

**BIRMINGHAM CITY COMMISSION MINUTES**  
**SEPTEMBER 26, 2016**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Rackeline J. Hoff, Mayor, called the meeting to order at 7:32 PM.

**II. ROLL CALL**

ROLL CALL:	Present,	Mayor Hoff Commissioner Bordman Commissioner Boutros Commissioner DeWeese Commissioner Harris (arrived at 7:45 PM) Mayor Pro Tem Nickita Commissioner Sherman
	Absent,	None

Administration: City Manager Valentine, City Attorney Currier, Clerk Pierce, Building Official Johnson, City Engineer O'Meara, Finance Director Gerber, Fire Chief Connaughton, Senior Planner Baka, Police Chief Clemence, Commander Grewe, HR Manager Taylor, Library Director Koschik, Assistant Library Director Craft

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

**09-286-16 STATE REPRESENTATIVE MIKE MCCREADY**  
Representative McCready presented an update on pending legislation.

**09-287-16 APPOINTMENT TO THE MUSEUM BOARD**  
This item was postponed.

**09-288-16 APPOINTMENT TO THE CABLECASTING BOARD**  
This item was postponed.

**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.

**09-289-16 APPROVAL OF CONSENT AGENDA**  
The following items were removed from the consent agenda:

- Item A (Minutes of September 12) by Commissioner DeWeese
- Item J (Bus Shelter on Maple) by Mayor Hoff

**MOTION:** Motion by Sherman, seconded by DeWeese:

To approve the consent agenda as follows:

- B. Approval of warrant list, including Automated Clearing House payments, of September 14, 2016 in the amount of \$861,278.76.
- C. Approval of warrant list, including Automated Clearing House payments, of September 21, 2016 in the amount of \$28,891,559.08.
- D. Resolution approving a request submitted by Lutheran Church of the Redeemer requesting permission to place a Nativity scene in Shain Park from November 23, 2016 to December 30, 2016, 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 authorizing the City Manager to cast a vote, on the City's behalf, for the two incumbent members of the Michigan Municipal League Liability and Property Pool Board of Directors for three year terms, beginning January 1, 2017.
- F. Resolution approving the Lighting Agreements with Essco of Birmingham, and Merrillwood Building, granting permission for the City for said lighting to be placed over Merrill Street during the 2016 holiday season, and further directing the Mayor to sign the agreement on behalf of the City.
- G. Resolution approving the Interlocal Agreement with the Oakland County Animal Shelter. Further, directing the Mayor and City Clerk to sign the agreement on behalf of the City.
- H. Resolution approving the purchase of 1700 sets of holiday lights from Winterland, Inc. for a total cost not to exceed \$15,895.00. Funds are available from the General Fund-Community Activities Operating Supplies account #101-441.004-729.0000 for this purchase.
- I. Resolution authorizing the Mayor to sign the 2016 Program Year Community Development Block Grant (CDBG) Subrecipient Agreement on behalf of the City.
- K. Resolution approving the federal funds in the amount of \$20,161.00 for the 2016 Emergency Management Performance Grant period of 10/1/2015 to 9/30/2016. Further, directing the Mayor to sign the agreement on behalf of the City.
- L. Resolution approving the contract for 2016-17 pavement marking handwork with Hart Pavement Striping Corporation in the amount of \$87,690.00 for combined fall 2016 and spring 2017 paintings; further authorizing and directing the mayor and city clerk to sign the contract on behalf of the city; further authorizing this budgeted expenditure from account number 202-303-001- 937.0200.
- M. Resolution extending the 2015 agreement with PK Contracting, Inc. for painting yellow centerline and white long line pavement markings in the amount of \$10,027.00 for spring 2017; further authorizing and directing the mayor and city clerk to sign the agreement on behalf of the city; further authorizing this budgeted expenditure from account number 202-303-001-937.0200.

ROLL CALL VOTE:	Yeas,	Commissioner Bordman Commissioner Boutros Commissioner DeWeese Mayor Pro Tem Nickita Commissioner Sherman Mayor Hoff
	Nays,	None
	Absent,	1, Commissioner Harris
	Abstention,	None

**V. UNFINISHED BUSINESS**

**09-290-16 RESIDENTIAL PERMIT PARKING REQUEST GUIDELINE**

Commander Grewe explained that the current permits expire in December. During the renewal process, the new guidelines will be issued which will advise the permit holders of potential changes in the future to residential permit parking. He noted that the Ad Hoc Rail District Review process is being conducted and anticipated to be concluded in January, 2017 and the City-wide Master Plan is expected to be concluded in the Fall, 2017. Both studies could have an impact to parking in the City. He noted that if the revisions are approved, the guideline could be reviewed during the Master Plan Study. He explained an alternative considered was to use a two hour time zone sign with a permit exemption to allow for residents to park on the street at any time and all others would have a two hour time limit.

Mayor Hoff questioned if the police department could enforce the two hour time limit. Commander Grewe responded that it is labor intensive in the beginning.

