

**BIRMINGHAM CITY COMMISSION MINUTES**  
**APRIL 3, 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, City Engineer O'Meara, PSD Special Events Coordinator Rondello, Planner Ecker

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

**04-81-14 APPOINTMENT TO THE ARCHITECTURAL REVIEW COMMITTEE**

**MOTION:** Motion by Nickita:  
To appoint Scott Bonney, 633 Vinewood to the Architectural Review Committee to serve a three-year term to expire April 11, 2017.

**VOTE:** Yeas, 7  
Absent, None

The Clerk administered the oath to the appointed board member.

**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.

**04-82-14 APPROVAL OF CONSENT AGENDA**

The following item was removed from the consent agenda:

- Item M (N. Eton Road Paving Project Contract Award) by Commissioner Nickita

**MOTION:** Motion by Sherman, seconded by Hoff:  
To approve the consent agenda as follows:

- A. Approval of City Commission minutes of March 10, 2014.

- B. Approval of City Commission minutes of March 24, 2014.
- C. Approval of warrant list, including Automated Clearing House payments, of March 26, 2014 in the amount of \$493,743.53.
- D. Resolution approving the appointment of election inspectors for the May 6, 2014 Special City Election pursuant to MCL 168.674(1) and to authorize the City Clerk to make revisions as needed.
- E. Resolution approving a request from the Principal Shopping District to hold Day on the Town in downtown Birmingham on July 26, 2014 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.
- F. Resolution approving the purchase of the larvicide material from Clarke Mosquito Control in the amount not to exceed \$9,062. Further, waiving the normal bidding requirements based on the government regulated pricing for this type of material. Funds for this purchase will come from the Sewer Fund-Operating Supplies Account #590-536.002-729.0000.
- G. Resolution recognizing Michigan Orchid Society, 850 N. Adams, Unit 2, Birmingham, Michigan 48009 as a non-profit organization for the purpose of obtaining a State of Michigan Gaming License with the State of Michigan Charitable Gaming Division. Further, authorizing the City Clerk to complete the Local Governing Body Resolution Form, forwarding same to the Charitable Gaming Division, Lansing, Michigan.
- H. Resolution approving the purchase of one (1) new 2014 GMC Sierra 1500 4X4 pickup from Red Holman Pontiac GMC, using Oakland County Cooperative bid pricing for a total expenditure of \$28,572.00. Funds for this purchase are available in the Auto Equipment Fund, account #641.441.006-971.0100.
- I. Resolution approving the purchase of one (1) new 2014 GMC Sierra 1500 4X4 pickup from Red Holman Pontiac GMC, using Oakland County Cooperative bid pricing for a total expenditure of \$29,507.00. Funds for this purchase are available in the Auto Equipment Fund, account #641.441.006-971.0100.
- J. Resolution approving the 2014 Sidewalk Repair Program, and directing the Engineering Department to notify the owners of properties on the list of the City's intention to replace sidewalks adjacent to their properties.
- K. Resolution awarding the 2014 Sidewalk & Concrete Repair Program, Contract #7-14(SW) to Luigi Ferdinandi & Son Cement Company, Inc. of Roseville, MI, in the amount of \$514,149.00 to be charged to the various accounts as detailed in the report; and further approving the appropriations and budget amendments as follows:

Local Street Fund

Revenues:		
Draw from fund balance	203-000.000-400.0000	<u>\$ 87,010.00</u>
Total Revenue Adjustments		\$ 87,010.00
Expenditures:		
Street Maintenance	203-449.003-937.0400	<u>\$ 87,010.00</u>
Total Expenditure Adjustments		\$ 87,010.00

Major Street Fund

Revenues:		
Draw from fund balance	202-000.000-400.0000	<u>\$ 12,700.00</u>
Total Revenue Adjustments		\$ 12,700.00
Expenditures:		
Public Improvements	202-449.001-981.0100	<u>\$ 12,700.00</u>

