

BIRMINGHAM CITY COMMISSION MINUTES
JUNE 23, 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, Deputy Clerk Arft, DPS Director Wood, Finance Director Ostin, Police Chief Studt, City Engineer O'Meara, Assistant City Engineer Cousino, Billing Manager Laing

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

**06-145-14 INTERVIEW TO APPOINT
TO THE PUBLIC ARTS BOARD**

The Commission interviewed Mary Ann Haney, 200 Chester, for appointment to the Public Arts Board.

The Commission agreed to not take any action on this appointment until a later date.

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.

06-146-14 APPROVAL OF CONSENT AGENDA

The following item was removed from the consent agenda:

- Item F (Birmingham Area Seniors Coordinating Council agreement) by Dorothy Conrad

MOTION: Motion by Nickita, seconded by Sherman:

To approve the consent agenda as follows:

- A. Approval of City Commission minutes of June 9, 2014.
- B. Approval of warrant list, including Automated Clearing House payments, of June 11, 2014 in the amount of \$1,217,516.24.
- C. Approval of warrant list, including Automated Clearing House payments, of June 18, 2014 in the amount of \$837,744.56.

- D. Resolution approving the service agreement with Deaf & Hearing Impaired, Inc. in the amount of \$2,370.00 for services described in Attachment A of the agreement for fiscal year 2014-2015, account #101-215.000-811-0000. Further, directing the Mayor and City Clerk to sign the agreement on behalf of the City.
- E. Resolution approving the service agreement with the Cultural Council of Birmingham/Bloomfield in the amount of \$4,200 for services described in Attachment A of the agreement for fiscal year 2014-2015, account #101-299.000-811.0000, and further directing the Mayor and City Clerk to sign the agreement on behalf of the City.
- G. Resolution approving the 2014-2015 outside agency contracts for Building Better Families Through Action in the amount of \$1,000, Common Ground in the amount of \$1,500, Haven in the amount of \$2,000, Birmingham Bloomfield Community Coalition in the amount of \$3,000, and Birmingham Youth Assistance in the amount of \$18,000 (contingent upon renewed certificate of insurance being provided), further authorizing and directing the Mayor and City Clerk to sign the agreements on behalf of the City.
- H. Resolution approving the purchase and installation of a Pelco Endura video management system, (25) cameras, (2) 58" LED monitors, (2) 32" LED monitors, dispatch controllers, and related hardware from Abel Electronics in the amount of \$136,260.98 based on GSA contract #GS-07F-9323S pricing, further authorizing this budgeted expenditure to account #265-302.001-971.0000.
- I. Resolution approving the purchase of thirty-six Boolee Double Station side-by-side twin voting booths and nine Boolee ADA voting booths from Election Source in the amount of \$11,254.78 and to waive the normal bidding requirements as Election Source is the sole-source vendor for the Boolee voting booths. Funds for this purchase are available in the machinery & equipment account #101-262.000-971.0100 to be divided as follows: \$7,061.35 in fiscal year 2013-2014 and \$4,193.43 in fiscal year 2014-2015.
- J. Resolution approving a request submitted by the Community House to hold the Farm to Table Block Party on Merrill and Bates on September 6, 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.
- K. Resolution approving a request submitted by Don Thomas Sporthaus to hold the Rail Jam in the Woodward Triangle area on September 20, 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.
- L. Resolution approving a request submitted by Woodward Camera requesting permission to place two tents in the parking area in front of 33501 Woodward Ave on August 16 - 18, 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.
- M. Resolution approving the agreement with Signs by Crannie for the purchase, design and installation of twenty-nine (29) City of Birmingham Park Signs for a total project cost not to exceed \$28,990.00. Further, authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances and charging the Capital Projects Fund, account #401-751.001-981.0100 for these services.
- N. Resolution awarding the Kenning Park Parking Lot Renovations, Contract #11-14(M), to Pavex Corporation, Inc. of Grosse Isle, MI in the amount of \$ 1,108,445.47 which is the amount of their bid to install the parking lot with concrete pavement in bid Alternate A, to be funded from the following accounts:

