

**BIRMINGHAM CITY COMMISSION MINUTES**  
**JANUARY 23, 2017**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

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

Mayor Mark Nickita called the meeting to order at 7:30 PM.

**II. ROLL CALL**

ROLL CALL: Present, Commissioner Bordman  
Commissioner Boutros  
Commissioner DeWeese  
Mayor Pro Tem Harris  
Commissioner Hoff  
Mayor Nickita  
Commissioner Sherman  
Absent: None

Administration: City Manager Valentine, City Attorney Currier, Acting Clerk Arft, City Planner Ecker, Commander Grewe, IT Manager Brunk

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

**01-12-17 APPOINTMENT TO THE PUBLIC ARTS BOARD**

**MOTION:** Motion by Hoff:

To appoint Jason Eddleston to the Public Arts Board to serve a three-year term to expire January 28, 2020.

**MOTION:** Motion by Bordman:

To appoint Anne Ritchie to the Public Arts Board to serve a three-year term to expire January 28, 2020.

VOTE ON NOMINATION OF EDDLESTON:

VOTE: Yeas, 7  
Nays, 0  
Absent, None

VOTE ON NOMINATION OF RITCHIE:

VOTE: Yeas, 7  
Nays, 0  
Absent, None

Jason Eddleston and Anne Ritchie were appointed to the Public Arts Board.

The Oath of Office was administered to Jason Eddleston. Anne Ritchie was absent.

**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.

**01-13-17 APPROVAL OF CONSENT AGENDA**

The following items were removed from the Consent Agenda:

- Item B (Minutes of December 12, 2016), Item C (Minutes of January 9, 2017), and Item G (Lungevity Foundation Special Event application) by Commissioner Hoff.
- Item A (Minutes of December 5, 2016) by Commissioner Bordman.

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

To approve the Consent Agenda as follows, excluding Items A, B, C, and G.

- D. Approval of warrant list, including Automated Clearing House payments, of January 11, 2017 in the amount of \$3,075,539.07.
- E. Approval of warrant list, including Automated Clearing House payments, of January 18, 2017 in the amount of \$1,065,225.95.
- F. Resolution setting Monday, February 13, 2017 at 7:30 PM for a public hearing to consider the proposed amendments to Chapter 126, Zoning, Article 2, section 2.37, B-4 Business Residential, to allow the use of liquor license in theaters in the B-4 zoning district, and to consider the associated amendments to Chapter 10, Alcoholic Liquors, Article II, to add a Division 5, Licenses for Theaters.
- H. Resolution approving the purchase of (4) N5Print parking enforcement handheld units and chargers with an included 5 year warranty from Duncan Parking Technologies, Inc. (a Civic Smart company) in the amount of \$25,991.80; further authorizing the purchase of a wireless communications framework and enforcement module for Liberty meters and pay by cell integration in the amount of \$20,080.00; further waiving normal bidding requirements and to authorize these expenditures from account numbers 636-228.000-973.0400 and 585-538.001-981.0100.
- I. Resolution authorizing the IT Department to enlist professional services from Aperient to implement the Palo Alto Traps Endpoint threat Mitigation module and software using GSA Multiple Award Schedule IT-70 contract #GS-35F-0511T, the cost of implementation not to exceed \$15,250.00. Funds are available in the IT Network Upgrade fund account #636-228.000-973.0400.
- J. To approve the agreement with ThyssenKrupp Elevator Corp. in the amount not to exceed \$162,757.00 to perform the Baldwin Public Library Passenger Elevator Renovation Project and direct the Mayor and City Clerk to sign the agreement on behalf of the City.

|                 |         |  |
|-----------------|---------|--|
| ROLL CALL VOTE: | Yeas,   | Mayor Pro Tem Harris<br>Commissioner Bordman<br>Commissioner DeWeese<br>Mayor Nickita<br>Commissioner Sherman<br>Commissioner Boutros<br>Commissioner Hoff |
|                 | Nays,   | None   |
|                 | Absent, | None   |

**01-14-17                    APPROVAL OF CITY COMMISSION MINUTES OF DECEMBER 5, 2016.**

Commissioner asked for a correction to page 17, adding the words "because if the burlap is not removed, the trees will die" and removing "which may cause the trees to die".

**MOTION:**     Motion by Bordman, seconded by Boutros:  
To approve the City Commission minutes of December 5, 2016, as corrected.

VOTE:            Yeas,    7  
                     Nays,    None  
                     Absent, None

**01-15-17                    APPROVAL OF CITY COMMISSION MINUTES OF DECEMBER 12, 2016.**

Commissioner Hoff requested that the statement by Commissioner DeWeese be clarified and changed in the minutes as to green space on page 7. Commissioner DeWeese said it was a reference to the ~~Appleton~~ Poppleton Park drainage upgrade that was discussed.

Commissioner Hoff asked for an explanation to the reference on page 8 made by Mayor Pro Tem Harris of "warning path". Mayor Pro Tem Harris responded that a warning path is the dirt area between the fence and the grass of the outfield that notifies outfielders that the fence is approaching when outfielders are not able to see it.

Commissioner Hoff asked the reference to "Commissioner" Nickita be changed to "Mayor" Nickita on page 10.

Mayor Pro Tem Harris asked that the words "by a margin of 6 to 1" be added to the second paragraph on page 15.

**MOTION:**     Motion by Hoff, seconded by DeWeese:  
To approve the City Commission minutes of December 12, 2016, with corrections.

