

BIRMINGHAM CITY COMMISSION VIRTUAL MEETING
SEPTEMBER 21, 2020
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.
VIRTUAL MEETING
MEETING ID: 655 079 760

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Pierre Boutros, Mayor, opened the meeting with the Pledge of Allegiance.

II. ROLL CALL

Alexandria Bingham, City Clerk Designee, called the roll.

PRESENT: Mayor Boutros
Mayor Pro-Tem Longe
Commissioner Baller
Commissioner Hoff
Commissioner Host
Commissioner Nickita

ABSENT: Commissioner Sherman

Administration: City Manager Valentine, Planning Director Ecker, Assistant City Engineer Fletcher, Human Resource Manager Myers, Management Intern Fairbairn, Commander Grewe, CityClerk Designee Birngham.

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

ANNOUNCEMENTS:

- The Clerk's office would like to remind voters to turn in an absentee ballot application if they wish to vote by mail for the November 3, 2020 General Election. The Clerk's office will begin mailing ballots to voters by the end of September. To review your specific voting information and preview your ballot visit mi.gov/vote. A new drop box will be installed soon near the police driveway gate on the Henrietta side of City Hall, stay tuned for more information!
- The Birmingham Museum will be featuring an outdoor pop-up exhibit this Friday the 25th from 1 to 4 PM in the plaza at 556 W. Maple Rd. Historical artifacts of Birmingham women who achieved many local political 'firsts' will be presented with a National Archives display on the nationwide suffrage movement. The exhibit is free to the public; masks and social distancing will be required for close examination of the artifacts and conversation with museum staff.
- The City would like to thank Jane McKee for her 20 years of service to Birmingham on the Martha Baldwin Park Board.

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

V. 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.

09-180-20 CONSENT AGENDA

The following items were pulled from the Consent Agenda:

- Mayor Pro-Tem Longe: Item A – City Commission Meeting Minutes September 14, 2020
- Commissioner Hoff: Item G – 2020 Sewer Lining Program

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Nickita:
To approve the Consent Agenda with the exception of Items A and G.

ROLL CALL VOTE:

Ayes,	Commissioner Hoff
	Commissioner Nickita
	Mayor Pro-Tem Longe
	Commissioner Baller
	Commissioner Host
	Mayor Boutros
Nays,	None
Absent,	Commissioner Sherman

- B. Resolution approving the warrant list, including Automated Clearing House payments, dated September 16, 2020 in the amount of \$34,821,587.94.
- C. Resolution authorizing the City's compliance with the provisions of State of Michigan Public Act 152 of 2011, by exercising the City's option to exempt itself from the requirements of the Act; and further, to direct the Assistant City Engineer and Finance Director to sign and submit the required form to MDOT.
- D. Resolution approving the addendum to the Axon Enterprise, Inc. contract dated July 9, 2018 for the purchase of (14) Taser X-2 conducted electrical weapons in the amount of \$24,346.00; further to waive competitive bidding requirements as Axon Enterprises, Inc. is the manufacture and a sole source vendor for this equipment; further to authorize the Mayor and City Clerk to sign the addendum on behalf of the city; further to authorize this budgeted expenditure from account number 101-301.000-734.0000.
- E. Resolution approving the proposal from Cabinet One Inc. to complete the police department front counter COVID-19/Security upgrade project in an amount of \$23,500.00; further to circumvent normal purchasing procedures and waive competitive bidding requirements due to protect the health and welfare of the public and staff due to the COVID-19 pandemic; further to charge this COVID-19 emergency expenditure to account #101-301.000-977.0000 pending receipt of any grant funding receipts offsetting this expenditure.
- F. Resolution approving the purchase of (17) Motorola APX6000 portable radios and (2) Motorola APX6500 mobile radios with required accessories from Motorola Solutions in the amount of \$120,664.50 from the State of Michigan MiDeal purchasing contract number 190000001544; further to authorize these budgeted expenditures from account numbers

101-301.000.971.0100 in the amount of \$71,638.80 and 585-305.000-971.0100 in the amount of \$49,025.70.

- H. Resolution confirming the City Manager’s authorization for the emergency expenditure regarding the replacement of two (2) the lead water services within the Maple Road project area in the amount not to exceed \$17,965.00 to be paid to D’Angelo Brothers Inc. from the Water Fund account #591-537.004-981.0100, pursuant to Sec. 2-286 of the City Code.
- I. Resolution confirming the City Manager’s authorization for the emergency expenditure regarding the repair to a twelve (12) inch water main break and associated road repairs at Adams and Maple Road in the amount not to exceed \$15,783.10 to be paid to D’Angelo Brothers Inc. from the Water Fund account #591-537.004-981.0100 and in the amount not to exceed \$40,894.02 to be paid to Asphalt Specialists, Inc., pursuant to Sec. 2-286 of the City Code.