Sewer Fund	590-536.001-981.0100	\$ 63,992.40
Capital Improvement Fund	401-751.001-981.0100	<u>\$1,044,453.07</u>
Total		\$1,108,445.47

And approving the appropriations and amendments to the fiscal year 2013-2014 budget as follows:

General Fund

Revenues:

101-000.000-401.0000 Draw from Fund Balance \$250,000.00

Expenditures:

101-999.000-999.4010 Transfer to Capital Projects Fund \$250,000.00

Capital Projects Fund

Revenues:

401-751.001-699.0101 Transfer from General Fund \$250,000.00

Expenditures:

401-751.001-981.0100 Public Improvements – Parks \$250,000.00

- O. Resolution approving the agreement with DTE Community Lighting for the painting of 70 light posts on Woodward Avenue in the amount of \$9,293.00 from account #202-449.003-937.0500 (\$4,325) and account #203-449.003-937.0500 (\$4,968) and approving the agreement with Seaway Painting, LLC for the preparation and painting of the additional 34 posts in the amount of \$6,675.00 from account #202-449.003-937.0500. Further, authorizing the Mayor and City Clerk to sign both agreements, upon receipt of all required insurances.

- P. Resolution adopting a resolution and accompanying permit regarding the use of the Allen and Hunter Houses for special events held by the Friends of the Birmingham Historical Museum & Park:

WHEREAS, the Birmingham Historical Museum and Park (BHMP) is owned by the City of Birmingham; and,

WHEREAS, the City of Birmingham may authorize, from time to time, the Friends of the Birmingham Historical Museum and Park to use the Allen House to conduct fundraisers and charity events which benefit the Birmingham Historical Museum and Park.

NOW, THEREFORE, BE IT RESOLVED, that in the event the Friends of the Birmingham Historical Museum and Park use the Allen House to conduct fundraisers and charity events to benefit the Birmingham Historical Museum and Park, the following terms and conditions shall be adhered to:

1. The times and dates of permitted use shall be authorized by the Museum Director.
2. There is a limit of forty (40) people for inside, sit-down events. The Allen House will accommodate a maximum of one hundred (100) persons. Larger events of up to two hundred (200) invited guests may be accommodated during the months of May through September only, weather permitting. However, events of more than 100 guests may require a tent to cover outside area(s) at the expense of the Friends.
3. The use of the Hunter House is limited to the main floor only. The use of the Allen House is limited to the first floor public access rooms only: foyer, living room, dining room, kitchen, library, north (sun) porch and bathroom. The outside grounds may also be used. Room and/or grounds availability will be determined by the Museum Director. The condition of the Allen House shall be returned to the condition prior to the event.
4. The City of Birmingham's noise ordinance must be adhered to at all times. A copy of this ordinance will be provided upon request. No amplified music is permitted outside the house. Any music not requiring amplification, which is

planned for outside the house, must be approved by the Museum Director prior to the event.

- 5. Due to City requirements, it is essential that guests are advised of proper parking locations in advance. All guests, except those requiring barrier free parking, must park in the municipal Chester Street Parking Structure across Maple to the South and cross at the crosswalks. One barrier free parking space is available in the Allen House driveway on the west side of the house. Only two vehicles are permitted to park in the driveway of the Allen House during the event. Valet parking may also be used, however, only valet companies approved by the City of Birmingham may be used. Loading and unloading is permitted in the bus loading zone along Maple Road.
- 6. Upon approval by the City, alcoholic beverages may be served on the premises in conjunction with a valid catering permit and in accordance with the requirements set forth in the attached Permit. Under no circumstances can alcohol be served to minors, nor illicit drugs be used on the Birmingham Historical Museum and Park premises.

ROLL CALL VOTE: Yeas, Commissioner Nickita
 Commissioner Dilgard
 Commissioner Hoff
 Commissioner McDaniel
 Commissioner Rinschler
 Mayor Pro Tem Sherman
 Mayor Moore

 Nays, None
 Absent, None
 Abstentions, None

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

**06-147-14 PUBLIC HEARING OF CONFIRMATION
 CLARK STREET PAVING PROJECT**

Mayor Moore opened the Public Hearing of Confirmation for the Clark Street Paving Project at 7:37 PM.

