BIRMINGHAM CITY COMMISSION MINUTES
JANUARY 26, 2015
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 Nickita
		Commissioner Rinschler
	Absent,	Commissioner Moore

Administration: City Manager Valentine, City Attorney Currier, Clerk Pierce, Finance Director Gerber, DPS Director Wood, City Engineer O'Meara, Building Official Johnson, Special Event Coordinator Rondello, City Planner Ecker

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

01-12-15 REPRESENTATIVE MIKE MCCREADY

Representative Mike McCready discussed the May election ballot question regarding transportation funding and how the funds would be allocated.

Mayor Pro Tem Hoff expressed concern with the methodology of the allocation of funding.

Commissioner McDaniel requested a copy of the ballot language.

Representative McCready confirmed for Commissioner Rinschler that the leadership is working on a campaign to educate the voters on the ballot question.

Mayor Sherman expressed concern that there is no guarantee that the money will go to the roads long term.

In response to a question from Mayor Sherman, Representative McCready confirmed that Oakland County would receive a larger percentage of road funding.

01-13-15 APPOINTMENT TO THE MUSEUM BOARD

The Commission interviewed the following individuals for appointment to the Museum Board:

1. Mary Ann Rosborough, 878 Fairfax
2. Tina Krizanic, 2450 Northlawn
3. Katie Montgomery, 1798 Torry

MOTION: Motion by Nickita:
To appoint Tina Krizanic, 2450 Northlawn, as a member to the Museum Board to serve the remainder of a three-year term to expire July 5, 2015.

MOTION: Motion by Hoff:
To appoint Mary Ann Rosborough, 878 Fairfax, as a member to the Museum Board to serve the remainder of a three-year term to expire July 5, 2015.

MOTION: Motion by McDaniel:
To appoint Katie Montgomery, 1798 Torry, as a member to the Museum Board to serve the remainder of a three-year term to expire July 5, 2016.

VOTE ON NOMINATION OF KRIZANIC:
Yeas, 6
Absent, 1 (Moore)

VOTE ON NOMINATION OF ROSBOROUGH:
Yeas, 2 (Hoff, Sherman)
Absent, 1 (Moore)

VOTE ON NOMINATION OF MONTGOMERY:
Yeas, 4 (McDaniel, Rinschler, Dilgard, Nickita)
Absent, 1 (Moore)

Ms. Krizanic and Ms. Montgomery were appointed to the Museum Board.

01-14-15 APPOINTMENT TO THE HOUSING BOARD OF APPEALS

MOTION: Motion by McDaniel:
To appoint Emiko Hayashi, 2051 Villa, #306, to serve the remainder of a three-year term on the Housing Board of Appeals to expire May 4, 2016.

VOTE: Yeas, 6
Absent, 1 (Moore)

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.

01-15-15 APPROVAL OF CONSENT AGENDA

The following item was removed from the consent agenda:

- Item A (Minutes of January 12, 2015) by Commissioner McDaniel:

MOTION: Motion by Rinschler, seconded by Dilgard:

To approve the consent agenda as follows:

B. Approval of warrant list, including Automated Clearing House payments, of January 14, 2015 in the amount of $1,974,391.81.

C. Approval of warrant list, including Automated Clearing House payments, of January 21, 2015 in the amount of $6,861,007.63.

D. Resolution appointing Sheila Brown and Sandy Debicki as co-chairpersons of the 2015 Celebrate Birmingham Parade Committee.

E. Resolution approving a request submitted by the City of Birmingham to hold the Celebrate Birmingham Parade on Sunday, May 17, 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.

F. Resolution approving a request from the Principal Shopping District to hold Birmingham Farmers' Market May through October, 2015 from 9:00 AM to 2:00 PM, in Municipal Parking Lot No. 6 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.

G. Resolution approving the agreement with R.N.A. Janitorial, Inc. in the amount not to exceed $216,480.00 to perform janitorial cleaning services to the Municipal Building account #101- 265.001-816.0100, Historical Museum account #101-804.002-816.0100 and Baldwin Public Library account #271-790.000-816.0100; and further authorizing the mayor to sign the agreement on behalf of the City.