09-181-20 (ITEM A) CITY COMMISSION MEETING MINUTES OF SEPTEMBER 14, 2020

Mayor Pro-Tem Longe pulled this item from consent to make the following corrections:

- Page 11, Legal Services, Second Paragraph, Line 1, should read 1956 Agreement.
- Page 14, Ordinances, Third Paragraph, Line 2, replace “Set Backs and Noise” with “Heights and Setbacks”.

MOTION: Motion by Mayor Pro-Tem Longe, seconded by Commissioner Host: To approve the City Commission meeting minutes of September 14, 2020 as amended.

Public Comment

David Bloom, resident, asked that his suggested corrections from last week’s meeting be entered into the record.

ROLL CALL VOTE:	Ayes,	Mayor Pro-Tem Longe Commissioner Host Commissioner Baller Commissioner Hoff Commissioner Nickita Mayor Boutros
	Nays,	None
	Absent	Commissioner Sherman

09-182-20 (ITEM G) SEWER LINING PROGRAM

Commissioner Hoff pulled this item from Consent to ask the following:

- Who did the work in 2017 and 2019 and did they submit a bid on this work?
- Why would the City allocate monies for this project in advance of receiving all of the easements?
- What is the holding up the process of acquiring the easements?

Interim City Engineer Fletcher addressed Commissioner Hoff’s questions as follows:

- Lanzo Trenchless Technologies performed the service in 2017, and Bidigare Contractors, Inc. in 2019, neither companies submitted a bid for this contract.
- The City requested the allocation to be in position to proceed when the easements are granted.
- Seven segments are held up due to the lack of response from the property owners.

Mayor Boutros reconvened the meeting at 7:58 p.m.

09-184-20 SETTLEMENT AGREEMENT BETWEEN THE CITY AND BPOA/POAM

Human Resource Manager Myers presented this item.

- Includes a joint statement on Social Injustice, it is the first such statement in a contract for the Police Officers Association of Michigan, and possibly be the first in any Police Contract in the State of Michigan. It reads as follows:

“The parties affirm that racism, bigotry, prejudice, and social intolerance have no place in our society or in the law enforcement profession. To earn and maintain the trust of the entire community, which is a necessary and basic prerequisite for policing, law enforcement must continue to consistently hold itself to the highest standards of ethical conduct and take action when those standards are not met. Police misconduct will not be tolerated and the parties pledge to work together to minimize the potential for misconduct through appropriate training, reviews and communications of policy, adoption of best practices, and the commitment to an ongoing dialogue to insure the principles of social justice, fairness, respect, transparency, dignity, and security for all remain in the forefront of departmental culture and community engagement.”

MOTION:

Motion by Commissioner Hoff, seconded by Mayor Pro-Tem Longe:

To approve the settlement agreement of September 4, 2020 between the City and BPOA/POAM for a renewal of the collective bargaining agreement through June 30, 2022. Further, to authorize the transfer of the appropriate funds by the Finance Department for the contract effective July 1, 2019.

Commissioner Hoff complimented City Manager Valentine, Human Resource Manager Myers, and the Police Officers involved in including this statement. She noted the statement is significant.

ROLL CALL VOTE:	Ayes,	Commissioner Hoff Mayor Pro-Tem Longe Commissioner Nickita Commissioner Baller Commissioner Host Mayor Boutros
	Nays,	None
	Absent	Commissioner Sherman

09-185-20 SETTLEMENT AGREEMENT BETWEEN THE CITY AND BPOA/POAM

Human Resource Manager Myers presented this item.

Public Comment

David Bloom, resident, commented that at Ford the merit and performance increases were postponed for 6 months due to COVID; with the revenue issues in Birmingham, he asked is it necessary to implement this action now.

Motion:

Motion by Commissioner Nickita, seconded by Commissioner Hoff:

To approve the recommendation by the Human Resources Department to implement a 2% salary table adjustment and in-range adjustments based upon performance for full-time and part-time employees in the Department Head and Administrative/Management classifications effective July 1, 2020.

AND

To approve the recommendation by the Human Resources Department to implement the 2% performance increment through June 30, 2021 with individual eligibility to be determined in accordance with the merit increase guidelines.

AND

To approve the additional employee health care cost sharing measures, effective January 1, 2021, to increase the generic drug employee co-pay to \$25 and to eliminate coverage of proton pump inhibitors that are available over-the-counter, unless the physician deems the medication to be medically necessary.

AND

To approve the transfer of the necessary funds by the Finance Department to the respective departmental personnel accounts.

ROLL CALL VOTE:	Ayes,	Commissioner Nickita Commissioner Hoff Mayor Pro-Tem Longe Commissioner Baller Commissioner Host Mayor Boutros
	Nays,	None
	Absent	Commissioner Sherman

09-186-20 PUBLIC ENGAGEMENT PLATFORMS

Management Intern Fairbairn evaluated and reported on five available platforms used by other Cities for public engagement:

- Bang the Table
- Place Speak
- CitizenLab
- Thought Exchange
- Metro Quest

Planning Director Ecker expressed that she has reviewed the evaluated information and is in support of this initiative.

