

BIRMINGHAM CITY COMMISSION MINUTES
MAY 23, 2016
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Rackeline J. Hoff, Mayor, called the meeting to order at 7:30 PM.

II. ROLL CALL

ROLL CALL:	Present,	Mayor Hoff Commissioner Bordman Commissioner Boutros Commissioner DeWeese Commissioner Harris Mayor Pro Tem Nickita Commissioner Sherman
	Absent,	None

Administration: City Manager Valentine, City Attorney Currier, Clerk Pierce, Assistant to the City Manager Haines, Police Chief Studt, Fire Chief Connaughton, Building Official Johnson, City Planners Ecker & Baka, City Engineer O'Meara, Finance Director Gerber, Library Director Koschik, Assistant Library Director Craft

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

05-159-16 RECOGNITION OF CITIZENS ACADEMY GRADUATES

The Commission recognized the Citizens Academy Graduates.

05-160-16 OAKLAND COUNTY COMMISSIONER SHELLEY TAUB

Oakland County Commissioner Taub commented on available road funding to be matched by the City to fix the roads.

05-161-16 RECOGNITION OF POLICE CHIEF DON STUDT

The Mayor presented a proclamation to Police Chief Studt acknowledging his forty-two years of service to the City.

05-162-16 OAKLAND COUNTY WATER RESOURCES COMMISSIONER JIM NASH

Oakland County Water Resources Commissioner Nash explained green infrastructure projects which would absorb the first inch of rain before it reaches the storm sewer system. He stated that green infrastructure is easier and cheaper to install and lasts a significant amount of time. The County is working with local communities and will be developing a policy on it. He stated that they are also working with local communities to develop a plan to calculate how much each property produces.

In response to a question from Commissioner Sherman regarding the billing issue lawsuits, Mr. Nash explained that they are working with a group to get legislation to address this issue. City Manager Valentine pointed out that a solution is in the works and there is comprehensive effort underway to try to address multiple issues related to that challenge.

05-163-16 APPOINTMENT TO THE GREENWOOD CEMETERY ADVISORY BOARD

MOTION: Motion by DeWeese, seconded by Boutros:
To appoint Margaret Suter, 1795 Yosemite, to the Greenwood Cemetery Advisory Board to serve the remainder of a three-year term to expire July 6, 2016.

VOTE: Yeas, 7
Absent, None

05-164-16 APPOINTMENT OF THE CITY COMMISSIONER MEMBER TO THE BIRMINGHAM YOUTH ASSISTANCE GENERAL CITIZENS COMMITTEE

The Commission discussed the option of serving as a voting or non-voting member on the Birmingham Youth Assistance General Citizens Committee.

The Commission discussed the potential conflict and recusal of a non-voting member and a voting member on the Committee. It was noted that there is an inherent conflict and the Commission should only act as liaisons on these boards. It was also noted that by making a Commissioner a non-voting member it still allows the Commissioner to give perspective and influence. It was stated that the Commissioner should not be advocating for the board, he/she should be looking out for the City.

Commissioner Bordman pointed out that an elected Commissioner's primary responsibility is to make decisions for the City and only secondarily to participate as an appointed member to an outside board. Therefore, recusal due to a conflict of interest should occur at the appointed board.

Commissioner Harris noted that the City has an ethics ordinance in place with criteria for when a Commissioner should recuse him/herself. Commissioner Nickita noted that part of the duties is to be a fundraiser advocate for the group. He questioned if that was an appropriate position for a Commissioner.

MOTION: Motion by DeWeese, seconded by Nickita:
To appoint a representative as a liaison to the Birmingham Youth Assistance General Citizens Committee.

The Commission continued to discuss whether a liaison or a board member makes more sense. Commissioner Harris suggested a request for an advisory opinion be submitted to the Board of Ethics. City Attorney Currier explained that Section 2-324(b)(1) of the Ethics Ordinance reads that "No Official or employee of the City shall participate as an agent or representative of the City in approving, disapproving, voting abstaining from voting, recommending or otherwise acting upon any matter in which he or she has directly or indirectly a financial or personal interest".

