

BIRMINGHAM CITY COMMISSION MINUTES
JANUARY 28, 2019
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Patty Bordman called the meeting to order at 7:30 PM.

II. ROLL CALL

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

Administration: City Manager Valentine, City Attorney Kucharek, Police Chief Clemence, City Planner Cowan, Planning Director Ecker, Finance Director Gerber, City Engineer O'Meara, HR Manager Myers, City Clerk Mynsberge, Museum Director Pielack

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

01-019-19 ANNOUNCEMENTS

Mayor Bordman welcomed Boy Scout Troop #1034, North Star District of the Great Lakes Service Council. The Troop led the Pledge of Allegiance.

Mayor Bordman announced:

- Birmingham Restaurant Week is January 28 – February 1, and February 4 – 8. Enjoy three-course lunches for \$18 and three-course dinners for \$36. For more information, visit: www.birminghamrestaurantweek.org.
- The Birmingham City Commission wishes to thank Mary Roberts for her service on the Public Arts Board since September 2016, and wishes her well in her future endeavors.
- The public is invited to attend the February 5, 2019 Parks & Recreation Board meeting to add your input for establishing priorities for future park improvements. The meeting will be held at DPS, 851 S. Eton at 6:30 PM. If you are unable to attend the meeting, you can visit the city's website for an on-line poll.

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.

01-020-19 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Commissioner Hoff: Item D, 2019 Village Fair
- Mayor Bordman: Item E, 2019 "I Gave My Sole for Parkinson's" Walk
Item F; 2019 Farmers Market season

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Sherman:
To approve the Consent Agenda, with Items D, E and F removed.

ROLL CALL VOTE: Ayes: Mayor Bordman
Mayor Pro Tem Boutros
Commissioner DeWeese
Commissioner Harris
Commissioner Hoff
Commissioner Nickita
Commissioner Sherman

Nays: None

- A. Resolution approving the City Commission meeting minutes of January 14, 2019.
- B. Resolution approving the warrant list, including Automated Clearing House payments, dated January 16, 2019 in the amount of \$7,125,327.16.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated January 23, 2019 in the amount of \$374,203.92.
- G. Resolution approving the purchase and installation of two (2) shade structures from Agroscaping, Inc. in the amount of \$34,780.00, to be located at Barnum Park inclusive of donor funding totaling \$15,000.00. Funds are available in the capital projects fund, account # 401-751.001-981.0100. Further, authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.
- H. Resolution awarding the installation of cart paths at Lincoln Hills Golf Course to F.J. LaFontaine Landscape & Construction in the amount not to exceed \$51,303; to be funded from account 597-753.001- 981.0100 and further; approving the appropriation and amendment to the 2018-2019 Lincoln Hills Golf Course Fund Budget. In addition, authorizing the Mayor and the City Clerk to sign the Agreement on behalf of the City upon receipt of required insurances.
- I. Resolution authorizing the December 7, 2018 proposal prepared by G2 Consulting Group to obtain six soil borings around the N. Old Woodward Ave. Parking Structure, and to prepare an engineering analysis, at a cost of \$16,120, charged to the Auto Parking System Fund, account number 585-538.005-981.0100.

J. Resolution approving a service agreement with Signature Cleaning, LLC. in the amount not to exceed \$239,267.28 to perform janitorial cleaning services to the Municipal Building account #101-265.001-816.0100, Historical Museum account #101-804.002-816.0100, the Department of Public Services account #101-441.002-811.0000; and directing the Mayor and City Clerk to sign the agreement on behalf of the City.

AND

Resolution approving a service agreement with DM Burr Facilities Management, Inc., in the amount not to exceed \$155,783.04 to perform janitorial cleaning services to the Baldwin Public Library account #271-790.000-816.0100; and directing the Mayor and City Clerk to sign the agreement on behalf of the City.

01-021-19 SPECIAL EVENT-2019 VILLAGE FAIR (ITEM D)

Report by: City Clerk Mynsberge

Clarifications: Equipment is being delivered at 1:00 a.m. on May 29th, but no setup will take place until after 7:00 a.m.