Commissioner Baller asked have other Cities using the platforms been contacted, who in the City manages the platforms, and how long does it take to implement. Management Intern Fairbairn replied that departments would manage on a project basis; noting that other Cities did not hire would take approximately 6-10 weeks from purchase to implementation.

Commissioner Hoff asked if residents have to register and provide personal information for the system to collect demographics. She further wanted to hear from communities, that use this, what did they learn and how did it enhance communications. Management Intern Fairbairn replied that Mercer Island, WA attracted new people to the engagement process.

Commissioner Nickita asked if there was a time commitment for the program. Management Intern Fairbairn suggested that there are flexible options available. Commissioner Nickita also asked if there are reviews available from the end users, and how would the City know if the users are residents, visitors, workers or even credible. Management Intern Fairbairn confirmed that the software has geofencing capabilities to manage users and restrict the audience.

Planning Director Ecker tested the idea on a younger, teenage demographic and received a positive response.

Mayor Pro-Tem Longe commented that she sees the potential of using an engagement platform and is excited about the possibilities.

Commissioner Host commented that the system sounds public friendly and supports the concept to expand involvement.

Commissioner Hoff would be interested in knowing how the communities, that were studied, communicated with their residents prior to adapting engagement platforms. She also expressed concern that there are no near-by cities using this technology.

Mayor Boutros expressed concern about costs, duplication, control, back-end, and false profiles, but is interested in more details and is supportive of news ways to engage the community.

Mayor Pro-Tem Longe suggested that the Commission direct staff to further investigate Bang the Table.

Commissioner Hoff would like to have a representative from Bang the Table attend a City Commission meeting to address concerns.

City Manager Valentine asked that Commissioners direct additional questions to him and he will make sure when the items returns the answers will be available.

No action taken.

09-187-20 COMMISISON REPORT REQUEST

Commissioner Sherman requested this item; but is travelling and unable to attend this meeting.

Postponed/tabled for a future agenda.

09-188-20 ORDINANCES

Commissioner Host requested this item and would like to discuss the noise problem, and address the fact that no current residential lighting ordinance is in place.

MOTION:

Motion by Commissioner Host, seconded by Commissioner Baller:

To direct staff to provide reports on noise ordinances and the parameters for review on the next City Commission agenda.

Commissioner Nickita asked for specifics of the current problem with noise.

Commissioner Host differentiated between commercial noise and residential noise. He cited the City of Ann Arbor in reference to having a strong ordinance for both.

Commissioner Hoff commented on the traffic noise on Woodward Ave., and pointed out that this Commission has addressed the issue. In the absence of legislation from the State, the City has no control over in this matter. In terms of residential noise, there are restrictions in place, and would like to know the specific problem.

Commissioner Host wants local ordinances that the City could enforce.

Commissioner Baller clarified that the City needs to know what ordinances are in place and what is enforceable.

Mayor Pro-Tem Longe, in reference to the Woodward Dream Cruise, suggested surveying other communities along Woodward to measure their success in regulating the noise and enforcing ordinances.

City Manager Valentine agreed to provide an analysis but pointed out that it would be helpful if a specific problem were identified.

Commissioner Host withdrew the motion and Commissioner Baller withdrew the second.

MOTION: Motion by Commissioner Host, seconded by Commissioner Baller:
To direct staff to provide a report of current noise ordinances and the parameters for review on the next available City Commission agenda.

ROLL CALL VOTE:	Ayes,	Commissioner Host Commissioner Baller Commissioner Nickita Mayor Pro-Tem Longe Commissioner Hoff Mayor Boutros
	Nays,	None
	Absent	Commissioner Sherman

09-189-20 ZONING

Commissioner Nickita requested this item to address a correspondence from Mr. Kevin Denha; and have a discussion of zoning of O and B properties. Should they be upgraded to Transitional Zoning?

Planning Director Ecker agreed to research the circumstances surrounding the issue.

City Manager Valentine added that if it is the desire of the Commission, it could be brought back to a future meeting.

Commissioner Host, in response to the correspondence agreed that a discussion is valid.

Commissioner Baller is in favor of inviting Mr. Denha and other property owners in the area to a workshop to discuss the issues.

Mayor Boutros commented that it is a good time to review the zoning in the area of Lincoln and Adams; it has not been done in decades.

MOTION: Motion by Commissioner Nickita, seconded by Mayor Pro-Tem Longe:
To add zoning in the area of Lincoln and Adams to a future agenda for discussion.

- Barb Heller, Public Arts Board, reported that private contributions are generated for the purpose of bring public art to the City.

INFORMATION ONLY

XI. ADJOURN

Mayor Boutros adjourned at 9:52 p.m.