

**BIRMINGHAM CITY COMMISSION MINUTES
DECEMBER 9, 2013
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.**

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Scott D. Moore, Mayor, called the meeting to order at 7:30 PM.

II. ROLL CALL

ROLL CALL:	Present,	Mayor Moore Commissioner Dilgard Commissioner Hoff Commissioner McDaniel Commissioner Nickita Mayor Pro Tem Sherman
	Absent,	Commissioner Rinschler

Administration: City Manager Bruner, Attorney Currier, Clerk Pierce, Assistant City Manager Valentine, Finance Director Ostin, Billing Manager Laing

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

**12-340-13 PROCLAMATION – REV. CHARLES WHITFIELD
IN RECOGNITION OF RETIREMENT**

Mayor Moore presented a proclamation to Reverend Charles Whitfield congratulating Rev. Whitfield on his retirement after fifty-seven years serving the Grace Baptist Church.

**12-341-13 APPOINTMENT TO THE
GREENWOOD CEMETERY ADVISORY COMMITTEE**

Mayor Moore noted that the interviews for this committee were held at the November 25th Commission meeting.

Appointment of the general public member who does not currently own a grave at Greenwood Cemetery:

MOTION: Motion by Dilgard:

To appoint Laura Ann Schreiner, 591 Bird, to the Greenwood Cemetery Advisory Committee, as the member of the general public who does not currently own a grave at Greenwood Cemetery, to serve a one-year term to expire December 31, 2014.

MOTION: Motion by Hoff:

To appoint Patricia Bordman, 1091 Lake Park Drive, to the Greenwood Cemetery Advisory Committee, as the member of the general public who does not currently own a grave at Greenwood Cemetery, to serve a one-year term to expire December 31, 2014.

VOTE ON NOMINATION OF SCHREINER:

Yeas, 5 (Dilgard, McDaniel, Moore, Nickita, Sherman)
Absent, 1 (Rinschler)

Laura Schreiner was appointed as the member of the general public who does not currently own a grave at Greenwood Cemetery.

Appointment of the general public member who owns a grave and intends to be interred in Greenwood Cemetery:

MOTION: Motion by Nickita:

To appoint Daniel Share, 1040 Gordon Lane to the Greenwood Cemetery Advisory Committee, as the member of the general public who owns a grave and intends to be interred in Greenwood Cemetery, to serve a one-year term to expire December 31, 2014.

MOTION: Motion by McDaniel:

To appoint Linda Peterson, 1532 Melton to the Greenwood Cemetery Advisory Committee, as the member of the general public who owns a grave and intends to be interred in Greenwood Cemetery, to serve a one-year term to expire December 31, 2014.

MOTION: Motion by Hoff:

To appoint Patrick Lynch, 4525 Charing Cross, Bloomfield Hills, to the Greenwood Cemetery Advisory Committee, as the member of the general public who owns a grave and intends to be interred in Greenwood Cemetery, to serve a one-year term to expire December 31, 2014.

MOTION: Motion by Dilgard:

To appoint Philip Stenger, 970 Pilgrim, to the Greenwood Cemetery Advisory Committee, as the member of the general public who owns a grave and intends to be interred in Greenwood Cemetery, to serve a one-year term to expire December 31, 2014.

VOTE ON NOMINATION OF SHARE:

Yeas, 2 (Nickita, Moore)
Absent, 1 (Rinschler)

VOTE ON NOMINATION OF PETERSON:

Yeas, 1 (McDaniel)
Absent, 1 (Rinschler)

VOTE ON NOMINATION OF LYNCH:

Yeas, 1 (Hoff)
Absent, 1 (Rinschler)

VOTE ON NOMINATION OF STENGER:

Yeas, 2 (Sherman, Dilgard)
Absent, 1 (Rinschler)

No applicants received the required number of votes for appointment. The Mayor called for a second vote on the nominees.

VOTE ON NOMINATION OF SHARE:

Yeas, 4 (Nickita, Moore, Hoff, McDaniel)

Absent, 1 (Rinschler)

Daniel Share was appointed as the member of the general public who owns a grave and intends to be interred in Greenwood Cemetery.

Appointment of the general public member who is a family member of an individual currently interred in Greenwood Cemetery:

MOTION: Motion by Hoff:

To appoint Ron Berndt, 2182 Lost Tree Way, Bloomfield Hills to the Greenwood Cemetery Advisory Committee, as the member of the general public who is a family member of an individual currently interred in Greenwood Cemetery, to serve a one-year term to expire December 31, 2014.

MOTION: Motion by Dilgard:

To appoint Barbara Thurber, 663 Vinewood to the Greenwood Cemetery Advisory Committee, as the member of the general public who is a family member of an individual currently interred in Greenwood Cemetery, to serve a one-year term to expire December 31, 2014.