The event begins on May 29th with a private party from 5:00-10:00 p.m. Additional setup, if necessary, will continue on May 30th before the event opens to the public at noon.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Harris:
To approve a request from the Birmingham Bloomfield Chamber of Commerce to hold the 2019 Annual Village Fair and private party in Shain Park and on the surrounding streets and sidewalks, May 29, 2019 through June 2, 2019, 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, 0
 Absent, 0

01-022-19 SPECIAL EVENT-2019 "I GAVE MY SOLE FOR PARKINSON'S" WALK (ITEM E)

Report by: City Clerk Mynsberge

Clarifications: The size of the event is near capacity so there will not be substantially more participants. The same number of volunteers as last year remains sufficient.

MOTION: Motion by Mayor Bordman, seconded by Commissioner Hoff:
To approve a request from the Michigan Parkinson Foundation to hold the "I Gave My Sole to Parkinson's" walk at Seaholm High School and on the surrounding streets on June 8, 2019 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, 0
 Absent, 0

01-023-19 SPECIAL EVENT-2019 FARMERS MARKET (ITEM F)

Report by: City Clerk Mynsberge

Clarifications: The event was pulled from the consent agenda by mistake.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Boutros:
To approve a request from the Birmingham Shopping District to hold the 2019 Farmers Market season on Sundays beginning Sunday, May 5, 2019 to October 27, 2019 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, 0
 Absent, 0

V. UNFINISHED BUSINESS

01-024-19 S. ETON RD. SIGNING & PAVEMENT MARKING IMPROVEMENTS CONTRACT 3-19(P)

Presenter: City Engineer O'Meara

Summary of staff report:

- PK Contracting was the only bid received, for a total cost of \$144,697.50.
- At their last meeting the City Commission, concerned that only one bid was received, requested additional information.
- PK Contracting is the dominant company providing pavement marking services in the metropolitan Detroit area, particularly where layout is involved.
- Layout work requires labor and precision. With almost every paving project, including those in Birmingham, the prime contractor is a paving contractor. They in turn hire PK to complete the installation of the pavement markings at the end of the job.
- PK Contracting was subcontracted for similar projects in Royal Oak, Ferndale, and Detroit.
- Of three contracts similar to the S. Eton Road project, bid through MDOT, in Detroit, Roseville, and Lansing, PK Contracting was the single bidder on two of the projects.
- On MITN, the S. Eton Road project RFP was opened by 24 companies. Only three of them specialize in pavement markings.

Clarifications: While the City prefers to receive more than one bid for all projects, knowing PK Contracting is the dominant company providing pavement marking services in the metropolitan Detroit area helps explain why there was only one bid for this project. Given this information, the Commission was comfortable awarding the project to PK Contracting.

MOTION: Motion by Commissioner Nickita, seconded by Mayor Pro Tem Boutros:
To award the S. Eton Rd. Signing and Pavement Marking Improvements, Contract #3-19 (P) to PK Contracting, Inc., in the amount of \$144,697.50, to be charged to the Major Street Fund, account number 202-449.001-981.0100, contingent upon execution of the agreement and meeting all insurance requirements. Further, to approve an amendment to the 2018-19 fiscal year budget as follows:

Major Street Fund

Revenues:

Draw from Fund Balance 202-000.000-400.0000	\$144,697.50
Total Revenue Adjustments	<u>\$144,697.50</u>

Expenditures

Other Contractual Service 202-449.001-981.0100	\$144,697.50
Total Expenditure Adjustments	<u>\$144,697.50</u>

VOTE:	Yeas,	7
	Nays,	0
	Absent,	0

01-025-19 WOODWARD AVE. & 14 MILE RD. TRAFFIC SIGNAL

Presenter: City Engineer O'Meara

Summary of staff report:

- MDOT has indicated that if the change to mast arms is desired, the City will be required to hire a consulting engineer to modify the plans and get them approved by MDOT's traffic signal design department.
- Rowe Engineering is MDOT's construction supervisor for the project, and they are pre-qualified by MDOT to act as traffic signal designers on MDOT projects.
- Rowe Engineering is requesting a fee of \$5,800 to revise the plans with a mast arm design. The proposal notes that soil boring will be required as a part of this redesign, which is not a part of this fee. That work would be hired separately, at a cost not yet determined.
- Three other unknown costs for the project: 1) Modification of MDOT design for longer mast arms to accommodate the 45° intersection angle; 2) Additional site inspections, administrative time, etc., due to the delay in the construction timing, would be at 100% local expense; and 3) Royal Oak is not in a position to discuss cost participation until the costs become more certain.
- MDOT is not interested in extending the time of completion significantly, so both the redesign and cost proposal will have to happen quickly, likely within the next four weeks.

Clarifications: Requesting a mast arm signal for the 14 Mile Rd. and Woodward Ave. intersection would not impact the mast arm delivery date for the Maple Rd. intersection.

Commissioner Hoff was not in favor of pursuing a redesign of the intersection given the number of variables and cost to the City.

Commissioners DeWeese and Nickita said the Commission should be involved earlier in the design process in the future.

City Manager Valentine explained the Commission approved the use of MDOT's recommended design as part of MDOT's Complete Streets project along Woodward Ave at the Commission's July 14, 2014 meeting. MDOT subsequently delayed the project, delaying bidding on the project until 2019. As a result, City staff proceeded with the Commission's 2014 directive to install MDOT's design at 14 and Woodward once the Complete Streets program was re-started. If the Commission would like to change the design, it can be done moving forward.

MOTION: Motion by Mayor Pro Tem Boutros, seconded by Commissioner Hoff:
To direct staff to notify the Michigan Dept. of Transportation that the Woodward Ave. & 14 Mile Rd. traffic signal modernization should proceed as currently designed.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

VI. NEW BUSINESS

01-026-19 2019 ANNUAL REVIEW OF FEE SCHEDULE

Presenter: City Clerk Mynsberge

Summary of staff report:
Proposed changes for 2019
City Clerk

- Remove fee for passport photos. This service has not been offered for a number of years.
- Adjust fee for acceptance of passport applications in accordance with U.S. Department of State requirements.

Building Department

- Increase Site Evaluation fees to cover current costs.

Community Development

- Cross Connections Inspections/Re-Inspections is moved from Community Development to the Department of Public Services.
- Minor language change to remove a clause referring to a situation that is not a qualifier for reduced Special Land Use permit fees.

Engineering

- Remove Private Building Sewer Investigation Program, as it is no longer offered.
- Increase Trench Maintenance right-of-way permit fee to cover current costs.
- Add Small Cell Monthly License fees related to the Small Cell Ordinance adopted in December 2018.

Fire Department

- Increase transport fees to cover increase from vendor.

Museum

- Limited use fees previously listed have been specified for use of the Allen House.
- Limited use fees for the Park/Grounds have been added.

Clarifications:

Small cell technology requires the installation of a small amount of equipment at the top of some of the City's telephone poles. Accordingly, the City will be charging a rental fee to the companies leasing space.

Adding small cell rental fees to the fee schedule further implements the small cell ordinance adopted by the Commission in December 2018.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Nickita:
To amend the Schedule of Fees, Charges, Bonds and Insurance, in the following sections, as stated: City Clerk, Building Department, Community Development, Department of Public Services, Engineering, Fire Department, and Birmingham Museum.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

01-027-19 48th District COURT

Presenter: City Manager Valentine

Summary of staff report:

- Over the past couple of years, the 48th District Court has conducted multiple security assessments on their current facility and each identified some common areas that should be addressed.
- The court is funded through arrangements with its funding units, Bloomfield Township, West Bloomfield, Bloomfield Hills and Birmingham.
- Cunningham-Limp was selected under a design/build arrangement. Their conceptual designs and project estimates were presented to the funding units for review. The review concluded that only the critical components of the assessment should be pursued.
- Bloomfield Township, West Bloomfield and Bloomfield Hills have all approved an agreement to participate in the project.
- The total project cost is approximately \$1.2 million and costs have been allocated based on the most recent caseload for each funding unit of the court.
- Birmingham's participation is at 28.54% which equates to a cost of \$356,607.

