

**BIRMINGHAM CITY COMMISSION MINUTES**  
**APRIL 28, 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, IT Manager Gemmell, DPS Director Wood, Police Chief Studt, Finance Director Ostin, Special Events Coordinator Rondello, Deputy Treasurer Klobucar, Billing Manager Laing, City Engineer O'Meara

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

**04-89-14 APPOINTMENT TO THE MULTIMODAL TRANSPORTATION BOARD**

The Commission interviewed the following individuals for appointment to the Multimodal Transportation Board:

- Malcolm Hendy, 2336 Northlawn
- Andy Lawson, 1351 E. Maple
- Kristine Frias, 1788 Bowers
- Lara Edwards, 1636 Bowers

Amanda Warner, 671 E. Lincoln, was unable to attend. Stuart Bordman, 1091 Lakepark, and Danielle Todd, 1775 Maryland, withdrew their applications.

**MOTION:** Motion by Nickita:

To appoint Andy Lawson, 1351 E. Maple, to the Multi-modal Transportation Board, as the Pedestrian Advocate member, to serve a one-year term to expire March 24, 2015.

**MOTION:** Motion by Dilgard:

To appoint Kristine Frias, 1788 Bowers, to the Multi-modal Transportation Board, as the Pedestrian Advocate member, to serve a one-year term to expire March 24, 2015.

**VOTE ON NOMINATION OF LAWSON:**

Yeas, 6 (Hoff, McDaniel, Moore, Nickita, Rinschler, Sherman)  
Absent, None

Mr. Lawson was appointed as the pedestrian member.

**MOTION:** Motion by Dilgard:

To appoint Lara Edwards, 1636 Bowers, 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.

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

The Commission discussed the three available positions remaining on the Board which include a Mobility or Vision Impairment member, a Traffic-focused member, and an Urban Planning, Architecture, or Design member. The Commission agreed to re-evaluate the positions if they are not filled by the end of the month.

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.

**04-90-14 APPROVAL OF CONSENT AGENDA**

The following items were removed from the consent agenda:

- Item Q (AVI Card Readers at Park St. Parking Structure) by Commissioner Hoff
- Item G (Seaholm Cross Country Team Special Event Request) by Commissioner McDaniel
- Item F (Courage for Cures Foundation Special Event Request) by Dorothy Conrad

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

To approve the consent agenda as follows:

- A. Approval of City Commission minutes of April 3, 2014.
- B. Approval of warrant list, including Automated Clearing House payments, of April 2, 2014 in the amount of \$994,782.89.
- C. Approval of warrant list, including Automated Clearing House payments, of April 9, 2014 in the amount of \$529,583.59.
- D. Approval of warrant list, including Automated Clearing House payments, of April 16, 2014 in the amount of \$208,868.09.
- E. Approval of warrant list, including Automated Clearing House payments, of April 23, 2014 in the amount of \$490,516.00.
- H. Resolution approving the request submitted by the Principal Shopping District to hold the Birmingham Cruise Event on August 16, 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.
- I. Resolution recognizing Bike Festival of Michigan, 320 Martin Street, Ste. 100, 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.
- J. Resolution recognizing Detroit2Nepal, 320 Martin Street, Ste. 100, Birmingham, Michigan 48009 as a nonprofit 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.
- K. Resolution approving the purchase of multi-function printer from Xerox, using MiDEAL extendable contract, in an amount not to exceed \$8,859.00 and charging the purchase against the Network Upgrade account #636-228.000-973.0400.
- L. Resolution authorizing the purchase of new Wi-Fi equipment for the Municipal Building and Historical Museum in an amount not to exceed \$11,000.00 under the MICTA extendable purchase contract and charge this expense to account #636-228-000-973.0400 Network Upgrade to offset the grant amount of up to \$11,000.00 awarded by the Birmingham Area Cable Board for this expense.
- M. Resolution directing the Treasurer to transfer the following unpaid and delinquent water/sewage bills of the properties listed in the report to the 2014 city tax roll and authorizing the removal from the list any bills paid after City Commission approval:  
 WHEREAS, The City Treasurer, in accordance with Chapter 114, Section 114-303, of the city code has reported certain water/sewage accounts, including interest and penalty, unpaid and delinquent on May 1, 2014, and  
 WHEREAS, Chapter 114, Section 114-303, of the city code provides that these payments shall be carried to the next annual city tax roll,  
 NOW, THEREFORE, BE IT RESOLVED, that the properties with unpaid and delinquent water/sewage accounts listed in this report, including interest and penalty, be transferred and reassessed to the 2014 city tax roll and authorization be given to remove from the list any bills paid after commission approval.
- N. Resolution directing the Treasurer to transfer the following unpaid and delinquent special assessment and invoices, including interest and penalty, to the 2014 City tax roll and authorizing removal from the list any bills paid after City Commission approval.  
 WHEREAS, the City Treasurer, in accordance with the provisions in the City Code has reported certain special assessments and invoices, including interest and penalty, unpaid and delinquent on May 1, 2014, and  
 WHEREAS, the City Code provides that these delinquent special assessments and invoices shall be carried to the next annual City tax roll,  
 NOW THEREFORE BE IT RESOLVED, that the following unpaid and delinquent special assessments and invoices, including interest and penalty, be transferred and reassessed to the 2014 City tax roll with an additional 15% penalty and authorization be given to remove from the list any bills paid after commission approval.
- O. Resolution approving the street light agreement between the City of Birmingham and DTE Energy regarding the installation of street lights at 820 E. Maple Rd. Further, directing the Mayor to sign the agreement on behalf of the City. All costs relative to this agreement will be charged to the adjacent owner.
- P. Resolution authorizing the issuance of a purchase order in the amount of \$122,855.00 to DTE Energy, for the manufacture, shipment, and installation of 19 street lights with associated wiring for the Park St. Structure Sidewalk Improvement Project. The work will be funded by the Auto Parking System, charged to account #585-538.001-981.0100.
- R. Resolution awarding Contract #12-14(PK), Park Street Parking Structure Sidewalk Improvements, to Lacia Concrete Construction, Inc., MI in the amount of \$185,764.00, to be charged to the Auto Parking System Fund, account # 585-538.003- 981.0100.