VOTE: Yeas, 2 (Hoff, DeWeese)

Nays, 5
Absent, None

Mayor Pro Tem Nickita stated that the best way to address this issue is to gain more insight from multiple organizations and return to the Commission to make a determination. He noted that the Board of Ethics would want to know the answers to the same questions posed by the Commission. More information is needed to understand the capacity of the Commissions role and then the role of voting or non-voting can be determined.

The Clerk administered the oath to the appointed Greenwood Cemetery Advisory Board member.

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.

05-165-16 APPROVAL OF CONSENT AGENDA

The following items were removed from the consent agenda:

- Item B (Minutes of May 9, 2016) by Commissioner Bordman
- Item J (Special Event Request Lung Run) by Commissioner Bordman
- Item H (Set Public Hearing for 404 Park) by Commissioner Sherman

MOTION: Motion by DeWeese, seconded by Bordman:

To approve the consent agenda as follows:

- A. Approval of City Commission budget minutes of April 16, 2016.
- C. Approval of warrant list, including Automated Clearing House payments, of May 11, 2016 in the amount of \$454,136.78.
- D. Approval of warrant list, including Automated Clearing House payments, of May 18, 2016 in the amount of \$1,263,561.32.
- E. Resolution appointing City Engineer Paul T. O'Meara, as representative, and Austin Fletcher, Assistant City Engineer, as alternate representative, for the City of Birmingham, on the Southeastern Oakland County Water Authority Board of Trustees for the period starting July 1, 2016.
- F. Resolution appointing Joseph Valentine as the representative and Lauren Wood as the alternate representative for the City of Birmingham on the Southeast Oakland County Resource Recovery Authority Board of Trustees for the period starting July 1, 2016.
- G. Resolution setting Monday, June 27, 2016 for a public hearing to consider approval of the Revised Final Site Plan and Temporary Special Land Use Permit Amendment of one year for 835 & 909 Haynes – Lavery Porsche.
- I. Resolution approving a request submitted by Woodward Camera requesting permission to place one tent in the parking area in front of 33501 Woodward Ave on August 20, 2016, 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.
- K. Resolution authorizing the City to enter into a contract with Great Lakes Fireworks, LLC for providing a fireworks display on July 3, 2016 (July 5 rain date) at Lincoln Hills for the sum of \$15,000.00, and further authorizing the administration to secure the necessary insurance. This would be contingent upon the vendor meeting all state and local laws, City requirements, and insurance requirements.

L. Resolution accepting the resignation of Steven Syzdek from the Birmingham Shopping District Board, thanking Mr. Syzdek for his service, and directing the Clerk to begin the process to fill this vacancy.

ROLL CALL VOTE: Yeas, Commissioner Bordman
 Commissioner Boutros
 Commissioner DeWeese
 Commissioner Harris
 Mayor Pro Tem Nickita
 Commissioner Sherman
 Mayor Hoff
 Nays, None
 Absent, None
 Abstention, None

**05-166-16 SPECIAL EVENT REQUEST
 LUNG RUN**

Commissioner Bordman questioned the hours for set up and requested the group set up quietly. Stephanie Sills, event coordinator, explained that set up will begin at 6:00 AM.

Ms. Sills confirmed for Mayor Hoff that there will be a volunteer at every intersection.

MOTION: Motion by Sherman, seconded by Nickita:
To approve a request submitted by Seaholm Interact Club and Seaholm Offers Support to hold the Lung Run benefitting the American Cancer Society on September 5, 2016, contingent up on 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.

VOTE: Yeas, 7
 Nays, None
 Absent, None

**05-167-16 SET PUBLIC HEARING FOR REZONING OF
 404 PARK**

Commissioner Sherman stated that this parcel was previously up to be rezoned and was not approved. He noted that the Planning Board was asked to address several items before returning back to the Commission, in particular the detail on the other parcels between Woodward and Old Woodward. He suggested the Planning Board review these other parcels first as lack of consistency was the concern.

Rick Rattner, 380 North Old Woodward representing the applicant, explained that the other parcels were specifically addressed in the Planning Board Public Hearing. He explained that a third of that street is an office building, a third of that street is several houses that have been developed and this is the only vacant parcel which is approximately a third of the street. He noted that the goal of TZ1 is a buffering zone.

