

BIRMINGHAM CITY COMMISSION MINUTES
AUGUST 22, 2016
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Rackeline J. Hoff, Mayor, called the meeting to order at 7:32 PM.

II. ROLL CALL

ROLL CALL:	Present,	Mayor Hoff Commissioner Bordman Commissioner Boutros Commissioner DeWeese Commissioner Harris Mayor Pro Tem Nickita Commissioner Sherman
	Absent,	None

Administration: City Manager Valentine, City Attorney Currier, Clerk Pierce, Police Chief Clemence, DPS Director Wood, Building Official Johnson, Planner Baka, HR Manager Taylor

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

08-261-16 A COALITION FOR TRANSIT (ACT) UPDATE

Marie Donnigan, from ACT, announced that the date for the Regional Transit Forum has been changed to September 14th at 7:00 PM. It will be held at the First United Methodist Church of Birmingham.

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.

08-262-16 APPROVAL OF CONSENT AGENDA

MOTION: Motion by Sherman, seconded by Bordman:

To approve the consent agenda as follows:

- A. Approval of City Commission minutes of July 11, 2016.
- B. Approval of City Commission minutes of July 25, 2016.
- C. Approval of City Commission minutes of August 8, 2016.
- D. Approval of warrant list, including Automated Clearing House payments, of August 10, 2016 in the amount of \$1,919,835.92.
- E. Approval of warrant list, including Automated Clearing House payments, of August 17, 2016 in the amount of \$6,342,450.41.
- F. Resolution approving the Contract for Ice Show Director with Brenda Willhite effective September 6, 2016 up to and including May 26, 2017. Further, authorizing the Mayor

and City Clerk to sign the Contract on behalf of the City of Birmingham upon receipt of all required insurances.

G. Resolution authorizing the city's compliance with the provisions of State of Michigan Public Act 152 of 2011, by exercising the City's option to exempt itself from the requirements of the Act; and further, directing the Finance Director to submit the required form with the Michigan Department of Transportation.

H. Resolution approving the agreement with Engineered Climate L.L.C. in the amount not to exceed \$53,078.00 to replace a New Make-up Air Unit Replacement for the Adams Fire Station located at City of Birmingham; further charging the expenditure to the Fire Building Improvement account number 101-336.000-977.000; further approving the appropriation and amendment to the 2016-17 General Fund budget as follows:

General Fund

Revenues:

Draw from Fund Balance	101-000.000-400.0000	\$53,078
Total Revenue		\$53,078

Expenditures:

Fire Department- Building Improvement	101-336.000-977.0000	\$53,078
Total Expenditures		\$53,078

and further, directing the Mayor and City Clerk to sign the agreement on behalf of the City.

ROLL CALL VOTE:	Yeas,	Commissioner Bordman Commissioner Boutros Commissioner DeWeese Commissioner Harris Mayor Pro Tem Nickita Commissioner Sherman Mayor Hoff
	Nays,	None
	Absent,	None
	Abstention,	1, Hoff (from Warrant 244246 for payment as an election inspector)

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

08-263-16 PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE ZONING ORDINANCE REGARDING OUTDOOR STORAGE AND DISPLAY STANDARDS

Mayor Hoff opened the Public Hearing to consider amendments to Zoning Ordinance – Outdoor Storage and Display Standards at 7:39 PM.

Planner Baka explained the amendments to the zoning ordinance would create consistency with outdoor displays. He stated that the outdoor display would be permitted as accessory to the principal use only. Gas stations and party stores would require site plan review and all other outdoor displays would require design review. He stated that the outdoor display would be limited to .5 square feet to every foot of linear frontage, with a four foot height limit.

Mr. Baka confirmed for Mayor Hoff that this is separate from holiday displays. Holiday displays are specifically permitted in the ordinance as long as it relates to the holiday.

Commissioner Harris commented that there are several non-conforming uses now. He questioned at what point a review is triggered if a business is going to change its outdoor display. Mr. Baka explained that the City in the process of documenting the existing outdoor displays. If someone notices that something has dramatically changed, there will be photograph on file to reference whether or not it is different and whether it was ever approved.

Commissioner Sherman questioned what this ordinance is accomplishing. He stated that he does not see a need for the ordinance and would like to see a different way that this situation could be handled.

Mayor Pro Tem Nickita commented that the discussion was based on the need of the Commission to try to curtail an issue of storage blight in these particular areas.

Commissioner Boutros questioned the difference between the holiday season for Kroger and the owner of a gas station trying to make a living. He stated that the City does not want to put a lot of burden on the business owners in the community. It should not be made more difficult. He stated that the benefit is not there, nothing is being changed in the non-conforming existing business.

The Mayor closed the Public Hearing at 8:12 PM.

MOTION: Motion by DeWeese, seconded by Nickita:

To adopt an ordinance amending Chapter 126, Zoning, Article 02, Sections 2.23, 2.27, 2.29, 2.31, 2.33, 2.35, 2.37, 2.39, Article 04, sections 4.12, 4.57, 4.67, 4.68, 4.69, 4.70, 4.71, Article 05, Sections 5.10, 5.12, 5.13, and Article 09, Section 9.02, amending the outdoor storage and display standards.