Commissioner DeWeese suggested substituting the word "may" for "must" in Item 9 of the guideline which would allow for greater flexibility.

**MOTION:** Motion by DeWeese, seconded by Boutros:

To amend the Guidelines for Residential Permit Parking Request by replacing "Traffic and Safety Board" with "Multi-Model Transportation Board" and including two new sections; Section 8 that outlines the biennial review of all residential permit parking streets and Section 9 that includes all new residential parking permit requests may include a two hour time zone that is permit exempt.

Mayor Hoff commented that it is an improvement, but would like to see it implemented sooner.

VOTE: Yeas, 7  
Nays, None  
Absent, None

**VI. NEW BUSINESS**

**09-291-16 BALDWIN PUBLIC LIBRARY ADULT SERVICES RENOVATION AGREEMENT WITH THE DAILEY COMPANY**

Building Official Bruce Johnson explained the RFP process. He explained that oversight of the construction will be done through the building department and the furniture and equipment would be handled by the Library.

Library Director Koschik confirmed for Mayor Hoff that the library will remain open during construction. He confirmed for Commissioner Harris that the project is underbudget.

**MOTION:** Motion by Boutros, seconded by Bordman:

To approve the agreement with The Dailey Company for the Baldwin Public Library Adult Services Renovation described in Attachment A of the Request for Proposals, in the amount of \$1,152,100.00 from account #271-970.000-977.0000, and further directing the Mayor and City Clerk to sign the agreement on behalf of the City.

VOTE: Yeas, 7  
Nays, None  
Absent, None

**09-292-16 LOCAL ROAD IMPROVEMENT MATCHING FUND PILOT PROGRAM WITH OAKLAND COUNTY**

City Engineer O'Meara explained that the requirements of the program include that the City would have to match 50% of the funds, focus on a local public street that somehow demonstrates a benefit to the business community, complete the project by the end of the next county fiscal year, and could not be a project that was already budgeted. He explained that Webster and Worth Streets were selected as they are in poor condition. A maintenance effort is recommended which would include patching the asphalt, repairing the concrete curbs and ADA handicap ramps, installing a capeseal layer over the entire width, and replacing the pavement markings.

The Commission discussed other streets that are in need of repair. Mr. O'Meara pointed out that several streets did not meet the criteria and others were not in that poor of condition.

**MOTION:** Motion by Sherman, seconded by DeWeese:  
To authorize the Mayor to sign the cost sharing agreement with Oakland County pertaining to the Local Road Improvement Matching Fund Pilot Program, and directing the Engineering Dept. to proceed with the patching and cape sealing of the specified segments of Webster Ave. and S. Worth St. in 2017.

VOTE: Yeas, 7  
Nays, None  
Absent, None

**09-293-16 AUTHORIZED MONTHLY PERMITS AT THE TEMPORARY PARKING LOT, 35001 WOODWARD**

City Engineer O'Meara explained that the City leases a lot at the northwest corner of Woodward and Maple. Forty permits have been sold. He noted that there are a lot of times where there are not many vehicles in the lot. The City would like to be able to use the lot to its full extent, therefore, it is being requested that another fifteen permits would be authorized to be sold.

Commissioner Sherman noted that in the event that the lot is full, those permit holders could park in the Park Street Parking Structure.

**MOTION:** Motion by Sherman, seconded by DeWeese:  
To accept the recommendation of the Advisory Parking Committee, and increasing the authorized number of monthly permits that can be sold at the temporary parking lot located at 35001 Woodward Ave. by 15, for a total of 55 monthly permits. All other terms will remain the same.

VOTE: Yeas, 7  
Nays, None  
Absent, None

**09-294-16 VALET ASSIST PROGRAM AT THE PARK STREET PARKING STRUCTURE**

City Engineer O'Meara explained that the valet assist program would not be in force until the need was there at the Park Street Parking Structure. In response to a question from Commissioner Boutros regarding public awareness of this program, Mr. O'Meara responded that

parkers who reach the roof would be required to use the valet. City Manager Valentine confirmed that the City has advertised that this valet assist option was available.

Mr. Valentine confirmed for Mayor Hoff that that the funds for this program come out of the parking fund.

**MOTION:** Motion by Nickita, seconded by Bordman:

To accept the recommendation of the Advisory Parking Committee, accepting the proposal from SP+ Parking to operate a valet assist program on the roof of the Park St. Parking Structure from approximately 9 AM to 6 PM on Tuesdays, Wednesdays, and Thursdays as dictated by demand, at an estimated cost of \$46,317, charged to account number 585-538.003-828.0100.

VOTE: Yeas, 7  
Nays, None  
Absent, None

**09-295-16                    INSTALLATION OF CONTINENTIAL CROSSWALKS**

Police Chief Clemence explained that the police department surveyed the entire City and determined that there were four different types of crosswalks in the City. Currently there are 172 crosswalk legs, one section of an intersection, that are non-continental style. Ten streets, with twenty-four legs, were identified to start the project to bring the crosswalks into compliance with the preferred continental design. He noted that each year the City will budget for this project until the crosswalks are uniform.

