

BIRMINGHAM CITY COMMISSION MINUTES
MAY 9, 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 7:32 PM.

II. ROLL CALL

ROLL CALL:	Present,	Mayor Hoff Commissioner Bordman Commissioner Boutros Commissioner DeWeese Commissioner Harris Mayor Pro Tem Nickita Commissioner Sherman (arrived at 7:48 PM)
	Absent,	None

Administration: City Manager Valentine, City Attorney Currier, Clerk Pierce, DPS Director Wood, City Engineer O'Meara, Planning Director Ecker, Finance Director Gerber, Deputy Treasurer Klobucar, Fire Chief Connaughton, Assistant Fire Chief Donohue, Fire Marshal Bigger, Police Chief Studt, Deputy Police Chief Clemence, Commander Albrecht, Library Director Koschik

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

05-134-16 APPOINTMENT TO THE BOARD OF BUILDING TRADES APPEALS

MOTION: Motion by DeWeese:
To appoint Adam Charles, 1539 Bennaville, to serve a three-year term on the Board of Building Trades Appeals to expire May 23, 2019.

VOTE: Yeas, 6
Absent, 1 (Sherman)

05-135-16 APPOINTMENT TO THE BROWNFIELD REDEVELOPMENT AUTHORITY

MOTION: Motion by Bordman, seconded by Nickita:
To concur in the Mayor's appointment of Daniella Torcolacci, 2849 Buckingham and Paul Robertson, 779 S. Bates to the City of Birmingham Brownfield Redevelopment Authority to serve three-year terms to expire May 23, 2019.

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

05-136-16 APPOINTMENT TO THE HOUSING BOARD OF APPEALS

MOTION: Motion by Bordman:
To appoint Alexander Jerome, 1845 Hazel, to serve a three-year term on the Housing Board of Appeals to expire May 4, 2019.

MOTION: Motion by DeWeese:
To appoint Robert E. Taylor, Jr., 3693 W. Bloomfield, Bloomfield Hills, to serve a three-year term on the Housing Board of Appeals to expire May 4, 2019.

VOTE ON NOMINATION OF JEROME:
Yeas, 6
Absent, 1 (Sherman)

VOTE ON NOMINATION OF TAYLOR:
Yeas, 6
Absent, 1 (Sherman)

The Clerk administered the oath to the appointed board members.

05-137-16 APPOINTMENT TO THE BIRMINGHAM YOUTH ASSISTANCE GENERAL CITIZENS COMMITTEE

City Manager Valentine explained the option to appoint a City Commissioner as a voting member or a non-voting member.

The Commission requested additional information on what this position would encompass and agreed to postpone this decision until the next meeting.

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.

05-138-16 APPROVAL OF CONSENT AGENDA

The following items were removed from the consent agenda:

- Item E (Little Free Library program "Book Box" designs) by Commissioner Bordman
- Item H (West Nile Virus Fund Reimbursement Program) by Commissioner Bordman
- Item A (Budget Session Minutes of April 16, 2016) by Mayor Hoff
- Item B (Minutes of April 25, 2016) by Mayor Hoff
- Item G (Historical Museum & Park Bell Project) by Mayor Hoff

MOTION: Motion by DeWeese, seconded by Boutros:
To approve the consent agenda as follows:

- C. Approval of warrant list, including Automated Clearing House payments, of April 27, 2016 in the amount of \$574,829.23.
- D. Approval of warrant list, including Automated Clearing House payments, of May 4, 2016 in the amount of \$316,104.85.
- F. Resolution approving the purchase of one (1) new 2016 Freightliner MT55 from Cannon Truck Equipment., using MI-Deal extendable purchasing pricing for a total expenditure

of \$172,969.00. Further, waiving the normal bidding requirements based on the government regulated pricing for this type of equipment. Funds for this purchase are available in the Auto Equipment Fund, account #641-441.006-971.0100.

