

BIRMINGHAM CITY COMMISSION AGENDA
JUNE 29, 2015
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Stuart Lee Sherman, 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 annual fireworks display will be held on Friday, July 3rd at Lincoln Hills Golf Course. The gates will open at 7:00 PM. The fireworks will begin at dusk, approximately 10:00PM. Rain date is Sunday, July 5th.
- City Offices will be closed on Friday, July 3rd in observance of Independence Day.

Appointments:

- A. Interviews for appointment to the Ad Hoc Parking Development Committee.
 - 1. Judith Paskiewicz, 560 Woodland (unable to attend)
- B. To concur in the appointment of Judith Paskiewicz, 560 Woodland, as the Advisory Parking Committee member on the Ad Hoc Parking Development Committee.

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 June 1, 2015.
- B. Approval of warrant list, including Automated Clearing House payments, of June 3, 2015 in the amount of \$728,568.08.
- C. Approval of warrant list, including Automated Clearing House payments, of June 10, 2015 in the amount of \$661,690.75.
- D. Approval of warrant list, including Automated Clearing House payments, of June 17, 2015 in the amount of \$2,006,071.19.
- E. Approval of warrant list, including Automated Clearing House payments, of June 24, 2015 in the amount of \$715,281.90.
- F. Resolution setting July 27, 2015 as the public hearing date for the reprogramming of program year 2013 Community Development Block Grant (CDBG) funds.
- G. Resolution setting a Public Hearing for July 27, 2015 to consider the proposed Lot rearrangement of 1173 Latham, Parcel #1935427003. (complete resolution in agenda packet)

- H. Resolution approving a request submitted by the Birmingham Jewish Connection to display a Menorah in Shain Park from December 6 - 14, 2015 and to hold a lighting ceremony on December 10, 2015, 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.
- I. Resolution approving a request submitted by the Public Arts Board to hold the 2015 Birmingham in Stitches from September 19th – 28th, with an extension until October 11th based on the condition of the yarn, 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.
- J. Resolution approving the purchase of one (1) new 2015 GMC Sierra 1500 4WD pickup truck from Red Holman Pontiac GMC, using Oakland County Cooperative bid pricing for a total expenditure of \$24,825.00. Funds for this purchase are available in the Auto Equipment Fund, account #641.441.006-971.0100.
- K. Resolution approving the purchase of two (2) new 2016 Ford Fusion SE's from Signature Ford Lincoln, using the State of Michigan MiDeal Cooperative Contract #071B1300009 for a total expenditure of \$45,527.00. Funds for this purchase are available in the Auto Equipment Fund, account #641.441.006-971.0100.
- L. Resolution approving the purchase of one (1) new 2016 Freightliner Tandem Axle 64,000 pound GVW chassis from Wolverine Freightliner Eastside, using Rochester Hills Municipal Cooperative contract pricing for \$104,521.00. Further approving the purchase of an underbody snow scraper, front plow, Henderson salt spreader and anti-ice system, 2 contractor grade 14' dumpsters, platform body, dump body and Stellar Hooklift system from Knapheide Truck Equipment utilizing National Joint Powers Alliance and sole source vendor pricing for \$162,339.00. The total expenditure for this vehicle and options is \$266,860.00. Funds for this purchase are available in the Auto Equipment Fund, account #641.441.006-971.0100.
- M. Resolution accepting the resignation of Julie Gheen from the Advisory Parking Committee, thanking her for her service, and directing the Clerk to begin the process to fill the vacancy.
- N. Resolution approving the purchase of 36A hot asphalt mix at \$54.00/ton, UPM cold patch (delivered) at \$115.00/ton and UPM cold patch (picked up) at \$111.00/ton from Cadillac Asphalt LLC for fiscal year 2015-2016 to be charged to account #s 202-449.003-729.0000, 203-449.003-729.0000, 590-536.002-729.0000 and 591-537.005-729.0000.
- O. Resolution engaging the consulting firm of G2 Consulting Group, Inc., to perform professional engineering services according to the attached agreement.
- P. Resolution approving the 2015-2016 outside agency contracts for Building Better Families Through Action in the amount of \$1,000, Common Ground in the amount of \$1,500, Haven in the amount of \$2,000, Birmingham Bloomfield Community Coalition in the amount of \$3,000, and Birmingham Youth Assistance in the amount of \$18,000, further authorizing and directing the Mayor and City Clerk to sign the agreements on behalf of the City.
- Q. Resolution approving the service agreement with Deaf & Hearing Impaired, Inc. in the amount of \$2,400.00 for services described in Attachment A of the agreement for fiscal year 2014-2015, account number 101-215.000-811-0000. Further, directing the Mayor and City Clerk to sign the agreement on behalf of the City.