City Planner Ecker explained that this is a private application submitted by a single petitioner, the last time that the City Commission considered this parcel, it was one of a package of zoning

amendments as part of a City initiated package. She stated that the City cannot require them to add on parcels to their application that they do not own or control.

Mayor Pro Tem Nickita commented on each third of the street. He questioned why there would be higher density zoning on either end of the street and why would this not be considered as a unit collectively so the thirds become one. Ms. Ecker explained that the Planning Board did have them lumped together. She explained that the various corridors create different conditions for the end lots that buffer facing Oakland and the north and south corridor. It is also next to an eight lane road.

Commissioner Sherman stated that he would like to see this go back to the Planning Board to review the entire area. Mayor Hoff suggested this item be moved forward as the original vote from the Commission was split.

MOTION: Motion by Bordman, seconded by Harris:

To set Monday, June 27, 2016 for a public hearing to consider rezoning the property at 404 Park Street, Parcel #1925451021, lots 66 and 67 of Oak Grove Addition from R-2 Single Family Residential to TZ-1 Transitional.

Mayor Pro Tem Nickita commented that during the previous discussion on this, he recused himself based on a potential conflict. Since then the Board of Ethics ruled and determined that it was not a conflict, therefore he will participate in the discussion.

David Bloom expressed concern for the residents in this neighborhood.

DeAngello Espree expressed concern that this would set a precedent.

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

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

05-168-16 PUBLIC HEARING TO CONSIDER A LOT REARRANGEMENT AT 1525 CHESTERFIELD

Mayor Hoff opened the Public Hearing to consider the proposed lot rearrangement at 1525 Chesterfield at 9:14 PM.

City Planner Baka explained the request to split the parcel located at Chesterfield and Quarton into three approximately equal portions. There are three basic standards that lots need to meet to be considered for a lot split, which included minimum lot size, average lot width, and the lots must meet the other aspects of the zoning ordinance. All three standards have been met, with the understanding that the applicant will remove the circular drive portion of the existing driveway.

Commissioner DeWeese commented on deed restrictions on the property. City Attorney Currier explained that deed restrictions are private between the property owners and are not enforced by the City.

Commissioner Bordman pointed out that the name on the quit claim deed and death certification do not match. She questioned if Jane Buchanan and Carolyn F. are the same person and expressed her concern.

Marlo and Jason Scott, applicant, confirmed that it is the same person. Charlene Rosenbaum, real estate agent for Jane Buchanan, confirmed that it is the same person. Ms. Scott explained that Ms. Rosenbaum is a life-long friend of the Buchanan's. Mr. Scott pointed out that Ms. Buchanan signed the application.

Mayor Hoff expressed concern with the removal of the trees on the lot. Mr. Scott noted that the trees are part of an easement and will not be removed.

Commissioner Boutros stated that he does not see an issue with the name and noted a condition could be added to the motion.

Mayor Pro Tem Nickita commented that in looking at the pattern of development of lots in the area, he questioned if this has been reviewed by others outside of the planning staff. Mr. Baka confirmed that it is sent to the Building Department and Treasurer's Office. The code does not require a hearing at the Planning Board.

Dave Bozynski, 1665 Quarton, expressed concern that the house on the northern most lot would be further north than the house to its west. He noted that up until very recently, the address of that property was Quarton.

Building Official Johnson confirmed that the owners were approved to change the address from Quarton to Chesterfield as the house cannot be seen from Quarton.

Ms. Ecker explained that the setback requirements would have to be met for the construction of the house.

Thomas Goad, 1840 Redding, stated that the way the lot is proposed to be divided makes sense.

Brian Bolyard, 202 Wimbleton, expressed support of the lot split.

The Mayor closed the Public Hearing at 9:47 PM.

MOTION: Motion by Boutros, seconded by Harris:

To approve the proposed lot rearrangement at 1525 Chesterfield with the following condition:

- A. The applicant brings the property into compliance with the paved surface limitations of the Zoning Ordinance Prior to the recording of the proposed split.