MOTION: Motion by Sherman:

To appoint Thomas Goad, 1840 Redding to the Greenwood Cemetery Advisory Committee, as the member of the general public who is a family member of an individual currently interred in Greenwood Cemetery, to serve a one-year term to expire December 31, 2014.

MOTION: Motion by Nickita:

To appoint Linda Peterson, 1532 Melton to the Greenwood Cemetery Advisory Committee, as the member of the general public who is a family member of an individual currently interred in Greenwood Cemetery, to serve a one-year term to expire December 31, 2014.

VOTE ON NOMINATION OF BERNDT:

Yeas, 1 (Hoff)

Absent, 1 (Rinschler)

VOTE ON NOMINATION OF THURBER:

Yeas, 1 (Dilgard)

Absent, 1 (Rinschler)

VOTE ON NOMINATION OF GOAD:

Yeas, 1 (Sherman)

Absent, 1 (Rinschler)

VOTE ON NOMINATION OF PETERSON:

Yeas, 3 (McDaniel, Moore, Nickita)

Absent, 1 (Rinschler)

No applicants received the required number of votes for appointment.

MOTION: Motion by McDaniel:

To appoint Linda Peterson, 1532 Melton to the Greenwood Cemetery Advisory Committee, as the member of the general public who is a family member of an individual currently interred in Greenwood Cemetery, to serve a one-year term to expire December 31, 2014.

MOTION: Motion by Hoff:

To appoint Ron Berndt, 2182 Lost Tree Way, Bloomfield Hills to the Greenwood Cemetery Advisory Committee, as the member of the general public who is a family member of an individual currently interred in Greenwood Cemetery, to serve a one-year term to expire December 31, 2014.

VOTE ON NOMINATION OF PETERSON:

Yeas, 3 (McDaniel, Moore, Nickita)
Absent, 1 (Rinschler)

VOTE ON NOMINATION OF BERNDT:

Yeas, 3 (Hoff, Dilgard, Sherman)
Absent, 1 (Rinschler)

No applicants received the required number of votes for appointment. The Mayor called for a second vote on the nominees.

VOTE ON NOMINATION OF PETERSON:

Yeas, 4 (McDaniel, Moore, Nickita, Dilgard)
Absent, 1 (Rinschler)

Linda Peterson was appointed as the member of the general public who is a family member of an individual currently interred in Greenwood Cemetery.

Appointment of the general public member who is a funeral director:

MOTION: Motion by Nickita:

To appoint Kevin Desmond, 962 Humphrey to the Greenwood Cemetery Advisory Committee, as the member of the general public or who is a licensed funeral director to serve a one-year term to expire December 31, 2014.

MOTION: Motion by Dilgard:

To appoint Patrick Lynch, 4525 Charing Cross, Bloomfield Hills to the Greenwood Cemetery Advisory Committee, as the member of the general public or who is a licensed funeral director to serve a one-year term to expire December 31, 2014.

VOTE ON NOMINATION OF DESMOND:

Yeas, 3 (Nickita, Moore, McDaniel)
Absent, 1 (Rinschler)

VOTE ON NOMINATION OF LYNCH:

Yeas, 3 (Hoff, Dilgard, Sherman)
Absent, 1 (Rinschler)

No applicants received the required number of votes for appointment. The Mayor called for a second vote on the nominees.

VOTE ON NOMINATION OF DESMOND:
Yeas, 4 (Nickita, Moore, McDaniel, Sherman)
Absent, 1 (Rinschler)

Kevin Desmond was appointed as the general public member who is a funeral director.

City Manager Bruner confirmed for Commissioner Hoff that staff will distribute information to the committee members and will coordinate the meeting schedule.

12-342-13 APPOINTMENT TO THE BOARD OF REVIEW

MOTION: Motion by McDaniel:
To appoint Leland Feiste, 1474 Maryland to the Board of Review to serve a three-year term to expire December 31, 2016.

VOTE: Yeas, 6
Absent, 1 (Rinschler)

Commissioner McDaniel noted there are positions still available on this board.

12-343-13 APPOINTMENT TO THE TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY

MOTION: Motion by Sherman, seconded by Hoff:
To concur with the Mayor's appointment of Robert Ziegelman, 468 Stratford Lane, Bloomfield Hills as a member having an ownership or business interest in property located in the development area to the Triangle District Corridor Improvement Authority to serve a four-year term to expire December 15, 2017.

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

The Clerk administered the oath to the appointment 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.

12-344-13 APPROVAL OF THE CONSENT AGENDA

MOTION: Motion by Hoff, seconded by Dilgard:
To approve the consent agenda as follows:

- A. Approval of City Commission minutes of November 25, 2013.
- B. Approval of warrant list, including Automated Clearing House payments, of November 27, 2013 in the amount of \$1,253,027.08.
- C. Approval of warrant list, including Automated Clearing House payments, of December 4, 2013 in the amount of \$454,144.44.

