

BIRMINGHAM CITY COMMISSION AGENDA
JUNE 9, 2014
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Scott D. Moore, Mayor

II. ROLL CALL

Laura M. Pierce, City Clerk

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

Announcements:

- The City Commission / Planning Board workshop session will be held on Monday, June 16th at 7:30 PM at the DPS Facility, 851 South Eton.
- The Battle of the Bands will be held on Friday, June 13th in Shain Park at 7:00 PM.
- The In the Park Concert Series will begin on Wednesday, June 18th at 7:00 PM.
- The Family Movie Night, featuring "Frozen", will be held on Friday, June 20th in Booth Park at 7:30 PM. The movie will begin at dusk.

Appointments:

- A. Interviews for appointment to the Board of Ethics.
 - 1. Sophie Fierro-Share, 1040 Gordon Lane
- B. To appoint _____ to serve a three-year term on the Board of Ethics to expire June 30, 2017.
- C. Interviews for appointment to the Brownfield Redevelopment Authority.
 - 1. Robert Runco, 1556 Lakeside
- D. To concur in the Mayor's appointment of _____ to the City of Birmingham Brownfield Redevelopment Authority to serve a three-year term to expire May 23, 2017.
- E. Interviews for appointment to the Housing Board of Appeals.
 - 1. Frank Carnovale, 462 Steeple Chase, Bloomfield Hills
 - 2. Brian Blaesing, 2444 Polo Place
 - 3. David Frink, 5277 Coulter Lake, Clarkston
- F. To appoint _____ to serve a three-year term on the Housing Board of Appeals to expire May 4, 2017.
- G. To appoint _____ to serve a three-year term on the Housing Board of Appeals to expire May 4, 2017.
- H. To appoint _____ to serve a three-year term on the Housing Board of Appeals to expire May 4, 2017.
- I. Interviews for appointment to the Building Trades Appeals.
 - 1. Douglas Leahy, 783 Robinhood Circle, Bloomfield Hills
 - 2. Richard Wiand, 630 Waddington, Bloomfield Village
 - 3. Dennis Mando, 2225 Ironwood, Clarkston
- J. To appoint _____ to serve a three-year term on the Board of Building Trades Appeals to expire May 23, 2017.

- K. To appoint _____ to serve a three-year term on the Board of Building Trades Appeals to expire May 23, 2017.
- L. To appoint _____ to serve a three-year term on the Board of Building Trades Appeals to expire May 23, 2016.
- M. Administration of oath to the appointment board members.

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 May 19, 2014.
- B. Approval of warrant list, including Automated Clearing House payments, of May 21, 2014 in the amount of \$698,857.43.
- C. Approval of warrant list, including Automated Clearing House payments, of May 28, 2014 in the amount of \$347,296.81.
- D. Approval of warrant list, including Automated Clearing House payments, of June 4, 2014 in the amount of \$1,163,909.52.
- E. Resolution accepting the resignation of Patricia Bordman from the Multi-Modal Transportation Board, thanking Ms. Bordman for her service, and directing the Clerk to begin the process to fill the vacancy.
- F. Resolution appointing Lauren Wood as the City representative and Joseph Valentine as the alternate representative to the Board of Trustees of the Southeastern Oakland County Resource Recovery Authority for the fiscal year beginning July 1, 2014.
- G. 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, 2014.
- H. Resolution waiving the formal bidding requirements and approve the purchase of repairs to vehicle #30 from Southeastern Equipment Company in the amount not to exceed \$9,757.47. Funds for this repair are available in the Auto Equipment Fund, account #641.441.006-971.0100.
- I. Resolution recommending Oakland County amend the Oakland County Solid Waste Management Plan; including the insertion of an additional clause requesting that the County completely update the solid waste plan. (complete resolution in agenda packet)
- J. Resolution setting a Public Hearing of Necessity for the 2014 Cape Seal Program on Monday, July 14, 2014 at 7:30 PM and a Public Hearing of Confirmation of the Roll on Monday, July 28, 2014 at 7:30 PM.

