

BIRMINGHAM CITY COMMISSION MINUTES
MAY 20, 2013
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

George Dilgard, Mayor, called the meeting to order at 7:30 PM.

II. ROLL CALL

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

Administration: City Manager Bruner, Attorney Currier, Clerk Broski, Assistant City Manager Valentine, PSD Director Heiney, Finance Director Ostin, Assistant Finance Director Gerber, Assistant Library Director Church, Building Official Johnson, City Engineer O'Meara, Planners Ecker & Singelyn

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.

05-157-13 APPROVAL OF CONSENT AGENDA

MOTION: Motion by McDaniel, seconded by Rinschler:

To approve the consent agenda as follows:

- A. Approval of City Commission minutes of May 6, 2013.
- B. Approval of warrant list, including Automated Clearing House payments, of May 8, 2013 in the amount of \$802,918.52.
- C. Approval of warrant list, including Automated Clearing House payments, of May 15, 2013 in the amount of \$324,981.86.
- D. Resolution approving a request from the Principal Shopping District to hold the Birmingham Cruise Event on Saturday, August 17, 2013, 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.

- E. Resolution approving a request from the Principal Shopping District to hold the Tree Lighting on November 27, 2013, 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 place the Santa House in Shain Park from November 27 to December 24, 2013, 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 a request from the Principal Shopping District to hold the Winter Markt, in Shain Park and surrounding streets from December 6 to December 8, 2013, 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.
- H. Resolution approving a three-year contract between the City and Oakland County for assessing services for the period of July 1, 2013 through June 30, 2016 and authorizing the mayor to sign the agreement on behalf of the City.
- I. Resolution appointing City Engineer Paul T. O'Meara, as representative, and Brendan Cousino, 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, 2013.
- J. Resolution approving an amendment to the Principal Shopping District Fund's 2012-2013 budget appropriating \$30,000 for marketing as follows:

Principal Shopping District Fund		
Revenues		
Draw from Fund Balance	247-000.000-400.0000	\$30,000
Expenditures		
Marketing and Advertising	247-000.000-400.3518	\$30,000

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

 Nays, None
 Absent, None
 Abstentions, None

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

05-158-13 LIBRARY ARCHITECTURAL SERVICES

Mr. Church presented the request for architectural services for the Baldwin Library building. He explained that if approved, the work will begin in June and is expected to be completed in December, 2013.

Commissioner Sherman stated that the report submitted did not provide enough information as to what went into the decision process such as the price ranges, scope of work, and interview questions.

Commissioners Hoff and Rinschler noted that three commissioners served on the ad hoc committee. They explained that the committee interviewed five firms and the price ranged from \$50,000 to \$200,000. Commissioner Moore noted that resumes were reviewed based on library expertise and historical renovations.

MOTION: Motion by Rinschler, seconded by Nickita:

To approve the agreement with Quinn Evans Architects, Inc., to develop conceptual plans to renovate and/or expand the Baldwin Library building, in the amount of \$97,400 contingent upon the approvals required by Sec. 2-289 of the Birmingham City Code; authorizing the Mayor and City Clerk to sign the agreement on behalf of the City; and amending the 2012-2013 General Fund budget appropriating \$97,400 as follows:

Revenues

Draw from Fund Balance	101-000.000-400.0000	\$97,400
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Expenditures

General Administration Other Contractual Services	101-299.000-811.0000	\$97,400
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VOTE: Yeas, 7
Nays, None
Absent, None

05-159-13 PUBLIC HEARING OF NECESSITY - EAST MAPLE GARDENS WATER AND SEWER IMPROVEMENT PROJECT

Mayor Dilgard opened the Public Hearing of Necessity to consider the replacement of sewer laterals within the E. Maple Gardens Water and Sewer Improvement Project area at 7:54 PM.

Mr. O'Meara confirmed for Commissioner Hoff the payment for the homeowner could be broken down to ten annual payments.

The Mayor closed the Public Hearing at 7:55 PM.

Mr. O'Meara clarified the scope of work for residents Dana Oliver, 2695 Yorkshire and Margaret McNally, 2676 Dorchester. He noted the work on Dorchester and Yorkshire will occur simultaneously.