- S. Resolution approving the contract for Irrigation Services to Progressive Irrigation in the amount of the base bid total of \$9,930.00 plus the proposed hourly costs of routine maintenance, repairs, and miscellaneous system improvements. Funds are available from the Major Streets Maintenance account #202-449.003-937.0400, Parking lot accounts #'s 585-538.002-811.0000, 585-538.003-811.0000, 585-538.004-811.0000, 585-538.005-811.0000, 585-538.008-811.0000, 585-538.009-811.0000, City Property Maintenance account #101-441.003-811.0000, and the Parks Maintenance account #101-751.000-811.0000 for these services. Further authorizing the Mayor and City Clerk to sign the Irrigation Services Agreement upon receipt of the required insurances.
- T. Resolution confirming the City Manager's authorization for the emergency expenditure regarding the repair to the water main by Den-Man Contractors in the amount of \$6,446.00 to be paid from the Water Supply Fund account #591-537.005-811.0000, pursuant to Sec. 2-286 of the City Code.
- U. Resolution confirming the City Manager's authorization for the emergency expenditure to thaw frozen water service lines by Rhodes Welding Co., Inc. in the amount of \$33,131.25 to be paid from the Water Supply Fund account #591-537.005-811.0000, pursuant to Sec. 2-286 of the City Code.
- V. Resolution authorizing the mayor to execute a service agreement with Philanthropy Services, LLC to provide workshop training in development/fund raising strategies to the Museum Board and Friends Board, conditioned upon execution by the contractor, for fiscal year 2013-2014 in the amount of \$1,600.00 from account #101-804.002-811.0000.
- W. Resolution approving the Landlord Estoppel and Consent Agreement between the City of Birmingham as landlord and Woodward Brown Associates as the tenant and the PrivateBank and Trust Company as the lender, and authorizing the Mayor and Clerk to sign the same on behalf of the City of Birmingham.
- X. Resolution accepting the resignation of Dominick Pulis from the Parks and Recreation Board, thanking Mr. Pulis for his service, and directing the Clerk to begin the process to fill the vacancy.

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,      1, Moore (from Warrant 226875 - reimbursement)

**04-91-14                      SPECIAL EVENT REQUEST  
    SEAHOLM CROSS COUNTRY TEAM**

Commissioner McDaniel questioned whether school groups were charged City services fees in the past. Commissioner Rinschler noted that the distinction was made between events that are run by the Birmingham Public Schools versus a booster club.

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

To approve the request submitted by the Seaholm Cross Country Team to hold Birmingham Harriers 5K Run/Walk on August 3, 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.

