

REVISED
BIRMINGHAM CITY COMMISSION AGENDA
APRIL 13, 2017
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mark Nickita, Mayor

II. ROLL CALL

Cherilynn Brown, City Clerk

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

Announcements:

Appointments:

- A. Interviews for Brownfield Redevelopment Authority.
 - 1. Robert Runco
 - 2. Beth Gotthelf
- B. To appoint _____ to the Brownfield Redevelopment Authority to serve a three-year term to expire May 23, 2020.
- C. To appoint _____ to the Brownfield Redevelopment Authority to serve a three-year term to expire May 23, 2020.
- D. Interviews for Board of Building Trades Appeals.
 - 1. Benjamin Stahelin
 - 2. Dennis Mando
- E. To appoint _____ to the Board of Building Trades Appeals to serve a three-year term to expire May 23, 2020.
- F. To appoint _____ to the Board of Building Trades Appeals to serve a three-year term to expire May 23, 2020.
- G. Interviews for Housing Board of Appeals.
 - 1. Chris McLogan
 - 2. David Frank
- H. To appoint _____ to the Housing Board of Appeals to serve a three-year term to expire May 4, 2020.
- I. To appoint _____ to the Housing Board of Appeals to serve a three-year term to expire May 4, 2020.

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.

- A. Approval of City Commission minutes of March 27, 2017.

- B. Approval of warrant list, including Automated Clearing House payments, dated March 29, 2017 in the amount of \$393,256.29.
- C. Approval of warrant list, including Automated Clearing House payments, dated April 5, 2017 in the amount of \$342,587.68.
- D. Resolution authorizing the 2017 Sidewalk Repair Program, and directing the Engineering Department to notify the owners of subject of the City's intention to replace sidewalks adjacent to their properties.
- E. Resolution approving the 2017 Michigan Medical Marijuana Operation and Oversight Grant Sub recipient Agreement between the City of Birmingham and Oakland County and authorizing the Mayor and City Manager to sign the agreement on behalf of the City.
- F. Resolution approving the Program Year 2017 High Intensity Drug Trafficking Area (HIDTA) Sub recipient Agreement between the County of Oakland and the City of Birmingham and authorizing the Mayor and City Manager to sign the agreement on behalf of the City.
- G. Resolution approving the purchase of the larvicide material from Clarke Mosquito Control in the amount not to exceed \$8,109.40, waiving the normal bidding requirements based on the government regulated pricing for this type of material, charged to account number 590-536.002-729.0000.
- H. Resolution awarding the Parks and City Property Lawn and Landscape Services Contract to Progressive Irrigation, Inc. DBA Pro Turf Management Lawn for a four (4) year Agreement in the amount of \$541,320.00 plus amounts for ordinance enforcement and fertilization/weed control services, charged to account numbers 203-449.003-937.0400, 202-449.003-937.0400, 101-751.000-811.0000, 101-441.003-811.0000, and 591-537.002-811.0000, and authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.
- I. Resolution approving the purchase and planting of 106 trees from KLM Landscape for the 2017 spring tree purchase and planting project for a total project cost not to exceed \$32,550.00, charged to account numbers 203-449.005-819.0000, 202-449.005-819.0000, 203-449.005-729.0000 and 202-449.005-729.0000, and authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.
- J. Resolution awarding the Springdale Pavilion New Concrete Floor Contract to Luigi Ferdinandi & Son Cement Co. in an amount not to exceed \$57,900.00, charged to account number 401-751.001-981.0100 and authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

- A. Public Hearing to consider an amendment to the Special Land Use Permit and Final Site Plan at 250 N. Old Woodward – Emagine Palladium/Four Story Burger.
 - 1. To approve the Special Land Use Permit Amendment and Final Site Plan Review for 250 N. Old Woodward, Emagine Palladium Theatre and Ironwood Grill restaurant to allow the establishment to change their name to Emagine Palladium Theatre and Four Story Burger.
- B. Public Hearing to consider termination of Special Land Use Permit at 250 N. Old Woodward – Emagine Palladium/Ironwood Grill.

