

BIRMINGHAM CITY COMMISSION MINUTES
MARCH 24, 2014
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 Commissioner Rinschler Mayor Pro Tem Sherman
	Absent,	None

Administration: Interim City Manager Valentine, City Attorney Currier, City Clerk Pierce, DPS Director Wood, Police Chief Studt

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

03-70-14 APPOINTMENT TO THE MUSEUM BOARD

MOTION: Motion by Nickita:

To appoint Shawn O'Rourke, 540 Berwyn, as a regular member to the Museum Board to complete a three-year term to expire July 5, 2014.

VOTE: Yeas, 7
Absent, None

03-71-14 APPOINTMENT TO THE MULTI-MODAL TRANSPORTATION BOARD

The following applicants were not in attendance to be interviewed:

- Malcolm Hendy, 2336 Northlawn
- Danielle Todd, 1775 Maryland
- Andy Lawson, 1351 E. Maple

MOTION: Motion by Hoff:

To appoint Patricia Bordman, 1091 Lake Park, to the Multi-modal Transportation Board, as the Member-at-large from different geographical areas of the City, to serve a three-year term to expire March 24, 2017.

MOTION: Motion by Sherman:

To appoint Jeff Surnow, 320 Martin, #100, to the Multi-modal Transportation Board, as the Bicycle Advocate member, to serve a two-year term to expire March 24, 2016.

VOTE ON NOMINATION OF BORDMAN:

Yeas, 7
Absent, None

VOTE ON NOMINATION OF SURNOW:

Yeas, 7
Absent, None

The following positions are still available on the Multi-Modal Transportation Board:

- Member-at-large from different geographical areas of the City
- Pedestrian Advocate member
- Mobility or Vision Impairment member
- Traffic-focused member
- Urban Planning, Architecture, or Design member

The Clerk administered the oath to the appointed 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.

03-72-14 APPROVAL OF CONSENT AGENDA

The following item was removed from the consent agenda:

- Item A (Minutes of March 10, 2014) by Dorothy Conrad

Mayor Pro Tem Sherman recognized Ron Fredrick for his service on the Martha Baldwin Park Board.

MOTION: Motion by Sherman, seconded by Dilgard:

To approve the consent agenda as follows:

- B. Approval of warrant list, including Automated Clearing House payments, of March 12, 2014 in the amount of \$973,661.10.
- C. Approval of warrant list, including Automated Clearing House payments, of March 19, 2014 in the amount of \$972,544.12.
- D. Resolution accepting the resignation of Ronald Fredrick from the Martha Baldwin Park Board, thanking Mr. Fredrick for his service, and directing the Clerk to begin the process to fill the vacancy.
- E. Resolution approving the purchase and planting of 130 trees from KLM Landscape for the 2014 spring tree purchase and planting project for a total project cost not to exceed \$37,506.00. Further, authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of all required insurances. Funds are available from the Local Streets Fund-Forestry Service Contract account #203-449.005-819.0000, the Major Streets Fund-Forestry Service Contract account #202-449.005-819.0000, the Local Streets Fund-Operating Supplies account #203-449.005-729.0000 and the Major Streets Fund-Operating Supplies account #202-449.005-729.0000 for these services.
- F. Resolution approving the purchase of one (1) new 2014 Case 580SNWT Loader Backhoe from Southeastern Equipment Co., Inc., using National Joint Powers Alliance extendable

purchasing pricing for a total expenditure of \$101,842.44. Funds for this purchase are available in the Auto Equipment Fund, account #641.441.006-971.0100.

- G. Resolution approving the purchase of one (1) new 2014 Chevrolet Tahoe Special Services 4x4 from Berger Chevrolet, Inc., through the Oakland County extendable purchasing contract #003007 for a total expenditure of \$32,272.00. Funds for this purchase are available in the Auto Equipment Fund, account #641.441.006-971.0100.
- H. Resolution approving the purchase of the Portable Stage Package from Grainger, using TCPN cooperative bid pricing for a total expenditure of \$12,151.92. Funds are available for this purchase in the Community Activities fund, account #101-441.004-971.0100.

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

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

03-73-14 KENNING PARK CONCEPTUAL PLAN

DPS Director Wood presented the Kenning Park Conceptual Plan. She explained the additions to the existing site include an expansion of the play area, a pavilion, restroom, pathway, reconfiguration of the fields, and the addition of open space. She noted that the focus this year will be on the existing parking lot.

Ms. Wood confirmed for Commissioner Hoff that staff is currently in the midst of preparing plans and specs for the parking lot, bids will be submitted in May and the project will be awarded in June. She noted that the plan for the park is flexible and will be implemented based on planning, budgeting, and priorities of the Parks and Recreation Board and City Commission.