With the clarification that Jane Buchanan is the same person as Carolyn F as the same owner of the property.

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

05-169-16 SET PUBLIC HEARING TO CONSIDER STREET NAME CHANGE

OF MILLRACE ROAD TO LAKESIDE COURT

Assistant to the Manager Haines explained that the City administration has reviewed the name change request. In addition, the request was reviewed by the Museum Board, Historic District Commission, Historic District Study Committee, and the Parks and Recreation Board.

Commissioner DeWeese noted that four boards recommended the name change be to Millrace Court, not Lakeside Court as the concern from the petitioner was it being called a "Road". He questioned if the petitioner would consider a change from "Road" to "Court". Ms. Haines confirmed that the applicant stated that he was only interested in changing it to Lakeside Court.

Commissioner Boutros commented that the reason stated for the name change was due to traffic on the road thinking it is a through-street. He stated that if the street name is changed to from "Road" to "Court", that is a solution to the issue.

Commissioner Bordman expressed opposition to the name change and suggested adding a sign that it is not a through street.

MOTION: Motion by Bordman, seconded by Nickita:
To decline a public hearing to consider the street name change of Millrace Road.

Mayor Pro Tem Nickita expressed support of the review process implemented for the name change request.

City Manager Valentine confirmed for Commissioner DeWeese that staff will talk to the residents on the street about installing a sign.

VOTE: Yeas, 7
Nays, None
Absent, None

05-170-16 APPROVAL OF BUDGET FOR FISCAL YEAR 2016-2017

Finance Director Gerber presented the budget for Fiscal Year 2016-2017.

MOTION: Motion by Sherman, seconded by Nickita:
To approve the budget appropriations resolution adopting the City of Birmingham's budget and establishing the total number of mills for ad valorem property taxes to be levied for the fiscal year commencing July 1, 2016 and ending June 30, 2017:

WHEREAS, the City Manager has submitted the proposed 2016-2017 Budget, and:

WHEREAS, the City Commission has reviewed the 2016-2017 Budget, and;

WHEREAS, the City Commission has held a Public Hearing on the 2016-2017 Budget;

WHEREAS, Chapter VII, Section 14 of the Birmingham City Charter requires that the City Commission pass an annual appropriations resolution, and;

NOW THEREFORE, BE IT RESOLVED, that the City Commission does hereby adopt the following estimated revenues for the City of Birmingham for the fiscal year commencing July 1, 2016, and ending June 30, 2017:

GENERAL FUND:

Taxes	\$ 21,081,640
Licenses & Permits	3,070,540
Intergovernmental Revenue	2,078,000
Charges for Services	2,800,400
Fines & Forfeitures	1,686,060
Interest & Rent	275,810
Other Revenue	240,740
Draw from Fund Balance	<u>321,280</u>
Total General Fund	\$ 31,554,470
MAJOR STREETS FUND:	
Intergovernmental Revenue	\$ 1,153,830
Interest & Rent	7,540
Other Revenue	401,360
Contributions from Other Funds	1,550,000
Draw from Fund Balance	<u>926,200</u>
Total Major Streets Fund	\$ 4,038,930
LOCAL STREETS FUND:	
Intergovernmental Revenue	\$ 484,890
Interest & Rent	15,050
Other Revenue	358,310
Contributions from Other Funds	<u>2,650,000</u>
Total Local Streets Fund	\$ 3,508,250
COMMUNITY DEVELOPMENT BLOCK GRANT FUND:	
Intergovernmental Revenue	\$ 31,340
Total Community Development Block Grant Fund	\$ 31,340
SOLID WASTE DISPOSAL FUND:	
Taxes	\$ 1,820,000
Charges for Services	22,400
Interest	10,040
Draw from Fund Balance	<u>10,310</u>
Total Solid Waste Disposal Fund	\$ 1,862,750
LAW AND DRUG ENFORCEMENT FUND:	
Fines & Forfeitures	\$ 37,500
Interest	<u>720</u>
Total Law and Drug Enforcement Fund	\$ 38,220
DEBT SERVICE FUND:	
Taxes	\$ 1,626,220
Intergovernmental	4,000
Interest	<u>2,380</u>
Total Debt Service Fund	\$ 1,632,600
GREENWOOD CEMETERY PERPETUAL CARE FUND:	
Charges for Services	\$ 360,000
Interest	<u>2,720</u>
Total Greenwood Cemetery Perpetual Care Fund	\$ 362,720
PRINCIPAL SHOPPING DISTRICT FUND:	
Special Assessments	\$ 887,800
Interest	8,020