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

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

**12-345-13 PUBLIC HEARING OF CONFIRMATION
CLARK STREET PAVING**

Mayor Moore opened the Public Hearing of Confirmation for the Clark Street Paving - East Lincoln Avenue to George Street at 8:03 PM.

Billing Manager Laing recommended adoption of the roll.

City Manager Bruner confirmed for David Young, resident on Clark, that sewer laterals are handled through a separate special assessment.

Commissioner Hoff noted that the material used for this project will be concrete.

The Mayor closed the Public Hearing at 8:08 PM.

MOTION: Motion by McDaniel, seconded by Hoff:

To confirm Special Assessment Roll No. 857, to defray the cost of construction of new pavement on Clark Street-East Lincoln Avenue to George Street:

WHEREAS, Special Assessment Roll, designated Roll No. 857, 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 11-330-13 provided it would meet this 9th day of December, 2013 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this December 9th, 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. 857 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, 6
Nays, None
Absent, 1 (Rinschler)

**12-346-13 PUBLIC HEARING TO CONSIDER ALLOCATIONS FOR
2014 COMMUNITY DEVELOPMENT BLOCK GRANT**

Mayor Moore opened the Public Hearing to consider the allocations for Community Development Block Grant for the Program Year 2014 at 8:08 PM.

Mayor Moore recused himself as he is a member of the Birmingham Area Senior Coordinating Council Board and left the room.

Hearing no public comment, Mayor Pro Tem Sherman closed the Public Hearing at 8:11 PM.

In response to a question from Commissioner Hoff regarding the replacement of the handicap lift, Finance Director Ostin explained that the internal components will be replaced with a hydraulic system.

MOTION: Motion by Nickita, seconded by Hoff:

To authorize the Finance Director to complete the 2014 Program Year Community Development Block Grant application, subrecipient agreement and documents and authorizing the mayor to sign the application, subrecipient agreement and documents resulting from this application on behalf of the City and submit them to Oakland County. The project(s) to be included in the application and the respective allocations of Community Development Block Grant Funds are as follows:

	<u>2014 APPROVED</u>
1. Public Services – Yard Services	\$6,571
2. Public Services – Senior Services	3,328
3. Remove Architectural Barriers – Replace handicap lift-Municipal Building	<u>23,098</u>
TOTAL	\$32,997

ROLL CALL VOTE: Yeas, Commissioner Hoff
Commissioner McDaniel
Commissioner Nickita
Mayor Pro Tem Sherman
Commissioner Dilgard
Nays, None
Absent, 2 (Moore, Rinschler)
Abstentions, None

Mayor Moore returned at 8:13 PM.

**12-347-13 SPECIAL EVENT ADDENDUM REQUEST
DASH FOR DESTINY**

Amy Stea, Junior League of Birmingham, explained that in order to certify the route through the USA Track & Field (USATF) the route must be exactly 3.1 miles. She requested a revision to

the route to add a portion of Wallace and Southfield Road. Ms. Stea confirmed that notification letters were sent to the affected properties.

MOTION: Motion by Sherman, seconded by McDaniel:

To approve the request submitted by Junior League of Birmingham to revise the route for the Dash for Destiny 5K Run/Walk on May 4, 2014, 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, 6
Nays, None
Absent, 1 (Rinschler)

**12-348-13 CLOSED SESSION REQUEST
PERSONNEL EVALUATION**

MOTION: Motion by Nickita, seconded by Sherman:

To meet in closed session to consider the personnel evaluation of the City Manager as requested pursuant to Section 8(a) of the Open Meetings Act (Act 267 of 1976).

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

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

12-349-13 COMMUNICATIONS

The Commission received the following communication:

- Comcast regarding price increase

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

X. REPORTS

12-350-13 COMMISSIONER REPORTS

The Commission intends to appoint members to the Public Arts Board on January 13, 2014.

12-351-13 COMMISSIONER COMMENTS

Mayor Moore commented on a presentation by SEMCOG on rapid public transit. He also commented on the success of the Winter Markt event in Shain Park.

12-352-13 CITY STAFF

The Commission received the East Maple Gardens Water & Sewer Improvements Project Update submitted by Engineer O'Meara.

Dorothy Conrad expressed concern with the contract and contractors. She commented that on days where construction could have been taking place, no work was being done.

The Commission recessed to closed session at 8:20 PM.
The Commission reconvened in open session at 10:02 PM.

XI. ADJOURN

The Mayor adjourned the meeting at 10:02 PM.

Laura M. Pierce
City Clerk