- R. Resolution approving the service agreement with Next in the amount of \$90,810 for services described in Attachment A of the agreement for fiscal year 2015-2016, account number 101-299.000-811.0000, and further directing the Mayor and City Clerk to sign the agreement on behalf of the City.
- S. Resolution setting July 27, 2015, as the public hearing date to consider adjusting the roll within the Hamilton Alley Paving Project area. (complete resolution in agenda packet)
- T. Resolution setting July 27, 2015, as the date for the public hearing of necessity for the installation of lateral sewers within the Hamilton Alley Paving Project area. If necessity is declared, setting August 10, 2015 for the purpose of conducting a public hearing to confirm the roll for the installation of lateral sewers in the Hamilton Alley Paving Project area. (complete resolution in agenda packet)

V. UNFINISHED BUSINESS

- A. Continued Public Hearing to consider the proposed lot rearrangement at 1530 Pilgrim.
 - 1. Resolution approving the proposed lot rearrangement at 1530 Pilgrim as proposed.

OR

Resolution denying the proposed lot rearrangement at 1530 Pilgrim as proposed, based on the following conditions that adversely affect the interest of the public and of the abutting property owners: _____

VI. NEW BUSINESS

- A. Public Hearing to approve the Brownfield Plan and associated Reimbursement Agreement, 33588 Woodward – Shell Gas station (formerly Citgo) with B5 Investments, LLC.
 - 1. Resolution approving the Brownfield Plan and associated Reimbursement Agreement for 33588 Woodward, Shell Gas Station with B5 Investments, LLC. (complete Resolution in agenda packet)
- B. Public Hearing to consider the rezoning of 2100 E. Maple.
 - 1. Resolution approving rezoning the property at 2100 E. Maple in accordance with the recommendation of the Planning Board from O-1 Office to B-2 General Business.

OR

Resolution approving rezoning the property at 2100 E. Maple from O-1 Office to B-2B General Business.

OR

Resolution denying the applicant's request to rezone the property at 2100 E. Maple, and to maintain the existing O-1 Office zoning classification.
- C. Resolution approving a request submitted by Seaholm Interact Club, Seaholm Offers Support, and the Humanity Club to hold the Lung Run benefitting the American Cancer Society on September 19, 2015, 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 approving the Ground Lease between the City of Birmingham and Market Square Enterprises, LLC and authorizing the Mayor and Clerk to execute the same on behalf of the City.

- E. Resolution approving the liquor license transfer of ownership request of The Palladium of Birmingham, LLC of Three Class C Liquor Licenses held by: (1) Palladium Restaurant I, LLC, located at 270 N Old Woodward, Birmingham, MI (re-named 250 N. Old Woodward), (2) Palladium II, LLC, located at 201 Hamilton, Birmingham, MI (pursuant to obtaining a valid SLUP before occupancy) and (3) Crowley Restaurant, LLC located at 260 N. Old Woodward, Birmingham, MI to The Palladium of Birmingham, LLC. Furthermore, pursuant to Birmingham City Ordinance, authorizing the City Clerk to complete the Local Approval Notice at the request of The Palladium of Birmingham, LLC to transfer ownership of Three Class C Liquor Licenses held by: (1) Palladium Restaurant I, LLC, located at 270 N Old Woodward, Birmingham, MI (re-named 250 N. Old Woodward), (2) Palladium II, LLC, located at 201 Hamilton, Birmingham, MI (pursuant to obtaining a valid SLUP before occupancy) and (3) Crowley Restaurant, LLC located at 260 N. Old Woodward, Birmingham, MI to The Palladium of Birmingham, LLC.
- F. Resolution approving the Request to Transfer Ownership of Class C Liquor License with Specific Purpose Permit (Food & Movies), Dance Permit, Entertainment Permit, (1) New Add Bar Permit and New Sunday Sales Permit (AM and PM) from The Palladium of Birmingham, LLC to CH Birmingham, LLC, located at 250 N. Old Woodward, Birmingham, Oakland County, Michigan. Furthermore, pursuant to Birmingham City Ordinance, authorizing the City Clerk to complete the Local Approval Notice at the request of CH Birmingham, LLC, approving the Transfer Ownership of Class C Liquor License with Specific Purpose Permit (Food & Movies), Dance Permit, Entertainment Permit, (1) New Add Bar Permit and New Sunday Sales Permit (AM and PM) from The Palladium of Birmingham, LLC to CH Birmingham, LLC, located at 250 N. Old Woodward, Birmingham, Oakland County, Michigan.
- G. Resolution approving the Request to Transfer Ownership of Class C Liquor License with Official Permit (Food), Dance Permit, Entertainment Permit and Outdoor Service Area Permit from The Palladium of Birmingham, LLC (Business ID No 238855) to allow the operation of Au Cochon and Arthur Ave. Restaurants at 260 N. Old Woodward, Birmingham, Michigan, operating under one Class C Liquor License with a Direct Connect Endorsement, to be held by Bellar Birmingham Ventures, LLC; Request for a New Sunday Sales (AM and PM) Permit, a New Additional Bar Permit and (1) Outdoor Service Area on the City Sidewalk and Request to Cancel the Dance/Entertainment Permit and Official Permit (Food). Furthermore, pursuant to Birmingham City Ordinance, authorizing the City Clerk to complete the Local Approval Notice at the request of Bellar Birmingham Ventures, LLC approving the Transfer Ownership of Class C Liquor License with Official Permit (Food), Dance Permit, Entertainment Permit and Outdoor Service Area Permit from The Palladium of Birmingham, LLC (Business ID No 238855) to allow the operation of Au Cochon and Arthur Ave. Restaurants at 260 N. Old Woodward, Birmingham, Michigan, operating under one Class C Liquor License with a Direct Connect Endorsement, to be held by Bellar Birmingham Ventures, LLC; Request for a New Sunday Sales (AM and PM) Permit, a New Additional Bar Permit and (1) Outdoor Service Area on the City Sidewalk and Request to Cancel the Dance/Entertainment Permit and Official Permit (Food).
- H. Resolution approving the Request to Transfer Ownership of Class C Liquor License and SDM Liquor Licenses with Sunday Sales (PM), Catering Permit, Outdoor Service Permit and Official Permit (Food) from Bendyl, LLC (Business ID No. 205823) located at 735 Forest, Birmingham, MI., Oakland County, to Forest Grill 2, LLC and approving a membership transfer of interest from Forest Grill 2, LLC to Elm Restaurant Group, LLC.

