

**BIRMINGHAM CITY COMMISSION MINUTES**  
**JANUARY 25, 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 Mayor Pro Tem Nickita (arrived at 7:36 PM) Commissioner Sherman
	Absent,	None

Administration: City Manager Valentine, City Attorney Currier, Clerk Pierce, Assistant to the Manager Haines, City Engineer O'Meara, DPS Director Wood, Fire Chief Connaughton, Police Chief Studt, Deputy Police Chief Clemence, Special Event Coordinator Rondello, Building Official Johnson, Library Director Koschik, Assistant Library Director Craft

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

**01-14-16                    2015 OUTSTANDING BUILDING OFFICIAL AWARD  
RECOGNITION OF BRUCE JOHNSON**

The City Commission recognized Bruce Johnson, Building Official, who was presented with the 2015 Outstanding Building Official Award from the Home Builders Association of Southeastern Michigan.

**01-15-16                    STATE REPRESENTATIVE MIKE MCCREADY &  
STATE SENATOR MARTY KNOLLENBERG**

State Senator Marty Knollenberg presented an update on the road legislation. He commented on SB 571 and explained that there is pending legislation to amend and clarify it.

State Representative Mike McCready explained that SB 571 had updates to election finance laws dealing with leadership accounts, the repayment of and disclosures referred to as PAC accounts. An amendment was added to it which changed the way local governments could notify their constituents of any bond or millage increases or other related items. He noted that he will be working closely with the Michigan Municipal League, the Township Association, the Library Association, and the schools to get the best possible language to amend it.

Commissioner Sherman pointed out that the number of times that a local body has had a complaint as a result of improper usage of funds since 2012 is five of approximately fifty

complaints. It is not a rampant problem. He noted that an article from Moody's, which considers this a negative credit event. We are AAA bond rated community. If as a result of legislation in Lansing, Moody's comes in and says that is no longer the case, we are going to have to look to Lansing to fix it. The City cannot have legislation that will impair our ability to go out to the bond market when we need to borrow money.

State Representative Mike McCready explained HB 5103 and 5104 regarding aggressive solicitation. He noted that pan-handling is a growing public safety concern. He noted that the HB will establish restrictions on the state level to act as a fall back for communities that have not yet addressed this matter. HB 5103 would prohibit an individual from requesting donations near a bank entrance/exit or within 15 feet of an ATM and prohibits a person from requesting a donation in a matter that is intimidating, abusive, or causes another to feel bodily harm is eminent. He explained the proposed penalty for violations.

Commissioner Sherman suggested treating pan-handling as a business or occupation where it could be licensed and regulated. Rep. McCready will look into it.

In response to a comment by DeAngello Espree, Mr. Currier explained that if there is an aggressive pan-handler, it is important for the public to call the police department immediately.

**01-16-16                    APPOINTMENT TO THE  
BOARD OF BUILDING TRADES APPEAL**

Applicant Benjamin Stahelin, 1832 East Lincoln, was not in attendance. The Commission agreed to postpone the appointment to the Board of Building Trades Appeal until the applicant is able to be present for an interview.

**01-17-16                    APPOINTMENT TO THE  
BOARD OF REVIEW**

Applicant Elicia Katrib, 1832 East Lincoln, was not in attendance. The Commission agreed to postpone the appointment to the Board of Review until the applicant is able to be present for an interview.

**01-18-16                    APPOINTMENT TO THE  
PLANNING BOARD**

The Commission interviewed the following individuals for appointment to the Planning Board.

- Corey Jacoby, 1433 Maryland
- Lisa Prasad, 622 Vinewood
- Kathleen Devereaux, 1019 Rivenoak

**MOTION:** Motion by Bordman:

To appoint Lisa Prasad, 622 Vinewood, as an alternate member to serve the remainder of a three-year term on the Planning Board to expire November 2, 2017.

**MOTION:** Motion by DeWeese:

To appoint Kathleen Devereaux, 1019 Rivenoak, as an alternate member to serve the remainder of a three-year term on the Planning Board to expire November 2, 2017.

**MOTION:** Motion by Boutros:

To appoint Corey Jacoby, 1433 Maryland, as an alternate member to serve the remainder of a three-year term on the Planning Board to expire November 2, 2017.