VOTE:            Yeas,    7  
                     Nays,    None  
                     Absent, None

**01-16-17                    APPROVAL OF CITY COMMISSION MINUTES OF JANUARY 9, 2017.**

Commissioner Hoff asked that the date be corrected to January 9, 2017 on the bottom of each page throughout the minutes. She asked for a clarification of the statement that Police Chief ~~Clemency~~ Clemence made on page 13, second paragraph: "the new meters will show the remaining time as the meters do today". City Manager Valentine stated that the new meters will show the remaining time as a vehicle is parked, but with the new technology, as a vehicle leaves the space, the meter will reset. As the vehicle is there, the remaining time will still be visible.

Commissioner Hoff said no changes to the minutes are necessary based on Mr. Valentine's clarification. She requested that the vote on the purchase of the Civic Smart Liberty meters on page 13 be corrected to "Yeas, 6 and Nays, 1".

Mayor Nickita asked to clarify and correct the words on page 6 "18 wheeler" to read "18 wheels semi-truck trailer". He asked to add "Café Via" and "Kitchen Restaurant" to the reference on page 7 in the discussion of crosswalks for clarification.

Mayor Pro Tem Harris asked that a correction be made to the date on page 4, with a change to "2016" from "2017".

**MOTION:** Motion by Hoff, seconded by Boutros:  
To approve the City Commission minutes of January 9, 2017, with corrections.

VOTE: Yeas, 7  
Nays, None  
Absent, None

**01-17-17 LUNGEVITY FOUNDATION BREATHE DEEP 5K SPECIAL EVENT**

Commissioner Hoff asked that the date of the 5K walk be corrected to "Saturday, June 3, 2017".

Katie Patterson, representing the Lungevity Foundation, confirmed the correct date is Saturday, June 3, 2017.

Commissioner Hoff asked that Ms. Patterson clarify the route of the 5K walk. Ms. Patterson described the route, and added that it is the same route that has been used for several years.

**MOTION:** Motion by Hoff, seconded by Bordman:  
To approve a request submitted by the Lungevity Foundation requesting permission to hold Breathe Deep Michigan, a 5K walk, on Saturday, June 3, 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.

VOTE: Yeas, 7  
Nays, None  
Absent, None

**V. UNFINISHED BUSINESS**

**VI. NEW BUSINESS**

**01-18-17 MICHIGAN PARKINSON'S FOUNDATION SPECIAL EVENT**

City Manager Valentine explained that this is a new event to the City.

Mary Sue Lanigan, CEO of the Michigan Parkinson Foundation, described the event that will begin and end at Seaholm High School and include walking on the sidewalks through the neighborhood. All of the proceeds will benefit the Michigan Parkinson Foundation, which is a local charity headquartered in Bingham Farms. The money raised will provide medication assistance, respite care, offer support to 65 groups, and a 6 week series of classes on Parkinson's Disease offered throughout the state.

Commissioner Hoff said she is very supportive of the Foundation. Her concern is that the date of the walk is the same day as the Birmingham Ice Show and the impact on traffic trying to get

to the Ice Arena. Ms. Lanigan explained that only about a third of the 400-500 walkers expected will walk around the track surrounding the football field. Family members who walk in the neighborhood will be told to only cross at the traffic light. Course marshals will be present to control the walkers. Commissioner Hoff confirmed that the streets will be open, and walkers will be told to walk on the sidewalk and that the streets will not be closed.

Ms. Lanigan explained for Commissioner Hoff that the 10' x 10' tents are owned by the Foundation and will be set up outside the football field. All of the sponsors provide products or services to Parkinson's patients. She explained that they offer a 1 mile route walk, a 2 mile walk, and a 3 mile walk.

Commissioner Sherman confirmed that the walkers will be on the sidewalk, and the tents are on Seaholm property.

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

To approve a request submitted by the Michigan Parkinson's Foundation requesting permission to hold "I Gave My Sole for Parkinson's", a 5K walkathon, on Saturday, May 20, 2017, 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 DeWeese advised to have marshals at lights and corners. He said often when groups of walkers are together, they do not watch traffic carefully.

Commissioner Boutros commended the Foundation on raising awareness of Parkinson's Disease in this way.

VOTE:           Yeas,    7  
                  Nays,    None  
                  Absent, None

**01-19-17                   ORDINANCE – NO PARKING AT YELLOW CURBS**

Commander Scott Grewe described the need to update the Yellow Curb ordinance. He said that Section 110-56 addresses this issue, and is in accordance with state law restricting parking within a specified distance from intersections and crosswalks. There are certain intersections that fall outside of the current ordinance in terms of the distance from the intersections and crosswalks. The proposed ordinance has been reviewed by our City Attorney and approved.

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

To adopt Section 110-143, No Parking at Yellow Curbs.

VOTE:           Yeas,    7  
                  Nays,    None  
                  Absent, None

**VII. REMOVED FROM CONSENT AGENDA**

**VIII. COMMUNICATIONS**

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

**X. REPORTS**

**01-20-17 COMMISSIONER REPORTS**

The City Commission intends to appoint individuals to the Parks & Recreation Board, Multi-Modal Transportation Board, Planning Board, and Cable Board on March 13, 2017.

**01-21-17 COMMISSIONER COMMENTS**

Commissioner Hoff noted that she received a calendar from Japan Consulate General and she would like the City to display it somewhere. She also recognized Police Officer Yacoub Iseid for his service to the City and noted the City received a letter complimenting Officer Iseid.

Commissioner Sherman announced that a spaghetti dinner and silent auction will be held tomorrow, January 24<sup>th</sup> from 4:30 PM – 7:30 PM at Derby Middle School for a 6<sup>th</sup> grade student who attends Derby, and who has cancer. She is undergoing her fourth round of chemotherapy. The proceeds will assist the family with costs that are not covered by insurance.

City Manager Valentine noted that the City donated a couple of auction items for the fundraiser.

**XI. ADJOURN**

The meeting was adjourned at 8:14 PM.

Cheryl Arft  
Acting City Clerk