BIRMINGHAM CITY COMMISSION MINUTES
SEPTEMBER 10, 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 Moore
Commissioner Nickita
Commissioner Rinschler
Absent, None

Administration: City Manager Valentine, City Attorney Currier, Clerk Pierce, Police Chief Studt, City Engineer O'Meara, Fire Chief Connaughton, Finance Director Gerber, City Planner Ecker

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.

09-189-15 APPROVAL OF CONSENT AGENDA

The following item was removed from the consent agenda:

- Item J (architectural design services for the Chesterfield Fire Station) by Commissioner Dilgard

MOTION: Motion by Rinschler, seconded by Hoff:

To approve the consent agenda as follows:

A. Approval of City Commission minutes of August 24, 2015.

B. Approval of warrant list, including Automated Clearing House payments, of August 26, 2015 in the amount of $556,213.15.

C. Approval of warrant list, including Automated Clearing House payments, of September 2, 2015 in the amount of $7,821,476.30.

D. Resolution setting a public hearing date for October 12, 2015 to consider approval of a SLUP application for 1098 S. Adams to allow the operation of an auto sales agency and showroom.

E. Resolution setting a public hearing date of October 12, 2015 to consider the approval of the Brownfield Plan and Reimbursement Agreement for 2483 W. Maple, DFCU Financial.

F. Resolution setting a public hearing date for October 12, 2015 to consider the rezoning the property at 369 N. Old Woodward - Brookside Terrace from R-6 Multiple Family Residential to R-6 Multiple Family Residential and D-4 in the Downtown Overlay District.

G. Resolution setting a public hearing date of October 12, 2015 to consider an amendment to Article 1, Zoning Ordinance Foundation, Section 1.14, Zoning Map, to provide for the update of the Zoning Map as needed.

H. Resolution approving the purchase of holiday lights from Wintergreen Corporation for a total cost not to exceed $12,701.00. Funds are available from the General Fund-Community Activities Operating Supplies account #101-441.004-729.0000 for this purchase.

I. Resolution approving $19,760 in Municipal Credits and $5,305 in Community Credits to provide support for Next's specialized transportation program; approving $20,042 in Community Credit funds for the purchase of a new bus shelter located on West Maple (location to be recommended by the Multi-Modal Committee); and further directing the Mayor to sign the Municipal Credit and Community Credit contract for fiscal year 2016 on behalf of the City.

K. Resolution setting a public hearing date for October 12, 2015 to consider approval of the Revised Final Site Plan and Special Land Use Permit Amendment for 735 Forest – Forest Grill.

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

09-190-15 CHESTERFIELD FIRE STATION ARCHITECTURAL DESIGN SERVICES

In response to a question from Commissioner Dilgard, Fire Chief Connaughton explained the bid evaluation process. He confirmed that the firm is based in Michigan.

MOTION: Motion by Dilgard, seconded by Rinschler:

To approve a contract with Sidock Group, Inc. in the amount of $154,600 for the provision of full architectural design services for the Chesterfield Fire Station, to be funded from account number 401-339.000-977.0000; further, authorizing the Mayor and Clerk to sign the agreement on behalf of the City; and further, approving the appropriation and budget amendment as follows:

Capital Projects Fund

Revenues:

Draw from Fund Balance	401-000.000-400.0000	$154,600

Expenditures:

Building Improvements	401-339.000-977.0000	$154,600

VOTE: Yeas, 7
Nays, None
Absent, None

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

09-191-15 ORDINANCE AMENDMENT REGARDING PEDICABS AND COMMERICIAL QUADRICYCLES

Police Chief Studt explained that a peddle pub is a quadricycle operated by a driver and seats up to fifteen passengers who provide peddle power to travel around town. A pedicab has one driver and two passengers and is a taxicab-type bicycle combination. He explained the options are to prohibit the use or to allow these with restrictions and with or without alcohol. He explained that the ordinance limits the hours of operations and locations. He noted that when it is not in use, it cannot be parked on public property. He noted that the ordinance allows for administrative review of the route.

Commissioner Nickita noted that the City has experience with the slow moving vehicles around downtown and compared the restrictions with those for a horse-drawn carriage.

Mayor Pro Tem Hoff stated that she does not see any reason to have these in Birmingham. The streets are crowded enough and parking is a problem.

Commissioner Rinschler stated that he would agree to no alcohol and noted that there is no market for a pedicab in Birmingham.

MOTION: Motion by Nickita, seconded by Rinschler:
To allow the operation of pedi-cabs and pedi-pubs without the service of alcohol, and to amend the schedule of fees, charges , bond and insurance, Police Department section to add a fee for pedi-cabs and commercial quadricycles application in the amount of $50.

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

09-192-15 CHESTER STREET PARKING STRUCTURE TRAFFIC CONTROL EQUIPMENT

City Engineer O'Meara explained that maintenance cost on the current equipment is high. He explained the recommendation includes a cashless trial at the Chester Street Structure.

Mayor Pro Tem Hoff questioned who handles the process for getting the revenue from the credit cards.

Jay O'Dell, SP+ (formerly Central Parking), explained that SP+ handles it for the City. SP+ collects all the funds, then reimburses the City monthly based on the amount of funds received. City Manager Valentine explained that essentially SP+ is the Facility Manager.

Mayor Pro Tem Hoff questioned what happens to individuals who do not have a credit card with them in the parking structure. Mr. O'Dell responded that ambassadors will be on hand in the initial stages and there will be additional signage. Mr. O'Meara confirmed for Mayor Pro Tem Hoff that the trial will run for six months.

Mr. O'Dell confirmed for Commissioner McDaniel that the lead time for the equipment is eight to twelve weeks.