- AND -

Resolution approving the agreement with American Cleaning Company LLC. in the amount not to exceed $64,800.00 to perform janitorial cleaning services to the Department of Public Services account #101-441.002-811.0000; and further authorizing the mayor to sign the agreement on behalf of the City.

H. Resolution approving the State Trunkline Maintenance Contract for Woodward Avenue between the Michigan Department of Transportation (MDOT) and the City of Birmingham for ground maintenance only for a term of October 1, 2014 through September 30, 2019. Further; authorizing the Mayor and City Clerk to sign the Contract.

I. Resolution waiving normal bidding requirements, and authorizing the payment of $19,234.25 to Crook Fire Protection Co., for repairs to the dry fire system located in the lower levels of the Chester St. Parking Structure, charged to account number 585-538.006-811.0000.

J. Resolution awarding the CN RR Bridge Crash Attenuator Repair project contract to D.R.V. Contractors, LLC, of Shelby Township, MI, in the amount of $11,300.00 to be paid out of the Major Streets Bridge fund account number 202-449.002-811.0000. Further, authorizing the Mayor and the Clerk to sign the agreement on behalf of the City. Further, approving the appropriations and budget amendments as follows:

<u>Major Street Fund</u>		
Revenues:		
Draw from fund balance	#202-000.000-400.0000	<u>$ 11,300.00</u>
Total Revenue Adjustments		$ 11,300.00
Expenditures:		
Other Contracted Services	#202-449.002-811.0000	<u>$ 11,300.00</u>
Total Expenditure Adjustments		$ 11,300.00

K. Resolution approving the street light agreement between the City of Birmingham and DTE Energy regarding the installation of street lights at 200 N. Old 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.

L. Resolution setting a public hearing date for February 23, 2015 to consider an Amendment to the Special Land Use Permit to add environmental cleanup provisions to the Special Land Use Permit resolution for 33588 Woodward – Shell Gas Station.

M. Resolution setting a public hearing date for February 23, 2015 to consider the Final Site Plan and Special Land Use Permit Amendment at 1775 Melton to allow the expansion of the Eton Academy into the former St. Columban Church building.

N. Resolution setting a public hearing date for February 23, 2015 to consider the Final Site Plan and Special Land Use Permit Amendment at 575 S. Eton, Griffin Claw Brewery, to construct an accessory building, expand the outdoor dining area, build a canopy over the loading dock and add a new entrance feature to the back of the building.

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

01-16-15 CITY COMMISSION MEETING MINUTES JANUARY 12, 2015

The Commission discussed the vote to appoint to the Martha Baldwin Park Board in Resolution #01-02-15. It was concluded that Commissioner Rinschler was not listed in the vote as a vote on the second motion was not needed because the first motion received the necessary number of votes for appointment to the board.

MOTION: Motion by McDaniel, seconded by Rinschler:
To approve the City Commission minutes of January 12, 2015.

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

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

01-17-15 DISCUSSION WITH THE OAKLAND COUNTY WATER RESOURCES COMMISSIONER

Oakland County Water Resources Commissioner Jim Nash introduced his staff.

Sue Coffey, with the Oakland County Water Resources Commissioner's Office, presented an overview of the sewage disposal systems. She noted that the east part of Birmingham is a part of the George W. Kuhn drainage district and the west side of the City is part of the Evergreen-Farmington sewage disposal district.

Rafael Trolla, with the Oakland County Water Resources Commissioner's Office, explained that there is a fixed monthly charge for the Evergreen-Farmington and George W. Kuhn districts and explained the percentages paid by Birmingham. He explained that most of the expenses for the system are related to paying DWSD for services received such as transportation and treatment of the sewage once it hits the Detroit system. He noted that within the Evergreen-Farmington District there are three combined sewer overflow (CSO) basins that provide services to Birmingham of which the City also has a share.

In response to a question from Commissioner Rinschler regarding the calculations, Mr. Trolla explained that it is based on a calculation of usage. Mr. Trolla explained the George W. Kuhn there are two separate charges. One for the sanitary based on shares of water sales and one for storm based on an allocation. Mr. Trolla explained the billing methodology.

Ms. Coffey explained for Commissioner McDaniel that the reason for two different systems is that legally they were developed separately. The George W. Kuhn district is much older.