Commissioner Nickita expressed his concern with the parking lot element and connectivity portion of the plan. He pointed out that there is no crosswalk at Commerce and no way to get to the pedestrian pathway without crossing the parking lot. He stated that the plan is not ready for implementation, but is more of an orientation of ideas.

Commissioner Dilgard questioned whether a joint meeting with the Parks and Recreation Board is needed to discuss the prioritization of the park projects. Mayor Moore agreed that a joint meeting would be appropriate. He suggested staff return with a date for the joint meeting.

Larry Bertollini, Torry Community Association expressed support of the conceptual plan. He expressed concern with the size of the soccer field and extra parking lot configuration.

MOTION: Motion by Sherman, seconded by Dilgard:

To receive the Kenning Park Master Plan and the Phase 1 Plan.

VOTE: Yeas, 7
 Nays, None
 Absent, None

Mr. Valentine noted that staff will return to the Commission when more detail regarding the design of the parking lot is obtained.

**03-74-14 LIQUOR LICENSE TRANSFER OF OWNERSHIP
 TALLULAH, LLC, 515-155 SOUTH BATES**

Police Chief Studt explained the proposed transfer of ownership. He noted that the police department conducted a background investigation and no negative information was obtained. He confirmed that it is his understanding that the existing operation is not going to change.

MOTION: Motion by Rinschler, seconded by McDaniel:

To approve the liquor license transfer of ownership of the Class C License as well as all the permits presently attached to it by Maria Vulaj, Marjan Camaj and Darko Kolcaj who will be purchasing 100% of all stock in Tallulah, LLC at 515-155 S. Bates, Birmingham, MI 48009 pursuant to a \$175,000.00 down payment, an \$88,000.00 assumption of current debt and a six year promissory note to Mindy Lopus in the amount of \$137,000.00 and \$1.00 in consideration upon payment of the promissory note.

Furthermore, pursuant to Birmingham City Ordinance, to authorize the city clerk to complete the Local Approval Notice at the request of Maria Vulaj, Marjan Camaj and Darko Kolcaj transferring ownership of Class C License as well as all the permits presently attached to it in Tallulah, LLC at 515-155 S. Bates, Birmingham, MI 48009 by purchasing 100% of all stock in Tallulah, LLC pursuant to a \$175,000.00 down payment, an \$88,000.00 assumption of current debt and a six year promissory note to Mindy Lopus in the amount of \$137,000.00 and \$1.00 in consideration upon payment of the promissory note.

VOTE: Yeas, 7
 Nays, None
 Absent, None

**03-75-14 CLOSED SESSION REQUEST
 LAND ACQUISITION**

MOTION: Motion by Sherman, seconded by Nickita:

To meet in closed session to discuss land acquisition pursuant to Section 8(d) of the Open Meetings Act.

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

Abstentions, None

VII. REMOVED FROM CONSENT AGENDA

03-76-14 MINUTES OF MARCH 10, 2014

Dorothy Conrad questioned the use of plastic pipes in Resolution #03-62-14 and requested an addition to her comments regarding notification of the project.

Mayor Pro Tem Sherman requested a change to the title of Resolution #03-63-14.

The Clerk will review the audio and return this item at the next meeting.

VIII. COMMUNICATIONS

03-77-14 COMMUNICATIONS

The Commission received the following communications:

- Pierre Boutros, Mills Pharmacy & Apothecary, LLC, regarding West Maple Road.

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

X. REPORTS

03-78-14 COMMISSIONER REPORTS

The Commission intends to appoint members to the Martha Baldwin Park Board on April 28, 2014.

03-79-14 COMMISSIONER COMMENTS

Mayor Moore presented an update of items discussed at the National League of Cities Conference regarding transportation and the Downtown Fairness Act.

Commissioner McDaniel commented on the status of the Detroit water and sewer regionalization.

Commissioner Rinschler questioned when the proposed charter amendment regarding the purchase and sale of property will be placed on the ballot again. Mayor Moore suggested this be brought forward to the Commission for further discussion.

Commissioner Nickita discussed his presentation at the Capital Conference for the Michigan Municipal League regarding infrastructure.

03-80-14 CITY STAFF REPORTS

The Commission received the report regarding area calculations for the proposed detached garage at 572 Watkins submitted by Building Official Johnson.

The Commission received the Detroit Water and Sewer Department Regionalization Status submitted by Interim City Manager Valentine.

The Commission recessed to closed session at 8:41 PM.

The Commission reconvened in open session at 9:19 PM.

XI. ADJOURN

The Mayor adjourned the meeting at 9:19 PM.

Laura M. Pierce
City Clerk