Other Revenue	180,000
Draw from Fund Balance	<u>43,690</u>
Total Principal Shopping District Fund	\$ 1,119,510
BALDWIN LIBRARY FUND:	
Taxes	\$ 2,936,970
Intergovernmental Revenue	950,810
Charges for Services	96,240
Interest	16,500
Other Revenue	200,000
Draw from Fund Balance	<u>1,210,260</u>
Total Baldwin Library Fund	\$ 5,410,780
BROWNFIELD REDEVELOPMENT AUTHORITY FUND:	
Taxes	\$ 243,230
Charges for Services	3,000
Interest	1,500
Other Revenue	<u>20,000</u>
Total Brownfield Redevelopment Authority Fund	\$ 267,730
TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY FUND:	
Taxes	\$ 90,000
Interest	<u>520</u>
Total Triangle District Corridor Improvement Authority Fund	\$ 90,520
CAPITAL PROJECTS FUND:	
Intergovernmental Revenue	\$ 16,500
Interest	28,070
Other Revenue	18,580
Contribution from Other Funds	320,000
Draw from Fund Balance	<u>2,984,270</u>
Total Capital Projects Fund	\$ 3,367,420
AUTOMOBILE PARKING SYSTEM FUND:	
Charges for Services	\$ 5,322,690
Interest	76,430
Draw from Net Position	<u>261,230</u>
Total Automobile Parking System Fund	\$ 5,660,350
WATER-SUPPLY SYSTEM RECEIVING FUND:	
Taxes	\$ 750,000
Charges for Services	4,473,030
Interest	12,060
Transfers In	<u>500,000</u>
Total Water-Supply System Fund	\$ 5,735,090
SEWAGE DISPOSAL FUND:	
Taxes	\$ 2,826,330
Intergovernmental Revenue	7,820
Charges for Services	8,184,610
Interest	32,130
Draw from Net Position	<u>575,560</u>
Total Sewage Disposal Fund	\$ 11,626,450
LINCOLN HILLS GOLF COURSE:	

Charges for Services	\$ 635,900
Interest	30,130
Other Revenue	<u>200</u>
Total Lincoln Hills Golf Course Fund	\$ 666,230
SPRINGDALE GOLF COURSE:	
Charges for Services	\$ 485,700
Interest & Rent	9,000
Other Revenue	200
Draw from Net Position	<u>9,870</u>
Total Springdale Golf Course Fund	\$ 504,770
COMPUTER EQUIPMENT FUND:	
Intergovernmental Revenue	\$ 34,020
Charges for Services	555,040
Interest	11,070
Other Revenue	3,000
Draw from Net Position	<u>510,600</u>
Total Computer Equipment Fund	\$ 1,113,730
AND, BE IT FURTHER RESOLVED, that the City Commission does hereby adopt on a budgetary center basis the following expenditures for 2016-2017:	
GENERAL FUND:	
General Government	\$ 5,332,820
Public Safety	12,760,340
Community Development	2,596,980
Engineering & Public Services	4,714,330
Transfers Out	<u>6,150,000</u>
Total General Fund	\$ 31,554,470
MAJOR STREETS FUND:	
Maintenance of Streets and Bridges	\$ 308,060
Street Cleaning	132,060
Street Trees	241,450
Traffic Controls & Engineering	382,990
Snow and Ice Removal	372,780
Administrative	18,690
Capital Outlay-Engineering and Construction of Roads and Bridges	<u>2,582,900</u>
Total Major Streets Fund	\$ 4,038,930
LOCAL STREETS FUND:	
Maintenance of Streets and Bridges	\$ 375,480
Street Cleaning	184,470
Street Trees	499,440
Traffic Controls & Engineering	64,570
Snow and Ice Removal	204,640
Administrative	26,370
Capital Outlay-Engineering and Construction of Roads and Bridges	1,893,850
Contribution to Fund Balance	<u>259,430</u>
Total Local Streets Fund	\$ 3,508,250
COMMUNITY DEVELOPMENT BLOCK GRANT FUND:	\$ 31,340