1. Resolution terminating the Special Land Use Permit at 250 N. Old Woodward, Emagine Palladium Theatre and Ironwood Grill restaurant for failure to comply with the terms of the SLUP.

OR

No action at this time.

- C. Resolution approving a request from Temple Beth El to hold Havdalah in the Park in Shain Park, on June 17, 2017 and on July 22, 2017 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.
- D. Resolution denying a request from Darakjian Jewelers to hold High Octane on Willits Street between N. Bates St. and N. Old Woodward Ave. on June 25, July 16, August 20, September 17, and October 8, 2017 based on objections to the closing of Willits Street from the Fire Department, Police Department, and Engineering.

OR

- Resolution approving a request from Darakjian Jewelers to hold High Octane on Willits Street between N. Bates St. and N. Old Woodward Ave. on June 25, July 16, August 20, September 17, and October 8, 2017 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 authorizing the sidewalk and crosswalk improvements at the Maple Rd. & S. Eton Rd. intersection, as recommended by the Multi-Modal Transportation Board, and directing staff to include this work as a part of the 2017 Concrete Sidewalk Replacement Program, Contract #2-17(SW).
 - F. Ordinance amending Part II of the City Code, Chapter 74, Offenses, Article IV, Offenses against Property to include the following eight new ordinances and authorizing the Mayor and the City Clerk to sign the ordinance amendments on behalf of the City:
 1. Section 74-101: Illegal Use of State Personal Identification Card and Section 74-101(A) – Penalty for Violation of Section 74-101; and
 2. Section 74-102: Definitions; and
 3. Section 74-103: Stealing, Taking Title, or Removing Financial Transaction Device; Possession of Fraudulent or Altered Financial Transaction Device and Section 74-103(A) – Penalty for Violation of Section 74-103; and
 4. Section 74-104: Use of Revoked or Cancelled Financial Transaction Device with Intent to Defraud and Section 74-104(A) – Penalty for Violation of Section 74-104; and
 5. Section 74-105: Sales to or Services Performed for Violator and Section 74-105(A) – Penalty for Violation of Section 74-105; and
 6. Section 74-106: Causing Device Holder to be Charged or Overcharged and Section 74-106(A) – Penalty for Violation of Section 74-106; and
 7. Section 74-107: False Statement of Identity for Purpose of Procuring Issuance of Financial Transaction Device and Section 74-107(A) – Penalty for Violation of Section 74-107; and
 8. Section 74-108: Fraudulent Use of Financial Transaction Device to Withdraw or Transfer Funds in Violation of Contractual Limitations and Section 74-108(A) – Penalty for Violation of Section 74-108.
 - G. Ordinance amending Part II of the City Code, Chapter 74 Offenses, Article IV. Offenses Against Property, Division 2 – Theft, Section 74-99 – Defrauding of hotel, motel, inn,

restaurant, café and boarding house, to include parking lots and parking structures with the addition of subsection (2) and Authorizing the Mayor and City Clerk to sign the ordinance on behalf of the city.

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

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

X. REPORTS

- A. Commissioner Reports
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
- F. Staff Report – Paul O'Meara

XI. RECESS

- A. Resolution to recess the meeting and reconvene immediately outdoors by the easterly most streetlight on the north side of E. Lincoln Street, near the intersection with S. Eton Street (the closest building address is Armstrong White Advertising Agency, 2125 E. Lincoln Street, Birmingham MI 48009).
- B. Resolution approving the use of the GlasWerks Flat LED2 Hallbrook fixture by Holophane as the new street light standard in the Rail District.

The City Commission meeting will adjourn from this location.

XII. ADJOURN

INFORMATION ONLY

NOTICE: Individuals requiring accommodations, such as mobility, visual, hearing, interpreter or other assistance, for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice), or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.

Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al [\(248\) 530-1880](tel:248-530-1880) por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).