VOTE:           Yeas, 7  
                  Nays, None  
                  Absent, None

**04-92-14                   SPECIAL EVENT REQUEST  
                                  COURAGE FOR CURES FOUNDATION**

Dorothy Conrad corrected the date of the event in the resolution to July 12, 2014.

**MOTION:**     Motion by Hoff, seconded by McDaniel:  
To approve the request from Julian Boivin Courage for Cures Foundation to hold a movie night on July 12, 2014 in Booth Park, 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.

Nettie Boivin, President of the Courage for Cures Foundation, presented the event and background on the organization.

VOTE:           Yeas, 7  
                  Nays, None  
                  Absent, None

**V.           UNFINISHED BUSINESS**

**VI.          NEW BUSINESS**

**04-93-14                   PUBLIC HEARING OF CONFIRMATION  
                                  MOHEGAN AVE. AND KENNESAW AVE**

Mayor Moore opened the Public Hearing of Confirmation for the replacement of sewer laterals on Mohegan Avenue and Kennesaw Avenue at 8:00 PM.

Billing Manager Laing recommended confirmation of the roll.

The Mayor closed the Public Hearing at 8:01 PM.

**MOTION:**     Motion by McDaniel, seconded by Sherman:  
To confirm Special Assessment Roll No. 858, to defray the cost of the installation of sewer laterals on Mohegan Avenue and Kennesaw Avenue.:  
WHEREAS, Special Assessment Roll, designated Roll No. 858, has been heretofore prepared by the Billing Manager for collection, and  
WHEREAS, notice was given pursuant to Section 94-7 of the City Code, to each owner or party-in-interest of property to be assessed, and  
WHEREAS, the Commission has deemed it practicable to cause payment of the cost thereof to be made at a date closer to the time of construction and Commission Resolution 03-63-14 provided it would meet this 28th day of April, 2014 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this April 28th, 2014, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll as determined in Section 94-9 of the Code of the City of Birmingham,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 858 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that special assessments shall be payable in ten (10) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of four and a quarter percent (4.25%) on all unpaid installments.

VOTE:           Yeas, 7  
                  Nays, None  
                  Absent, None

**04-94-14                   PUBLIC HEARING OF NECESSITY  
                                  NORTH ETON ROAD PAVING PROJECT**

Mayor Moore opened the Public Hearing of Necessity for the replacement of sewer laterals within the N. Eton Rd. Paving Project at 8:02 PM.

City Engineer O'Meara explained that the district involves two condominium properties and one single family home. He confirmed that both condominium associations have indicated that they would prefer to pay for the project on behalf of the multiple owners within the condominium associations.

The Mayor closed the Public Hearing at 8:04 PM.

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

To declare necessity for the replacement of sewer laterals within the N. Eton Paving Project area. The Public Hearing of confirmation will be held on Monday, May 5, 2014, at 7:30 P.M.:

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:

N. Eton Rd. – Derby Rd. to Yorkshire 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 a price per lineal 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:

"Graefield" Lot 16.  
"Graefield Terraces"  
Lots 1 through 4 inclusive.  
"Birmingham Estates"

The northerly 141.8 ft. of lots 91 through 94 inclusive, lots 94 & 95, except for the portions of these lots taken for CN Railroad right-of-way, plus the southerly half of vacated Dorchester Rd. adjacent to lots 91 through 95 inclusive, except for that portion taken for CN Railroad right- of-way.

RESOLVED, that the Commission shall meet on Monday, May 5, 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 N. Eton Rd. Paving Project.

VOTE:           Yeas, 7  
                  Nays, None  
                  Absent, None

**04-95-14                   SET PUBLIC HEARING OF NECESSITY  
                                  OLD SALEM COURT**

City Engineer O'Meara explained that all five homes on Old Salem Court have a sewer lateral extending into the right-of-way that should be replaced by the normal criteria. The price per foot from the low bidder was quite high. He pointed out that the street is chip seal and will not be replaced with a high quality long term pavement. He also noted that the residents will also have to endure the backyard water disconnection cost.

The Commission discussed the cost and suggested giving the residents the option to participate on a voluntary basis.

Dorothy Conrad agreed the residents should be given the option to participate.

**MOTION:**    Motion by Rinschler, seconded by Hoff:  
To accept the report regarding the installation of Old Salem Ct. sewer laterals, and to direct the Engineering Dept. to remove the replacement of sewer laterals on this street from the contract, at an estimated value of \$32,250 and to prepare a letter to send to the residents with the appropriate options should they choose to replace the laterals on their own.