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

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

**05-139-16 PUBLIC HEARING OF CONFIRMATION
 WEBSTER AVE. PAVING PROJECT SEWER LATERALS**

Mayor Hoff opened the Public Hearing of confirmation for the Webster Ave. Paving Project Sewer Laterals at 7:50 PM.

Deputy Treasurer Klobucar recommended confirmation of Special Assessment Roll #876.

The Mayor closed the Public Hearing at 7:50 PM.

MOTION: Motion by Nickita, seconded by Harris:

To confirm Special Assessment Roll No. 876 to defray the cost of installing new sewer laterals on Webster Ave., and instructing the City Clerk to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

WHEREAS, Special Assessment Roll, designated Roll No. 876, has been heretofore prepared for collection, and

WHEREAS, notice was given pursuant to Section 94-7 of the City Code, to each owner or party- interest of property to be assessed, and

WHEREAS, the Commission has deemed it practicable to cause payment of the cost thereof to be made at a date closer to the time of construction and

Commission Resolution 04-122-06 provided it would meet this 9th day of May 2016 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this May 9, 2016, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll as determined in Section 94-9 of the Code of the City of Birmingham,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 876 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that special assessments shall be payable in ten (10) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of four and a quarter percent (4.25%) on all unpaid installments.

VOTE: Yeas, 7
 Nays, None
 Absent, None

**05-140-16 PUBLIC HEARING TO CONSIDER SPECIAL LAND USE PERMIT
 FOR TRIPLE NICKEL, 555 SOUTH OLD WOODWARD**

Mayor Hoff opened the Public Hearing to consider the Revised Final Site Plan and Special Land Use Permit Amendment for 555 S. Old Woodward – Triple Nickel at 7:51 PM.

City Planner Ecker presented the request to amend the Special Land Use Permit for Triple Nickel to add an outdoor dining platform. She explained they currently have outdoor dining on the sidewalk. The platform would increase the number of seats from 16 to 24. She noted that they will not use any on-street parking spaces as it will be located in an area where there is no parking. She explained the platform would extend four feet into the street. She noted that they are also proposing to use the existing furniture and to use a canopy which will match the existing canopies.

Ms. Ecker explained that the fire department had concerns with the hydrant connection to the suppression system for the structure and the visual obstruction the platform would impose. She explained that the Planning Board commented that if there was a fire, everyone would be evacuated off the deck thereby addressing the hydrant connection concern. In addition, there is a clause in the outdoor dining license that says that the platform has to be moved if it is interfering with any city maintenance or operations and if it is damaged, it is the applicant's responsibility. Ms. Ecker noted that the Engineering Department who looks at the traffic and safety concerns is okay with the four foot protrusion into the street.

Bob Ziegelman, architect on the project, confirmed for Commissioner Bordman that the proposed canopy only covers half of the platform to provide shade from the western sun.

Commissioner Boutros expressed concern with the establishment operating valet with a platform. Ms. Ecker noted that the applicant indicated to the Planning Board that there would be no valet.

Mark Blankey, partner at Triple Nickel, confirmed that they would not operate valet.

DeAngello Espree noted that the Fire Department concerns were not discussed. He questioned if the bus stop was considered when discussing the platform.

Mr. Valentine explained that the Fire Department concerns were discussed and that if access to the hydrant was needed, the platform would be evacuated. Ms. Ecker explained that the platform does not conflict with the bus stop.

The Mayor closed the Public Hearing at 8:07 PM.

