

BIRMINGHAM CITY COMMISSION MINUTES
OCTOBER 27, 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 Mayor Pro Tem Sherman
	Absent,	Commissioner Rinschler

Administration: City Manager Valentine, City Attorney Currier, Clerk Pierce, DPS Director Wood, Finance Director Ostin, Police Chief Studt, Deputy Police Chief Clemence, City Engineer O'Meara, Special Events Coordinator Rondello

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

10-244-14 PROCLAMATION

State Representative Mike McCready presented a proclamation to Dorothy Conrad, recipient of the First Citizen award.

10-245-14 APPOINTMENT TO THE BROWNFIELD REDEVELOPMENT AUTHORITY

The Commission interviewed the following individuals for appointment to the Brownfield Redevelopment Authority:

1. Terry Lang, 1532 S. Bates
2. Dani Torcolacci, 2849 Buckingham

MOTION: Motion by Sherman:

To concur in the Mayor's appointment of Dani Torcolacci, 2849 Buckingham to the City of Birmingham Brownfield Redevelopment Authority to complete a three-year term to expire May 23, 2016.

VOTE: Yeas, 6
Absent, 1 (Rinschler)

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.

10-246-14 APPROVAL OF CONSENT AGENDA

The following items were removed from the consent agenda:

- Item I (Fall Tree Purchase and Planting Project) by Commissioner Dilgard
- Item G (Holiday Promotional TV Campaign) by Commissioner Hoff
- Item L (Lawn Care Maintenance Agreement Extension) by Commissioner Hoff

MOTION: Motion by Sherman, seconded by McDaniel:

To approve the consent agenda as follows:

- A. Approval of City Commission minutes of October 13, 2014.
- B. Approval of warrant list, including Automated Clearing House payments, of October 15, 2014 in the amount of \$421,884.13.
- C. Approval of warrant list, including Automated Clearing House payments, of October 22, 2014 in the amount of \$1,379,339.45.
- D. Resolution approving a request from the Birmingham Bloomfield Chai Center to display a Menorah in Shain Park from December 16 - 24, 2014 and to hold a lighting ceremony on December 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.
- E. Resolution authorizing the City Manager to cast a vote, on the City's behalf, for the three incumbent members of the Michigan Municipal League's Board of Directors for three year terms, beginning January 1, 2015.
- F. Resolution awarding the 2014-2015 Public Services contract totaling \$9,882 for Yard Services and Senior Outreach Services to the Birmingham Area Seniors Coordinating Council (BASCC) under the Community Development Block Grant Program; and further, authorizing the Mayor to sign the contract on behalf of the City.
- H. Resolution waiving all parking fees for on-street parking meters and in the parking structures on November 29, 2014 in support of Small Business Saturday.
- J. Resolution awarding the "Flat Roof Replacement at the Department of Public Services" project to Tri-Star Roofing LLC for a total expenditure of \$97,000 and authorizing the Mayor and City Clerk to sign the contract on behalf of the City upon the receipt of all required insurances. Funds for this project are contained within the Capital Projects Fund, account #401-901.013-977.0000.
- K. Resolution confirming the City Manager's authorization for the emergency expenditure regarding repairs to Compressor #1 by Delta Temp, Inc. at the Birmingham Ice Sports Arena in the amount of \$7,452.65 to be paid from the Ice Arena Maintenance account #101-752.000-930.0300.
- M. Resolution approving the installation of residential permit parking for Golfview Street between Midvale and Argyle from 8:00 am to 4:00 pm on school days only. Further, directing the Chief of Police and the City Clerk to sign the traffic control order on behalf of the City establishing residential permit parking on Golfview Street between Midvale and Argyle on school days only between the hours of 8:00 am and 4:00 pm.
- N. Resolution approving Bulletin No. 2 as Change Order No. 1 to Contract No. 6-14(PK), for the Park Street Parking Structure Restoration Project with DRV Contracting, LLC for a total of \$17,775, and to charge the funds to account number 585-538.005-977.0000.
- O. Resolution approving the street light agreement between the City of Birmingham and DTE Energy regarding the installation of street lights at 34901 Woodward Ave. 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.

ROLL CALL VOTE: Yeas, Commissioner Dilgard
 Commissioner Hoff
 Commissioner McDaniel
 Commissioner Nickita
 Mayor Pro Tem Sherman
 Mayor Moore
 Nays, None
 Absent, 1, Rinschler
 Abstentions, None

V. UNFINISHED BUSINESS

**10-247-14 PUBLIC HEARING – SPECIAL LAND USE PERMIT
SHELL GAS STATION, 33588 WOODWARD AVE**

Mayor Moore opened the Public Hearing at 7:45 PM to consider the Final Site Plan & Design and a Special Land Use Permit (SLUP) at the Shell Gas Station, 33588 Woodward (formerly Citgo).

