

**BIRMINGHAM CITY COMMISSION MINUTES
DECEMBER 16, 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
	Absent,	Commissioner Nickita Commissioner Rinschler Mayor Pro Tem Sherman

Administration: City Manager Bruner, Attorney Currier, Clerk Pierce, Assistant City Manager Valentine, City Engineer O'Meara, Assistant City Engineer Cousino, DPS Director Wood, Public Works Manager Matthews, Assistant to the Manager Wuerth, IT Director Gemmell, Planning Director Ecker

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

**12-353-13 PRESENTATION OF SISTER CITY GIFTS
RITTO, JAPAN**

Assistant to the City Manager Wuerth presented the City with gifts from Ritto, Japan – Sister City of Birmingham.

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.

12-354-13 APPROVAL OF CONSENT AGENDA

The following items were removed from the consent agenda:

- Item D (Emergency purchase of contractual services for broken water service repairs at 519 E. Lincoln) by Commissioner Hoff
- Item E (Emergency purchase of contractual services for repairs to the Lull vehicle #36) by Commissioner Hoff

MOTION: Motion by McDaniel, seconded by Hoff:

To approve the consent agenda as follows:

- A. Approval of City Commission minutes of December 9, 2013.

- B. Approval of warrant list, including Automated Clearing House payments, of December 11, 2013 in the amount of \$390,953.13.
- C. Resolution approving the purchase of fourteen (14) Custom Color and Lettering Dumor Benches for a total purchase price of \$21,027.00 from the sole source vendor, Superior Play, LLC. Further, waiving the normal bidding requirements as Superior Play, LLC is the sole source provider of the approved "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.
- F. Resolution setting a public hearing date for January 27, 2014 to consider an ordinance amendment to amend article 04, section 4.83 WN-01 (window standards) to allow design flexibility as permitted by the planning board, design review board, or historic district commission.
- G. Resolution approving an agreement with Multi-State Information Sharing and Analysis Center for cyber security service benefits that would assist the City to better secure cyber infrastructure, contingent upon the approvals required by Sec. 2-289 of the Birmingham City Code, and further authorizing the Mayor and City Clerk to sign the agreement on behalf of the City.

ROLL CALL VOTE: Yeas, Commissioner Dilgard
 Commissioner Hoff
 Commissioner McDaniel
 Mayor Moore
 Nays, None
 Absent, 3 (Nickita, Rinschler, Sherman)
 Abstentions, None

V. UNFINISHED BUSINESS

**12-355-13 NORTH ETON RECONSTRUCTION PROJECT
 CONCEPTUAL PLANS**

City Engineer O'Meara presented the revisions to the conceptual plan for North Eton which includes an eight foot parking lane and six foot bike lane on the southbound side and a five foot bike lane on the northbound side. He noted that the crosswalk would be improved at Dorchester and Yorkshire and a bumpout will be added to the northwest corner at Graefield.

Mr. O'Meara confirmed for Commissioner McDaniel that the City of Troy engineer reviewed the conceptual plan and did not have any concerns with the plan.

In response to a question from Commissioner Hoff, Mr. O'Meara confirmed that the parking on the east side of the street will be eliminated. He noted that notification postcards were mailed to everyone within 300 feet of the corridor prior to the steering committee meeting.

Dorothy Conrad stated that the modifications are an improvement and thanked the committee members who met on-site.

MOTION: Motion by McDaniel, seconded by Dilgard:
 To accept the conceptual plans as modified to implement multi-modal improvements to the N. Eton Rd. Reconstruction Project (Derby Rd. to Yorkshire Rd.) planned for 2014, and to direct City staff to proceed with the final construction plans.

VOTE: Yeas, 4
Nays, None
Absent, 3 (Nickita, Rinschler, Sherman)

VI. NEW BUSINESS

12-356-13 WATER METER PROGRAM OPT OUT PLAN

Public Works Manager Matthews presented a status update of the water meter program. He explained that the Department of Public Services has received requests from residents to opt out of the radio read system. He explained that with the Opt Out Plan, the residents who wish to opt out will receive the same meter, but it will not be hooked up to a transmitter. Instead a touch pad will be installed on the outside of the house and read with a touch reader.

