

**BIRMINGHAM CITY COMMISSION AGENDA**  
**MAY 14, 2018**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Andrew M. Harris, Mayor

**II. ROLL CALL**

J. Cherilynn Mynsberge, City Clerk

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

***Announcements:***

- The Celebrate Birmingham Parade and Party will be held Sunday, May 20<sup>th</sup>. The parade starts at 1:00 p.m., rain or shine, at the corner of S. Old Woodward and Frank and continue to Brown, Pierce, Martin, and Bates. The parade will be immediately followed by the Party in Shain Park with entertainment, games, food and fun for the entire family.
- Presentation of Birmingham Museum Artifacts

***Appointments:***

- A. Interviews for the Board of Building Trades Appeals
  1. David Force
  2. Bradley Klein
  3. Ronald White
- B. Appointments to the Board of Building Trades Appeals
  1. To appoint \_\_\_\_\_ to the Board of Building Trades Appeals as a regular member to serve a three-year term to expire May 23, 2021.
  2. To appoint \_\_\_\_\_ to the Board of Building Trades Appeals as a regular member to serve a three-year term to expire May 23, 2021.
  3. To appoint \_\_\_\_\_ to the Board of Building Trades Appeals as a regular member to serve the remainder of a three-year term to expire May 23, 2019.
- C. Interview for Brownfield Redevelopment Authority
  1. Wendy Zabriskie
- D. Appointment to Brownfield Redevelopment Authority
  1. To concur in the Mayor's appointment of \_\_\_\_\_ to the Brownfield Redevelopment Authority as a regular member to serve a three-year term to expire May 23, 2021.
- E. Interviews for Multi-Modal Transportation Board
  1. Doug White
- F. Appointments to Multi-Modal Transportation Board

1. To appoint \_\_\_\_\_ to the Multi-Modal Transportation Board as an alternate member to serve the remainder of a three-year term to expire October 27, 2019.
  2. To appoint \_\_\_\_\_ to the Multi-Modal Transportation Board as a regular member to serve a three-year term to expire March 24, 2021.
- G. Interviews for Planning Board
1. Jason Emerine
- H. Appointment to Planning Board
1. To appoint \_\_\_\_\_ to the Planning Board as an alternate member to serve the remainder of a three-year term to expire November 2, 2020.
- I. Interview for Cablecasting Board
1. George Abraham
- J. Appointment to Cablecasting Board
1. To appoint \_\_\_\_\_ to the Cablecasting Board as a regular member to serve the remainder of a three-year term to expire March 30, 2021.
- K. Administration of Oath of Office to Appointees

#### **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. Resolution approving the City Commission meeting minutes of April 23, 2018.
- B. Resolution approving the City Commission budget hearing minutes of April 28, 2018.
- C. Resolution approving the City Commission special meeting minutes of April 28, 2018.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated April 25, 2018 in the amount of \$562,763.31 .
- E. Resolution approving the warrant list, including Automated Clearing House payments, dated May 2, 2018 in the amount of \$539,780.51.
- F. Resolution approving the warrant list, including Automated Clearing House payments, dated May 9, 2018 in the amount of \$781,428.52.
- G. Resolution accepting the resignation of Michael Surnow from the Multi-Modal Transportation Board as a Regular Member, thanking him for his service, and directing the City Clerk to begin the process of filling the vacancy.
- H. Resolution accepting the resignation of Cheryl Daskas from the Birmingham Shopping District Board, thanking her for her service, and directing the City Clerk to begin the process of filling the vacancy.
- I. Resolution accepting the resignation of Rachel A. Woods from the Birmingham Shopping District Board, thanking her for her service, and directing the City Clerk to begin the process of filling the vacancy.
- J. Resolution approving the attached Resolution requesting reimbursement for the maximum allotment of \$2,648.39 for eligible mosquito control activity under the Oakland County's West Nile Virus Fund Program.