Commissioner Rinschler noted that the City has contributed to cleaning the river, been proactive and supportive of it. In addition to paying the debt, there is a large cost for sewage based on the fact that the City has combined sewers. Ms. Coffey explained that 90% of the costs are fixed. She noted that on the sewage side, there is still a large capital burden that the City is still paying debt on such as the three retention treatment basins (RTB) and the George W. Kuhn retention treatment facility.

The Commission discussed the change in billing methodology and the sewer rates in other communities. Ms. Coffey explained that communities with good robust maintenance are in it for the long haul and know their assets are 50 year useful assets and maintain them. When there is a big variation in rates, those who are paying more are doing more and doing the right things. Those communities with lower rates may not feel that they need as robust a maintenance program.

Commissioner Nash explained that 96% of the City is on CSO, 20% Acacia Park and 22% Bloomfield. Once they are paid off the City will get that relief from the debt service.

In response to a question from Mayor Sherman regarding why the cost for the drainage system is not spread throughout the County, Commissioner Nash pointed out that if that was the case, Birmingham would have to pay a share of the other districts as well.

01-18-15 QUARTON AND CHESTERFIELD INTERSECTION IMPROVEMENTS PROJECT

City Engineering O'Meara explained that the project was rebid. He confirmed for Mayor Pro Tem Hoff that Birmingham will be taking the lead on the project and Bloomfield Hills will be kept apprised of the project. She questioned whether the state would have given more money if they were told that the project would cost more. Mr. O'Meara confirmed that the state took the amount from a 2009 estimate when the City was trying to get funding through a different source. He stated that there are no additional funds available as the funding was spread amongst projects across the state.

City Manager Valentine confirmed for Commissioner Nickita that the original estimate to the City was $7,000 and this is an additional $90,000.

MOTION: Motion by McDaniel, seconded by Dilgard:
To award the Quarton Road & Chesterfield Intersection Improvements Project, Contract #11-15(P), be awarded to Florence Cement Company, of Shelby Township, MI in the amount of $611,303.14 to be paid out of account number 202-449.001-985.6700. Further, approving the appropriations and budget amendments as follows:

Major Street Fund

Revenues:		
Draw from fund balance	#202-000.000-400.0000	$ 97,615.00
From State Grants	#202-000.000-540.0000	$ 432,800.00
From Oakland County	#202-000.000-583.0005	$ 14,066.00
From Road Commission for Oakland County	#202-000.000-583.0005	$ 14,066.00
From Bloomfield Hills	#202-000.000-583.0006	$ 97,615.00
Total Revenue Adjustments		$ 656,162.00
Expenditures:		
Public Improvements	#202-449.001-985.6700	$ 656,162.00
Total Expenditure Adjustments		$ 656,162.00

VOTE: Yeas, 5
Nays, 1 (Nickita)
Absent, 1 (Moore)

01-19-15 BUILDING INSPECTION SERVICES AGREEMENT

Building Official Johnson explained that the agreement with McKenna Associates is to assist the department with building inspections and plan review services to manage the immediate and long term needs as construction activity is forecasted to continue increasing. He stated that the total expenses will be covered by the increase in permit revenues this year.

In response to a question by Mayor Pro Tem Hoff, Mr. Johnson explained that the department has been using temporary help on a month to month arrangement. Mr. Johnson confirmed for Commissioner Nickita that permits for new housing have increased and permits for renovations have decreased.

MOTION: Motion by McDaniel, seconded by Rinschler:
To approve the service agreement with McKenna Associates, Inc. for building inspection services at an estimated cost of $80,600 for fiscal year 2014-2015, and thereafter as budgeted. Further, directing the Mayor and City Clerk to sign the agreement on behalf of the City, and further approving the appropriation and amendment to the 2014-2015 General Fund budget as follows:

Revenues:	
Building Permit Revenue	$80,600
(Account Number 101-000.000-476.0000)	
Total Revenues	$80,600
Expenditures:	
Other Contractual Service	$72,000
(Account Number 101-371.000-811.0000)	
Computer Equipment	$6,100
(Account Number 101-371.000-942.0000)	

Furniture	$2,500
(Account Number 101-371.000-972.0000)	
Total Expenditures	$80,600

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

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

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

X. REPORTS

XI. ADJOURN

The Mayor adjourned the meeting at 9:31 PM.

Laura M. Pierce
City Clerk