Mayor Pro Tem Nickita commented that he is pleased to see the City move toward a standard, however, he noted that the issue is how we do the continental pattern as there are different widths of the white striping. He suggested that more analysis is needed to identify the most effective design of the continental pattern.

City Manager Valentine explained that this is being discussed by the Multi-Modal Transportation Board at the next meeting. He noted the streets identified are on the outlying edges of the downtown.

The Commission discussed the width of the striping. Commissioner Bordman commented that she would not support moving forward without knowing the standard and expressed support of a review by the Multi-Modal Transportation Board.

The Commission took no action.

**09-296-16                    CLOSED SESSION REQUEST  
PENDING LITIGATION**

**MOTION:** Motion by Nickita, seconded by Sherman:

To meet in closed session to review pending litigation regarding Wolf vs City of Birmingham pursuant to Section 8(e) of the Open Meetings Act.

ROLL CALL VOTE: Yeas,                    Commissioner Boutros  
    Commissioner DeWeese  
    Commissioner Harris  
    Mayor Pro Tem Nickita

Commissioner Sherman  
Commissioner Bordman  
Mayor Hoff  
Nays, None  
Absent, None  
Abstention, None

**09-297-16                    CLOSED SESSION REQUEST  
   ATTORNEY/CLIENT PRIVILEGE COMMUNICATION**

**MOTION:**     Motion by Sherman, seconded by Boutros:  
To meet in closed session to discuss an attorney/client privilege communication in accordance with Section 8(h) of the Open Meetings Act.

ROLL CALL VOTE:    Yeas,                    Commissioner DeWeese  
   Commissioner Harris  
   Mayor Pro Tem Nickita  
   Commissioner Sherman  
   Commissioner Bordman  
   Commissioner Boutros  
   Mayor Hoff  
Nays,                    None  
Absent,                None  
Abstention,          None

**VII.    REMOVED FROM CONSENT AGENDA**

**09-298-16                    CITY COMMISSION MEETING  
   MINUTES OF SEPTEMBER 12, 2016**

Commissioner DeWeese suggested the following change to Resolution #09-269-16:  
~~“Two positions are open and three individuals received the proper number of votes to be selected. One Commissioner voted three times.~~ therefore, the Commission called for a re-vote.”

Mayor Hoff suggested the following revision to Resolution #09-282-16:  
“He explained that the proposed ordinance allows for up to two members of the board to not be electors or property owners.”

**MOTION:**     Motion by DeWeese, seconded by Boutros:  
To approve the City Commission minutes of September 12, 2016 as amended.

VOTE:                Yeas, 7  
                                 Nays, None  
                                 Absent, None

**09-299-16                    BUS SHELTER ON WEST MAPLE ROAD**

Mayor Hoff commented that the number of riders collected at these locations is very low. In order to have an improved shelter, there are supposed to be ten to fifteen riders a day.

Planner Baka explained that the opportunity presented itself and the City is always looking to improve the bus shelters, therefore the shelter that was going to be installed at Old Woodward and Merrill was transferred to the proposed location on West Maple.

City Manager Valentine explained that part of the plan for West Maple was to introduce new bus shelter locations. In as much as the City will be reconstructing Old Woodward and Merrill next year and there was a planned bus shelter for that location, we did not want to have to install it, then have to take it out a year later. The opportunity came up here as part of the project.

Mayor Pro Tem Nickita suggested the City consider installing the shelter at the fire station on Adams. He explained that there is a completely new bus system that is part of the Regional Transit Authority (RTA) as of September 3<sup>rd</sup> called the Reflex System which runs once an hour. He noted that, currently, that it may be a higher use potential location for the shelter.

Commissioner Harris noted that the shelter has some relationship to SMART, municipal, and community credits. He questioned if it is transferable to an RTA stop. Mr. Valentine noted that if it is not a SMART funded initiative, we would want to check into it and the specific location relative to the actual dimensions of the area. He noted that currently there is a stop at Maple. The only thing lacking is the shelter. The pad would be installed once the shelter is approved.

Commissioner Bordman noted that we need a better idea of the count and financing before proceeding with this. She stated that she would like to see the shelter installed in the place where the most people are using the system.

Commissioner Boutros commented that employees of the churches on Maple use the bus stop. He commented that there are two unknown factors – how much is it used and the impact of the RTA Reflex.

The Commission agreed to request staff return this item once additional information is obtained.

**VIII. COMMUNICATIONS**

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

**X. REPORTS**

**09-300-16 COMMISSIONER REPORTS**

The Commission intends to appoint two members to the Multi-Modal Transportation Board on October 10, 2016.

**09-301-16 COMMISSIONER COMMENTS**

Commissioners Nickita, Bordman, DeWeese, and Mayor Hoff commented on the Michigan Municipal League convention that they attended.

The Commission recessed to closed session at 9:07 PM.  
The Commission reconvened in open session at 9:48 PM.

**XI. ADJOURN**

The meeting adjourned at 9:48 PM.

Laura M. Pierce  
City Clerk