

BIRMINGHAM CITY COMMISSION AGENDA
SEPTEMBER 21, 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 Board of Ethics will be holding an informational seminar for City Officials on Thursday, September 24, 2015. Topics will include the Open Meetings Act, Freedom of Information Act, Parliamentary Procedures, Roberts Rules of Order, and Ethics in Government. The seminar will be held in the City Commission Room (205) of the Municipal Building. The first session will be held from 4:00 PM – 5:30 PM. It will be repeated from 7:00 PM – 8:30 PM. The seminar will also be repeated on December 1st at 5:30 PM.
- The Fire Department Open House will be held on Saturday, October 10th from 1:00 PM – 4:00 PM at the Adams Fire Station. The family-friendly event offers attendees an opportunity to operate a fire hose and learn about fire safety. Portable fire extinguisher and DTE Arcs and Sparks demonstrations also will take place during the open house. View an EMS and vehicle extrication display, along with HAZMAT apparatus and equipment. The Beaumont One helicopter will also be at the event.

Appointments:

- A. Interviews for appointment to the Advisory Parking Committee.
 - 1. Algirdas Vaitas, 620 North Old Woodward
 - 2. Anne Honhart, 197 E. Frank
- B. To appoint Algirdas Vaitas, 620 North Old Woodward to the Advisory Parking Committee as a small retail member to serve a three-year term to expire September 4, 2018.
- C. To appoint Anne Honhart, 197 E. Frank to the Advisory Parking Committee as a resident member to serve a three-year term to expire September 4, 2018.
- D. Interviews for appointment to the Historic District Commission & Design Review Board.
 - 1. Mark Coir, 411 South Old Woodward, #1025
 - 2. Thomas Trapnell, 660 Smith
 - 3. John Henke, 724 S. Bates
- E. To appoint Mark Coir, 411 South Old Woodward, #1025 to the Historic District Commission & Design Review Board to serve a three-year term to expire September 25, 2018.

- F. To appoint Thomas Trapnell, 660 Smith to the Historic District Commission & Design Review Board to serve a three-year term to expire September 25, 2018.
- G. To appoint John Henke, 724 S. Bates to the Historic District Commission & Design Review Board to serve a three-year term to expire September 25, 2018.
- H. Interviews for appointment to the Museum Board.
 - 1. Caitlin Rosso, 355 Columbia
- I. To appoint Caitlin Rosso, 355 Columbia to the Museum Board to serve the remainder of a three-year term to expire July 5, 2017.
- J. Administration of oath to the appointed 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 September 10, 2015.
- B. Approval of warrant list, including Automated Clearing House payments, of September 9, 2015 in the amount of \$390,446.68.
- C. Approval of warrant list, including Automated Clearing House payments, of September 16, 2015 in the amount of \$3,459,778.86.
- D. Resolution authorizing the City Manager to cast a vote, on the City's behalf, for the two incumbent members of the Michigan Municipal League Liability and Property Pool Board of Directors for three year terms, beginning January 1, 2016.
- E. Resolution awarding the 2015-2016 Public Services contract totaling \$9,400 for Yard Services and Senior Outreach Services to NEXT, (formerly BASCC) under the Community Development Block Grant Program; and further, authorizing the Mayor to sign the contract on behalf of the City.
- F. Resolution accepting the resignation of Rachel Loughrin as an Alternate Member of the Zoning Board of Appeals, thanking her for her service, and directing the Clerk to begin the process of appointment to the Zoning Board of Appeals.
- G. Resolution approving a request submitted by Ascension of Christ Lutheran Church to place a Nativity scene in Shain Park from November 27, 2015 to December 31, 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.
- H. Resolution approving the transfer of the current Title VI Coordinator designation from Joseph A. Valentine, Assistant City Manager/HR Director, to Yvonne Taylor, HR Manager. Further, adopting the updated City of Birmingham Title VI plan and authorizing the Mayor and City Manager to sign the appropriate sections of the plan.
- I. Resolution approving the Telecommunications Right-of-Way METRO Act Safe Harbor Application and Safe Harbor Bilateral Permit submitted by 123NET, Inc., and authorizing the Mayor to sign the permit on behalf of the City.
- J. Resolution approving the application and permit submitted by Clear Rate Communications, Inc. Telecommunications Right-of-Way METRO Act Safe Harbor Application and Safe Harbor Bilateral Permit submitted by Clear Rate Communications, Inc., and authorizing the Mayor to sign the permit on behalf of the City.
- K. Resolution approving a three-year service agreement with American Vending as described in Attachment A to commence September, 2015 and terminates August

31, 2018. Further, authorizing the Mayor and Clerk to sign the agreement on behalf of the City upon receipt of all required insurances.