Total Expenditure Adjustments \$ 12,700.00

- L. Resolution authorizing the City Clerk to sign the grant agreement between the Michigan Department of State and the City of Birmingham for the Qualified Voter File (QVF) Oracle/Equipment Upgrade Project.
- N. Resolution setting a Public Hearing of Necessity on Monday, April 28, 2014 for the installation of lateral sewers within the North Eton Road Paving Project area. If necessity is declared, setting a Public Hearing to confirm the roll on May 5, 2014:  
 RESOLVED, that the City Commission shall meet on Monday, April 28, 2014 at 7:30 P.M., for the purpose of conducting a public hearing of necessity for the installation of lateral sewers within the N. Eton Rd. Paving Project area. Should the district be declared at that time, be it further  
 RESOLVED, that the City Commission meet on Monday, May 5, 2014 at 7:30 P.M. for the purpose of conducting a public hearing to confirm the roll for the installation of lateral sewers in the N. Eton Rd. Paving Project area.
- O. Resolution designating Joseph A. Valentine, Interim City Manager, as the individual who is authorized to sign the contract for the licenses and all other documents required by the Michigan Liquor Control Commission on behalf of the licensee, City of Birmingham:  
 Whereas, the City of Birmingham has applied for two (2) liquor licenses; one (1) for Lincoln Hills Golf Course and one (1) for Springdale Golf Course; and,  
 Whereas, the Michigan Liquor Control Commission requires a Commission resolution designating the individual who is authorized to sign the contract for the license on behalf of the licensee, City of Birmingham.  
 Now, therefore, it is hereby resolved that the City Commission does hereby authorize Joseph A. Valentine, Interim City Manager, to sign the contract for the license and all other documents required of the City by the Michigan Liquor Control Commission.

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**

**04-83-14                    PUBLIC HEARING OF NECESSITY  
INSTALLATION OF LATERAL SEWERS  
MOHEGAN & KENNESAW PAVING PROJECT AREA**

Mayor Moore opened the Public Hearing of Necessity for the installation of lateral sewers within the Mohegan Ave. & Kennesaw Ave. Paving Project area at 7:36 PM.

Mr. O'Meara explained that 70% of the houses have sewer laterals older than fifty years. The recommendation is that these sewer laterals be replaced as a part of the project at a cost of \$39.00 per foot.

Ms. Conrad noted that one project with wedge lock is scheduled to be replaced and questioned why the other properties with wedge lock are not scheduled to be replaced. Mr. O'Meara explained that the City policy requires sewer lateral older than fifty years be replaced. He noted that residents have the option to camera the sewer lateral to demonstrate to the City that it is still in good shape.

The Mayor closed the public hearing at 7:39 PM.

**MOTION:** Motion by McDaniel, seconded by Rinschler:

To declare necessity for the installation of lateral sewers within the Mohegan Ave. & Kennesaw Ave. Paving Project area. The Public Hearing of Confirmation will be held on April 28, 2014.

WHEREAS, The City Commission has passed Ordinance No. 1906, to establish and adopt requirements and procedures for the replacement of sewer lateral lines when the City street is open for repairs or reconstruction; and

WHEREAS, The City Commission is of the opinion that replacement of sewer laterals not meeting current criteria as a part of the planned road paving project is declared a necessity; and

WHEREAS, formal bids have been received and the actual cost per foot for replacement of the sewer laterals has been determined,

RESOLVED, that all sewer laterals not meeting current criteria located within the limits of the following streets shall be replaced as a part of the paving project on the following streets:

Mohegan Ave. – Oxford Dr. to N. Adams Rd.  
Kennesaw Ave. – Oxford Dr. to N. Adams Rd.

RESOLVED, that at such time as the Assessor is directed to prepare the assessment roll, of which 100% of the contractor's charge to replace sewer lateral (calculated at the rate of \$39 per linear foot) shall be charged to the adjoining property owners benefiting from the sewer lateral,

RESOLVED, that there be a special assessment district created and special assessments levied in accordance with benefits against the properties within such assessment district, said special assessment district shall be all properties, within the following district:

**“Highland View Addition No. 3”**

Lots 172, 174, 176-185 inclusive, the westerly 35 ft. of 189, 190, 192, 193, 195-198 inclusive, 200, 205 – 208 inclusive, 210.

**“Highland View Addition No. 4”**

Lots 211, 212, 214, 216-219 inclusive, 221, 222, 224, 227, 228, 230 – 233 inclusive, westerly 18 ft. of lot 234, 235 – 239 inclusive, 241 – 244 inclusive, 247, 248, 250, 251.

RESOLVED, that the Commission shall meet on Monday, April 28, 2014, at 7:30 P.M., for the purpose of conducting a public hearing to confirm the roll for the replacement of sewer laterals within the Mohegan Ave. & Kennesaw Ave. Paving Project.

