BIRMINGHAM CITY COMMISSION MINUTES
DECEMBER 8, 2014
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Stuart Lee Sherman, Mayor, called the meeting to order at 7:30 PM.

II. ROLL CALL

ROLL CALL: Present, Mayor Sherman
Commissioner Dilgard
Mayor Pro Tem Hoff
Commissioner McDaniel
Commissioner Moore
Commissioner Nickita
Commissioner Rinschler
Absent, None

Administration: City Manager Valentine, City Attorney Currier, Clerk Pierce, Finance Director Ostin, Assistant Finance Director Gerber, City Engineer O'Meara

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

12-281-14 APPOINTMENT TO THE BOARD OF REVIEW

MOTION: Motion by Hoff:
To appoint Guy DiPlacido, 726 Lakeside Dr., to the Board of Review to serve a three-year term to expire December 31, 2017.

VOTE: Yeas, 7
Absent, None

12-282-14 APPOINTMENT TO THE TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY

MOTION: Motion by Moore, seconded by Dilgard:
To concur in the Mayor's appointment of Curtis Hays, 954 Chestnut, to the Corridor Improvement Authority to serve a four-year term to expire December 15, 2018.

VOTE: Yeas, 7
Nays, None
Absent, None

12-283-14 APPOINTMENT TO THE PUBLIC ARTS BOARD

Emily Todebush, 1727 E. 14 Mile, Unit B, was not in attendance to be interviewed for appointment to the Public Arts Board.

The Clerk will contact Ms. Todebush to reschedule the interview.

The Clerk administered the oath to the appointed board members.

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.

12-284-14 APPROVAL OF CONSENT AGENDA

The following item was removed from the consent agenda:

- Item D (Special Event Request – Birmingham Street Art Fair) by Commissioner Hoff

MOTION: Motion by McDaniel, seconded by Nickita:

To approve the consent agenda as follows:

A. Approval of City Commission minutes of November 24, 2014.

B. Approval of warrant list, including Automated Clearing House payments, of November 26, 2014 in the amount of $835,617.02.

C. Approval of warrant list, including Automated Clearing House payments, of December 3, 2014 in the amount of $241,228.49.

E. Resolution approving a request submitted by the Memorial Day Committee to hold the Memorial Day Ceremony and aerial fly over on May 25, 2015 at 10:00AM, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

F. Resolution approving the street light agreement between the City of Birmingham and DTE Energy regarding the installation of street lights at 2300 Cole 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
		Mayor Pro Tem Hoff
		Commissioner McDaniel
		Commissioner Moore
		Commissioner Nickita
		Commissioner Rinschler
		Mayor Sherman
	Nays,	None
	Absent,	None
	Abstentions,	None

The Commission agreed to consider Item D at this time.

12-285-14 SPECIAL EVENT REQUEST
BIRMINGHAM STREET ART FAIR

Mayor Pro Tem Hoff expressed the concern of a business with the time of the barricade set up for the event. Cheryl Rossman, representing Common Ground, stated that barricade set up time could be delayed to 3:00 PM and the artists would be allowed to set up at 5:00 PM.

Mayor Pro Tem Hoff and Commissioner Moore suggested the number of tables for commercial vendors be kept to a minimum as the event is an art fair.

MOTION: Motion by Hoff, seconded by McDaniel:
To approve a request from Common Ground to hold the 41st Annual Birmingham Street Art Fair on South Old Woodward on September 19 - 20, 2015, 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 and that the barricades are placed at 3:00 PM so street is closed at 5:00 PM.

VOTE: Yeas, 7
Nays, None
Absent, None

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

12-286-14 48TH DISTRICT COURT 2015 BUDGET

Jim Harkin, Court Administrator, presented the 2015 District Court budget. Finance Director Ostin explained that the projected revenue is the difference between the revenues and expenditures.

MOTION: Motion by Hoff, seconded by Rinschler:
To receive the 2015 proposed budget from the 48th Judicial District Court; and further, approving the budget as submitted.

VOTE: Yeas, 7
Nays, None
Absent, None

12-287-14 PUBLIC HEARING – HAMILTON ALLEY PAVING HAMILTON AVE TO PARK ST

Mayor Sherman opened the Public Hearing for the Hamilton Alley Paving from Hamilton Ave. to Park St at 7:47 PM.

City Engineer O'Meara presented the two designs of the alley with different amounts of aggregate and noted the difference in cost is $5.00 per foot. He noted that he met with a trash hauling company, City Trucking, who suggested that the bollards near the dumpsters be kept as close to the walls of the building as possible.

John Abro, representing 330 Hamilton, expressed that his client is concerned with the location of the dumpsters.

Al Mansour, owner of 330 Hamilton, confirmed that his tenants do not use the dumpsters adjacent to his property.

