tap, Inc. (Business Id. No. 219821) to Vintage, LLC, located at 210 S. Old Woodward, Suite 100, Birmingham, Michigan and request a new SDM License and a new Sunday Sales (AM) Permit. Furthermore, pursuant to Birmingham City Ordinance, authorize the city clerk to complete the Local Approval Notice at the request of Vintage, LLC transferring ownership of a Class C Liquor License with Sunday Sales (PM) Permit, Dance Permit, Entertainment Permit, Additional Bar Permit, Official Permit (Food), a new SDM License, a new Sunday Sales (AM) Permit and Outdoor Service Area Permit.

Commissioner Hoff asked if this is the same arrangement that the previous occupant had with this liquor license. Kelly Allen, attorney for Ms. Jonna (Vintage, LLC), explained that the arrangement is the same. The landlord, James Esshaki, retains a security interest in the liquor license, but the license will be owned by Vintage, LLC. The license would revert to the landlord in the case of default.

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

10-285-13 PUBLIC HEARING, REVISED FINAL SITE PLAN AND SPECIAL LAND USE PERMIT, CRUSH, 555 S. OLD WOODWARD

Mayor Dilgard opened the Public Hearing to consider approval of the Revised Final Site Plan and Special Land Use Permit for Crush, 555 S. Old Woodward at 8:51 pm.

Commissioner Hoff expressed concern with parking. Planner Baka stated that the plan complies with the parking requirements and has additional spaces due to a shared parking agreement.

Samir Eid expressed concern about the parking situation. He advised that in a 24 month period, 2200 parking tickets were written from his parking lot. Commissioner Hoff added that the owner of CVS also expressed concerns about the use of their parking lot.

Rick Rattner, Attorney, stated that they are cognizant of the concerns over parking, and with over 100 spaces available in the garage, there should not be an issue. Mr. Rattner said that it was their understanding that the city did not want valet parking at that location, but will offer valet if necessary. Suggestions were made that the applicant offer free parking for the restaurant parking or validated parking.

Mayor Dilgard closed the Public Hearing at 9:16 pm.

MOTION: Motion by Rinschler, seconded by McDaniel:

To approve the applicant's request for Revised Final Site Plan approval and SLUP Amendment for Crush Restaurant at 555 S. Old Woodward Ave:

WHEREAS, CRUSH filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a new restaurant with an Economic Development License in accordance with Article 3, Section 3.04(c) of Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the east side of S. Old Woodward between Bowers and Haynes;

WHEREAS, The land is zoned B-3, and is located within the Downtown Birmingham Overlay District, in the area identified on Map 3.1 of Chapter 126, Zoning, which permits the use of Economic Development Licenses with a Special Land Use Permit;

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit Amendment 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 applicant submitted an application for a Special Land Use Permit Amendment and Revised Final Site Plan to operate Crush Bistro as a Restaurant using an Economic Development License;

WHEREAS, The Planning Board on September 25th, 2013 reviewed the application for a Special Land Use Permit and recommended approval of the SLUP amendment and Final Site Plan review with the following conditions;

- 1) The applicant provide a signed copy of the contract with the City;
- 2) Obtain an Outdoor Dining License;
- 3) Applicant complies with any unresolved conditions of previous approvals;
- 4) Applicant reconstruct all streetscape elements in accordance with current standards as recommended by the Engineering Dept.; and
- 5) Dumpster is relocated and properly enclosed.

WHEREAS, The applicant has agreed to comply with the Planning Board conditions of approval ;
WHEREAS, The Birmingham City Commission has reviewed Crush'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 the Crush application for a Special Land Use Permit Amendment authorizing the operation of a restaurant with an Economic Development license at 555 S. Old Woodward in accordance with Chapter 10, Alcoholic Liquors, 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 Amendment is granted subject to the following conditions:

1. Crush shall abide by all provisions of the Birmingham City Code;
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;
3. Crush shall provide for the removal of disposable materials resulting from the operation and maintain the area in a clean and orderly condition by providing the necessary employees to guarantee this condition, and by the placement of a trash receptacle in the outdoor seating area;
4. Crush shall enter into a contract with the City outlining the details of the proposed economic development option.

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, Crush 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 Crush 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 Crush, which will do business at 555 S. Old Woodward, Birmingham, Michigan, 48009, is located in the Principal Shopping District which was designated as a Redevelopment Project Area, pursuant to Section 521a (1)(b) of the Michigan Liquor Control Code of 1988, being MCL 36.1521a(1)(b), by Birmingham City Commission Resolution adopted September 24, 2007; and

MAY IT BE FURTHER RESOLVED, That Crush is recommended for the operation of a restaurant, with a Class C Liquor License, at 555 S. Old Woodward, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

Saverio Bitonti, owner of a hair salon in the area, stated that he and his new neighbor, Bo Concept, are happy to offer their parking lots to customers of Crush for free.

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

**10-286-13 PUBLIC HEARING, PROPOSED DIVISION OF
555 S. OLD WOODWARD**

Mayor Dilgard opened the Public Hearing to consider the proposed division of 555 S. Old Woodward at 9:17 pm.