Clarifications:

This is an investment in a capital improvement which will benefit the City, but the investment will not be repaid monetarily to the City.

Mayor Bordman commented that such improvements are generally made by the tenant in a commercial setting. The Court is a tenant of the building.

The 48th District Court did not set aside funds for this project. Birmingham and the other communities are the funding source for the 48th District Court, so the municipalities were approached for contributions based on caseload ratios.

Sam Ashley with Cunningham-Limp Development Co. explained the work will be done on a not-to-exceed basis. If the project goes over budget the contractor does not bill the City for the overages. If the project is completed under budget, the funding units will be refunded the difference based on the same caseload ratios.

The requested funding will be paid in one lump sum, requiring a budget amendment from the general fund fund balance.

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Boutros:

To approve the Memorandum of Agreement with the corresponding funding units for the security improvements to the 48th District Court; authorize the City Manager to sign the Memorandum of Agreement on behalf of the City; charge the City's contribution to this project in an amount not to exceed \$356,607 to account #101-136.000-999.9999; and further, approve the appropriation and amendment to the 2018-2019 General Fund budget as follows:

General Fund

Revenues:

Draw from Fund Balance 101-000.000-400.0000	<u>\$356,607.00</u>
Total Revenue Adjustments	<u>\$356,607.00</u>

Expenditures

48 th District Court	101-136.000-999.9999	<u>\$356,607.00</u>
	Total Expenditure Adjustments	<u>\$356,607.00</u>

VOTE:	Yeas,	7
	Nays,	0
	Absent,	0

01-028-19 ALLEYS AND PASSAGES IMPROVEMENT PHASE 2 – WASTE RECEPTACLES

Presenter: Nick DuPuis

Summary of staff report:

In 2017, the Planning Division was directed to study possible remedies to improve the City's alley and passage network to boost walkability and reinforce the Strategy for Alleys and Passages plan adopted in 2012.

Goals for proposed amendments to Chapter 90 of the Code of Ordinances: 1) Protect the public's health and prevent nuisances stemming from the amount of litter, filth, and smell associated with the improper use, maintenance and placement of dumpsters in the City's alleys and passages; 2) Regulate the number, location, maintenance, and operation of solid waste containers by maintaining the most current permit information on file to improve code enforcement efforts; 3) Support the intent of the City's Master Plan by eliminating physical, visual and olfactory impediments to the accessibility and walkability of the City's alley and passage network; 4) Protect air, surface and groundwater resources; and 5) Promote and support the recycling of materials.

Clarifications:

Mayor Bordman made note of typographical errors for staff. She suggested the ordinance be adopted since the errors are not substantive and recommended the errors be updated at a later date.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner DeWeese: To amend Chapter 90, Solid Waste, Sections 90-25 through 90-38 of the City Code to amend the definitions, rules and regulations, collection schedules, collection procedures, required containers, waste storage, disposition of refuse, refuse collectors, and violations. (*The full text of Ordinance No. 2303 is available in the City Clerk's Office.*)

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

VII. REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda were addressed earlier in the meeting.

VIII. COMMUNICATIONS

None

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

None

X. REPORTS

01-029-19 COMMISSIONER COMMENTS

Mayor Bordman, regarding Item 4G, expressed appreciation for the donation from Mr. and Mrs. Uzelak for the purchase of the shade structures in Barnum Park.

Commissioner DeWeese noted an opportunity exists for a donation of furniture for the shade structures.

City Manager Valentine commended Mayor Bordman on her successful role introducing U.S. Senator Gary Peters at the District swearing in of U.S. Representative Haley Stevens.

XI. ADJOURN

The meeting was adjourned at 8:15 p.m.

J. Cherilynn Mynsberge, City Clerk