VOTE: Yeas, 7  
Nays, None  
Absent, None

**04-84-14                    BIRMINGHAM VILLAS WATER MAIN IMPROVEMENT PROJECT**

Mr. O'Meara explained that the project is to disconnect the backyard water main and connect to the new water main in the street on Yosemite, Villa and Old Salem Court. He noted that fees that normally come with plumbing work would be waived for a period of time after the water main is finished.

The Commission agreed the timeframe should be changed from twelve months to twenty-four months to be consistent with past practice.

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

To direct the Engineering Dept. to implement the Birmingham Villas and Old Salem Ct. portion of the Backyard Water and Sewer Master Plan as a part of its Birmingham Villas Water Main Improvement Project, to include the installation of 60 1-inch to 2-inch diameter water services from the public water main, the enforcement of Section 114-58 of the City Code, and to waive the relevant fees to those homeowners that act to get their backyard water service disconnected within the first twenty-four months.

WHEREAS,     the City of Birmingham will be conducting a water improvement project within the Birmingham Villas Subdivision and on Old Salem Ct. as part of a 2014 construction project, and

WHEREAS,     there are 60 properties within the subject area currently connected to a backyard water main, and

WHEREAS,     the subject backyard water mains have been identified as ones that should be abandoned in the City's Backyard Water and Sewer Master Plan, and

WHEREAS,     the Birmingham Villas Water Main Improvement Project provides a cost efficient opportunity to install water services from the public water mains in the street to the right-of-way line to service each adjacent property in the future, therefore so be it,

RESOLVED,     that certain properties within the Birmingham Villas Subdivision., legally described as:

**"Birmingham Villas Subdivision"** (all of the following property descriptions include half of the adjacent vacated alley to rear):

Lot 25, the westerly 38 ft. of lot 27, lots 28 – 34, lot 35 plus half of the adjacent vacated Yankee Ave., lot 36 plus half of the adjacent vacated Yankee Ave., lots 37-40 inclusive, lot 41 plus half of the adjacent vacated Dixie Ave., lot 42 plus half of the adjacent vacated Dixie Ave., lots 43 through 47 inclusive, lots 50-54 inclusive, lot 55 plus half of the adjacent vacated Dixie Ave., lot 56 plus half of the adjacent vacated Dixie Ave., lots 57-71 inclusive, lots 79 & 80, lot 82, the westerly 20 ft. of lot 88, lot 89, lots 93 & 94, lots 97-100 inclusive, lots 102 – 105 inclusive.

Also including certain unplatted parcels located on Old Salem Ct. and Quarton Rd., described with tax I.D. numbers as:

- 19-26-226-006
- 19-26-226-016
- 19-26-226-017
- 19-26-226-018
- 19-26-226-019
- 19-26-226-020
- 19-26-226-022
- 19-26-226-023

FURTHER, to waive the regular fees that would be charged when installing a new private water service, and relocating a water meter, for a period of twenty-four months after proper notification has been received, described as follows:

Internal Plumbing Inspection, 1 inch dia. pipe or smaller	\$ 80
Water Service Lateral Inspection, 2 inch dia. or smaller	\$115
Old Meter Removal and New Meter Installation, 1 inch dia.	\$ 80

After the twenty-four month period has expired, said fees for such work that apply at that time shall be in full effect.

All City funded contractor costs relative to implementing the backyard disconnection shall be charged to the Water Fund Capital Improvement Account #591-537.004-981.0100.

Dorothy Conrad expressed support of the twenty-four month time period.

VOTE: Yeas, 7  
Nays, None  
Absent, None

**04-85-14 MASTER PLANNING CONSULTATION SERVICES  
FINAL WRITTEN REPORT**

Commissioner Nickita recused himself as he is collaborating with Mr. Duany on a lean-urbanism project for the Knight Foundation. Commissioner Nickita left the room.

Ms. Ecker presented the final schedule for the Andres Duany visit. She explained that Mr. Duany has confirmed that the report will be a ten to twelve page report on his findings and recommendations for the future and not a summary of what went on at the charrette. She noted that Mr. Duany recommends the report as it gives the City a document for future reference. She noted the sub-committee also recommended a written report.

Commissioner Hoff expressed concern with the cost for the report. Ms. Ecker confirmed for Commissioner Hoff that Mr. Duany would be assisted by one of his staff members in writing the report. She noted that the maximum cap for expenses is \$3,000 even with the extra person.