City Engineer O'Meara confirmed that part of the screening process would include determining the users of the dumpsters. He stated that the dumpsters will likely end up back on private property.

Melvin Kaftan, 369 East Maple, expressed support of repaving the alley and concern with what the residents will do during the construction. He questioned what accommodations will be made for the residents.

Commissioner Moore commented that the administration will work with the residents to mitigate inconveniences.

Geraldine Kaftan, 369 East Maple expressed concern with safety factors and convenience issues of the residents during construction.

The Mayor closed the Public Hearing at 8:16 PM.

Mayor Nickita expressed support of Option 1. He stated that this will set the stage for the next few decades and noted that it is a good balance for articulation of the alley and a cleaner look.

MOTION: Motion by Nickita, seconded by Rinschler:
To declare necessity for the improvement of Hamilton Alley from Hamilton Ave. to Park St., consisting of the construction of an 18 foot wide concrete pavement with a decorative combination of plain broom-finished concrete and exposed aggregate concrete accents as outlined on sheet 1 of the conceptual plans, and featuring the pavement design shown on sheet 1 in the area where the crosswalks meet, The Public Hearing of Confirmation will be held on January 12, 2015 at 7:30 P.M.:

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

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

RESOLVED, that there be constructed an improvement to be hereinafter known as:
HAMILTON ALLEY – HAMILTON AVE. TO PARK ST.
consisting of the construction of an 18 foot wide concrete pavement with a decorative combination of plain broom-finished concrete and exposed aggregate concrete accents as outlined on sheet (1) of the conceptual plans, and featuring the pavement design shown on sheet (1) in the area where the crosswalks meet, be it further

RESOLVED, that at such time as the Assessor is directed to prepare the assessment roll, one hundred percent (100%) of the estimated cost be levied against the assessment district, 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:

> Lot 8, except for that portion taken for Park Street Right of Way, Lots 10 through 28 inclusive, Lot 29 except for that portion taken for alley purposes, Lots 30 through 37 inclusive, Lot 38, except for that portion taken for Park Street Right-of-Way, of "Assessor's Plat No. 21", being part of the S.E. ¼ of the S.W. ¼ and the S.W. ¼ of the

S.E. ¼of Section 25, T. 2 N., R. 10. E., City of Birmingham, Oakland County, Michigan.
be it further

RESOLVED, that the Commission shall meet on Monday, January 12, 2015, at 7:30 P.M., for the purpose of conducting a public hearing to confirm the roll for the paving of the Hamilton Alley from Hamilton Ave. to Park St.

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

12-288-14 PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR PROGRAM YEAR 2015

Mayor Sherman opened the Public Hearing to consider the allocations for Community Development Block Grant Funds for the Program Year 2015 at 8:26 PM.

Mayor Moore recused himself as he is a member of the Birmingham Area Senior Coordinating Council Board.

Hearing no public comment, Mayor Sherman closed the Public Hearing at 8:27 PM.

Assistant Finance Director Gerber explained the Community Development Block Grant Fund Program.

MOTION: Motion by Hoff, seconded by Dilgard:
To authorize the Finance Director to complete the 2015 Program Year Community Development Block Grant application, subrecipient agreement and documents and authorizing the mayor to sign the application, subrecipient agreement and documents resulting from this application on behalf of the City and submit them to Oakland County. The project(s) to be included in the application and the respective allocations of Community Development Block Grant Funds are as follows:

	APPROVED 2015**
1. Public Services – Yard Services	$ 6,554
2. Public Services – Senior Services	3,328
3. Remove Architectural Barriers – Retrofit police doors to comply with ADA standards	$23,061
TOTAL	$32,943

** (TO BE DETERMINED BY THE CITY COMMISSION AT THE DECEMBER 8, 2014 MEETING)

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

12-289-14 CONSTRUCTION OF COMBINED SEWERS PUTNEY DR AND HENLEY DR FROM ABBEY RD TO PUTNEY DR

City Engineer O'Meara explained the recommendation to replace the combined sewer system as it would be more cost efficient to remove the old system. He explained that the intent is to save as much of the existing road surface as possible. He noted that there are two trees that would have to be removed on Putney. He explained that this is a relatively small project that could be included in the 2015 Local Streets Paving Program.

Mr. O'Meara confirmed for Mayor Pro Tem Hoff that the City would pay for the sewer. He explained that the sewer trench is very close to the City sidewalk and the recommendation is for those who are ten feet away from the sewer to the property line be required to be in an assessment district for a new sewer lateral. He noted that the other side of the street would be voluntary.