MOTION: Motion by Nickita, seconded by Boutros:

To approve the Revised Final Site Plan and Special Land Use Permit Amendment for 555 S. Old Woodward, Suite 610 – Triple Nickel to allow the addition of an outdoor dining platform:

WHEREAS, TRIPLE NICKEL filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to amend the existing SLUP to operate a new restaurant with an Economic Development License in accordance with Article 3, Section 3.04(c) of Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the east side of S. Old Woodward between Bowers and Haynes;

WHEREAS, The land is zoned B-3, and is located within the Downtown Birmingham Overlay District, in the area identified on Map 3.1 of Chapter 126, Zoning, which permits the use of Economic Development Licenses with a Special Land Use Permit;

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit Amendment to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;

WHEREAS, The applicant submitted an application for a Special Land Use Permit Amendment and Revised Final Site Plan to operate TRIPLE NICKEL as a Restaurant using an Economic Development License with the addition of an outdoor dining platform;

WHEREAS, The Planning Board on March 23, 2016 reviewed the application for a Special Land Use Permit Amendment and recommended approval of the SLUP Amendment and Revised Final Site Plan review with the following conditions;

1. The applicant will be required to submit the plans for the proposed outdoor dining platform in color;
2. Applicant must submit plans that include refuse containers within the outdoor dining area in accordance with Article 4, Section 44, OD-01 Outdoor Dining Standards (A) (1); and
3. Applicant must submit spec sheets for the proposed outdoor tables and chairs.

WHEREAS, The applicant has agreed to comply with the Planning Board conditions of approval;

WHEREAS, The Birmingham City Commission has reviewed TRIPLE NICKEL's Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that the TRIPLE NICKEL application for a Special Land Use Permit Amendment authorizing the construction of an outdoor dining deck in conjunction with the operation of a restaurant with an Economic Development license at 555 S. Old Woodward in accordance with Chapter 10, Alcoholic Liquors, is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit Amendment is granted subject to the following conditions:

1. Valet service will not be permitted for TRIPLE NICKEL.
2. TRIPLE NICKEL shall abide by all provisions of the Birmingham City Code;
3. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest;
4. TRIPLE NICKEL shall provide for the removal of disposable materials resulting from the operation and maintain the area in a clean and orderly condition by providing the necessary employees to guarantee this condition, and by the placement of a trash receptacle in the outdoor seating area;
5. TRIPLE NICKEL shall enter into a contract with the City outlining the details of the proposed economic development option.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, TRIPLE NICKEL and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of TRIPLE NICKEL to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

MAY IT BE FURTHER RESOLVED that TRIPLE NICKEL, which will do business at 555 S. Old Woodward, Birmingham, Michigan, 48009, is located in the Principal Shopping District which was designated as a Redevelopment Project Area, pursuant to Section 521a (1)(b) of the Michigan Liquor Control Code of 1988, being MCL 36.1521a(1)(b), by Birmingham City Commission Resolution adopted September 24, 2007; and

MAY IT BE FURTHER RESOLVED that TRIPLE NICKEL is recommended for the operation of a restaurant, with a Class C Liquor License, at 555 S. Old Woodward, Suite 610, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

The Commission discussed valet service in the off-season. Mayor Pro Tem Nickita noted that if the restaurant wanted to offer valet, they would have to go before the City Commission with a plan for valet. Commissioner Boutros commented that if the applicant has a solution for all seasons of valet using their private property for the valet it could be presented to the Commission. His concern was safety and traffic.

VOTE: Yeas, 7
 Nays, None
 Absent, None

Mayor Pro Tem Nickita suggested the height of the platform rails be reviewed. Mr. Valentine confirmed that staff will review this item.

**05-141-16 TERMINATION OF EASMENT AGREEMENT
2100 EAST MAPLE ROAD**

City Engineer O'Meara explained that the Whole Foods Market project is currently under review for issuance of a building permit. It was noted that the existing easements, created in 1945, were never used and should have been vacated. He noted that there would be new easements dedicated for the proposed water and sewer.

MOTION: Motion by Sherman, seconded by Bordman:
To authorize the Mayor to sign the Termination of Easement Agreement, pertaining to the vacation of 35 ft. and 18 ft. wide easements located on the property known as 2100 E. Maple Rd. (Whole Foods Market project)

VOTE: Yeas, 7
 Nays, None
 Absent, None

**05-142-16 VALET SERVICE PROPOSAL AT
NORTH OLD WOODWARD PARKING STRUCTURE**

City Engineer O'Meara explained the proposal to hire SP+ to bring in two valet service employees that would function on the roof of the North Old Woodward Structure. The valet would operate during the peak hours during the weekday from 9:00 AM – 2:00 PM. He stated that this would cost approximately \$52,000 annually and is subject to change based on the number the actual hours needed.