MOTION: Motion by Sherman, seconded by Rinschler:

To declare necessity for the replacement of sewer laterals within the E. Maple Gardens Water and Sewer Improvement Project area. The Public Hearing of confirmation will be held on Monday, June 3, 2013, at 7:30 P.M.:

WHEREAS, The City Commission has passed Ordinance No. 1906, to establish and adopt requirements and procedures for the replacement of sewer lateral lines when the City street is open for repairs or reconstruction; and

WHEREAS, The City Commission is of the opinion that replacement of sewer laterals not meeting current criteria as a part of the planned road paving project is declared a necessity; and

WHEREAS, formal bids have been received and the actual cost per foot for replacement of the sewer laterals has been determined,

RESOLVED, that all sewer laterals not meeting current criteria located within the limits of the following streets shall be replaced as a part of the paving project on the following streets:

Dorchester Rd. – Eton Rd. to Coolidge Hwy.
Yorkshire Rd. – Eton Rd. to Coolidge Hwy.

RESOLVED, that at such time as the Assessor is directed to prepare the assessment roll, of which 100% of the contractor's charge to replace sewer lateral (calculated at the rate of a price per lineal foot) shall be charged to the adjoining property owners benefiting from the sewer lateral,

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, within the following district:
"Pembroke Manor Subdivision"

The westerly 91 ft. of lots 28-30 inclusive, lots 31-33 inclusive, lots 35-41 inclusive, lots 45-47 inclusive, lot 50, lots 54 & 55, lots 57-71 inclusive, lots 73-65 inclusive.

"East Maple Gardens"

Lots 1 & 2 (except that portion taken for Eton Rd. and CN Railroad Right-of-way), lots 3 & 4, lots 34 & 35, lots 42-48 inclusive, lots 52-54 inclusive, lot 58, lot 65, lots 67-71 inclusive, the northerly 127.53 ft. of lot 72, lot 73, the southerly 149.3 ft. of lots 76-78 inclusive, the southerly 149.3 ft. of lot 83, the northerly 129.7 ft. of lot 84, the southerly 149.3 ft. of lot 87, lots 88-92 inclusive, the easterly 17.5 ft. of the northerly 140.42 ft. of lot 93, the southerly 140.41 ft. of lot 93, the northerly 140.5 ft. of lot 94, lots 95 & 96, the westerly 35 ft. of the northerly 140.67 ft. of lot 97, the southerly 140.66 ft. of lot 97, the easterly 60 ft. of the northerly 140.88 ft. of lot 98, the westerly 63 ft. of the northerly 141 ft. of lot 99, the southerly 141 ft. of lot 99.

RESOLVED, that the Commission shall meet on Monday, June 3, 2013, at 7:30 P.M., for the purpose of conducting a public hearing to confirm the roll for the replacement of sewer laterals within the E. Maple Gardens Water and Sewer Improvement Project.

VOTE: Yeas, 7
Nays, None
Absent, None

**05-160-13 PUBLIC HEARING – ORDINANCE AMENDMENT
CHAPTER 127**

Mayor Dilgard opened the Public Hearing to consider amendments to Chapter 127 of the Historic Preservation Ordinance at 8:01 PM.

Ms. Ecker explained that the Michigan State Historic Preservation Office confirmed that the Historic District Study Committee is not required to be a standing committee to maintain the City's Certified Local Government status.

The following individuals expressed support for the HDSC:

Nancy Thompson, chair of the HDSC

Russ Dixon, member of the HDSC and chair of the Museum Board

Erin Jacobs, student representative on the HDSC

Gigi Debbrecht, member of the HDSC

Cindy Rose, 1011 Clark

Dorothy Conrad

The Commission discussed the duties of the Historic District Study Committee (HDSC), funding, staffing levels, and whether the committee should be under the Planning Department or the Museum. Commissioner McDaniel cautioned about re-designating the HDSC without sufficient resources.

Mr. Dixon suggested a workshop be held to further discuss the best placement for the committee. The Commission agreed.

The Commission took no action.

**05-161-13 PUBLIC HEARING – ORDINANCE AMENDMENT
CHAPTER 126**

Mayor Dilgard opened the Public Hearing to consider amendments to Chapter 126, Zoning, Article 5, Use Specific Standards, Section 5.13, (MX), Article 7, Regulated Uses, Section 7.20 – 7.23, and Article 9, Definitions, Section 9 at 8:49 PM.