Furthermore, pursuant to Birmingham City Ordinance, authorizing the City Clerk to complete the Local Approval Notice at the request of Forest Grill 2, LLC approving the Request to Transfer Ownership of Class C Liquor License and SDM Liquor Licenses with Sunday Sales (PM), Catering Permit, Outdoor Service Permit and Official Permit (Food) from Bendyl, LLC (Business ID No. 205823) located at 735 Forest, Birmingham, MI., Oakland County, to Forest Grill 2, LLC and approving a membership transfer of interest from Forest Grill 2, LLC to Elm Restaurant Group, LLC.

- I. Resolution confirming the City's efforts of preserving and supporting Birmingham's historic preservation activities and strengthen them through a realignment of responsibilities, with the role and duty of the HDSC as outlined in Chapter 127, Historic Preservation, to remain as a standing committee, and to perform studies of properties and structures proposed for historic designation when directed to do so by resolution of the City Commission;

AND

Ordinance amending Chapter 127, Historic Districts, section 4(b) to remove the requirement of the HDSC to establish a schedule of regular meetings;

AND

Resolution confirming the role and duty of the Museum Board as outlined in Chapter 62, Historical Preservation, to collect, preserve, catalog, and interpret materials and objects relating to Birmingham's history and making these objects and other source materials available in accordance with the Museum Strategic Plan.

- J. Resolution approving the License Agreement between the City of Birmingham and Karana Real Estate, LLC and authorizing the Mayor and Clerk to execute the same on behalf of the City.
- K. Resolution authorizing the release of the Chesterfield Fire Station Design RFP to solicit bids for the work necessary to prepare for the replacement of the Chesterfield Fire Station.
- L. Resolution amending the Greenwood Cemetery Operational Procedures, Conditions and Regulations as recommended.

AND

Resolution amending the Schedule of Fees, Charges, Bonds and Insurance, Greenwood Cemetery to add a fee for the sale of grave spaces accommodating one or two cremated remains.

AND

Resolution following the proposed schedule to sell the new grave spaces in Sections B, C, D, K, L, O and newly identified grave spaces in Sections E, G, H, and O.

- M. Resolution adopting the City of Birmingham FOIA Procedures and Guidelines and Summary of FOIA Procedures and Guidelines.

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

- A. Richard Rollins, 466 Aspen, regarding W. Maple

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

X. REPORTS

- A. Commissioner Reports

1. Notice of Intention to appoint a member to the Advisory Parking Committee and Housing Board of Appeals on July 27, 2015.
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 1. E. Maple Rd. Concrete Patching – Project Expansion, 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](tel:(248)530-1880) por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).

INFORMATION ONLY