VOTE ON NOMINATION OF PRASAD:

Yeas, 5 (Bordman, Harris, Hoff, Nickita, Sherman)  
Absent, None

Ms. Prasad was appointed as an alternate member on the Planning Board.

**01-19-16 APPOINTMENT TO THE  
AD HOC PARKING DEVELOPMENT COMMITTEE**

**MOTION:** Motion by Bordman:

To appoint Gordon Rinschler, 959 Oakland, as the resident member with a commercial development background, to the Ad Hoc Parking Development Committee.

VOTE: Yeas, 7  
Absent, None

The Clerk administered the oath to the appointed board members.

**01-20-16 APPOINTMENT OF CITY COMMISSION REPRESENTATIVE  
TO THE BIRMINGHAM NEXT BOARD OF DIRECTORS**

Commissioners Bordman and Sherman expressed interest in serving as the City Commission representative on the Birmingham Next Board of Directors.

**MOTION:** Motion by DeWeese:

To appoint Commissioner Bordman as the City Commission representative on the Birmingham Next Board of Directors.

VOTE: Yeas, 7  
Absent, None

**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.

**01-21-16 APPROVAL OF CONSENT AGENDA**

The following item was removed from the consent agenda:

- Item F (Award Bid for Gasoline and Diesel Fuel) by Mayor Hoff

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

To approve the consent agenda as follows:

- A. Approval of City Commission Goal Setting Workshop minutes of January 9, 2016.
- B. Approval of City Commission minutes of January 11, 2016.
- C. Approval of warrant list, including Automated Clearing House payments, of January 13, 2016 in the amount of \$559,905.69.

- D. Approval of warrant list, including Automated Clearing House payments, of January 20, 2016 in the amount of \$6,605,446.34.
- E. Resolution approving the federal funds in the amount of \$835.85 in supplemental award for the 2014 Emergency Management Performance Grant. Further, directing the Mayor to sign the agreement on behalf of the City.
- G. Resolution approving a request submitted by the Lungevity Foundation requesting permission to hold Breathe Deep Michigan, a 5K walk, on Saturday, June 4, 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.
- H. Resolution approving a request from the Birmingham Shopping District to hold Birmingham Farmers' Market May through October, 2016 from 9:00 AM to 2:00 PM, in Municipal Parking Lot No. 6 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.

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

                                  Nays,                   None  
                                   Absent,               None  
                                   Abstention,       None

**V. UNFINISHED BUSINESS**

**VI. NEW BUSINESS**

**01-22-16                   ESTABLISHMENT OF A REVIEW PROCESS FOR CHANGING CITY STREET NAMES**

Assistant to the Manager Haines explained that the City received a petition, signed by all five residents on Millrace Road, requesting that the name of the road be changed to Lakeside Court. She explained that the City Commission has the ability to change the street name through a public hearing as provided for in the Charter. The second option is to direct staff to develop a policy to consider street name change requests and provide a process whereby the request would be reviewed by the Historical Museum, Historic District Study Committee, City Departments, and other agencies which may be necessary to determine its impact on the City financially and historically.

Mayor Hoff questioned when the last time a street name was changed. Mr. Currier and Mr. Valentine agreed that the City initiated the change from Hunter to Old Woodward.

Commissioners Harris expressed his preference to develop a policy as the decision should not be made without the historical information. Commissioner DeWeese and Mayor Pro Tem Nickita agreed.

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

To direct staff to develop a policy to consider street name change requests to provide a review by the Historical Museum, the Historic District Study Committee, City Departments, and other agencies as may be necessary to determine its impact on the city, along with associated costs, and further, tabling all requests until a street name change policy has been adopted by the City Commission.

Russ Dixon expressed support of a citizen review board to review the request. He pointed out that prior to Hunter, Brownell Street was changed to Peabody.