VOTE: Yeas, 5
Nays, 2 (Boutros, Sherman)
Absent, None

08-264-16 TREE CARE AND REMOVAL AGREEMENT

DPS Director Wood explained that the agreement includes a 5% increase in year one and allows the City to do an extension for year two upon 30-day written notice. She confirmed for Commissioner Harris that a 5% increase is proposed in year two as well.

MOTION: Motion by Sherman, seconded by DeWeese:

To approve the Amended and Restated Tree Care and Removal Agreement with J. H. Hart Urban Forestry, for a one year extension commencing September 1, 2016 and ending June 30, 2017, with the second year renewal (July 1, 2017 – June 30, 2018) upon thirty (30) days written notice in the amount set forth in the price schedule, with all other terms and conditions remaining the same. Funds are available in each of the following accounts for these services: Major Street Fund – Street Trees – Tree Trimming Contract account #202-449.005-819.0000; Local Street Fund – Street Trees – Tree Trimming Contract account #203-449.005-819.0000; Parks – Tree Trimming Contract account #101-751.000-819.0000; and Property Maintenance –

Tree Trimming Contract account #101-441.003-819.0000. Further, to authorize the Mayor and City Clerk to sign the Agreement upon receipt of all required insurances.

Mayor Hoff questioned the 5% increase for multiple years. She stated that it is not consistent with other communities. Judd Hart, owner of J.H. Hart Urban Forestry, responded that there was no increase for six years and this will help to catch up a bit. Commissioner Sherman noted that the rate comparisons show that the City is still ahead of other communities.

VOTE: Yeas, 7
 Nays, None
 Absent, None

Dorothy Conrad expressed support of the contract.

**08-265-16 APPOINTMENT OF VOTING DELEGATE FOR THE
 MICHIGAN MUNICIPAL LEAGUE ANNUAL MEETING**

MOTION: Motion by Bordman, seconded by Boutros:
To appoint Mayor Hoff as City Commission voting delegate and Commissioner DeWeese as alternate voting delegate at the Michigan Municipal League Annual Meeting to be held on September 14, 2016.

VOTE: Yeas, 7
 Nays, None
 Absent, None

**08-266-16 AFSCME LOCAL 998
 SETTLEMENT AGREEMENT**

Human Resources Manager Taylor explained that the settlement agreement includes a four-year term, 2% wage adjustment in each year of the contract, increases in employee sharing for health care and prescription coverages and increases in City and employee contributions in retirement benefits and other modest improvements and minor economic provisions.

MOTION: Motion by Sherman, seconded by DeWeese:
To approve the settlement agreement of August 9, 2016 between the City and AFSCME Local 998 for a renewal of the collective bargaining agreement through June 30, 2020. Further, authorizing the transfer of the appropriate funds by the Finance Department.

VOTE: Yeas, 7
 Nays, None
 Absent, None

**08-267-16 2016-17 COMPENSATION RECOMMENDATIONS
 FOR DEPARTMENT HEADS AND ADMINISTRATIVE /
 MANAGEMENT EMPLOYEES**

Human Resources Manager Taylor explained that the recommendations include a 2% salary table adjustment for the administrative and management staff. She noted that administrative/management staff do not receive automatic pay adjustments. The actual increases are based upon successful performance and approval by the HR Department. For those at the max of the range, the City recommends the performance increment of 1.5%. She

noted that the performance increment expires at the end of the fiscal year and would require Commission approval for any subsequent year.

Commissioner Harris questioned the difference between the performance base and the performance increment. City Manager Valentine explained that it is the same compensation feature which is all performance based. The difference is that with the pay schedule, there is a maximum in the range. For those employees who have been here for a long time and are already at the maximum, they are limited to whatever that salary table adjustment is. In this case, with a senior department head performing at a high level, there is no way to recognize their efforts other than to give them the adjustment to the table. The increment is on top of that, an additional 1.5%, up to, based on performance and incentivizes that performance going forward which is done on an annual basis.

MOTION: Motion by Boutros, seconded by Nickita:

To approve the recommendation by Human Resources, to implement a 2% salary table adjustment and in-range adjustments based upon performance for full-time and part-time employees in the Department Head and Administrative/Management classifications effective July 1, 2016.

AND

To approve the recommendation by Human Resources, to implement the 1.5% performance increment through June 30, 2017 with individual eligibility to be in accordance with merit increase guidelines.

AND

To approve the transfer of the necessary funds by the Finance Department to the respective departmental personnel accounts.

VOTE: Yeas, 7
 Nays, None
 Absent, None

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

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

X. REPORTS

08-268-16 COMMISSIONER REPORTS

The Commission intends to appoint members to the Ad Hoc Birmingham Brand Development Committee on September 12, 2016.

XI. ADJOURN

The meeting adjourned at 8:37 PM.

Laura M. Pierce
City Clerk