Planner Baka presented the application for the division. He stated that the application and accompanying documents are in order and complies with the City requirements for a lot split.

Mayor Dilgard closed the Public Hearing at 9:18 pm.

MOTION: Motion by Sherman, seconded by Nickita:
To approve the proposed subdivision of 555 S. Old Woodward.

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

VII. REMOVED FROM CONSENT AGENDA

**10-287-13 CITY COMMISSION MINUTES
SEPTEMBER 23, 2013**

Dorothy Conrad suggested that more detail is needed in the discussion related to Greenwood Cemetery with regard to promises made by the commissioners that no action would be taken and regarding various things in the cemetery until a committee is formed and the issues are resolved.

Commissioner Hoff asked that the Clerk review the tape and correct the minutes if there is anything to be added. Commissioner McDaniel agreed that the minutes should be crystal clear in this regard.

Commissioner Hoff suggested the following changes:

Resolution 09-269-13: "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."

Resolution 09-272-13: "The following individuals expressed concern with the use of non-native plants and not adhering to the park's master plan."

Commissioner Nickita asked that the minutes also reflect in the Greenwood Cemetery discussion that the attorney was asked to clarify details of the contract and include his comments regarding the lawn care issue. Commissioner Hoff agreed that it was unclear and the minutes should reflect that discussion as well.

MOTION: Motion by Hoff, seconded by McDaniel:
To approve the minutes of September 23, 2013 as corrected.

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

**10-288-13 LED LIGHTING CONVERSION KITS
ADAMS ROAD BRIDGE**

Commissioner Hoff suggested that the resolution state that the expenditure is for the Adams Road bridge.

MOTION: Motion by Hoff, seconded by McDaniel:

To waive formal bidding requirements to authorize the expenditure of \$11,280.00 from the Major Streets Bridge public improvements fund (Account No. 202-449.002-981.0100) to purchase 8 LED lighting conversion kits from Great Lakes Power & Lighting Company for the Adams Road bridge. Further, authorize the appropriation and amendment to the fiscal year 2013-2014 budget as follows:

Major Streets Fund:

Revenues:

Draw from Fund Balance, #202-000.000-400.0000	\$11,280
Total Revenue Adjustment	\$11,280

Expenditures:

Other Contractual Service, #202-449.002-981.0000	\$11,280
Total Expenditure Adjustment	\$11,280

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

10-289-13 2013 PSD HOLIDAY PROMOTION TV CAMPAIGN

Finance Director Ostin stated that when the commission approved the original budget, the \$15,000 was approved and appropriated, and by asking for the additional \$10,000, the total expenditure becomes \$25,000.

Commissioner Sherman asked how the parking system gets a benefit from the promotion. Mr. Heiney responded that there is a correlation between bringing shoppers downtown and the success of the parking system.

MOTION: Motion by Hoff, seconded by McDaniel:

To authorize an additional \$10,000 for a total expenditure of \$25,000 from the Automobile Parking System fund promotion account (Account #585-538.001-901.0300) to assist the PSD in creating their proposed 2013 holiday promotional TV campaign. Further, authorize the appropriation and amendment to the fiscal year 2013-2014 budget as follows:

Auto Parking Fund:

Revenues:

Draw from Fund Balance, #585-000.000-400.0000	\$10,000
Total Revenue Adjustment	\$10,000

Expenditures:

Promotion, #585-538.001-901.0300	\$10,000
Total Expenditure Adjustment	\$10,000

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

10-290-13 2014 MUNICIPAL CREDIT AND COMMUNITY CREDIT CONTRACT

Dorothy Conrad asked about the bus shelter on Maple between Woodward and Elm referred to in the report. City Engineer O'Meara responded that they are waiting for a sidewalk contract to put together a pad, and the shelter will be built next spring.

MOTION: Motion by McDaniel, seconded by Rinschler:

To approve \$19,760 in Municipal Credits and \$5,304.50 in Community Credits to provide support for BASCC'S specialized transportation program; approve \$16,756.50 in Community Credit funds for the purchase of a new bus shelter located at Oakland and the east side of N. Old Woodward; and further direct the Mayor to sign the Municipal Credit and Community Credit contract for fiscal year 2014 on behalf of the City.

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

VIII. COMMUNICATIONS

10-291-13 COMMUNICATIONS

The Commission received the following communications:

- Pamela DeWeese regarding Greenwood Cemetery Management Agreement
- Mary Ley regarding DTE power failures
- Michigan Public Service Commission notice regarding public hearing on DTE increases

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

X. REPORTS

10-292-13 COMMISSIONER REPORTS

The Commission intends to appoint to the Board of Review on November 11, 2013 and the Principal Shopping District on November 25, 2013.

10-293-13 CITY STAFF REPORTS

The Commission received the Tree Lighting Special Event Addendum, submitted by PSD Director Heiney and Clerk Pierce.

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

XI. ADJOURN

The Mayor adjourned the meeting at 9:30 pm.

Cheryl Arft
Deputy Clerk