In response to a question from Commissioner Sherman, Jay O'Dell with SP+ explained that in order to be cost effective, the valet will be closed as soon as the garage starts to open up. The current plan is to issue a card, along with the valet ticket, that directs parkers to call the office if they plan to leave after a designated time. SP+ will then send an employee to meet the individual at their car with their keys. He noted that the valeted cars would be parked in the parking spaces to free up the driving lane once the valet service is closed.

In response to a question from Commissioner Harris, Mr. O'Meara confirmed that the proposal would add fifty spaces. He explained that the current capacity of the structure is 570 and is filled to capacity 4-5 times a week. Mr. O'Dell described the signage that will be utilized. He confirmed that the City would be charged the actual cost for the work.

MOTION: Motion by Nickita, seconded by Bordman:
To approve the SP+ proposal to operate a valet service on weekdays at the N. Old Woodward Ave. Parking Structure roof level wherein:

1. Two valet service staff provided by SP+ will be stationed at the entrance to the roof level from approximately 9 AM to 2 PM.
2. As the structure nears capacity, all vehicles looking to park on the roof will be required to valet their vehicle, at no additional cost to the customer.
3. The cost to the Auto Parking System is estimated at \$52,020 annually.
4. Valet service hours will be subject to change based on actual need.

VOTE: Yeas, 7
 Nays, None
 Absent, None

Mayor Hoff requested a follow up report on this so the Commission will know how it is working. Mr. Valentine noted that the intention is to expand this to other facilities.

**05-143-16 TEMPORARY PARKING LOT AT
35001 WOODWARD AVE**

City Engineer O'Meara explained the proposal to use the vacant lot at the northwest corner of Maple and Woodward for permit parking. He stated forty monthly permits would be sold. He noted that the lease is for a minimum of twelve months. If it goes beyond twelve months, either party could terminate the lease with a ninety-day notice.

MOTION: Motion by Sherman, seconded by Boutros:

To authorize the Mayor to sign the lease as prepared to operate a temporary parking lot on the vacant land known as 35001 Woodward Ave. Further, authorizing staff to direct all costs to prepare and maintain this property to the Auto Parking System Fund. Monthly rates shall match those charged at the Park St. Parking Structure, with all revenues being directed to the Auto Parking System Fund.

VOTE: Yeas, 7
 Nays, None
 Absent, None

05-144-16 2016 ASPHALT RESURFACING PROGRAM

City Engineer O'Meara explained that the 2016 Asphalt Resurfacing Program will include a segment of Brown Street, just east of Southfield Road as well as several other streets in the southeast corner of the City. He explained the addition of the pedestrian crosswalk with handicap ramps.

MOTION: Motion by Boutros, seconded by Sherman:

To concur with the Multi-Modal Transportation Board, and to direct the Engineering Dept. to proceed with the 2016 Asphalt Resurfacing Program, with the inclusion of all required handicap ramps within the project area, as well as the proposed pedestrian crosswalk improvement at the Cheltenham Rd./Dunstable Rd./Hanley Ct. intersection.

VOTE: Yeas, 7
 Nays, None
 Absent, None

05-145-16 CHESTERFIELD FIRE STATION PLAN

Fire Chief Connaughton presented the design for the Chesterfield Fire Station. He noted that the design has been reviewed by the Architectural Review Committee and Planning Board.

In response to a question from Commissioner Boutros regarding parking, Chief Connaughton explained that his recommendation would be to keep the ten parking spots for functionality. Mayor Pro Tem Nickita encouraged minimizing the amount of asphalt on-site. He noted that one item reviewed was to look at the current and long term requirements to determine if there was a possibility of growing into the expansion and to look into shared parking opportunities.