- K. Resolution approving the purchase of uniforms with Contractors Clothing Company for the total amount not to exceed \$9,000 for fiscal year 2018-2019. Funds are available for this in the Public Services - Uniform Allowance account # 101-441.002-743.0000.
- L. Resolution setting Monday, June 4, 2018 at 7:30 PM for a public hearing to consider a Special Land Use Permit Amendment for 209 Hamilton Row/250 N Old Woodward – Emagine Palladium, to allow for the renovation and installation of a 35 seat private viewing theater.
- M. Resolution setting Monday, June 4, 2018 at 7:30 PM for a public hearing to consider the proposed lot combination of 736 & 760 Pleasant.
- N. Resolution awarding the 2018 Sidewalk Trip Hazard Elimination Program, Contract #6-18(SW) to Precision Concrete, Inc., in the amount of \$48,000.00, to be charged to the Sidewalk Fund, account number 101-444.001-981.0100, contingent upon execution of the agreement and meeting all insurance requirements. Further, approving an amendment to the 2017-18 Fiscal Year Budget as follows:  
Sidewalk Fund
 

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| Revenues:                     |                       |          |
| Draw from Fund Balance        | #101-000.000-400.0000 | \$48,000 |
| Total Revenue Adjustments     |                       | \$48,000 |
| Expenditures:                 |                       |          |
| Public Improvements           | #101-444.001-981.0100 | \$48,000 |
| Total Expenditure Adjustments |                       | \$48,000 |
- O. Resolution authorizing the purchase of the one model #D6626-1 bus shelter from account 401-901.020-971.0100 in the amount of \$21,927 from Enseicom, and further, waiving the normal bidding requirements as Enseicom is a sole source vendor for this product.
- P. Resolution awarding the contract for the Native Wet Meadow Planting Project to Cardno, Inc. in the amount not to exceed \$16,720.00. Funds are available in the Parks - Other Contractual Services account, #101-751.000-811.0000 for this project. Further, authorizing the Mayor and Clerk to sign the agreement on behalf of the City upon the receipt of required insurances.

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| <b>V. UNFINISHED BUSINESS</b> |
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| <b>VI. NEW BUSINESS</b> |
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- A. Public Hearing to consider necessity for improvement – 2018 Cape Seal project-Public Street Improvement
  - 1. Resolution determining necessity for the improvement to be known as 2018 Cape Seal Program-Public Street Improvement; further, approving the cost estimates submitted by the Department of Public Services; further, creating a special assessment district and special assessments levied in accordance with benefits against the subject properties; further that the following method of assessment be adopted: 85% of front-foot costs for improvement are assessed on all property fronting the improvement; 25% of side-foot costs for improvement are assessed on all residential property siding the improvement;

85% of side-foot costs for improvement are assessed on improved business property siding the improvement and; 25% of side-foot costs for improvement are assessed on vacant business property siding on the improvement; further, directing the City Manager to prepare the special assessment roll and present the same to the City Commission for confirmation at the public hearing on Monday, June 4, 2018 at 7:30 p.m.

- B. Public Hearing to consider the Special Land Use Permit & Final Site Plan Review-260 N. Old Woodward-The Morrie (complete Resolution in agenda packet)
  - 1. Resolution approving the Special Land Use Permit & Final Site Plan Review for 260 N. Old Woodward – The Morrie, to allow the operation of a restaurant, serving alcoholic liquors, and providing live entertainment.
  
- C. Public Hearing to consider Zoning Ordinance amendments to Bistro Ordinance
  - 1. Resolution approving the following amendments to the Zoning Ordinance as recommended by the Planning Board on April 11, 2018:
    - 1. Article 3, Section 3.04(C)(10), Specific Standards, Building Use, amending the regulations for a bistro in the Downtown Overlay District.
    - 2. Article 5, Section 5.06(A), O1 – Office District, Specific Standards, Building Use, amending the regulations for a bistro in the O1 District.
    - 3. Article 5, Section 5.07(A), O2 – Office Commercial District, Specific Standards, Building Use, amending the regulations for a bistro in the O2 District.
    - 4. Article 5, Section 5.08(A), P – Parking District, Specific Standards, Building Use, amending the regulations for a bistro in the P District.
    - 5. Article 5, Section 5.10(B), B2 – General Business district, B2B – General Business District, B2C – General Business District, Specific Standards, Building Use, amending the regulations for a bistro in the B2B District.
    - 6. Article 5, Section 5.11(A), B3 – Office-Residential District, Specific Standards, Building Use, amending the regulations for a bistro in the B3 District.
    - 7. Article 5, Section 5.12(B), B4 – Business-Residential District, Specific Standards, Building Use, amending the regulations for a bistro in the B4 District.
    - 8. Article 5, Section 5.13, MX(C) – (M) – Mixed Use District, Specific Standards, Building Use, adding regulations for a bistro in the MX District and renumber regulations following (C).
    - 9. Article 9, Section 9.02, Definitions, to amend the existing definition of bistro.
  