City Planner Ecker explained the proposal to keep the existing gas station use, which will include new pumps, canopies, paving, remodel of the existing building plus an addition, and add a small convenience store and Dunkin Donuts store inside. She explained that the existing SLUP expired more than six months ago, therefore this will be considered a new SLUP. She noted that the applicant is proposing to operate 24 hours.

Commissioner Sherman noted that the Public Hearing was noticed as an amendment to the SLUP. He questioned whether it would have to be renoticed since the existing SLUP expired. City Attorney Currier confirmed that the Public Hearing should be renoticed.

Dorothy Conrad expressed concern with the 24-hour operation.

Commissioner McDaniel suggested the ordinance be modified to handle this type of situation. Commissioner Hoff and Mayor Moore agreed.

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

MOTION: Motion by McDaniel, seconded by Dilgard:
To set a Public Hearing to consider the Final Site Plan & Design and a Special Land Use Permit at the Shell Gas Station, 33588 Woodward (formerly Citgo) on November 24, 2014.

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

VI. NEW BUSINESS

**10-248-14 PUBLIC HEARING TO CONSIDER A BROWNFIELD PLAN
400 SOUTH OLD WOODWARD**

Mayor Moore opened the Public Hearing to consider a Brownfield Plan at 400 S. Old Woodward at 8:14 PM.

City Planner Ecker presented the proposal to construct a three story building which would include retail on the first floor and residential on the second and third floors. She noted that there would be parking on site. She explained the contamination on the site and noted that the applicant is proposing to clean up the site under the Brownfield plan and is requesting the City's assistance with a tax increment financing plan which would allow them to take their future tax liability and repay themselves for the environmental clean-up on the site.

Ms. Ecker explained that that the Brownfield Redevelopment Authority removed request for reimbursement for demolition costs from the plan.

In response to a question from Commissioner Hoff, Jeff Haynes, City Attorney with Beier Howlett, explained that the Local Site Remediation Revolverment Fund allows communities to capture taxable increment from Brownfield sites, in addition to the amount paid back to the developer, to set aside those funds into a separate fund that the community could use for other sites. He noted that the current City policy is that the City does not set aside any money for this separate revolving fund.

The Mayor closed the Public Hearing at 8:25 PM.

MOTION: Motion by Sherman, seconded by McDaniel:

To approve the Brownfield Plan for 400 S. Old Woodward, Birmingham, MI as amended:

WHEREAS, the Birmingham Brownfield Redevelopment Authority (the "Authority"), pursuant to Section 13 of Act 381 of 1996, as amended (the "Act"), prepared and recommended for approval by this Commission a brownfield plan ("the Plan") for 400 S. Old Woodward; and,

WHEREAS, the City of Birmingham, at least ten days before the meeting of this Commission at which this resolution is considered, provided notice to and informed all taxing jurisdictions (the "Taxing Jurisdictions") which are affected by the Plan of the fiscal and economic implications of the Plan, and provided the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Plan.

NOW, THEREFORE, BE IT RESOLVED THAT

1. The Plan constitutes a public purpose under the Act.
2. The Plan meets all of the requirements for a brownfield plan set forth in Section 13 of the Act.
3. The proposed method of financing the costs of the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing.
4. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act, except that the local site remediation revolving fund component is not included.
5. The amount of captured taxable value estimated to result from the adoption of the Plan is reasonable.
6. The Plan is approved.
7. The reimbursement agreement pertaining to the Plan is approved.

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

**10-249-14 ORDINANCE AMENDMENT
PLANNING BOARD ALTERNATE MEMBERS**

City Planner Ecker summarized the duties of the proposed alternate members of the Planning Board. She noted that the ordinance will ensure there are no quorum issues.

MOTION: Motion by Hoff, seconded by McDaniel:
To adopt an ordinance amending Chapter 82, Planning, Article II. Planning Board, Section 82-27, Composition, to establish not more than two alternate members to the Planning Board.

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

10-250-14 INTERLOCAL AGREEMENT FOR PARTICIPATION IN A SPECIAL INVESTIGATION UNIT

Chief Studt explained that the special investigation unit will specialize in serial type crimes which cross jurisdictional boundaries. He confirmed for Commissioner Hoff that the unit will operate on a daily basis and one officer will be assigned to it.