Reem Okab, 187 Fairfax, questioned if the elevation of the new building will compromise the privacy of her backyard. Chief Connaughton explained that the building is one story with a

mezzanine on the second floor with workout space. He assured Ms. Okab that the privacy of her backyard would not be compromised.

Commissioner DeWeese suggested the Parks and Recreation Board consider installing a pocket park with a fire-truck theme in the green area next to the station.

George Petkoski, architect with the Sidock Group, explained the architecture of the building. He noted that the windows in the mezzanine area are high in order to provide daylight rather than a view.

Mayor Hoff expressed concern that the windows in the tower resemble a cross and noted that it looks like a church. Mayor Pro Tem Nickita commented that the tower is a good element and suggested that limestone could be added to make it look more like a window.

Mayor Pro Tem Nickita questioned whether the parking in the front of the building could be moved to the rear parking area. City Manager Valentine explained that the watchroom is located in the front of the building with a small lobby for public access.

David Bloom, resident, agreed that the tower windows resemble a cross.

MOTION: Motion by DeWeese, seconded by Harris:

To endorse the plan for the Chesterfield Fire Station as reviewed by the Architectural Review Committee and Planning Board and authorizing issuance of a Request for Proposals for construction and that steps be taken to minimize the appearance of a cross or any other religious symbol.

VOTE: Yeas, 7
 Nays, None
 Absent, None

05-146-16 BUDGET AMENDMENT

City Manager Valentine explained that at the budget session, five options were presented to address the funding request from the Library Board. Since that meeting, the City has followed up with bond counsel and the bonding consultant. They found no issues or concerns relative to the options presented.

Finance Director Gerber recapped the sewer and water fund issues as presented at the budget session. Mr. Valentine explained the summation of the net position of the sewer fund going forward as projected through 2020. He noted that with the implementation of GASB 75, the retiree health care liabilities must be accounted for on the books in FY17-18. Next year, that requirement will show up in the financial statements which will deplete the net position of that fund significantly. He noted that a change is needed to address this issue. An adjustment to the sewer rate is also needed so as to not run into a negative deficit position. In going forward, the City has smoothed out the cost of the sewer improvements over the next few years to try to provide some consistency to those costs.

Mr. Valentine explained that the City is recommending an increase to the sewer rate. The combination of adjusting the capital projects as well as increasing the sewer rate will provide more of a stable position for the City going forward without the need to transfer any significant amount to the sewer fund to make sure it is balanced; which in effect would require a deficit

reduction plan being filed with the state should that ever occur. The net increase to the average rate payer is \$0.21 per unit. The advantage to it is that the City has managed the cost accordingly and delayed the situation of having a negative position out to FY 19-20.

Mayor Hoff questioned which retirees are covered by the retiree health care liability. Mr. Valentine explained that it is an allocation of the costs for all the retirees. He noted that the sewer fund would primarily be those employees with the Department of Public Services where their time is charged to the sewer and water funds.

Mr. Valentine explained that Option 5 was an option that allowed for an increase in the Library millage rate and a decrease in the City millage rate and using fund balance to fill the gap. It provides for a fund balance of 36% in FY16-17 and a fund balance of 37% in FY 17-18. This would also provide the assurance that the Library would have a fall back with the City of about \$200,000 should any emergencies occur. This will reduce the City's overall millage levy from the actual millage rate of 14.8269 mills to 14.7614 mills. This is a decrease to the average homeowner of \$12.45. This will allow the Library project to proceed and allows for additional capacity in the City's operating levy and will strengthen the City's position with bonding agencies by having additional Headlee capacity.

Commissioner Harris noted that the narrative in Option 5 mentions the City transferring \$200,000 when the Library fund balance is depleted by emergencies. He questioned if that is to be when the Library fund balance is below its deductible. Mr. Valentine explained the concern of the Library bringing their fund balance low. This would give them the assurance that if they had any emergencies, the City would be there to back them and they would not be in the negative. He confirmed for Commissioner Harris that an emergency would be triggered if the Library's fund balance went negative.