MOTION: Motion by Dilgard, seconded by Nickita:
To direct the Engineering Dept. to proceed with the construction of new combined sewers on all of Putney Dr. and Henley Dr. from Abbey Rd. to Putney Dr. at an estimated cost of $133,000, to be included in the 2015 Local Street Paving Program, Contract #2-15(P). Further, approving the appropriation and budget amendments to the fiscal year 2014-2015 budget as follows:

Sewer Fund	
Revenues:	
Draw from Net Assets 590-000.000-400.0000	$133,000
Total Revenue Adjustments	$133,000
Expenses:	
Public Improvements –Capital Improvements 590-536.001-981.0100	$133,000
Total Expense Adjustments	$133,000

VOTE: Yeas, 7
Nays, None
Absent, None

12-290-14 REPLACEMENT OF THE CATALPA DR SEGMENT OF THE ACACIA DRAIN

City Engineer O'Meara explained that the Oakland County Water Resources Commissioner's Office notified the City that the County drain located on Catalpa between Pierce and Edgewood is in rough shape and needs to be completely reconstructed. He explained that in an effort to avoid the administration cost of the County, Beverly Hills and Birmingham have developed an agreement where the City would be the lead agency for this project to replace the water main, concrete pavement and sewer laterals up to the property lines. This project could be added to the 2015 Local Streets Paving Program.

Mr. O'Meara confirmed for Commissioner McDaniel that the cost would be charged to the Acacia Drain District, where Beverly Hills would pay 70% and Birmingham would pay 30% of the cost.

Commissioner Rinschler expressed frustration with the new Water Resources Drain Commissioner's Office. He stated that he would like someone from the Oakland County Water

Resource Commissioner's office address what happened to the City's request that the office review the whole process as to how Birmingham residents are charged for sewage.

The Commission directed the City Manager to invite Drain Commissioner Nash to a Commission meeting.

MOTION: Motion by Hoff, seconded by Moore:
To approve the agreement between the City and the Village of Beverly Hills to cover the costs of the replacement of the Catalpa Dr. segment of the Acacia Drain, to be built as a part of the 2015 Local Street Paving Program, Contract #2-15(P), with a total estimated cost of $523,000, and further to direct the Mayor and City Clerk to sign the agreement on behalf of the City, contingent upon approval of the Beverly Hills Village Council. Further, approving the appropriation and budget amendments to the fiscal year 2014-2015 budget as follows:

Sewer Fund	
Revenues:	
Draw from Net Assets 590-000.000-400.0000	$119,000
Total Revenue Adjustments	$119,000
Expenses:	
Public Improvements – Acacia Drain 590-536.002-985.6900	$119,000
Total Expense Adjustments	$119,000
Water Fund	
Revenues:	
Draw from Net Assets 591-000.000-400.0000	$158,000
Total Revenue Adjustments	$158,000
Expenses:	
Public Improvements - Water Mains 591-537.004-981.0100	$158,000
Total Expense Adjustments	$158,000

VOTE: Yeas, 7
Nays, None
Absent, None

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

12-291-14 COMMUNICATIONS

The Commission received the following communications:

- Gregory Benson, 584 Pleasant, regarding West Maple
- Ben Fisher, 538 Pleasant, regarding West Maple
- Janet Henke, 515 Pleasant, regarding West Maple
- Hollis Huthwaite, 1165 North Old Woodward #2, regarding West Maple
- John Lazar, 515 Pleasant, regarding West Maple
- Leslie McLain, 268 Yarmouth, regarding West Maple
- James & Loretta Mirro, 737 Arlington, regarding West Maple
- Ann Jurkovitch, 1562 Fairway, regarding West Maple
- Virginia Naegeli, 736 Pleasant, regarding West Maple
- Carol Peterson, 562 Pleasant, regarding West Maple
- Paul Scherrer, 638 Pleasant, regarding West Maple
- Kristin Siver, 1770 Banbury, regarding West Maple

- Susan Smith, 629 Pleasant, regarding West Maple
- Nicholas & Kelly Talmers, 555 Pleasant, regarding West Maple
- Jolenne Timmis, 1055 Pilgrim, regarding West Maple

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

X. REPORTS

12-292-14 COMMISSIONER REPORTS

The Commission intends to appoint members to the Public Arts Board on January 12, 2015.

12-293-14 COMMISSIONER COMMENTS

Mayor Pro Tem Hoff commented on the beautiful lights around the downtown.

Commissioner Nickita suggested expanding the Winter Markt beyond one weekend. He noted the original Winter Markts in Germany last six weeks. Mr. Valentine stated that he will pass this information on to the Principal Shopping District.

12-294-14 CITY STAFF REPORTS

The Commission received the Principal Shopping District Special Assessment District #853 Funding Report for Fiscal Year 2014-2015 submitted by Billing Manager Laing.

The Commission received the Multi-Modal Transportation Board Communication regarding the upcoming W. Maple Road Project submitted by Planner Ecker, City Engineer O'Meara, and Deputy Chief Clemence.

XI. ADJOURN

The Mayor adjourned the meeting at 8:56 PM.

Laura M. Pierce
City Clerk