Ms. Ecker explained the proposed recommendation to make all regulated uses Special Land Use Permits. She noted the recommendation also clarifies several definitions and removes the time limit section.

Mr. Bruner confirmed for the Commission that with the City zoning ordinance if something is not defined, it is not permitted.

In response to a question from Dorothy Conrad, Ms. Ecker clarified that tobacconists are only allowed in the MX and O2 districts.

The Mayor closed the Public Hearing at 9:03 PM.

MOTION: Motion by Rinschler, seconded by Nickita:

1. To adopt an ordinance amending Chapter 126, Zoning, Article 5, Use Specific Standards, Section 5.13, (MX) to amend the regulated use standards in the MX district;
2. To adopt an ordinance amending Chapter 126, Zoning, Article 7, Regulated Uses, Section 7.20 – 7.23 to amend the review process for regulated uses in the City;
3. To adopt an ordinance amending Chapter 126, Zoning, Article 9, Definitions, Section 9.02 to amend the definitions for banquet facility, bathing establishment, tattoo parlor and use, regulated and to add definitions for nightclubs and pawnshops.

and to give staff direction to look at removing the 1000 foot requirement from all districts.

VOTE: Yeas, 7
Nays, None
Absent, None

05-162-13 PURCHASE OF BUS SHELTER

Mr. Singelyn explained the bus shelter would be located in front of the former Barclay Inn located at Maple and Woodward. Ms. Ecker explained that the location has an extra twenty-five feet of right-of-way.

MOTION: Motion by Nickita, seconded by Hoff:

To proceed with the purchase of one model #D6626-1 bus shelter in the amount of \$19,575 from Enseicom, waiving the normal bidding requirements as Enseicom is a sole source vendor for this product, and further, approving the appropriation and amendment to the 2012-2013 Capital Projects Fund Budget as follows:

Capital Projects Fund

Revenues:

Draw from Fund Balance (401-000.000-400.0000)	\$ 2,820
Bus Shelter/SMART-Community Credits (401-901.020-587.0001)	<u>\$16,755</u>
Total Revenues	\$19,575

Expenditures:

Bus Shelter/Machinery and Equipment (401-901.020-971.0100)	<u>\$19,575</u>
Total Expenditures	\$19,575

And to use alternative two as the selected design.

VOTE: Yeas, 7
Nays, None
Absent, None

**05-163-13 AMENDMENT TO FEE SCHEDULE
WATER AND SEWER RATES**

Mr. Gerber explained the proposed changes to the water and sewer rates. He explained the pro-ration of the water use before and after June 30th and then apply the rates accordingly.

MOTION: Motion by Rinschler, seconded by Nickita:

To amend the Schedule of Fees, Charges, Bonds and Insurance, Water and Sewer Service Sections, for changes to water and sewer rates to be effective for water used on or after July 1, 2013 and changes in industrial surcharges and industrial waste control charge to be effective for bills rendered on or after July 1, 2013.

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

05-164-13 ADOPTION OF 2013-2014 BUDGET

Ms. Ostin explained the final taxable value was higher than the taxable value that the proposed budget was based on resulting in additional revenue to the general fund. She noted that adjustments were made to expenditures due to the Quarton Lake Maintenance project. She noted the refuse and debt levys are proposed to decrease, the levy for the library will remain the same, and the total millage for the City is 15.0735 mills which is a decrease from the prior year.

MOTION: Motion by Rinschler, seconded by Nickita:
To adopt 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, 2013 and ending June 30, 2014:

WHEREAS, the City Manager has submitted the proposed 2013-2014 Budget, and:

WHEREAS, the City Commission has reviewed the 2013-2014 Budget, and;

WHEREAS, the City Commission has held a Public Hearing on the 2013-2014 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, 2013, and ending June 30, 2014:

GENERAL FUND:

Taxes	\$19,098,970
Licenses & Permits	2,135,260
Intergovernmental Revenue	1,854,570
Charges for Services	2,707,500
Fines & Forfeitures	1,268,000
Interest & Rent	258,100
Other Revenue	136,600
Draw from Fund Balance	<u>792,050</u>
Total General Fund	\$28,251,050

MAJOR STREETS FUND:

Intergovernmental Revenue	\$ 878,100
Interest & Rent	31,620
Other Revenue	11,350
Contributions from Other Funds	1,200,000
Draw from Fund Balance	<u>793,560</u>
Total Major Streets Fund	\$ 2,914,630