Commissioner Sherman expressed his concern that by lowering the City's millage rate with the extent of the projects planned, the City would be going into its reserves. He pointed out the Commission discussed deferring projects so it would not occur. He questioned if this was done. Mr. Valentine responded that it was not done to that level. He noted that significantly changing the project schedule to that point was not viable in terms of maintaining the infrastructure.

MOTION: Motion by Sherman, seconded by DeWeese:

To direct the City Manager to amend the 2016-2017 recommended City budget to incorporate Baldwin Library Funding Option 5, which would increase the Baldwin Library levy by .31 mills and decrease the City Operating levy by .31 mills for fiscal years 2016-2017 and planned 2017-2018, and further adjusting the sewer rate to include \$175,000 additional funding for capital improvements.

Frank Pisano, Library Board member, thanked the Commission and staff.

Jim Suhay, Library Board member, clarified that the Library Board is not content with a minimum fund balance of \$147,000. He noted that they want assurance that funds will be available so the funds stay above zero. Mr. Valentine responded that the City Commission would be receptive should the Library be in need of a higher amount.

David Bloom, resident, thanked the staff.

VOTE: Yeas, 7

Nays, None
Absent, None

**05-147-16 ORDINANCE AMENDMENT REGARDING THE
COMPOSITION OF THE MARTHA BALDWIN PARK BOARD**

DPS Director Wood explained that the ordinance amendment would remove the membership criteria requiring two male and two female members.

MOTION: Motion by Sherman, seconded by Bordman:
To adopt an ordinance amending Part II of the City Code, Chapter 78 Parks and Recreation, Article III. Martha Baldwin Park Board, Section 78-58 Composition, Appointment, Terms.

VOTE: Yeas, 7
 Nays, None
 Absent, None

**05-148-16 APPOINTMENT OF POLICE CHIEF
EFFECTIVE MAY 28, 2016**

City Manager Valentine recommended the appointment of Deputy Police Chief Mark Clemence as Police Chief effective May 28, 2016.

MOTION: Motion by DeWeese, seconded by Sherman:
To consent to the City Manager's appointment of Deputy Police Chief, Mark H. Clemence, as the Chief of Police of the City of Birmingham Police Department, effective May 28, 2016, upon the retirement of current Police Chief Donald Studt.

VOTE: Yeas, 7
 Nays, None
 Absent, None

**05-149-16 CLOSED SESSION REQUEST
PENDING LITIGATION – TUTOR V CITY OF BIRMINGHAM**

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

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

**05-150-16 CLOSED SESSION REQUEST
ATTORNEY/CLIENT PRIVILEGE COMMUNICATION**

MOTION: Motion by Sherman, seconded by Nickita:

To meet in closed session to discuss an attorney/client privilege communication in accordance with Section 8(h) of the Open Meetings Act.

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

VII. REMOVED FROM CONSENT AGENDA

**05-151-16 CITY COMMISSION BUDGET MINUTES
OF APRIL 16, 2016**

Mayor Hoff and Commissioner Bordman requested multiple changes to the minutes. The Commission agreed to request the Clerk review the tape and return this item to the next meeting with the changes.

**05-152-16 CITY COMMISSION MINUTES
OF APRIL 25, 2016**

Mayor Hoff requested the following change to Resolution #04-121-16:

"She noted that the City is agreeing that in lieu of charging them the first \$1.3 million of additional tax funds, it would pay them back their clean up expenses with that additional tax revenue that was generated due to the property being redeveloped ~~would not have been coming to the City unless this property was redeveloped.~~"

MOTION: Motion by DeWeese, seconded by Nickita:
To approve the City Commission minutes of April 25, 2016 as amended.