- D. Public Hearing to consider ordinance amendments to allow hotel liquor licenses in B-4 Zoning District
  - 1. Resolution amending Chapter 10, Alcoholic Liquors, Article II, Division 5, to allow hotels in Downtown Birmingham to qualify to operate with liquor licenses, similar to theaters;
  - AND**
  - 2. Resolution amending Chapter 126, Zoning, Article 2, section 2.37, B-4 Business Residential, to allow the sale of liquor in hotels in the B-4 zoning district with a valid Special Land Use Permit.

**OR**

3. Resolution taking no action at this time.
- E. Resolution approving a request submitted by Birmingham First United Methodist Church requesting permission to hold a contemporary worship service with a live band and message on Sunday, July 15, 2018 in the Shain Park pavilion and lawn area, 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 establishing an Ad Hoc Master Plan Selection Committee for the duration of the consultant selection process to review all Master plan RFP submittals and make a recommendation to the City Commission, with the following members:
- Three (3) Planning Board members
  - Two (2) City residents
  - One (1) Multi-Modal Transportation Board member
  - One (1) Advisory Parking Committee member
  - One (1) Parks and Recreation Board member
  - One (1) Design Review Board/Historic District Commission member

**OR**

Resolution directing the Planning Board to review all Master Plan RFP submittals and make a recommendation to the City Commission.

- G. Resolution approving the installation of 9 U Rack embedded bike racks and the purchase and installation of 8 Loop embedded bike racks as outlined on the attached chart and map of Phase 4 of the City's Bicycle Parking Plan, for a total cost of \$3240 from account #721.000-825.0000;

**AND**

Resolution approving the following as the City-wide standard bicycle maintenance station components:

1. Fixit bicycle maintenance station with a Hunter Green powder coat finish;
2. Air Kit 2 public bike pump with a Hunter Green powder coat finish; and
3. Dero Bicycle Repair signs;

**AND**

Resolution approving the purchase and installation of four bicycle repair stations, including four fixit stations (\$2808), four air pumps (\$1624), and four Dero Bicycle Repair signs (\$128) at the locations noted in Booth Park, Quarton Lake Park, Shain Park, and Kenning Park, for a total expenditure of \$4,819.50 from account #721.000-825.0000.

- H. Resolution accepting the bid from Johnson Sign Co. and authorizing the allocation of \$7,800.00 from account #101-721.000-825.0100 for the purpose of the fabrication and installation of via wayfinding signs.
- I. Resolution approving the recommendations of the Public Arts Board and Parks and Recreation Board to accept a 5-year loan of Eastern Hophornbeam, by Robert Lobe, and approving the proposed located at Booth Park;

**AND**

Resolution approving the Access and Maintenance Agreement with Robert Lobe and further directing the Mayor and City Clerk to sign the agreement on behalf of the City;

**OR**

Resolution postponing approval of Eastern Hophornbeam until a suitable location has been identified;

**OR**

Resolution recommending denial of the proposed loan of Eastern Hophornbeam by Robert Lobe.

**VII. REMOVED FROM CONSENT AGENDA**

**VIII. COMMUNICATIONS**

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

**X. REPORTS**

- A. Commissioner Reports
  - 1. Notice of Intention to appoint one regular member to the Board of Ethics on June 4, 2018.
  - 2. Notice of Intention to appoint three regular members to the Greenwood Cemetery Advisory Board on June 4, 2018.
  - 3. Notice of Intention to appoint the alternate Hearing Officer on June 4, 2018.
  - 4. Notice of Intention to appoint four regular members to the Historic District Study Committee on June 4, 2018.
  - 5. Notice of Intention to appoint two regular members to the Museum Board on June 4, 2018.
  - 6. Notice of Intention to appoint one regular member to the Multi-Modal Transportation Board on June 4, 2018.
  - 7. Notice of Intention to interview for two positions on the Birmingham Shopping District Board on June 4, 2018.
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. Parking Utilization Report, submitted by Assistant City Manager Gunter.

**XI. 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).*