VOTE:           Yeas, 7  
                  Nays, None  
                  Absent, None

**01-23-16                   ARCHITECTURAL SERVICES AGREEMENT FOR THE  
BALDWIN PUBLIC LIBRARY**

Library Director Koschik explained the request to approve the agreement with Luckenbach Ziegelman Gardner for architectural services for the proposed renovation of the Adult Services section of the Baldwin Public Library. He explained that the RFP is for the remaining stages of the architectural work which includes design development, construction drawings, bidding in construction assistance. Because the building is owned by the City and not the Library, the City is also involved in the process. He noted that only one bid was received. He stated that if it is approved, the Library will move ahead with the next two stages of the project – design development and construction drawings. The Library will pay the \$117,000 out of its budget. He stated that there is an expectation that this project will move ahead in the near future that a funding mechanism of some kind will be found so the project can move forward.

Commissioner Sherman explained that the City cannot guarantee that the project will be funded as the Commission will have to work through the funding mechanism. There are no guarantees, however the Commission will do everything they can to make it happen.

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

To approve the agreement with Luckenbach Ziegelman Gardner for architectural services for the proposed renovation of the Adult Services section of the Baldwin Public Library, contingent upon the approvals required by Section 2-289 of the Birmingham City Code, with funds to be paid by the Library, and further to direct the Mayor and City Clerk to sign the agreement on behalf of the City.

The following individuals expressed support of the project:

- Dorothy Conrad
- Patty Edwards
- Frank Pisano
- David Bloom
- Larry Bertollini
- Russ Dixon

VOTE:           Yeas, 7  
                  Nays, None  
                  Absent, None

The Commission received communications in support of the Adult Services Phase One Project from the following individuals:

- Margaret Betts, 1692 Washington
- Gerald and Carolyn Dreer, 2794 Derby

**01-24-16 INTERIM-STUDY REPORT ON THE WEST MAPLE ROAD  
LANE TRIAL RECONFIGURATION PROJECT**

Mike Labadie, Fleis & VandenBrink, presented the interim study report on the progress of the West Maple Road Lane Trial Reconfiguration Project. He explained the number of crashes, average speeds and the daily traffic volume dropped, except on Oak because it was recently resurfaced. The cut through traffic was reduced and there was no change to the level of service and travel time in the corridor.

In response to a question from Mayor Hoff regarding the decrease in traffic volume on West Maple, Mr. Labadie explained that the volumes from the before condition were taken from an average from 1999-2002. He noted that the next report will show this data with the original six month plan.

Mr. Labadie explained for Commissioner Bordman that the traffic volume figures, on all streets other than Maple, are more recent. He confirmed for Commissioner Harris that the comparison information is current except for the traffic volume information on West Maple.

Commissioner Boutros commented that there is a bit of congestion on West Maple. Mr. Labadie explained that calculations were taken at three peak times during the day.

David Bloom suggested each slide in the presentation be annotated with the data that was collected.

**01-25-16 HAMILTON AVENUE PAVING PROJECT CONTRACT AWARD**

City Engineer O'Meara explained the project to reconstruct Hamilton includes new sewer, watermain, sidewalks, and street lights. He explained that the ramifications to the business community has been thought through. He noted that there are some incentives to the contractor if the project is completed ahead of schedule and if it is completed behind schedule the contractor would be penalized.

Mayor Hoff questioned the difference between the budgeted amount for the project and the actual cost. Mr. O'Meara explained that the construction costs are increasing.

Mr. O'Meara confirmed for Commissioner Bordman that the street lights would be able to accommodate the same size banners as is currently hung.

Mr. O'Meara confirmed for Commissioner Sherman that the pedestrian scale lights will be LED.

Mr. O'Meara confirmed for Mayor Pro Tem Nickita that a crosswalk will be at the Ferndale intersection.

Mayor Pro Tem Nickita questioned if the City is intending to build out the intersection at Old Woodward with the intention of revising it when Old Woodward is redone.

Mr. O'Meara confirmed that the intersection will be completely rebuilt in 2017.

Mayor Pro Tem Nickita commented on northbound Park Street, between Maple and Hamilton. He noted that that intersection is unusual and highly pedestrian and questioned whether it has been reviewed to potentially add a stop sign and crosswalk. He pointed out that if it is going to be rebuilt, why would it not be addressed. He suggested this area be reviewed.

Mayor Pro Tem Nickita noted that the project includes four foot bumpouts. He suggested that the bumpout size be revised to incorporate the new policy being reviewed by the Multi-Modal Transportation Board.