SOLID WASTE DISPOSAL FUND:	
Personnel Services	\$ 152,810
Supplies	8,500
Other Charges	1,681,440
Capital Outlay	<u>20,000</u>
Total Solid Waste Disposal Fund	\$ 1,862,750
LAW AND DRUG ENFORCEMENT FUND:	
Capital Outlay	\$ 8,500
Contribution to Fund Balance	<u>29,720</u>
Total Law and Drug Enforcement Fund	\$ 38,220
DEBT SERVICE FUND:	
Debt Service	\$ 1,627,600
Contribution to Fund Balance	<u>5,000</u>
Total Debt Service Fund	\$ 1,632,600
GREENWOOD CEMETERY PERPETUAL CARE FUND:	
Contribution to Fund Balance	<u>\$ 362,720</u>
Total Greenwood Cemetery Perpetual Care Fund	\$ 362,720
PRINCIPAL SHOPPING DISTRICT FUND:	\$ 1,119,510
BALDWIN LIBRARY FUND:	\$ 5,410,780
BROWNFIELD REDEVELOPMENT AUTHORITY FUND:	
Expenditures	\$ 263,230
Contribution to Fund Balance	<u>4,500</u>
Total Brownfield Redevelopment Authority Fund	\$ 267,730
TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY FUND:	
Expenditures	\$ 20,000
Contribution to Fund Balance	<u>70,520</u>
Total Triangle District Corridor Improvement Authority Fund	\$ 90,520
CAPITAL PROJECTS FUND:	\$ 3,367,420
AUTOMOBILE PARKING SYSTEM FUND:	\$ 5,660,350
WATER-SUPPLY SYSTEM RECEIVING FUND:	
Expenses	\$ 5,635,090
Contribution to Net Position	<u>100,000</u>
Total Water-Supply System Receiving Fund	\$ 5,735,090
SEWAGE DISPOSAL SYSTEM FUND:	\$ 11,626,450
LINCOLN HILLS GOLF COURSE:	
Expenses	\$ 566,750
Contribution to Net Position	<u>99,480</u>
Total Lincoln Hills Golf Course	\$ 666,230
SPRINGDALE GOLF COURSE:	\$ 504,770
COMPUTER EQUIPMENT FUND:	\$ 1,113,730

BE IT FURTHER RESOLVED that the budget summary above be approved as the 2016-2017 City Budget and that this resolution shall be known as the City of Birmingham 2016-2017 General Appropriations Act.

BE IT FURTHER RESOLVED that the City Commission does hereby designate \$23,495,420 to be raised by 11.1843 mills levied for General Purposes on the taxable valuation of all real and personal property subject to taxation in the City.

BE IT FURTHER RESOLVED that the City Commission does hereby designate \$2,962,030 to be raised by 1.4100 mills levied for Library Operations on the taxable valuation of all real and personal property subject to taxation in the City

BE IT FURTHER RESOLVED that the City Commission does hereby designate \$2,739,770 to be raised by 1.2984 mills levied for Debt Service Requirements on the taxable valuation of all real and personal property subject to taxation in the City.

BE IT FURTHER RESOLVED that the City Commission does hereby designate \$1,825,000 to be raised by 0.8687 mills levied on the taxable valuation of all real and personal property subject to taxation in the City for the purpose of the collection and removal of garbage and trash of the City as authorized by MCL 123.261, et. seq.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to make budgetary transfers within the budgetary centers established through the adoption of this budget, and that all transfers between budgetary centers may be made only by further action of the City Commission pursuant to the provisions of the Michigan Uniform Accounting and Budgeting Act.

BE IT FURTHER RESOLVED that the 2016-2017 budget shall be automatically amended on July 1, 2016, to re-appropriate encumbrances outstanding and reserved at June 30, 2016.