- and -

Resolution approving the 2014 Cape Seal bid from Highway Maintenance & Construction Co. for a total expenditure not to exceed \$175,000.00 contingent on the results of the Public Hearing of Necessity and the Public Hearing of the Confirmation of the Roll. Further, authorizing the Mayor and Clerk to sign the agreement on behalf of the City upon receipt of proper insurances. Funds for this purchase are available in the Major and Local Streets Fund 202/203-449.003-937.0400.

- K. Resolution opting into Oakland County's Urban County Community Development Block Grant (CDBG) programs for the years 2015, 2016 and 2017. Furthermore, resolving to remain in Oakland County's Urban County Community Development programs, which shall be automatically renewed in successive three-year qualification periods of time, or

until such time that it is in the best interest of the City to terminate the Cooperative Agreement. Further approving the Cooperative Agreement and authorizing the mayor to sign the agreement on behalf of the City.

- L. Resolution approving the appropriations and amendments to the fiscal year 2013-2014 budget as submitted. (complete resolution in agenda packet)
- M. Resolution approving the agreement with Saber Window Cleaning DBA Transparent Window Cleaning in the amount not to exceed \$ 41,160.00 to perform window cleaning services to the City of Birmingham Facilities and charge these services to the respective department accounts; and further authorizing the mayor to sign the agreement on behalf of the City.
- N. Resolution authorizing the chief of police to sign the MLCC Police Investigation Report (LC-1800) and approving the liquor license request of Tea Parlor, Inc. that requests a New Class C License to be issued under MCL 436.1521(A) (1) (B) & SDM License with Outdoor Service (1 Area) to be located at 185 N. Old Woodward, Birmingham, MI 48009, Oakland County. Furthermore, pursuant to Birmingham City Ordinance, authorizing the city clerk to complete the Local Approval Notice at the request of Tea Parlor, Inc. approving the liquor license request of Tea Parlor, Inc. that requested a New Class C License to be issued under MCL 436.1521(A) (1) (B) & SDM License with Outdoor Service (1 Area) to be located at 185 N. Old Woodward, Birmingham, MI 48009, Oakland County.
- O. Resolution setting a public hearing date for July 14, 2014 to consider the Final Site Plan & Special Land Use Permit Amendment at 203 Pierce – Toast Birmingham to add an outdoor dining platform.
- P. Resolution setting a public hearing date for July 14, 2014 to consider an amendment to the zoning ordinance, Chapter 126, Zoning, Article 2, Development Standards, Section 2.39 MX (Mixed Use) to add Medical Marijuana, enclosed, locked facilities as a permitted use with a Special Land Use Permit in the MX zone district.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

- A. Public Hearing of Necessity for the Clark Street Paving Project.
 - 1. Resolution declaring necessity for the replacement of sewer laterals within the Clark Street Paving Project Area. The Public Hearing of Confirmation will be held on June 23, 2014. (complete resolution in agenda packet)
- B. Public Hearing to consider amendments to Chapter 126, Zoning, Article 03, Overlay District of the Code of The City of Birmingham to add sections 3.17-3.24, Zoning Transition Overlay and to amend Article 09, Definitions, Section 9.02, to add Definitions.
 - 1. Ordinance amending Chapter 126 Zoning, Article 03 Overlay District of the Code of the City of Birmingham to add Sections 3.17 – 3.24, Zoning Transition Overlay.
 - 2. Ordinance amending Chapter 126 Zoning, Article 09, Definitions, Section 9.02, of the Code of the City of Birmingham to add definitions.
 - 3. Resolution to consider a proposal to add an overlay to the following transitional parcels that are adjacent to residential zones throughout the City as follows:
 - a) 300 Ferndale, 233, 247, 267 & 287 Oakland, 404, 416 & 424 Park, Birmingham, MI Rezoning from R-2 Single-Family Residential to TZ1 – Attached Single-Family.