In response to a question from Commissioner Rinschler, Mr. O'Meara explained that a debit card will also be offered for individuals who do not want to use their credit card. The card can be loaded at any pay station or in the SP+ office.

MOTION: Motion by McDaniel, seconded by Dilgard:
To accept the recommendation of the Advisory Parking Committee to purchase new traffic control equipment at the Chester St. Parking Structure without cash payment being available, and to award Contract #15-15(PK), Parking Structure Traffic Control Equipment, to Skidata, approving the purchase of cashless payment equipment for the Chester Street Parking Structure in the amount of $195,000, charged to account #585-538.001-971.0100 (phase 1 of the contract). And further, asking the Advisory Parking Committee to review the cashless system and return to the City Commission with a recommendation on whether to continue with the cashless system at the remaining parking structures, prior to awarding the remaining phase 2 of the contract.

VOTE: Yeas, 7
Nays, None
Absent, None

09-193-15 EAST MAPLE ROAD CONCRETE PATCHING PROJECT FUNDING AGREEMENT

City Engineer O'Meara explained that the scope of the project includes concrete patching from East Maple and Poppleton to Coolidge.

MOTION: Motion by McDaniel, seconded by Rinschler:
To approve the agreement between the City of Birmingham and the MI Dept. of Transportation to proceed with the project known as the E. Maple Rd. Concrete Patching project, from Poppleton Ave. to Coolidge Hwy., with federal funding up to $208,000 included. The estimated cost of the local City share is $54,800, charged to account number 202-449.001-981.0100.
Further, approving the appropriation and budget amendment as follows:

Major Street Fund		
Revenues:		
Draw from Fund Balance	#202-000.000-400.0000	$54,800
Total Revenue Adjustments		$54,800
Expenditures:		
Major Street Public Improvements	#202-449.001-981.0100	$54,800
Total Expenditure Adjustments		$54,800

VOTE: Yeas, 7

Nays, None
Absent, None

09-194-15 ACACIA DRAIN REPLACEMENT
CATALPA – EDGEWOOD TO GRANT

City Engineer O'Meara explained that the sewer, water, and pavement were replaced on Catalpa earlier this year. The last block of the County sewer in this area is not in good shape. The County Engineer has asked the City to proceed with the project to do the last block of Catalpa as well. He noted that the excavator and contractor will hold their prices for next year.

MOTION: Motion by McDaniel, seconded by Nickita:

1. Resolution accepting the request from the Oakland Co. Water Resources Commissioner's office to replace the remaining 589 feet of the Acacia Drain on Catalpa Dr. from Edgewood Dr. to Grant St., to be funded by Acacia Drain maintenance fund reserves, subject to a cost reimbursement agreement between the OCWRC and the City being finalized,

- and -

2. Resolution authorizing Change Order #1 to the 2015 Local Streets Paving Program, Contract #2-15(P), in the amount of $475,000, to be charged to the following accounts, subject to a cost reimbursement agreement being finalized:

Acacia Drain Maintenance Fund	590-536.001-985.6900	$311,000.00
Sewer Fund	590-536.001-981.0100	$ 46,000.00
Water Fund	591-537.004-981.0100	$ 94,000.00
Local Street Fund	203-449.001-981.0100	$ 24,000.00

- and -

3. Resolution setting a public hearing for the replacement of sewer laterals as follows: RESOLVED, that the City Commission shall meet on Monday, October 12, 2015 at 7:30 P.M., for the purpose of conducting a public hearing of necessity for the installation of lateral sewers on Catalpa Dr., between Edgewood Dr. and Grant St. Should the district be declared at that time, be it further RESOLVED, that the City Commission meet on Monday, October 26, 2015 at 7:30 P.M. for the purpose of conducting a public hearing to confirm the roll for the installation of lateral sewers on Catalpa Dr., between Edgewood Dr. and Grant St.

VOTE: Yeas, 7
Nays, None
Absent, None

09-195-15 CLOSED SESSION REQUEST
PENDING LITIGATION

MOTION: Motion by Nick, seconded by Hoff:
To meet in closed session to review pending litigation regarding Wolf v City of Birmingham pursuant to Section 8(e) of the Open Meetings Act.

ROLL CALL VOTE: Yeas, Mayor Pro Tem Hoff
Commissioner McDaniel
Commissioner Moore
Commissioner Nickita

	Commissioner Rinschler
	Commissioner Dilgard
	Mayor Sherman
Nays,	None
Absent,	None
Abstentions,	None

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

09-196-15 COMMUNICATIONS

The Commission received a communication from Building Better Families Through Action regarding funding they received from the City.

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

X. REPORTS

09-197-15 COMMISSIONER REPORTS

The Commission intends to appoint members to the Board of Zoning Appeals on October 12, 2015.

09-198-15 COMMISSIONER COMMENTS

Mayor Pro Tem Hoff recognized Lieutenant Koch of the Birmingham Police Department on a letter to the editor of a newspaper written by a mother thanking Lt. Koch on his efforts in dealing with her teenager.

Mayor Pro Tem Hoff commented on the West Maple video available on the City website. She noted that it explains the process with excellent visuals. She encouraged residents to view the video.

Commissioners Nickita and Moore will be attending the Michigan Municipal League Conference. Commissioner Nickita stated that the City may be recognized at the conference for its collaboration efforts on the bus rapid transit plan.

The Commission recessed to closed session at 8:16 PM.
The Commission reconvened in open session at 8:50 PM.

XI. ADJOURN

The Mayor adjourned the meeting at 8:50 PM.

Laura M. Pierce
City Clerk