BE IT FINALLY RESOLVED that the City Treasurer be authorized to add to all taxes paid after August 31, 2016, three-fourths of one percent (3/4 of 1%) penalty each and every month, or fraction thereof, that remains unpaid. On all taxes paid after February 14, 2017, and through February 28, 2017, there shall be added a late penalty charge equal to three percent (3%) of such tax.

VOTE: Yeas, 7
 Nays, None
 Absent, None

**05-171-16 BALDWIN PUBLIC LIBRARY ADULT SERVICES RENOVATION
 APPROVAL OF FINAL PLAN**

Library Director Koschik explained that the Adult Services Renovation plan builds on a conceptual design that the Commission approved in October, which is Phase 1 of a three Phase plan for the entire Library. The budget for this Phase is \$2.2 million. The project improves both the aesthetics and functionality.

Robert Ziegelman, with Luckenbach, Ziegelman, Gardner Architects, presented the plan and discussed the lighting, wayfinding, and windows. Karen Swanson, with Luckenbach, Ziegelman, Gardner Architects, discussed the color scheme and furniture. She noted that it will be contemporary and will complement the Grand Hall.

Commissioner Sherman and Mayor Pro Tem Nickita agreed that they would like to review the final plan schematics which show the elevations, dimensions and materials. Commissioner Sherman noted that the Commission is responsible to review the details.

John Gardner, with Luckenbach, Ziegelman, Gardner Architects, explained the material that will be used.

Commissioner DeWeese and Commissioner Harris expressed support of moving forward on this as the renderings have not changed.

MOTION: Motion by Harris, seconded by DeWeese:

To endorse the final plan for the Baldwin Public Library Adult Services renovation, as developed by Luckenbach Ziegelman Gardner Architects, and authorizing issuance of a Request for Proposals for construction.

Mayor Pro Tem Nickita noted that the Commission has reviewed the general plans and the conceptual elevations, but has not reviewed the actual elevations with dimensions. He questioned if the final approval is based on the actual drawings with the actual information or a verbal explanation of the plan. Mr. Valentine noted that it takes time to incorporate the specifics into the RFP and suggested that a condition could be added that the final designs are presented at the next meeting.

MOTION WITHDRAWN

MOTION: Motion by Boutros, seconded by DeWeese:

To authorize the City to begin preparation of the RFP for the Baldwin Public Library Adult Services renovation, subject to the City Commission review of the final construction drawings at the June 6th City Commission meeting.

David Bloom thanked the Commission for working through the issues.

VOTE: Yeas, 7
 Nays, None
 Absent, None

05-172-16 TZ2 ZONING REFRESHER

The Commission agreed to postpone this item to the next Commission meeting.

05-173-16 VILLA AVE. PAVING PROJECT

City Engineer O'Meara explained that the bids came in much higher than expected. A letter was sent to the homeowners explaining the increase of approximately 31%. The homeowners were given the option to move forward or rebid the project based on the decision of the majority of the homeowners. He explained that based on the responses, there was not a clear majority.

Commissioner Bordman questioned whether other projects that the City had bid out this year also resulted in vendor bids much higher than expected. Mr. O'Meara responded in the affirmative.

Dan Miarka, 1208 Villa, expressed concern with the current state of the road and expressed support of moving forward with the project this year.

John Durnell, 1750 Villa, expressed support of moving forward with the project this year. He expressed concern with the cost and lack of communication.

Anthony Marciniak, 1180 Villa, commented on the flooding problems on the street and expressed support of moving forward with the project this year.

In response to a question from Mayor Hoff regarding work performed by Consumer Energy, Mr. O'Meara explained that Consumers scheduled a gas main replacement prior to this project. He noted that Consumers will restore any damage except for the sidewalks if the City moves forward with the project.

Commissioner Boutros expressed support with moving forward on the project.

The Commission discussed rebidding the project and potential issues if it was rebid such as a higher price.