- b) 191 N. Chester Rd. Birmingham, MI Rezoning from R-2 Single-Family Residential to TZ1 - Attached Single-Family to allow Attached Single-Family and Multi-Family Residential uses.
- c) 400 W. Maple Birmingham, MI Rezoning from O1 Office to TZ3 Mixed Use to allow Commercial and Residential uses.
- d) 115, 123, 195 W. Brown, 122, 178 E. Brown, 564, 588, Purdy Birmingham, MI Rezoning from O2 Office to TZ2 - Mixed Use to allow Commercial and Residential uses.
- g) 1221 Bowers & 1225 Bowers Birmingham, MI Rezoning from O1- Office/ P - Parking to TZ1 - Attached Single-Family to allow Attached Single-Family, Multi-Family Residential uses.
- h) 1111 & 1137 Holland; 801, 877, 999, 1035 & 1105 S. Adams Rd.; 1108, 1132 & 1140 Webster; 1137 & 1143 Cole St.; 1101 & 1120 E. Lincoln. Birmingham, MI Rezoning from O2 Office to TZ2 - Mixed Use to allow Commercial and Residential uses.
- i) 500, 522 & 576 E. Lincoln; 1148 & 1160 Grant; 1193 Floyd Birmingham, MI Rezoning from B-1 Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses.
- j) 36801, 36823 & 36877 Woodward, Birmingham MI Rezoning from O1- Office & P-Parking to TZ3 - Mixed Use to allow Commercial and Residential uses.
- k) 1775, 1803, 1915, 1971, 1999, 2055, 2075 & 2151 Fourteen Mile Rd. Birmingham, MI Rezoning from O1- Office to TZ2 - Mixed Use to allow Commercial and Residential uses.
- l) 100, 124, 130 & 152, W. Fourteen Mile Rd. & 101 E. Fourteen Mile Rd. Birmingham, MI Rezoning from B1-Neighborhood Business, P-Parking, R5-Multi-Family Residential to TZ2 - Mixed Use to allow Commercial and Residential uses.
- m) 880 W. Fourteen Mile Rd., 1875, 1890 & 1950 Southfield Rd. Birmingham, MI Rezoning from B1-Neighborhood Business, O1-Office to TZ2 - Mixed Use.
- n) 1712, 1728, 1732, 1740, 1744, 1794 & 1821 W. Maple Rd. Birmingham, MI Rezoning from B1-Neighborhood Business, P-Parking, O1-Office to TZ2 - Mixed Use to allow Commercial and Residential uses.
- o) 2483 W. Maple Rd. Birmingham MI Rezoning from B1-Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses
- p) 151 N. Eton, Birmingham MI Rezoning from B-1 Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses.
- q) 412 & 420 E. Frank, Birmingham MI Rezoning from B1-Neighborhood Business, B2B-General Business, R3-Single-Family Residential to TZ1 – Attached Single-Family Residential to allow Attached Single-Family and Multi-Family Residential uses.

C. Resolution to meet in closed session to discuss labor relations in accordance with Section 8(c) of the Open Meetings Act.

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

(A roll call vote is required and the vote must be approved by a 2/3 majority of the commission. The commission will adjourn to closed session after all other business has been addressed in open session and reconvene to open session, after the closed session, for

purposes of taking formal action resulting from the closed session and for purposes of adjourning the meeting.)

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

- A. Residents on Park and Oakland regarding transitional rezoning from R-2 to TZ1
- B. Alice Thimm regarding transitional zoning
- C. James Partridge regarding transitional zoning

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

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of Intention to appoint to the Retirement Board, Museum Board, and Multimodal Transportation Board on July 14, 2014.
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. Lincoln Ave Reconstruction Option – Southfield to Woodward, submitted by City Engineer O'Meara

XI. ADJOURN

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 por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).

INFORMATION ONLY