Mayor Pro Tem Sherman stated that if three or four of the homeowners say agree, this may need to come back to the Commission to declare a necessity so they are all done at the same time.

Commissioner Hoff requested staff keep the Commission apprised as to the decision of the homeowners.

The Commission agreed that if the homeowners decide to replace the laterals on their own that the City fees be waived.

VOTE:           Yeas, 7  
                  Nays, None  
                  Absent, None

**04-96-14                   SPECIAL EVENT REQUEST  
                                  PARKART**

Brett Nicholson, Director of Human Services at the Community House explained that the ParkArt event is open to the public and will consist of hands-on art stations and performances by the

Community House Dance Ensemble and Youth Theater. He confirmed for Commissioner Hoff that the event will be moved inside the Community House if it rains.

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

To approve a request from the Community House to hold ParkArt on June 27, 2014 in Shain Park, 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

**04-97-14 JOINT WORKSHOP SESSION WITH  
PARKS AND RECREATION BOARD**

DPS Director Wood presented optional dates for a joint workshop session with the Parks and Recreation Board as previously requested by the Commission.

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

To set September 15, 2014 as a joint meeting workshop session with the City Commission and Parks and Recreation Board. At 7:30 PM

VOTE: Yeas, 7  
Nays, None  
Absent, None

**04-98-14 AMENDMENT TO FEE SCHEDULE**

Clerk Pierce presented the amendment to the Schedule of Fees, Charges, Bonds and Insurance.

In response to a question from Commissioner McDaniel regarding the fee for a frozen water line, DPS Director Wood explained that if a resident does not follow the instructions to keep the water line unfrozen and it freezes, they will be charged.

In response to a question from Commissioner Hoff regarding the hydrant fee, Ms. Wood explained that the permit fee includes DPS staff time to install a meter on the hydrant.

City Attorney Currier explained for Commissioners Hoff and McDaniel that it is being proposed that the fee be waived for situations where an owner is being removed from a non-operational liquor license at the discretion of the City Manager. A similar provision is being proposed for Special Land Use Permits.

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

To amend the Schedule of Fees, Charges, Bonds and Insurance, Community Development section, Fire Department section, Police Department section and Department of Public Service section as stated in the report and adopting the revised Public Records Policy.

VOTE: Yeas, 7  
Nays, None  
Absent, None



**VII. REMOVED FROM CONSENT AGENDA**

**04-99-14 AVI CARD READERS AT THE PARK ST PARKING STRUCTURE**

Mr. O'Meara confirmed for Commissioner Hoff that the original readers were installed twelve years ago. The card reader is used by the monthly permit holders.

**MOTION:** Motion by Hoff, seconded by McDaniel:  
To approve the proposal from Traffic & Safety Control Systems, Inc. to furnish and install two new AVI card readers in the exit lanes of the Park St. Parking Structure for a total cost of \$8,902.24 from account #585-538.003-971.0100; further, to waive the normal bidding requirements as Traffic & Safety Control Systems is the sole authorized manufacturer's representative for this parking equipment.

VOTE: Yeas, 7  
Nays, None  
Absent, None

**VIII. COMMUNICATIONS**

**04-100-14 COMMUNICATIONS**

The Commission received the following communications:

- First Presbyterian Church re: W. Maple Road conversion
- Birmingham Chocolate LLC re: W. Maple Road conversion
- John Meehan re: reappointment to Parks and Recreation Board
- Theresa M. Tubek re: W. Maple Road conversion

In response to a question from Commissioner Hoff, Mr. Valentine confirmed that the letters regarding West Maple will be given to the Multimodal Transportation Board.

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

**X. REPORTS**

**04-101-14 COMMISSIONER REPORTS**

The Commission intends to appoint members to the Housing Board of Appeals, Board of Building Trades Appeals, Brownfield Redevelopment Authority, and Parks and Recreation Board on May 19, 2014.

**04-102-14 CITY STAFF REPORTS**

The Commission received the Quarterly Investment Report submitted by Finance Director Ostin.

The Commission received the Southeastern Oakland County Water Authority update submitted by City Engineer O'Meara.

The Commission received the Detroit Water and Sewer Department Rate Simplification update submitted by City Engineer O'Meara.

**XI. ADJOURN**

The Mayor adjourned the meeting at 8:44 PM.

Laura M. Pierce  
City Clerk