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

To award the Hamilton Ave. Paving Project, Contract #3-16(P), to F.D.M. Contracting, Inc. of Shelby Township, MI, in the amount of \$1,465,332.00, to be funded from the following accounts:

Sewer Fund	590-536.001-981.0100	\$ 477,194.93
Water Mains Fund	591-537.004-981.0100	\$ 230,260.24
Major Streets Fund	202-449.001-981.0100	\$ 182,268.84
Local Streets Fund	203-449.001-981.0100	\$ 434,324.77
General Fund		
(Sidewalk SAD)	101-444.001-985.7200	\$ 137,684.83
APS Fund		
(Parking meters)	585-305.000-811.0000	\$ 3,598.39
<b>TOTAL</b>		<b>\$1,465,332.00</b>

And further, approve the appropriation and amendment to the 2015-2016 Major & Local Street Funds, as well as the Sewer and Water Fund budgets as follows:

Major Streets Fund

Revenues:

Draw from Fund Balance		
202-000.000-400.0000		\$42,270
<b>Total Revenue</b>		<b>\$42,270</b>

Expenditures:

EPS-Construction/Public Improvements		
202-449.001-981.0100		\$42,270
<b>Total Expenditures</b>		<b>\$42,270</b>

Local Streets Fund

Revenues:

Draw from Fund Balance		
203-000.000-400.0000		\$34,430
<b>Total Revenue</b>		<b>\$34,430</b>

Expenditures:

EPS-Construction/Public Improvements		
203-449.001-981.0100		\$34,430
<b>Total Expenditures</b>		<b>\$34,430</b>

Sewer Fund		
Revenues:		
Draw from Fund Balance		
590-000.000-400.0000		\$377,200
Total Revenue		\$377,200
Expenditures:		
Sewer Capital Improvements		
590-536.001-981.0100		\$377,200
Total Expenditures		\$377,200
Water Fund		
Revenues:		
Draw from Fund Balance		
591-000.000-400.0000		\$200,260
Total Revenue		\$200,260
Expenditures:		
Water Mains Capital Improvements		
591-537.004-981.0100		\$200,260
Total Expenditures		\$200,260

And to direct staff to come back with the revised quote for amending the current four foot bumpouts to six foot bumpouts to review the costs and make a decision at a later time in accordance with the Multi-Modal recommendation.

Commissioner Boutros questioned the effect on the budget and timing of the project. Mr. O'Meara stated that it would be brought to the Mulit-Modal Transportation Board, then back to the Commission.

Mayor Pro Tem Nickita requested that drawings for all special land use and infrastructure projects be included in the agenda packet for all phases of the City Commission discussions.

VOTE:           Yeas, 7  
                   Nays, None  
                   Absent, None

**01-26-16                   SET PUBLIC HEARING FOR THE INSTALLATION  
 OF LATERAL SEWERS WITHIN THE  
 HAMILTON AVENUE PAVING PROJECT AREA**

City Engineer O'Meara explained that all the sewer laterals that are over fifty years old would be replaced.

**MOTION:**    Motion by Sherman, seconded by Nickita:  
 To set a Public Hearing of Necessity on Monday, February 22, 2016, at 7:30 PM, for the installation of lateral sewers within the Hamilton Ave. Paving project area. If necessity is declared on February 22, 2016, setting a Public Hearing of Confirmation on Monday, March 14, 2016, at 7:30 PM to confirm the roll for the installation of lateral sewers in the Hamilton Ave. Paving project area.



VOTE: Yeas, 7  
Nays, None  
Absent, None

**01-27-16 SET PUBLIC HEARING FOR THE INSTALLATION OF  
SIDEWALK STREETScape ADJACENT TO ALL PROPERTIES ON  
HAMILTON AVE FROM N OLD WOODWARD TO WOODWARD AVE**

City Engineer O'Meara explained that the sidewalk system will be replaced. He noted that the City will fund 25% of the cost. He noted the cost is \$11.00 per square foot based on the low bidders bid.