Billing Manager Laing recommended the confirmation of the roll for the Clark Street Paving Project and noted that the interest rate will be 4.25% with payments defrayed over 10 years. Billing will be made at a date closer to the end of construction.

The Mayor closed the Public Hearing at 7:39 PM.

MOTION: Motion by Hoff, seconded by Sherman:

To confirm Special Assessment Roll No. 860, to defray the cost of installing new sewer laterals within the Clark Street Paving Project limits:

- WHEREAS, Special Assessment Roll, designated Roll No. 860, 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 06-137-14 provided it would meet this 23rd day of June, 2014 for the sole purpose of reviewing the assessment roll, and WHEREAS, at said hearing held this June 23rd, 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. 860 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

**06-148-14 SPECIAL EVENT REQUEST
 RUN ON THE TOWN**

Andrea Carollo, of Max Broock Realtors, explained that this event is to benefit the Real Estate One Charitable Foundation, a 501 (c) (3) organization which supports the Special Olympics, the Multiple Sclerosis Association, the Alzheimers Association, and the Leukemia and Lymphoma Society.

Ms. Carollo confirmed for Commissioner Hoff that this 5K race will be using Booth Park and the neighboring streets and parking may be impacted near the start and finish line. It was confirmed at the time of application that there were no conflicts with other special events that weekend.

MOTION: Motion by Nickita, seconded by McDaniel:
To approve the request submitted by Max Broock Realtors to hold the Run on the Town on September 13, 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

**06-149-14 ORDINANCE AMENDMENT REGARDING
 ELECTRONIC CIGARETTE USE BY MINORS**

Chief Studt explained the ordinance amendment to prohibit the possession and use of electronic cigarettes by minors. He stated that it is uncertain when the state may take action on e-cigarettes, and believes the ordinance will send a message to the minors and stores. He confirmed for Commissioner Hoff that e-cigarettes are not currently a problem in the city.

MOTION: Motion by Sherman, seconded by Nickita:
To adopt an ordinance amending Part II of the City Code Chapter 74, Article IX, Division 2, Sections 74.421 - 74.425 to prohibit possession/use of electronic cigarettes by minors.

Chief Studt clarified for Commissioner Rinschler that the proposed ordinance amendment will prohibit possession as well as use.

In response to Crystal Proxmire, of the Oakland County 115 News, Chief Studt explained that if charged under a state law, the charge would be brought in juvenile court. If charged under the City ordinance, the fines are distributed according to the district court agreement.

VOTE: Yeas, 7
 Nays, None
 Absent, None

06-150-14 MONTHLY PARKING PERMIT RATE INCREASE

City Engineer O'Meara explained that parking demand has grown significantly in the last year. The Advisory Parking Committee has suggested that the City start building the fund balance in order to reduce the amount of bonding needed to expand parking in the future, thereby reducing bonding and interest costs.

Commissioner Hoff commented that money is needed in order to add space to the Pierce structure and that the proposed increases in monthly rates are a legitimate reason to raise the rates. However, she does not want to drive businesses out of town or force employees to find another job either.

Mayor Moore noted that the funds are held in the parking fund to pay for improvements and new space in the future. It is not a source of general funds for the City. Parking decks are expensive and the funds will be used to increase the quality and the capacity of the structures.

In response to a question from Commissioner Hoff, Interim City Manager Valentine confirmed that the construction can be funded by general obligation bonds or revenue bonds. Revenue bonds are not voter approved. Mr. Valentine added there has also been some discussion of special assessments. Once the solution is finalized, then the funding mechanism will be discussed.

Commissioner Hoff asked about the possibility that Central Parking utilize a national call center rather than staffing the decks. She suggested a discussion of that issue be held before anything is finalized. Mr. O'Meara explained that the proposal from Central Parking would have to be studied by the Parking Committee before bringing it before the Commission.

Commissioner Dilgard expressed support of the resolution but does not feel the City is locked into the July 1, 2015 rate increase at this time.