- L. Resolution approving the contract for Crestview Park Lawn Repair project to Homefield Turf and Athletic, Inc. in the amount not to exceed \$9,400.00 from the Capital Projects Fund, account #401-751.001-981.0100. Further, authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of all required insurances.
- M. Resolution approving the street light agreement between the City of Birmingham and DTE Energy regarding the installation of street lights at 401-499 S. Eton Rd. Further, directing the Mayor to sign the agreement on behalf of the City. All costs relative to this agreement will be charged to the adjacent owner.
- N. Resolution awarding the West Maple Road three lane striping trial contract to R.S. Contracting, Inc. in the amount of \$16,226.60; further authorizing this expenditure to Major Streets Traffic Controls Contract Lane Painting account #202-303.001-937.0200; and further approving the appropriations and budget amendment as follows:

Major Street Fund		
Revenues:		
Draw from Fund Balance	#202-000.000-400.0000	\$16,226.60
Expenditures:		
Traffics Controls Contract		
Lane Painting	#202-303.001-937.0200	\$16,226.60

- O. Resolution approving the federal funds in the amount of \$12,344.00 for the 2015 Emergency Management Performance Grant period of 10/1/2014 to 9/30/2015. Further, directing the Mayor to sign the agreement on behalf of the City.
- P. Resolution accepting the petition submitted by Mr. Dan Miarka requesting the paving of Villa Ave. from S. Adams Rd to Columbia Ave., and setting a Public Hearing of necessity for the improvement proposed herein on Monday, November 9, 2015, at 7:30 P.M. If necessity is determined, setting a Public Hearing to review the assessments and confirm the roll on November 23, 2015, at 7:30 P.M.

V. UNFINISHED BUSINESS

- A. Continued Public Hearing to consider amendments to Chapter 126, Zoning, of the Code of the City of Birmingham as follows:
 - 1. To adopt an ordinance amending Chapter 126, Zoning, of the Code of the City of Birmingham as follows:

TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.41, TZ1 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;
TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.42, TZ1 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.43, TZ2 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;

TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.44, TZ2 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.45, TZ3 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;
TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.46, TZ3 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
TO ADD ARTICLE 4, SECTION 4.53, PARKING STANDARDS, PK-09, TO CREATE PARKING STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
TO ADD ARTICLE 4, SECTION 4.58, SCREENING STANDARDS, SC-06, TO CREATE SCREENING STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
TO ADD ARTICLE 4, SECTION 4.62, SETBACK STANDARDS, SB-05, TO CREATE SETBACK STANDARDS FOR TZ1 ZONE DISTRICTS;
TO ADD ARTICLE 4, SECTION 4.63, SETBACK STANDARDS, SB-06, TO CREATE SETBACK STANDARDS FOR TZ2 AND TZ3 ZONE DISTRICTS;
TO ADD ARTICLE 4, SECTION 4.69, STREETScape STANDARDS, ST-01, TO CREATE STREETScape STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
TO ADD ARTICLE 4, SECTION 4.78, STRUCTURE STANDARDS, SS – 10, TO CREATE STRUCTURE STANDARDS FOR TZ2 AND TZ3 ZONE DISTRICTS;
TO ADD ARTICLE 5, SECTION 5.14, TRANSITION ZONE 1, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ1 ZONE DISTRICT;
TO ADD ARTICLE 5, SECTION 5.15, TRANSITION ZONES 2 AND 3, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ2 AND TZ3 ZONE DISTRICTS;
AND
TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM, ARTICLE 4, ALL SECTIONS NOTED BELOW, TO APPLY EACH SECTION TO THE NEWLY CREATED TZ1, TZ2 AND/OR TZ3 ZONE DISTRICTS AS INDICATED:

Ordinance Section Name	Section Number	Applicable Zone to be Added
Accessory Structures Standards (AS)	4.02	TZ1, TZ2, TZ3 TZ1
	4.03	TZ1, TZ2, TZ3
	4.04	
Essential Services Standards (ES)	4.09	TZ1, TZ2, TZ3
Fence Standards (FN)	4.10	TZ1, TZ2, TZ3 TZ1
	4.11	
Floodplain Standards (FP)	4.13	TZ1, TZ2, TZ3
Height Standards (HT)	4.16	TZ1, TZ2, TZ3 TZ1,
	4.18	TZ2, TZ3
Landscaping Standards (LA)	4.20	TZ1, TZ2, TZ3
Lighting Standards (LT)	4.21	TZ1, TZ2, TZ3 TZ1,
	4.22	TZ2, TZ3
Loading Standards (LD)	4.24	TZ1, TZ2, TZ3
Open Space Standards (OS)	4.30	TZ1, TZ2, TZ3
Outdoor Dining Standards (OD)	4.44	TZ2, TZ3
Parking Standards (PK)	4.45	TZ1, TZ2, TZ3
	4.46	TZ1, TZ2, TZ3
	4.47	TZ1, TZ2, TZ3
Screening Standards (SC)	4.53	TZ1, TZ2, TZ3
Setback Standards (SB)	4.58	TZ1, TZ2, TZ3
Structure Standards (SS)	4.69	TZ1, TZ2, TZ3
Temporary Use Standards (TU)	4.77	TZ1, TZ2, TZ3
Utility Standards (UT)	4.81	TZ2, TZ3
Vision Clearance Standards (VC)	4.82	TZ1, TZ2, TZ3
Window Standards (WN)	4.83	TZ2, TZ3

AND

TO AMEND ARTICLE 9, DEFINITIONS, SECTION 9.02 TO ADD DEFINITIONS FOR BOUTIQUE, PARKING, SOCIAL CLUB, TOBACCONIST, INDOOR RECREATION FACILITY AND SPECIALTY FOOD STORE.

2. Resolution approving the rezoning of Parcel # 1925451021, Known as 404 Park Street, Birmingham, MI. from R-2 Single-Family Residential to TZ1 - Attached Single-Family to allow attached Single-Family and Multi-Family Residential which are compatible with adjacent Single-Family Residential uses.
3. Resolution approving the rezoning of 191 N. Chester Rd. Birmingham, MI. from R-2 Single-Family Residential to TZ1 - Attached Single-Family to allow Attached Single-Family and Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses.
4. Resolution approving the rezoning of 400 W. Maple Birmingham, MI. from O1 Office to TZ3 Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.
5. Resolution approving the rezoning of 564, 588, Purdy, 115, 123, 195 W. Brown, 122, 178 E. Brown Birmingham, MI. from O2 Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.
6. Resolution approving the rezoning of 588, Purdy Birmingham, MI. from R3 Single-family residential to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.
7. Resolution approving the rezoning of 1221 Bowers & 1225 Bowers Birmingham, MI. from O1- Office/ P - Parking to TZ1 - Attached Single-Family to allow Attached Single-Family, Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses.
8. Resolution approving the rezoning of 1111 & 1137 Holland; 801, 887, 999, 1035 & 1105 S.Adams Rd.; 1108, 1132 & 1140 Webster; 1137 & 1143 Cole St.; 1101 & 1120 E. Lincoln. Birmingham, MI. from O2 Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.
9. Resolution approving the rezoning of 500, 522 & 576 E. Lincoln; 1148 & 1160 Grant; 1193 Floyd; Parcel # 1936403030, Birmingham, MI. from B-1 Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.
10. Resolution approving the rezoning of 36801, 36823 & 36877 Woodward, Parcel #'s 1925101001, 1925101006, 1925101007, 1925101008, 1925101009, Birmingham MI. from O1- Office & P-Parking to TZ3 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.
11. Resolution approving the rezoning of 1775, 1803, 1915, 1971, 1999, 2055, 2075 & 2151 Fourteen Mile Rd., Parcel # 2031455006, Birmingham, MI. from O1- Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.
12. Resolution approving the rezoning of 100, 124, 130 & 152, W. Fourteen Mile Rd. & 101 E. Fourteen Mile Rd., Birmingham, MI. from B1-Neighborhood Business, P-Parking, and R5-Multi-Family Residential to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.
13. Resolution approving the rezoning of 880 W. Fourteen Mile Rd., 1875, 1890 & 1950 Southfield Rd. Birmingham, MI. from B1-Neighborhood Business

- and O1-Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.
14. Resolution approving the rezoning of 1712, 1728, 1732, 1740, 1744, 1794 & 1821 W. Maple Rd. Birmingham, MI. from B1-Neighborhood Business, P-Parking, O1-Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.
 15. Resolution approving the rezoning of 2483 W. Maple Rd. Birmingham MI. from B1- Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.
 16. Resolution approving the rezoning of 151 N. Eton, Birmingham MI. from B-1 Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.
 17. Resolution approving the rezoning of 412 & 420 E. Frank, Parcel # 1936253003, Birmingham MI. from B1-Neighborhood Business, B2B-General Business, R3-Single- Family Residential to TZ2 – Mixed Use to allow commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