MOTION: Motion by McDaniel, seconded by Nickita:
To approve the Amendment to the Interlocal Agreement for Participation in the Troy Police Department Special Investigations Unit and Binder Agreement for Interlocal Agreement for Participation in the Troy Police Department Special Investigations Unit. Further, to direct the Mayor and the City Clerk to sign the Amendment to the Interlocal Agreement for Participation in the Troy Police Department Special Investigations Unit and Binder Agreement for Interlocal Agreement for Participation in the Troy Police Department Special Investigations Unit.

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

10-251-14 CLOSED SESSION REQUEST ATTORNEY/CLIENT PRIVILEGE COMMUNICATION

MOTION: Motion by Sherman, 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
Mayor Pro Tem Sherman
Commissioner Dilgard
Mayor Moore
Nays, None
Absent, 1, (Rinschler)
Abstentions, None

VII. REMOVED FROM CONSENT AGENDA

10-252-14 FALL TREE PURCHASE AND PLANTING PROJECT

DPS Director Wood confirmed for Commissioner Dilgard that KLM Landscape was chosen as the service and quality of stock is better. She explained that a separate quote has been requested for the trees on City Hall property.

MOTION: Motion by Dilgard, seconded by McDaniel:

To approve the purchase and planting of 115 trees from KLM Landscape for the 2014 fall tree purchase and planting project for a total project cost not to exceed \$35,085.00. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of all required insurances. Funds are available from the Local Streets Fund-Forestry Service Contract account #203-449.005-819.0000, the Major Streets Fund-Forestry Service Contract account #202-449.005-819.0000, the Local Streets Fund-Operating Supplies account #203-449.005-729.0000 and the Major Streets Fund-Operating Supplies account #202-449.005-729.0000 for these services.

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

10-253-14 HOLIDAY PROMOTIONAL TV CAMPAIGN

City Manager Valentine confirmed for Commissioner Hoff that the cost includes buying media air time and production costs.

MOTION: Motion by Hoff, seconded by Nickita:

To authorize the expenditure of \$25,000 from the Automobile Parking System fund promotion account (Account No. 585-538.001-901.0300) to assist the PSD in creating their proposed 2014 holiday promotional TV campaign.

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

10-254-14 LAWN CARE MAINTENANCE AGREEMENT EXTENSION

In response to a question from Commissioner Hoff, Ms. Wood confirmed that the contract includes Greenwood Cemetery.

MOTION: Motion by Hoff, seconded by McDaniel:

To approve the Amendment to the Lawn Care Maintenance Agreement Extension with Birmingham Lawn, for two years commencing on April 15, 2015 and ending on November 15, 2016, in the amount set forth in the bid form for the total contract amount of \$291,380 plus Sections 3 and 4. Funds are available in the following accounts for these services: Local Streets Maintenance 203-449.003-937.0400; Major Streets Maintenance 202-449.003-937.0400; General Fund Recreation and Parks 101-751.000-811.0000; General Fund City Owned Property Maintenance 101-441.003-811.0000; Wells and Controls 591-537.002-811.0000. Further, to authorize the Mayor and City Clerk to sign the Lawn Care Maintenance Agreement Extension upon receipt of the required insurances.

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

VIII. COMMUNICATIONS

10-255-14 COMMUNICATIONS

The Commission received the following communications:

- Robert S. Bradley, 640 Shirley, regarding West Maple
- Lionel & Florence Finkelstein, 577 Arlington, regarding West Maple
- Janet M. Lannen, 992 Arlington, regarding West Maple
- E.J. & Mary Mueller, 414 Arlington, regarding West Maple
- Irvin E. & Lois L. Poston, 288 Shirley, regarding West Maple

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

X. REPORTS

10-256-14 COMMISSIONER REPORTS

The Commission intends to appoint members to the Board of Zoning Appeals and Greenwood Cemetery Advisory Board on November 24, 2014.

10-257-14 CITY STAFF REPORTS

The Commission received the First Quarter 2014-2015 Investment Report submitted by Finance Director Ostin.

The Commission received the First Quarter 2014-215 Financial Report submitted by Finance Director Ostin.

The Commission received the update on the Holiday Tree submitted by DPS Director Wood.

The Commission received update on the Comcast Transfer submitted by Management Analyst Thomas.

The Commission recessed to closed session at 8:50 PM.
The Commission reconvened in open session at 9:13 PM.

XI. ADJOURN

The Mayor adjourned the meeting at 9:13 PM.

Laura M. Pierce
City Clerk