**MOTION:** Motion by Sherman, seconded by DeWeese:  
To receive the report prepared by the Engineering Department, and setting a Public Hearing of Necessity on Monday, Feb 22, 2016 at 7:30 PM, for the installation of sidewalk streetscape adjacent to all properties on Hamilton Ave. from N. Old Woodward Ave. to Woodward Ave., and Park St., from Hamilton Ave. to E. Maple Rd. If necessity is determined on Feb 22, 2016, setting a Public Hearing of Confirmation on March 14, 2016 at 7:30 PM to review the assessments and confirm the roll.

VOTE: Yeas, 7  
Nays, None  
Absent, None

**01-28-16 SET SPECIAL MEETING DATE FOR  
CITY COMMISSION GOAL SETTING WORKSHOP FOLLOW UP**

**MOTION:** Motion by Boutros, seconded by Sherman:  
To set a special meeting date of the City Commission for Monday, February 8, 2016, for the purpose of conducting a follow-up meeting to the City Commission Goal Setting Workshop.

VOTE: Yeas, 7  
Nays, None  
Absent, None

**01-29-16 CLOSED SESSION REQUEST  
ATTORNEY CLIENT PRIVILEGE COMMUNICATION**

**MOTION:** Motion by Sherman, seconded by DeWeese:  
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 Boutros  
Commissioner DeWeese  
Commissioner Harris  
Mayor Pro Tem Nickita  
Commissioner Sherman  
Commissioner Bordman  
Mayor Hoff  
Nays, None  
Absent, None

Abstention, None

**VII. REMOVED FROM CONSENT AGENDA**

**01-30-16 AWARD OF COOPERATIVE BID FOR GASOLINE AND DIESEL FUEL**

In response to a question from Mayor Hoff, DPS Director Wood clarified that the City is locking in the bid factors for the price of the gasoline, not buying the rate per gallon.

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

To approve the split award of the MITN cooperative bid of unleaded gasoline and diesel fuel for truck transport deliveries to RKA Petroleum Companies, Inc., 28340 Wick Road, Romulus, MI 48174 and Ports Petroleum Co., Inc. 1337 Blachleyville Road, Wooster, OH 44691; and further, approving the award for tank wagon deliveries to RKA Petroleum Companies, 28340 Wick Rd., Romulus, MI, 48174 and Atlas Oil Company, 24501 Ecorse Road, Taylor, MI 48180; based on bid factors included in the respective bids for a two-year period from February 1, 2016 through January 31, 2018, with the option to extend the terms and conditions an additional two years upon mutual consent. Funds for this purchase of gasoline and diesel fuels are budgeted in Auto Equipment Fund – Fuel Expense account #641-441.006-737.0000.

VOTE: Yeas, 7  
Nays, None  
Absent, None

**VIII. COMMUNICATIONS**

**01-31-16 COMMUNICATIONS**

The Commission received a communication from Michael Clawson regarding the proposed charter amendment. City Manager Valentine confirmed for Mayor Pro Tem Nickita that a response will be sent to Mr. Clawson.

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

**01-32-16 OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA**

Patricia Lang, Floyd Street, expressed concern with her neighbor's outdoor cats causing a disturbance at her house with her indoor cats. City Manager Valentine stated that he will contact Ms. Lang after the meeting for additional information.

**X. REPORTS**

**01-33-16 COMMISSIONER REPORTS**

The Commission intends to appoint members to the Ad Hoc Rail District Review Committee on February 22, 2016.

**01-34-16 COMMISSIONER COMMENTS**

Commissioner Harris noted that the one of the individuals portrayed in the book Henderson's Light is looking to have all the individuals interviewed in the book, to sign a copy of one, to be displayed at the Museum.

**01-35-16 CITY STAFF REPORTS**

The Commission received the Quarton Lake Treatment Plan submitted by DPS Director Wood. Commissioner Bordman expressed relief that the chemical glyphosate will not be used in this treatment.

The Commission received the Demolition Operations Report submitted by Building Director Johnson.

The Commission received the Hill School Bell Project Fundraising Report submitted by Museum Director Pielack. Mayor Hoff announced that the Museum has reached its fundraising goal.

The Commission recessed to closed session at 10:06 PM.  
The Commission reconvened in open session at 10:35 PM.

<b>XI. ADJOURN</b>
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The meeting adjourned at 10:35 PM.

Laura M. Pierce  
City Clerk