BIRMINGHAM CITY COMMISSION MINUTES
AUGUST 11, 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: City Manager Valentine, City Attorney Currier, Clerk Pierce, DPS Director Wood, Police Chief Studt, Planning Director Ecker, City Engineer O'Meara

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

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.

08-194-14 APPROVAL OF CONSENT AGENDA

MOTION: Motion by Dilgard, seconded by Rinschler:

To approve the consent agenda as follows:

A. Approval of City Commission meeting minutes of July 28, 2014.

B. Approval of warrant list, including Automated Clearing House payments, of July 30, 2014 in the amount of $5,053,903.35.

C. Approval of warrant list, including Automated Clearing House payments, of August 6, 2014 in the amount of $832,369.04.

D. Resolution approving the purchase of two (2) new right hand drive 2015 Jeep Wrangler Unlimited Sport 4x4's from Sterling Heights Dodge Chrysler Jeep for a total expenditure of $57,210.00. Funds for this purchase are available in the Auto Equipment Fund, account #641.441.006-971.0100.

E. Resolution approving the purchase of one (1) new 2015 GMC Sierra 2500HD double cab 4X4 pickup truck and snow plow from Red Holman Pontiac GMC, using Oakland County Cooperative bid pricing for a total expenditure of $35,180.00. Funds for this purchase are available in the Equipment Rental or Lease Fund, account #101-336.000-941.0000.

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

08-195-14 PUBLIC HEARING OF NECESSITY
INSTALLATION OF SIDEWALK
508 WEST LINCOLN AVENUE

Mayor Moore opened the Public Hearing of Necessity for the installation of city sidewalk on the west side of Stanley Avenue, adjacent to 508 W. Lincoln Avenue at 7:43 PM.

City Engineer O'Meara explained that the sidewalk will be installed on the west side of Stanley directly north of Lincoln and will complete the missing link for this block. He noted that the privacy fence has been installed by the property owner and does not cause any impediment with the City sidewalk. There have been no objections from the property owner.

Mayor Pro Tem Sherman questioned the location of the sidewalk in relation to the existing tree. Commissioner Nickita questioned whether there is a policy on addressing this type situation with diverting around a tree. Mr. O'Meara explained that there would be a gradual loop around the tree. He explained that this alignment was chosen to avoid the trees and align with the ridge in the driveway. Commissioner Nickita and Mayor Pro Tem Sherman expressed concern with the layout of the sidewalk as presented.

Commissioner Hoff requested a copy of the agreement with the property owner as the fence is four inches in the City right-of-way.

The Commission requested the design of the sidewalk be reconsidered.

The Mayor closed the Public Hearing at 7:42 PM.

MOTION: Motion by Sherman, seconded by Nickita:
To declare necessity for the installation of City sidewalk on the west side of Stanley Ave., adjacent to 508 W. Lincoln Ave. The Public Hearing of Confirmation will be held on August 25, 2014, at 7:30 PM:
To receive the report submitted by the Engineering Dept recommending the installation of City sidewalk on the west side of Stanley Ave., adjacent to 508 W. Lincoln Ave.

WHEREAS The City Commission is of the opinion that construction of the improvement herein is declared a necessity; and

WHEREAS The Commission has not declared it practicable to cause an estimate of cost thereof and complete plans to be made at this time now therefore be it,

RESOLVED that there be constructed an improvement to be hereinafter known as:
STANLEY AVE. SIDEWALK
consisting of the construction of a new five foot wide concrete sidewalk, (as well as new sodding, driveway repair, etc. for a complete project), be it further

RESOLVED, that at such time as the Assessor is directed to prepare the assessment roll, thirty-three percent (33%) of the estimated cost be charged against the adjacent property owner, be it further

RESOLVED, that there be a special assessment district created and special assessments levied in accordance with benefits against the properties within such assessment district, said special assessment district shall be all properties, both public and private, within the following district:
"Smith Addition"
Lot 2, and the southerly half of the adjacent vacated alley.

RESOLVED, that the Commission shall meet on Monday, August 25, 2014, at 7:30 P.M., for the purpose of conducting a public hearing to confirm the roll for the Stanley Ave. sidewalk installation on the west side of the road, adjacent to 508 W. Lincoln Ave.

VOTE: Yeas, 7
Nays, None
Absent, None

08-196-14 REMOVAL OF FLOATING LEAF VEGETATION QUARTON LAKE

DPS Director Wood explained that the lily pads have returned to Quarton Lake and a chemical treatment is recommended by Hubbell, Roth & Clark (HRC). She stated that the cost would include two treatments options approved by the Michigan Department of Environmental Quality (MDEQ).

Walter Alix and Derek Stratelak, from HRC, explained the environmentally safe treatment and approved by the EPA and DEQ. In response to a question from Commissioner McDaniel, Mr. Stratelak explained that the chemical is directly applied to the lily pad and goes to the root which will kill the entire plant. The biomass then settles to the bottom. Mr. Alix confirmed that dredging may be needed in a couple years.

Mr. Stratelak confirmed for Commissioner Rinschler that the type of aquatic herbicides used will depend on the contractor selected and approved by MDEQ.

Ms. Wood confirmed for Commissioner Hoff that once a timetable has been established, notifications will be distributed to the effected residents.

Commissioner Hoff expressed that she is not comfortable with this item. She suggested funds be approved to submit the permit to MDEQ first.

MOTION: Motion by Rinschler, seconded by McDaniel:
To approve the treatment of Quarton Lake for all services associated with the removal of floating leaf vegetation for a total purchase price not to exceed $15,000 including services for the low qualified contractor, MDEQ Permit and Hubbell, Roth & Clark, Inc. Funds for these services will come from the General Fund – Parks – Quarton Lake Maintenance account #101-751.000-935.0300.

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

08-197-14 WOODWARD AVENUE ALTERNATIVES ANALYSIS PRESENTATION

Carmine Palombo, of Southeast Michigan Council of Governments (SEMCOG), and Sarah Binkowski and Sharmila Makherjee, of Parsons Brinckerhoff, presented a project briefing of the Woodward Avenue Rapid Transit Alternatives Analysis. The presentation included an evaluation of the mode, alignment, station locations, cross-sections, and criteria for a bus rapid transit system. It was noted that this is very preliminary as the cost must be evaluated based on station location and design, amenities and landscaping, and environmental review.

08-198-14 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
		Commissioner Rinschler
		Mayor Pro Tem Sherman
		Commissioner Dilgard
		Mayor Moore
	Nays,	None
	Absent,	None
	Abstentions,	None

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

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

X. REPORTS

08-199-14 COMMISSIONER REPORTS

The Commission intends to appoint members to the Advisory Parking Committee, Design Review Board, and Historic District Commission on September 8, 2014.

08-200-14 COMMISSIONER COMMENTS

City Engineer O'Meara confirmed for Commissioner Dilgard that the work on Lincoln will begin next week.

The Commission recessed to closed session at 8:55 PM.
The Commission reconvened in open session at 9:21 PM.

XI. ADJOURN

The Mayor adjourned the meeting at 9:21 PM.

Laura M. Pierce
City Clerk