

BIRMINGHAM CITY COMMISSION MINUTES
MAY 5, 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, Billing Manager Laing, City Engineer O'Meara, Police Chief Studt, Planner Baka

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

**05-103-14 APPOINTMENT TO THE
MULTI-MODAL TRANSPORTATION BOARD**

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

- Johanna Slanga, 1875 Winthrop
- Amanda Warner, 671 E. Lincoln
- Laura Smith, 218 Arlington

Malcolm Hendy, 2336 Northlawn, was unable to attend. Barry Silver, 2557 Coolidge, Troy withdrew his application.

MOTION: Motion by Rinschler:

To appoint Johanna Slanga, 1875 Winthrop, to the Multi-modal Transportation Board, as the Traffic-focused member, to serve a two-year term to expire March 24, 2016.

Commissioner Hoff expressed concern that the Board may not get a diverse background of members.

VOTE ON NOMINATION OF SLANGA:

Yeas, 7
Absent, None

MOTION: Motion by McDaniel:

To appoint Malcolm Hendy, 2336 Northlawn, to the Multi-modal Transportation Board, as the Urban Planning, Architecture, or Design member, to serve a three-year term to expire March 24, 2017.

MOTION: Motion by Dilgard:

To appoint Amanda Warner, 671 East Lincoln, to the Multi-modal Transportation Board, as the Urban Planning, Architecture, or Design member, to serve a three-year term to expire March 24, 2017.

VOTE ON NOMINATION OF HENDY:

Yeas, 1 (McDaniel)

Absent, None

VOTE ON NOMINATION OF WARNER:

Yeas, 5 (Dilgard, Moore, Nickita, Rinschler, Sherman)

Absent, None

Ms. Warner was appointed as the Urban Planning, Architecture, or Design Member.

The Commission discussed the mobility or visual impaired member position. The Commission agreed that the member should have an open mind and represent the entire City, not just the area of residence.

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.

05-104-14 APPROVAL OF CONSENT AGENDA

The following item was removed from the consent agenda:

- Item A (Minutes of April 28, 2014) by Dorothy Conrad

MOTION: Motion by McDaniel, seconded by Sherman

To approve the consent agenda as follows:

- B. Approval of warrant list, including Automated Clearing House payments, of April 30, 2014 in the amount of \$414,530.86.
- C. Resolution requesting reimbursement for the maximum allotment of \$2,648.39 for eligible mosquito control activity under the Oakland County's West Nile Virus Fund Program.

WHEREAS, upon recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

WHEREAS, the City of Birmingham, Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW THEREFORE BE IT RESOLVED that the Birmingham City Commission authorizes and directs its Director of Public Services, as agent for the City of Birmingham, in the manner and to the extent provided under Oakland County Board of Commissioners, to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

- D. Resolution approving the two year Agreement with Dynamic Systems, Inc. in the amount not to exceed \$12,700.00 for power washing services. Funds are available in the Property Maintenance, Other Contractual Services account #101-441.003-811.0000 and the PSD Maintenance account #247-748-000-935.0200. Further, authorizing the Mayor and City Clerk to sign the Power Washing Services Agreement upon receipt of the required insurances.
- E. Resolution setting a public hearing date for June 9, 2014 to consider the following ordinance amendments:
1. To amend Chapter 126, Zoning, Article 03, Overlay District of the Code of the City of Birmingham to add sections 3.17 – 3.24, Zoning Transition Overlay
 2. To amend Article 09, Definitions, section 9.02, to add Definitions.
 3. To consider a proposal to rezone the following transitional parcel that are adjacent to residential zones throughout the city as follows:
 - a) 300 Ferndale, 233, 247, 267 & 287 Oakland, 404, 416 & 424 Park, Birmingham, MI
Rezoning from R-2 Single-Family Residential to TZ1 - Attached Single-Family.
 - b) 191 N. Chester Rd. Birmingham, MI
Rezoning from R-2 Single-Family Residential to TZ1 - Attached Single-Family to allow Attached Single-Family and Multi-Family Residential uses.
 - c) 400 W. Maple Birmingham, MI
Rezoning from O1 Office to TZ3 Mixed Use to allow Commercial and Residential uses.
 - d) 115, 123, 195 W. Brown, 122, 178 E. Brown, 564, 588, Purdy Birmingham, MI
Rezoning from O2 Office to TZ2 - Mixed Use to allow Commercial and Residential uses.
 - g) 1221 Bowers & 1225 Bowers Birmingham, MI
Rezoning from O1- Office/ P - Parking to TZ1 - Attached Single-Family to allow Attached Single-Family, Multi-Family Residential uses.
 - h) 1111 & 1137 Holland; 801, 877, 999, 1035 & 1105 S. Adams Rd.; 1108, 1132 & 1140 Webster; 1137 & 1143 Cole St.; 1101 & 1120 E. Lincoln, Birmingham, MI
Rezoning from O2 Office to TZ2 - Mixed Use to allow Commercial and Residential uses.
 - i) 500, 522 & 576 E. Lincoln; 1148 & 1160 Grant; 1193 Floyd Birmingham, MI
Rezoning from B-1 Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses.
 - j) 36801, 36823 & 36877 Woodward, Birmingham MI

