

BIRMINGHAM CITY COMMISSION AGENDA
JULY 28, 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 Clerk's Office will be open to accept and issue absentee ballots on Saturday, August 2nd from 9:00 AM – 2:00 PM.
- The Primary Election will be held on Tuesday, August 5th. Polls will be open from 7:00 AM to 8:00 PM. Election results can be obtained at www.bhamgov.org/electionresults.

Appointments:

- A. Interviews for appointment to the Public Arts Board.
 - 1. Kara Lividini, 412 Berwyn
- B. Appoint _____ as a resident member to the Public Arts Board to serve a three-year term to expire January 28, 2017.
- C. Administration of oath to the appointed board member.

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 meeting minutes of July 14, 2014.
- B. Approval of warrant list, including Automated Clearing House payments, of July 16, 2014 in the amount of \$362,327.19.
- C. Approval of warrant list, including Automated Clearing House payments, of July 23, 2014 in the amount of \$1,139,916.97
- D. Resolution approving the purchase of 31A hot asphalt mix at \$49.00/ton from Barrett Paving Materials Inc. and UPM cold patch at \$112.00/ton from Barrett Paving Materials for fiscal year 2014-2015 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.
- E. Resolution setting a public hearing date for August 25, 2014 to consider an application for a Special Land Use Permit Amendment and Revised Final Site Plan for Triple Nickel restaurant at 555 S. Old Woodward.
- F. Resolution awarding the 2014 Asphalt Street Resurfacing Project, Contract #6-13(P), to Florence Cement Company, of Shelby Township, MI in the amount of \$484,269.95 to be charged to the following accounts:

Local Streets Fund	203-449.001-981.0100	\$ 274,698.10
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Major Streets Fund	202-449.001-981.0100	\$ 209,564.85
TOTAL		\$ 484,269.95

Further, directing the Mayor and City Clerk to sign the agreement on behalf of the City;
 Further, approving the appropriations and budget amendments as follows:

Major Street Fund

Revenues:

Draw from fund balance #202-000.000-400.0000	\$ 83,000.00
Total Revenue Adjustments	\$ 83,000.00

Expenditures:

Public Improvements #202-449.001-981.0100	\$ 83,000.00
Total Expenditure Adjustments	\$ 83,000.00

- G. Resolution confirming the expenditure of additional funds of \$23,585.84 from the respective Water, Sidewalk and Major Street Funds in order to proceed with the Road Commission for Oakland County's contract that includes concrete patching of E. Maple Rd. between Woodward Ave. and Adams Rd., based on actual bid prices to be charged as follows:

Water System Fund	591-537.004-811.0000	\$ 9,056.58
General Sidewalk Fund	101-444.001-981.0100	\$ 1,910.37
Major Street Fund	202-449.001-981.0100	\$ 12,617.89

- H. Resolution approving a request submitted by the Birmingham Bloomfield Chamber, Junior League of Birmingham, and The Community House to hold the annual Halloween Parade and Pumpkin Patch on Sunday, October 19, 2014 in downtown Birmingham, 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 First Baptist Church of Birmingham to hold the Multi-Cultural Dance & Music Celebration on October 4, 2014 in Shain Park, 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 accepting the resignation of Diane Slinger Trabucchi from the Board of Review, thanking Ms. Trabucchi for her service, and directing the Clerk to begin the process to fill the vacancy.
- K. Resolution authorizing the Mayor and City Clerk to execute the Transfer of Ownership and Indemnification Agreement for an eight year old female Dutch Shepherd from the City of Birmingham to Ulrich Schwarz.
- L. Resolution accepting the bid of R.S Contracting, Inc. for painting centerline striping in the amount of \$9,700.00 for the spring 2015 contract; further authorizing and directing the Mayor and City Clerk to sign the agreement on behalf of the city; further awarding the contract for 2014-15 pavement marking handwork to Hart Pavement Striping Corporation in the amount of \$66,400.00 for combined fall 2014 and spring 2015 paintings; further authorizing and directing the Mayor and City Clerk to sign the contract on behalf of the city; further authorizing these budgeted expenditures from account #202-303.001-937.0200.
- M. Resolution approving the temporary relocation of Precinct 9 from the Ice Arena to the Derby Middle School for the August 5, 2014 Primary Election. Further, directing the Clerk to notify, via first class mail, all registered voters in Precinct 9 of the temporary relocation.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

- A. Resolution approving the request of Bella Piatti, LLC to transfer 50% membership interest from Robert VanHelleMont to Antonino Cutraro resulting in Antonino Cutraro owning 100% of Bella Piatti, LLC. Furthermore, pursuant to Birmingham City Ordinance, authorizing the City Clerk to complete the Local Approval Notice at the request of Bella Piatti, LLC transferring a 50% membership interest from Robert VanHelleMont to Antonino Cutraro resulting in Antonino Cutraro owning 100% of Bella Piatti, LLC.
- B. Resolution approving Change Order No. 1 to the Mohegan & Kennesaw Paving Project, Contract #2-14(P), to DiPonio Contracting, of Shelby Township, MI to perform the Oxford Drive extension for the estimated amount of \$20,761.38 to be charged at the current contract unit prices and charged to the Local Streets Fund Account #203-449.001-981.0100; further approving the billing of the costs for this road improvement in the estimated amount of \$4,120 to the adjacent property owners (parcels 19-25-257-012 & 19-25-258-001). Invoices are to be paid within thirty (30) days, with 1% added per month after the due date. Unpaid invoices are transferred to the next City tax roll with additional interest and penalties.
- C. Public Hearing of Confirmation for the 2014 Capeseal Program.
 - 1. Resolution confirming Special Assessment Roll No. 861, to defray the cost of public street maintenance of all properties fronting and/or siding on the improvement within the 2014 Capeseal Program. (complete resolution in agenda packet)
- D. Suggested Resolution A: Resolution endorsing the option of a boulevard cross section on Oak Street between Chesterfield Ave. and Lakepark Dr. for further consideration by the Multi-Modal Transportation Board, to be presented to the residents along that route for further public comment before a final decision is made.

-OR-

Suggested Resolution B: Resolution endorsing the option of a crossing island on Oak Street at Lakepark Dr. for further consideration by the Multi-Modal Transportation Board, to be presented to the residents along that route for further public comment before a final decision is made.
- E. Ordinance amending Part II of the City Code Chapter 118, Vegetation, Article IX. Grass and Noxious Weeds, to Add a New Section 118-69. Fines.

-AND-

Resolution amending the Fee Schedule for the Department of Public Services to add a municipal civil infraction fine for the violation of the Grass and Noxious Weeds Section 118.66-118.68.
- F. Resolution approving the agreement between the City of Birmingham and Joseph A. Valentine for employment of the City Manager in accordance with the terms and conditions of the contract and further directing the Mayor and City Clerk to sign the agreement on behalf of the City.

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

- A. Harry Kokkinakis, 398 Golfview Blvd, regarding West Maple

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

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of intention to appoint to the Board of Review on August 11, 2014.
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. 2014 Fireworks Staff Report, submitted by Fire Chief Metz
 - 2. Fence Regulations, Section 4.11 of the Birmingham Zoning Ordinance, submitted by City Attorney Currier

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