MOTION: Motion by Harris, seconded by Nickita:

To award the Villa Ave. Paving Project, Contract #6-16(P) to C.I. Contracting, Inc., of Brighton, MI, in the amount of \$1,329,848.75, to be charged to the various accounts as detailed in the report; and further approving the appropriations and budget amendments for the fiscal 2016/17 budget as follows:

Sewer Fund		
Revenues:		
Draw from Fund Balance	#590-000.000-400.0000	\$405,155
Total Revenue Adjustments		\$405,155
Expenditures:		
Public Improvements	#590-536.001-981.0100	\$405,155
Total Expenditure Adjustments		\$405,155
Local Street Fund		
Revenues:		
Draw from Fund Balance	#203-000.000-400.0000	\$202,694
Total Revenue Adjustments		\$202,694
Expenditures:		
Public Improvements	#203-449.001-985.7300	\$202,694
Total Expenditure Adjustments		\$202,694

Mr. O'Meara confirmed for Commissioner Sherman that there are strong penalty provisions in the agreement should the work not be completed on time.

VOTE: Yeas, 7
 Nays, None
 Absent, None

City Manager Valentine explained that there will be routine notifications on the status update of the project.

**05-174-16 SET PUBLIC HEARING OF NECESSITY FOR THE
 INSTALLATION OF LATERAL SEWERS WITHIN THE
 VILLA AVE PAVING PROJECT AREA**

MOTION: Motion by Sherman, seconded by Nickita:

To set Monday, June 27, 2016 at 7:30 P.M., conduct a public hearing of necessity for the installation of lateral sewers within the Villa Ave. Paving project area. If necessity is declared,

setting Monday, July 11, 2016 at 7:30 P.M. to conduct a public hearing to confirm the roll for the installation of lateral sewers in the Villa Ave. Paving project area.

VOTE: Yeas, 7
 Nays, None
 Absent, None

05-175-16 MDOT W. MAPLE RD. RESURFACING PROJECT

City Engineer O'Meara explained that the contract with MDOT is needed in order to receive the funding that was authorized as part of this project. He noted that MDOT will pay the contractor directly and the City will pay its share to MDOT.

MOTION: Motion by Sherman, seconded by DeWeese:
To authorize Mayor Rackline Hoff to sign Contract No. 16-5183 between the City of Birmingham and the Michigan Dept. of Transportation to proceed with the project known as the W. Maple Rd. Resurfacing project, from Cranbrook Rd. to Southfield Rd., with federal funding up to \$1,110,900.00 included. The estimated cost of the local City share is \$246,300.00 charged to account number 202-449.001-981.0100.

VOTE: Yeas, 7
 Nays, None
 Absent, None

MOTION: Motion by Boutros, seconded by Bordman:
To approve an appropriation and budget amendment to provide for the City's local share of the W. Maple Rd. Resurfacing Project (Cranbrook Rd. to Southfield Rd.), as follows:

Major Street Fund		
Revenues:		
Draw from Fund Balance	#202-000.000-400.0000	\$15,000
Total Revenue Adjustments		\$15,000
Expenditures:		
Major Street Public Improvements	#202-449.001-981.0100	\$15,000
Total Expenditure Adjustments		\$15,000

VOTE: Yeas, 7
 Nays, None
 Absent, None

VII. REMOVED FROM CONSENT AGENDA

**05-176-16 CITY COMMISSION MEETING MINUTES OF
 MAY 9, 2016**

Commissioner Bordman recommended the following revision to Resolution #05-153-16:
"Commissioner Bordman explained that it will be stocked with children's books and suggested that future little libraries should # be expanded for adult books."

MOTION: Motion by Bordman, seconded by DeWeese:
To approve the City Commission minutes of May 9, 2016 as amended.

VOTE: Yeas, 7

Nays, None
Absent, None

VIII. COMMUNICATIONS

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

X. REPORTS

05-177-16 COMMISSIONER REPORTS

The Commission intends to appoint members to the Birmingham Shopping District Board on June 6, 2016 and the Martha Baldwin Park Board on June 27, 2016.

05-178-16 CITY STAFF REPORTS

The Commission received the Third Quarter Financial Report submitted by Finance Director Gerber.

The Commission received the March 2016 Investment Report submitted by Finance Director Gerber.

XI. ADJOURN

The meeting adjourned at 11:50 PM.

Laura M. Pierce
City Clerk