LOCAL STREETS FUND:

Intergovernmental Revenue	\$ 355,520
Contributions from Other Funds	2,000,000
Interest & Rent	31,930
Other Revenue	69,870
Draw from Fund Balance	<u>1,051,880</u>
Total Local Streets Fund	\$ 3,509,200

COMMUNITY DEVELOPMENT BLOCK GRANT FUND:	
Intergovernmental Revenue	\$ 31,300
Total Community Development Block Grant Fund	<u>\$ 31,300</u>
SOLID WASTE DISPOSAL FUND:	
Taxes	\$1,700,000
Charges for Services	22,000
Interest	11,450
Draw from Fund Balance	<u>72,910</u>
Total Solid Waste Disposal Fund	\$1,806,360
LAW AND DRUG ENFORCEMENT FUND:	
Fines & Forfeitures	\$ 55,000
Interest	3,010
Draw from Fund Balance	<u>17,750</u>
Total Law and Drug Enforcement Fund	\$ 75,760
DEBT SERVICE FUND:	
Taxes	\$1,454,040
Interest	<u>1,630</u>
Total Debt Service Fund	\$1,455,670
PRINCIPAL SHOPPING DISTRICT FUND:	
Special Assessments	\$ 866,660
Interest	7,520
Other Revenue	175,000
Draw from Fund Balance	<u>69,350</u>
Total Principal Shopping District Fund	\$1,118,530
BALDWIN LIBRARY FUND:	
Taxes	\$2,020,940
Intergovernmental Revenue	875,180
Charges for Services	115,320
Interest	<u>15,900</u>
Total Baldwin Library Fund	\$3,027,340
BROWNFIELD REDEVELOPMENT AUTHORITY FUND:	
Taxes	\$ 174,200
Interest	3,540
Other Revenue	5,000
Transfers In	20,450
Draw from Fund Balance	<u>20,710</u>
Total Brownfield Redevelopment Authority Fund	\$ 223,900
TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY FUND:	
Interest	\$ 150
Transfer In	10,000
Draw from Fund Balance	<u>4,850</u>
Total Corridor Improvement Authority Fund	\$ 15,000
AUTOMOBILE PARKING SYSTEM FUND:	
Charges for Services	\$ 4,150,620
Interest	61,740
Draw from Net Assets	<u>1,272,760</u>

Total Automobile Parking System Fund	\$ 5,485,120
WATER-SUPPLY SYSTEM RECEIVING FUND:	
Charges for Services	\$ 3,845,370
Interest	28,700
Draw from Net Assets	<u>1,025,000</u>
Total Water-Supply System Fund	\$ 4,899,070
SEWAGE DISPOSAL FUND:	
Taxes	\$ 3,391,920
Charges for Services	7,769,000
Interest	<u>64,400</u>
Total Sewage Disposal Fund	\$11,225,320
LINCOLN HILLS GOLF COURSE:	
Charges for Services	\$519,700
Interest	23,510
Other Revenue	100
Draw from Net Assets	<u>97,840</u>
Total Lincoln Hills Golf Course Fund	\$641,150
SPRINGDALE GOLF COURSE:	
Charges for Services	\$ 466,600
Interest & Rent	9,000
Other Revenue	200
Draw from Net Assets	<u>89,600</u>
Total Springdale Golf Course Fund	\$565,400
COMPUTER EQUIPMENT FUND:	
Charges for Services	\$ 555,040
Interest	9,500
Draw from Net Assets	<u>283,480</u>
Total Computer Equipment Fund	\$ 848,020
CAPITAL PROJECTS FUND:	
Other Revenue	\$ 47,530
Interest	49,740
Contribution from Other Funds	185,000
Draw from Fund Balance	<u>704,230</u>
Total Capital Projects Fund	\$ 986,500
AND, BE IT FURTHER RESOLVED, that the City Commission does hereby adopt on a budgetary center basis the following expenditures for 2013-2014:	
GENERAL FUND:	
General Government	\$ 5,212,550
Public Safety	12,296,260
Community Development	1,860,790
Engineering & Public Services	3,810,960
Transfers Out	<u>5,070,490</u>
Total General Fund	\$ 28,251,050
MAJOR STREETS FUND:	
Maintenance of Streets and Bridges	\$ 346,700