**MOTION:** Motion by Dilgard, seconded by McDaniel:

To approve the preparation of a final written report (at a cost of \$4,500.00) to be included in the previously approved agreement with Duany Plater-Zyberk & Company, LLC for master planning consultation services, contingent upon the approvals required by Sec. 2-289 of the Birmingham City Code, from account #101-721.000-811.0000 (Planning - Other Contractual Services). Further, to approve the appropriation and amendment to the 2013-2014 General Fund budget as follows:

General Fund

Revenues:

Appropriation for Fund Balance

101-000.000-400.0000 \$4,500

Total Revenue Adjustment \$4,500

Expenditures:

Community Development-Planning

Other Contractual Services

101-721.000-811.0000 \$4,500

Total Expenditure Adjustment \$4,500

VOTE: Yeas, 5  
Nays, 1 (Hoff)  
Absent, 1 (Nickita)

**VII. REMOVED FROM CONSENT AGENDA**

Commissioner Nickita returned.

**04-86-14 NORTH ETON ROAD PAVING PROJECT  
CONTRACT AWARD**

Mr. O'Meara confirmed for Commissioner Nickita that the Commission approved a conceptual plan which was implemented fully in the engineering drawings for this project.

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

To award the N. Eton Road Paving Project, Contract #4-14(P), to V.I.L. Contracting, Inc., of Sterling Heights, MI, in the amount of \$1,770,789.85, to be funded from the following accounts:

Sewer Fund	590-536.001-981.0100	\$ 497,384.80
Water Mains Fund	591-537.004-981.0100	\$ 442,816.25
Major Streets Fund	202-449.001-981.0100	<u>\$ 830,588.80</u>
TOTAL		\$1,770,789.85

Further, approving the appropriations and budget amendments as follows:

Major Street Fund

Revenues:

Draw from fund balance	202-000.000-400.0000	\$ 81,000.00
Total Revenue Adjustments		\$ 81,000.00

Expenditures:

Public Improvements	202-449.001-981.0100	\$ 81,000.00
Total Expenditure Adjustments		\$ 81,000.00

Dorothy Conrad expressed concern with the timing of the project as it is major route to two schools and questioned if the schools have been notified of this project. Mr. O'Meara explained that the schools have been notified of the project and alternates routes will be posted.

In response to a question from Ms. Conrad, Mr. O'Meara confirmed that the infrastructure from Yorkshire to Maple is in relatively good condition and does not need to be replaced.

VOTE: Yeas, 7  
Nays, None  
Absent, None

**VIII. COMMUNICATIONS**

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

**04-87-14 OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA**

Stuart Jeffares, 1381 Birmingham Blvd., expressed support of the proposed Library project.

Dorothy Conrad inquired about the status of her street. Mr. O'Meara explained that the chip seal has been scheduled for May 1<sup>st</sup>.

## **X. REPORTS**

### **04-88-14 CITY STAFF REPORTS**

The Commission received the Planning Division Annual Report & Planning Board, Historic District Commission and Design Review Board Action Lists for 2014-2015 submitted by City Planner Ecker.

Commissioner Hoff suggested transitional zoning be made a priority. Ms. Ecker explained that it is the first item on the Planning Board action list and is scheduled for continuation of the public hearing on April 9<sup>th</sup>.

The Commission received the National Highway Performance Program Funding Update submitted by City Engineer O'Meara.

The Commission received the Engineering Dept. Update submitted by City Engineer O'Meara.

The Commission received the Shain Park Tree Removal submitted by DPS Director Wood.

Judd Hart, City Forester Contractor, explained the deep decline in the white pine and Norway maple located in Shain Park and suggested the trees be removed. He noted that there are measures that could be taken to try to get oxygen to the root system.

Commissioner Dilgard suggested additional play equipment could be added in place of the trees.

Mayor Moore suggested a historical plaque with a photo of the trees be added to the area as the trees have been in that location for many generations.

**MOTION:** Motion by McDaniel, seconded by Rinschler:  
That both the White Pine and Norway Maple be removed as soon as possible.

**VOTE:** Yeas, 7  
Nays, None  
Absent, None

Mr. Valentine noted that staff will work on a plan for the replacement of the trees.

## **XI. ADJOURN**

The Mayor adjourned the meeting at 8:24 PM.

Laura M. Pierce  
City Clerk