VI. NEW BUSINESS

- A. Public Hearing to consider the renewal of the Special Assessment for the Birmingham Principal Shopping District
 1. Resolution declaring necessity to establish the Birmingham Principal Shopping District for 2015-16, 2016-17, and 2017-18. (complete Resolution in agenda packet)
- B. Public Hearing to consider approving the Final Site Plan and Special Land Use Permit – Mitchell’s Fish Market, 117 Willits
 1. Resolution approving the Final Site Plan and Special Land Use Permit for Mitchell’s Fish Market at 117 Willits to approve the transfer in ownership of the existing liquor license from the current owners, Palladium Restaurant III, LLC and RHG Fish Market Inc. to Willits Co- License LLC and Mitchell’s Entertainment, Inc. (complete Resolution in agenda packet)
- C. Resolution approving the liquor license transfer of ownership of Class C License and SDM Liquor Licenses, BID # 110557, with Sunday Sales permit (AM and PM), New Official permit (Food), and (1) Additional Bar Permit for a Total of (2) Bars from Palladium Restaurant III, LLC and RHG Fish Market, Inc. to Willits Co-License, LLC and RHG Fish Market, Inc. located at 115-117 Willits, Birmingham, MI. Furthermore, pursuant to Birmingham City Ordinance, authorizing the City Clerk to complete the Local Approval Notice at the request of Willits Co-License, LLC transferring ownership of Class C License and SDM Liquor Licenses, BID # 110557, with Sunday Sales permit (AM and PM), New Official permit (Food), and (1) Additional Bar Permit for a Total of (2) Bars from Palladium Restaurant III, LLC and RHG Fish Market, Inc. to Willits Co-License, LLC and RHG Fish Market, Inc. located at 115-117 Willits, Birmingham, MI.
- D. Public Hearing to consider approving the Final Site Plan and Special Land Use Permit – Cameron’s Steakhouse, 115 Willits
 1. Resolution approving the Final Site Plan and Special Land Use Permit for Cameron’s Steakhouse at 115 Willits to approve the transfer in ownership of

the existing liquor license from the current owners, Palladium Restaurant III, LLC and RHG Fish Market Inc. to Willits Co-License LLC and Mitchell's Entertainment, Inc. (complete Resolution in agenda packet

- E. Resolution approving the liquor license transfer of ownership of Class C and SDM Liquor Licenses with Sunday Sales Permit (AM and PM) and Catering Permit from RHG Fish Market, Inc. to Willits Co-License, LLC and Mitchell's Entertainment, Inc. located at 115 Willits, Birmingham, Michigan (Request I.D. No. 801993). Furthermore, pursuant to Birmingham City Ordinance, authorizing the city clerk to complete the Local Approval Notice at the request of Willits Co-License, LLC transferring ownership of Class C and SDM Liquor Licenses with Sunday Sales Permit (AM and PM) and Catering Permit from RHG Fish Market, Inc. to Willits Co-License, LLC and Mitchell's Entertainment, Inc. located at 115 Willits, Birmingham, Michigan (Request I.D. No. 801993)
- F. Public Hearing to consider approving the Final Site Plan and Special Land Use Permit – La Strada Caffè, 243 E. Merrill
 - 1. Resolution approving the Final Site Plan and Special Land Use Permit for 243 E. Merrill–La Strada Caffè, to allow the operation of a new bistro. (complete Resolution in agenda packet)
- G. Resolution approving the Multi-Modal Transportation Board's recommendation to authorize the following improvements for S. Eton Rd. between Villa Ave. and Lincoln Ave.:
 - 1. Maintain the current parallel parking on both sides of the street.
 - 2. Install Sharrows for both north and southbound traffic.
 - 3. Provide a demarcated parking lane for both directions using a solid white line pavement marking.
 - 4. Provide additional corner clearance no parking areas for improved sight distance, designated with signs and yellow curbs, at the following corners:
 - a. SW Corner of Hazel Ave.
 - b. NW and SW Corners of Bowers Ave.
 - c. NW Corner of Haynes Ave.
- H. Resolution approving the installation of no parking signs on the south side of Cole Street, east of Commerce at all times. Further, directing the Chief of Police and the City Clerk to sign the traffic control order on behalf of the City establishing no parking on Cole Street, east of Commerce at all times.
- I. Resolution approving the City of Birmingham Parks and Recreation Donor Policy as submitted.
- J. Resolution authorizing the city's compliance with the provisions of the State of Michigan Public Act 152 of 2011, by exercising the City's option to exempt itself from the requirements of the Act; and further, directing the Finance Director to submit the required form with the Michigan Department of Transportation.
- K. 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

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

X. REPORTS

- A. Commissioner Reports
 - 1. Notice to appoint members to the Board of Zoning Appeals on October 12, 2015.
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. DNR Forestry Grant, submitted by DPS Director Wood
 - 2. Crestview Subdivision Update, 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