Mr. Matthews confirmed for Commissioner McDaniel that the fees would be charged quarterly to cover the cost for the manual meter read.

In response to a question from Dorothy Conrad regarding notification to residents who wish to opt out, Mr. Matthews confirmed that he will be calling each opt out resident regarding the Opt Out Plan and to schedule the meter install.

MOTION: Motion by Dilgard, seconded by McDaniel:

To authorize an opt out plan for the radio read water meter program by approving installations without a transmitter and creating a \$12.02 meter reading fee to cover all associated costs created by this plan; and approving the assessment of a meter reading fee of \$80 per read for accounts that cannot have water service terminated and have not allowed the City to complete the required water meter upgrade. Further, to amend the Schedule of Fees, Charges, Bonds and Insurance for Water as submitted.

VOTE: Yeas, 4
Nays, None
Absent, 3 (Nickita, Rinschler, Sherman)

12-357-13 PRIVATE PROPERTY SEWER MAIN ABANDONMENT PROCEDURE ORDINANCE AMENDMENT

City Engineer O'Meara presented the proposed ordinance amendment for the disconnection of a sewer on private property. He noted the ordinance language is based off of the current ordinance for water disconnection.

Dorothy Conrad commented at a previous meeting, it was determined that residents would have two years where they were relieved of all City fees.

Commissioner McDaniel pointed out that Section 114-152 (d) Connection and disconnection required was an incomplete sentence. Mr. O'Meara confirmed that language will be added to clarify the requirements.

MOTION: Motion by McDaniel, seconded by Dilgard:

To adopt an ordinance amending Chapter 114, Utilities, Article III, Sewer Service, Division 1, Section 114-152, establishing and adopting a private property sewer main abandonment procedure, and requiring property owners serviced by private property sewer main to

disconnect from the private property sewer main and connect to the sewer main located in the City street as corrected.

VOTE: Yeas, 4
Nays, None
Absent, 3 (Nickita, Rinschler, Sherman)

**12-358-13 CLOSED SESSION REQUEST
CITY MANAGER PERSONNEL EVALUATION**

City Manager Bruner withdrew his request to meet in closed session.

**12-359-13 CLOSED SESSION REQUEST
COLLECTIVE BARGAINING**

The City Attorney noted that this item does not require a 2/3 vote to be discussed in closed session.

MOTION: Motion by Hoff, seconded by Dilgard:
To meet in a closed session to discuss strategy and negotiation in connection with a collective bargaining agreement negotiation in accordance with Section 8(c) of the Open Meetings Act (Act 267 of 1976).

VOTE: Yeas, 4
Nays, None
Absent, 3 (Nickita, Rinschler, Sherman)

**12-360-13 CLOSED SESSION REQUEST
ATTORNEY / CLIENT PRIVILEGE COMMUNICATION**

City Attorney Currier noted that this item will be returned to the Commission at another meeting as it requires a 2/3 vote to be discussed in closed session.

VII. REMOVED FROM CONSENT AGENDA

**12-361-13 EMERGENCY PURCHASES FOR CONTRACTUAL SERVICES -
BROKEN WATER SERVICE REPAIRS AT 519 E. LINCOLN AND
REPAIRS TO THE LULL VEHICLE #36**

In response to a question from Commissioner Hoff, City Manager Bruner explained that in situations where an emergency purchase is necessary, the resolution language was changed to "accept the report" because the purchase has already been made. By accepting the report, the Commission is made aware of the emergency purchase and can discuss if necessary. Commissioner Hoff requested these two items be returned with the amount and account numbers included in the resolution.

VIII. COMMUNICATIONS

The Commission received the following communications:

- WOW regarding changes to cable packages
- Comcast regarding channel changes

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

X. REPORTS

The Commission recessed to closed session at 8:21 PM.
The Commission reconvened in open session at 8:42 PM.

XI. ADJOURN

The Mayor adjourned the meeting at 8:42 PM.

Laura M. Pierce
City Clerk