MOTION: Motion by McDaniel, seconded by Rinschler:

To accept the recommendation of the Advisory Parking Committee and approve the August 1, 2014 rates and tentatively approve the rates for July 2015, subject to review of the effect of the rate increases in the current year, as follows:

Effective August 1, 2014:

- Pierce St. Structure \$60
- Park St. Structure \$50
- Peabody St. Structure \$55

N. Old Woodward Ave. Structure \$50
Chester St. Structure \$40
Lot 6 Regular Permit \$55
Lot 6 Economy Permit \$35
South Side Permit \$40

Effective July 1, 2015:

Pierce St. Structure \$65
Peabody St. Structure \$65
Lot 6 Regular Permit \$60
Lot 6 Economy Permit \$40
South Side Permit \$45

Mary Ann Haney expressed concern with the effect of a rate increase on seniors and the lack of available parking space for handicapped individuals.

Mayor Moore commented that there are parking spaces in the Chester structure for the Baldwin House residents. He requested that staff review this.

VOTE: Yeas, 7
 Nays, None
 Absent, None

Commissioner McDaniel noted that a report will be required prior to July, 2015 relative to the 2015 parking rates.

**06-151-14 COMMISSION REQUESTED EXTRA PROJECTS
 FISCAL YEAR 2014/15**

City Engineer O'Meara explained the request to include the resurfacing of Old Woodward Ave. from Willits St. to Landon Ave. in the fall of this year. He reminded the Commissioners that federal funding was received for Maple for the year 2017, which postponed the work on Old Woodward until 2018 at the earliest. The resurfacing should last four to five years. He suggested that the additional funds for the project be taken from the general fund or eliminate other projects from this year's list.

Commissioner McDaniel stated that Old Woodward has to be done this year. He does not favor eliminating other projects as planned, and proposed the funds for the Old Woodward project be taken from the general fund.

MOTION: Motion by McDaniel, seconded by Dilgard:
To add the suggested resurfacing of Old Woodward Ave. from Willits St. to Landon Ave. to the 2014 Asphalt Pavement Maintenance Program, and return to the Commission with a suggested budget amendment at the time of contract award.

VOTE: Yeas, 7
 Nays, None
 Absent, None

City Engineer O'Meara described the brick paver removal program. He suggested that the sidewalk repair program for this year be postponed if the Commission feels the brick paver

program is more critical. Staff time is extremely limited during a sidewalk repair program so it would be extremely difficult to do both projects this year.

Commissioner Rinschler commented that he is not inclined to drop the other sidewalk projects to do the brick paver program. Commissioner McDaniel agreed.

Mayor Pro Tem Sherman noted that the reason this was brought forward was because the pavers are safety hazards.

Commissioner Nickita noted that it will be a couple of years before the City redevelops the Old Woodward streetscape, which will include pavers. He suggested the area be monitored to keep it as safe as possible.

Mary Ann Haney reported that the southeast corner of Chester and Merrill is in bad condition and noted that there are no ramps on the west side.

No action was taken regarding the removal of pavers.

City Engineer O'Meara reported that the Hamilton Alley section between Hamilton and Maple has not been repaved for many years. Patches are done as needed. If the Commission chooses to proceed to rebuild the entire area, the cost would be 100% assessed, consistent with past policy, at a cost of \$300 per foot from each property owner. If the Commission wishes to move forward with the project, Mr. O'Meara suggested an informational booklet be sent to the property owners.

Commissioner McDaniel expressed support of the replacement of the concrete. He expressed concern that a portion of Willits Alley near Bates Street is in bad shape.

Commissioner Nickita suggested the Planning staff to collaborate with Engineering regarding the decorative concept and design.

MOTION: Motion by McDaniel, seconded by Nickita:

To receive the report submitted by the Engineering Dept., and adopt the following resolution:

RESOLVED, That this Commission shall meet on Monday, September 8, 2014 at 7:30 P.M., for the purpose of conducting a public hearing of necessity for the installation of new decorative concrete pavement on the alley located south of Hamilton Ave., extending from Hamilton Ave. to Park St.,

FURTHER RESOLVED, if necessity is determined on September 8, 2014, a hearing to review the assessments and to confirm the roll will be held on September 22, 2014, at 7:30 P.M.

Commissioner Dilgard suggested in the brochure to the property owner to place an emphasis on the benefits, such as safety, aesthetics, and functionality of the proposed improvements to the alley.