- Rezoning from O1 - Office & P-Parking to TZ3 - Mixed Use to allow Commercial and Residential uses.
- k) 1775, 1803, 1915, 1971, 1999, 2055, 2075 & 2151 Fourteen Mile Rd. Birmingham, MI
Rezoning from O1 - Office to TZ2 - Mixed Use to allow Commercial and Residential uses.
- l) 100, 124, 130 & 152, W. Fourteen Mile Rd. & 101 E. Fourteen Mile Rd. Birmingham, MI
Rezoning from B1-Neighborhood Business, P-Parking, R5-Multi-Family Residential to TZ2 - Mixed Use to allow Commercial and Residential uses.
- m) 880 W. Fourteen Mile Rd., 1875, 1890 & 1950 Southfield Rd. Birmingham, MI
Rezoning from B1-Neighborhood Business, O1-Office to TZ2 - Mixed Use.
- n) 1712, 1728, 1732, 1740, 1744, 1794 & 1821 W. Maple Rd. Birmingham, MI
Rezoning from B1-Neighborhood Business, P-Parking, O1-Office to TZ2 - Mixed Use to allow Commercial and Residential uses.
- o) 2483 W. Maple Rd. Birmingham MI
Rezoning from B1-Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses
- p) 151 N. Eton, Birmingham MI
Rezoning from B-1 Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses.
- q) 412 & 420 E. Frank, Birmingham MI
Rezoning from B1-Neighborhood Business, B2B-General Business, R3-Single-Family Residential to TZ1 – Attached Single-Family Residential to allow Attached Single-Family and Multi-Family Residential uses.

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

**05-105-14 PUBLIC HEARING OF CONFIRMATION
 NORTH ETON PAVING PROJECT**

Mayor Moore opened the Public Hearing of Confirmation for new sewer laterals within the N. Eton Paving Project at 8:04 PM.

Billing Manager Laing recommended confirmation of the roll. She confirmed for Commissioner Hoff that the condominium association has agreed to pay on behalf of the homeowners, however each property is identified separate on the roll.

The Mayor closed the Public Hearing at 8:07 PM.

MOTION: Motion by Sherman, seconded by Dilgard:

To confirm Special Assessment Roll No. 859, to defray the cost of installing new sewer laterals within the North Eton Paving Project limits:

WHEREAS, Special Assessment Roll, designated Roll No. 859, 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 04-94-14 provided it would meet this 5th day of May, 2014 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this May 5th, 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. 859 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

**05-106-14 QUARTON & CHESTERFIELD INTERSECTION
 IMPROVEMENTS PROJECT**

City Engineer O'Meara presented the project which would widen Quarton to allow for a left turn lane at Chesterfield. He explained that federal funding has been granted and Oakland County and Bloomfield Hills would contribute to the project as well. Birmingham would be responsible for approximately \$7,000.00.

Commissioner Rinschler questioned why right turn lanes are needed. Mr. O'Meara confirmed that the right turn lanes could be eliminated.

Commissioner Nickita questioned the other intersections in the area. Mr. O'Meara confirmed that other intersections are three-way intersections and do not have as many accidents. He noted that those intersections should be reviewed in the future as well.

In response to a question from Commissioner McDaniel regarding realigning Chesterfield south of Quarton, Mike Labadie explained that if the street is offset, the cars turn behind each other instead of in front of each other. He noted that aligning the street is a safety improvement.

Commissioner Hoff questioned the response from the Bloomfield Hills Commission. Jamie Burton, Hubbell, Roth & Clark representing Bloomfield Hills, explained that the design has not gone before the full commission yet. He noted that tri-party funding scenarios are slim and the communities worked together to apply for the funding for this project.