Street Cleaning	195,460
Street Trees	264,070
Traffic Controls & Engineering	225,050
Snow and Ice Removal	340,250
Administrative	19,870
Capital Outlay-Engineering and Construction of Roads and Bridges	<u>1,523,230</u>
Total Major Streets Fund	\$ 2,914,630
LOCAL STREETS FUND:	
Maintenance of Streets and Bridges	\$ 550,760
Street Cleaning	204,560
Street Trees	564,760
Traffic Controls & Engineering	61,220
Snow and Ice Removal	208,810
Administrative	28,250
Capital Outlay-Engineering and Construction of Roads and Bridges	<u>1,890,840</u>
Total Local Streets Fund	\$ 3,509,200
COMMUNITY DEVELOPMENT BLOCK GRANT FUND:	\$ 31,300
SOLID WASTE DISPOSAL FUND:	
Refuse Pickup	\$ 1,447,390
Equipment Rental	130,000
Salaries	198,310
Miscellaneous	17,660
Capital Outlay	<u>13,000</u>
Total Solid Waste Disposal Fund	\$ 1,806,360
LAW AND DRUG ENFORCEMENT FUND:	
Public Safety	\$ 19,300
Capital Outlay	<u>56,460</u>
Total Law and Drug Enforcement Fund	\$ 75,760
DEBT SERVICE FUND:	
Debt Service	\$ 1,439,040
Contribution to Fund Balance	<u>16,630</u>
Total Debt Service Fund	\$ 1,455,670
PRINCIPAL SHOPPING DISTRICT FUND:	\$ 1,118,530
BALDWIN LIBRARY FUND:	
Expenses	\$2,985,610
Contribution to Fund Balance	<u>41,730</u>
Total Baldwin Library Fund	\$ 3,027,340
BROWNFIELD REDEVELOPMENT AUTHORITY FUND:	\$ 223,900
TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY FUND:	\$ 15,000
AUTOMOBILE PARKING SYSTEM FUND:	\$ 5,485,120
WATER-SUPPLY SYSTEM RECEIVING FUND:	\$ 4,899,070

SEWAGE DISPOSAL SYSTEM FUND:	
Expenses	\$10,582,420
Contribution to Net Assets	<u>642,900</u>
Total Sewage Disposal System Fund	\$11,225,320
LINCOLN HILLS GOLF COURSE:	\$ 641,150
SPRINGDALE GOLF COURSE:	\$ 565,400
COMPUTER EQUIPMENT FUND:	\$ 848,020
CAPITAL PROJECTS FUND:	\$ 986,500

BE IT FURTHER RESOLVED that the budget summary above be approved as the 2013-2014 City Budget and that this resolution shall be known as the City of Birmingham 2013-2014 General Appropriations Act.

BE IT FURTHER RESOLVED that the City Commission does hereby designate \$21,473,980 to be raised by 11.6883 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 \$2,020,940 to be raised by 1.1000 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 \$2,504,950 to be raised by 1.3599 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 \$1,700,000 to be raised by .9253 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 2013-2014 budget shall be automatically amended on July 1, 2013, to re-appropriate encumbrances outstanding and reserved at June 30, 2013.

BE IT FINALLY RESOLVED that the City Treasurer be authorized to add to all taxes paid after September 3, 2013, 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, 2014, and through February 28, 2014, there shall be added a late penalty charge equal to three percent (3%) of such tax.

VOTE: Yeas, 7
 Nays, None
 Absent, None

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

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

X. REPORTS

05-165-13 COMMISSIONER REPORTS

The Commission intends to appoint members to the Board of Ethics on June 3, 2013.

05-166-13 COMMISSIONER COMMENTS

Commissioner Nickita invited the public to attend the study of the Birmingham section of the Woodward Avenue Action Association Woodward Complete Streets Project currently taking place at the 555 Building.

05-167-13 CITY STAFF REPORTS

The Commission received the E. Maple Gardens Subdivision Consumers Energy Project Update submitted by City Engineer O'Meara.

The Commission received the Engineering Department Project Update submitted by City Engineer O'Meara.

The Commission received the Woodward Ave. Resurfacing Project Update submitted by City Engineer O'Meara.

XI. ADJOURN

The Mayor adjourned the meeting at 9:34 PM.

Laura M. Broski
City Clerk