VOTE: Yeas, 7
 Nays, None
 Absent, None

City Engineer O'Meara described the proposed Cole Avenue sidewalk project. He suggested that the Commission consider finishing the link on E. Lincoln Ave. between Commerce and 2425

E. Lincoln. He commented that there may be pushback from Cole Street residents because there will be some negative impact as to parking. He suggested an education packet be sent to the property owners.

Commissioner Nickita expressed concern regarding parking in the right of way, and suggested this is an opportunity to plan for infrastructure and re-think the parking options and include a sidewalk. He suggested staff consider some lighting and trees as well.

Interim City Manager Valentine stated that the staff will come back to the Commission with recommendations after developing a plan for the area.

**06-152-14 CLOSED SESSION REQUEST
 ATTORNEY/CLIENT PRIVILEGE COMMUNICATION**

MOTION: Motion by McDaniel, seconded by Nickita:
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

**06-153-14 CLOSED SESSION REQUEST
 PERSONNEL EVALUATION**

The Commission agreed to meet in a closed session to consider the personnel evaluation of the Interim City Manager pursuant to Section 8(a) of the Open Meetings Act (Act 267 of 1976).

VII. REMOVED FROM CONSENT AGENDA

**06-154-14 SERVICE AGREEMENT WITH
 BIRMINGHAM AREA SENIORS COORDINATING COUNCIL**

Dorothy Conrad suggested that there should have been more notice than being on the consent agenda since it involves funding for Birmingham Area Seniors Coordinating Council (BASCC). BASCC will be able to offer more services to the senior citizens.

MOTION: Motion by Hoff, seconded by Sherman:
To approve the service agreement with the Birmingham Area Seniors Coordinating Council in the amount of \$90,810 for services described in Attachment A of the agreement for fiscal year 2014-2015, account #101-299.000-811.0000, and further direct the Mayor and City Clerk to sign the agreement on behalf of the City.

VOTE: Yeas, 7
 Nays, None
 Absent, None

VIII. COMMUNICATIONS

06-155-14 COMMUNICATIONS

The Commission received a communication from the Golfview Neighborhood regarding West Maple.

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

06-156-14 OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

Margaret Betts thanked the City for addressing her complaint about property damage and within 48 hours, her problem was solved.

X. REPORTS

06-157-14 COMMISSIONER COMMENTS

Commissioner Hoff recognized the successful fundraising event at the Museum featuring Chad Smith. She congratulated Museum Director Pielack for suggesting the idea and coordinating the event, resulting in positive attention for the Museum and the City. Mayor Moore and Commissioner Nickita concurred.

Commissioner Nickita noted that today's Crane's Detroit Business edition contained an article featuring Planner Ecker, about Birmingham's upcoming redevelopment projects. He said it was a nice, affirming article for the city.

Commissioner Dilgard requested that DPS staff review the Kentucky Coffee trees on north side of the Municipal Building and the maple trees along Pierce as there seem to be problems.

06-158-14 STAFF REPORTS

The Commission received the Old Salem Ct. Sewer Lateral Replacement Update report from City Engineer O'Meara.

The Commission received 2014 Capeseal Project report from DPS Director Wood. Mayor Moore requested that DPS Director Wood look at the condition of Worth Street between Madison and Kennesaw and perhaps consider it for next year's projects.

The Commission recessed to Closed Session at 8:56 PM.
The Commission reconvened in Open Session at 10:28 PM.

06-159-14 APPOINTMENT OF CITY MANAGER

MOTION: Motion by Sherman, seconded by Rinschler:

To appoint Joseph Valentine as the City Manager for the City of Birmingham, removing the interim title effective July 1, 2014, subject to the agreement of an acceptable contract between both sides.

Mayor Moore commented that Mr. Valentine has done an exceptional job as interim manager. The Commission looks forward to his services to this Commission and to this City.

Mr. Valentine thanked the Commission for their confidence and support and said he is looking forward to working with the Commission and the community as City Manager.

VOTE: Yeas, 7

Nays, None
Absent, None

XI. ADJOURN

The Mayor adjourned the meeting at 10:31 PM.

Cheryl Arft
Deputy Clerk