Commissioner Nickita expressed concern with the width of the road. Mr. Burton explained that the amount of asphalt will be kept to a minimum.

The following individual spoke in opposition to the project:

Dave Brown
Rob Schneider
Dan Boorstein

Commissioner Hoff noted that this is a bad intersection as the traffic backs up. This project would improve the safety and drivability.

Commissioner Rinschler noted that he is supportive of the project, but recognizes the speed issues on Chesterfield.

Commissioner Nickita expressed concern that this is a piecemeal approach, that there is not a good understanding of the traffic counts, and that the residents do not have a good idea of what the project entails.

Commissioner McDaniel agreed that residents should have been given more notification and suggested a standard procedure is needed in this regard. He agreed that the left turn lane is an improvement.

Mayor Pro Tem Sherman noted that this is an opportunity to improve safety and reduce the opportunity for accidents. He agreed that the right turn lanes should be removed and the project be kept to the smallest footprint possible.

MOTION: Motion by McDaniel, seconded by Dilgard:

To authorize the Mayor to sign the agreement between the City of Birmingham and the Michigan Dept. of Transportation relative to the receipt of \$438,000 in state funding to pay for the majority of the Quarton Rd. & Chesterfield Ave. Intersection Improvements project, as awarded to the City under the state's Road and Risk Reserve Fund program. Further, authorizing the Mayor to sign the agreement between the City of Birmingham and the Road Commission for Oakland Co. relative to accepting Tri-Party Program funding in the amount of \$14,066 to assist in the local share cost for the improvement of Quarton Rd. & Chesterfield Ave. Further, authorizing the Mayor to sign the agreement between the City of Birmingham and the City of Bloomfield Hills relative to both Cities accepting responsibility for 50% each of all remaining costs incurred by the City of Birmingham in constructing the proposed improvements at the intersection of Quarton Rd. & Chesterfield Ave. Also, directing the Engineering Dept. to obtain confirmation that the City of Bloomfield Hills City Commission also signs this agreement at their regular meeting of May 13, 2014, prior to proceeding with the project, and to endeavor to construct the improvement within the time constraints of the above agreements to ensure

that all outside funding sources are fully secured; contingent upon review of the design at the May 19th Commission meeting.

VOTE: Yeas, 6
 Nays, 1 (Nickita)
 Absent, None

05-107-14 KENNING PARK PARKING LOT

Ms. Wood explained that construction is estimated to take place in July and August. She noted that the drawing shows the pedestrian crosswalks and parking lot layout. She noted this rendering shows the long term master plan of park and parking lot for future development.

Mayor Pro Tem Sherman pointed out that part of the new parking lot will be removed if the master plan is moved forward and questioned why the area is not landscaped now. Ms. Wood explained that the plan calls for landscaping enhancements in the long term.

MOTION: Motion by Hoff, seconded by Sherman:
To endorse the Kenning Park Parking Lot rendering for the 2014 construction project.

VOTE: Yeas, 6
 Nays, 1 (Sherman)
 Absent, None

**05-108-14 CLOSED SESSION REQUEST
 ATTORNEY/CLIENT PRIVILEGE COMMUNICATION**

MOTION: Motion by McDaniel, seconded by Hoff:
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 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

**05-109-14 APPROVAL OF CITY COMMISSION
 MINUTES OF APRIL 28, 2014**

Dorothy Conrad requested additional commentary be added to Resolution 04-91-14.

MOTION: Motion by Sherman, seconded by Rinschler:
To approve the City Commission minutes of April 28, 2014 as amended.

VOTE: Yeas, 7
 Nays, None
 Absent, None

VIII. COMMUNICATIONS

05-110-14 COMMUNICATIONS

The Commission received the following communications:

- Richard Rollins dated April 11, 2014 re: W. Maple
- Arlington Shirley Neighborhood dated April 19, 2014 re: W. Maple
- Hawthorne Aspen Linden Neighborhood dated April 21, 2014 re: W. Maple

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

X. REPORTS

05-111-14 COMMISSIONER REPORTS

The Commission intends to appoint members to the Board of Ethics on June 9, 2014.

The Commission recessed to closed session at 9:53 PM.

The Commission reconvened in open session at 10:07 PM.

XI. ADJOURN

The Mayor adjourned the meeting at 10:07 PM.

Laura M. Pierce
City Clerk