VOTE: Yeas, 7
Nays, None
Absent, None

05-153-16 LITTLE FREE LIBRARY PROGRAM

DPS Director Wood presented the owl box which will be located in the parks to be used for the little free library program. Commissioner Bordman explained that it will be stocked with children's books and suggested that future little libraries should ~~it~~ be expanded for adult books.

MOTION: Motion by Bordman, seconded by DeWeese:
To approve the Little Free Library program "Book Box" designs and locations of Barnum Park, Booth Park, Kenning Park and Pembroke Park including the registration of each Little Free Library with the Little Free Library Organization upon installation. Further, treating Barnum Park as the first trial location and adding the other locations of Booth Park, Kenning Park and Pembroke Park based on the success of the first installation. In addition, pursuing donation opportunities for the other designated locations in advance of future installations.

VOTE: Yeas, 7

Nays, None
Absent, None

05-154-16 HISTORICAL MUSEUM & PARK BELL PROJECT

In response to a comment by Mayor Hoff, City Manager Valentine presented the diagram showing the design of the bell concept. He noted that the bell will be located between the Allen House and Hunter House and that there will be a campaign to secure a brick on the ground for recognition purposes as a fundraising opportunity.

MOTION: Motion by DeWeese, seconded by Boutros:

To approve the agreement with Holsbeke Construction, Inc. in the amount not to exceed \$55,000.00 to complete the Historical Museum & Park Bell Project located at 556 W. Maple, Birmingham, MI 48009; further charging this expenditure to account #101-804.002-981.0100; further approving the appropriation and amendment to the 2015- 2016 General Fund budget as follows:

General Fund		
Revenues:		
Contribution from Private Source	101-000.000-676.0001	\$45,000
Total Revenue		\$45,000
Expenditures:		
Allen House – Public Improvement	101-804.002-981.0100	\$55,000
Hunter House –		
Other Contractual Services		
	101-804.001-811.0000	(10,000)
Total Expenditures		\$45,000

and further, directing the Mayor and City Clerk to sign the agreement on behalf of the City.

VOTE: Yeas, 7
Nays, None
Absent, None

05-155-16 REIMBURSEMENT REQUEST FOR THE OAKLAND COUNTY WEST NILE VIRUS FUND PROGRAM

Commissioner Bordman questioned if this would kill the zika mosquitos too. Ms. Wood will research this and send the response to the City Manager for the Commission.

Commissioner Bordman cautioned residents against having standing water in their yards as it is a breeding ground for mosquitos.

MOTION: Motion by Bordman, seconded by Nickita:

To approving reimbursement for the maximum allotment of \$4,298.44 for eligible mosquito control activity under the Oakland County's West Nile Virus Fund Program:

WHEREAS, upon recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages and townships in addressing mosquito control activities; and

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages and townships to apply for reimbursement of eligible expenses incurred in connection with

personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

WHEREAS, the City of Birmingham, Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW THEREFORE BE IT RESOLVED that the Birmingham City Commission authorizes and directs its Director of Public Services, as agent for the City of Birmingham, in the manner and to the extent provided under Oakland County Board of Commissioners, to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

VOTE: Yeas, 7
 Nays, None
 Absent, None

VIII. COMMUNICATIONS

05-156-16 COMMUNICATIONS

The Commission received a letter from Patricia Beach, resident of Beverly Hills, regarding handicap parking.

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

X. REPORTS

05-157-16 COMMISSIONER REPORTS

The Commission intends to appoint members to the Board of Ethics, Historic District Study Committee, and Birmingham Shopping District Board on June 6, 2016.

05-158-16 CITY STAFF REPORTS

The Commission received the Hamilton Ave. & Park St. Intersection STOP Sign Study submitted by City Engineer O'Meara.

The Commission received the Shain Park Furniture update submitted by DPS Director Wood.

The Commission recessed to closed session at 10:44 PM
The Commission reconvened in open session at 11:30 PM.

XI. ADJOURN

The meeting adjourned at 11:30 PM.

Laura M. Pierce
City Clerk