

BIRMINGHAM CITY COMMISSION AGENDA
OCTOBER 16, 2017
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mark Nickita, 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 last of the 2017 Farmers Market events will be on Sunday, October 22nd and October 29th from 9:00 AM to 2:00 PM in Municipal Parking Lot #6. On October 29th, special activities will include hayrides, Trick-or-Treating, corn shelling, live music, children's pumpkin crafts, and pumpkin carving demonstrations. For more information, visit www.enjoybirmingham.com or call 248.530.1200.
- The annual Halloween Parade and Pumpkin Patch happens on Sunday, October 29th. The Pumpkin Patch opens at 1:00 PM in Shain Park, followed by the Parade at 4:00 PM. For more information visit www.bbcc.com, or call 248.430.7668 or 248.644.3163.
- Tuesday, November 7th is Election Day in Birmingham. Polls will be open from 7:00 AM to 8:00 PM. Complete election information is available at www.Michigan.gov/VOTE. The City Clerk's Office will be open on Saturday, November 4th from 9:00 AM to 2:00 PM for issuing Absent Voter ballots.
- Celebrate the 90th anniversary of the Baldwin Public Library at a speakeasy-themed fundraiser on Friday, November 10th from 6:00 until 9:00 PM. Proceeds will be used for an expansion and renovation of the Youth Room. Tickets can be purchased at www.baldwinlib.org, or by calling 248.554.4683.
- The Veterans Day wreath laying ceremony is at 11:00 AM on Saturday, November 11th in Shain Park. The ceremony is sponsored by the Piety Hill Chapter of the D.A.R.

Guests:

- Introduction of Kevin Byrnes, Communications Director
- Legislative Update by Representative Mike McCready

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 25, 2017
- B. Approval of warrant list, including Automated Clearing House payments, of September 27, 2017 in the amount of \$1,095,419.23.
- C. Approval of warrant list, including Automated Clearing House payments, of October 4, 2017 in the amount of \$2,985,815.30.

- D. Approval of warrant list, including Automated Clearing House payments, of October 11, 2017 in the amount of \$1,005,737.68.
- E. Resolution authorizing the City Manager to cast a vote, on the City's behalf, for the four incumbent members of the Michigan Municipal League Liability and Property Pool Board of Directors for three year terms, beginning January 1, 2018.
- F. Resolution approving the appointment of election inspectors, absentee voter counting board inspectors, receiving board inspectors and other election officials as recommended by the City Clerk for the November 7, 2017 Election pursuant to MCL 168.674(1) and granting the City Clerk authority to make emergency appointments of qualified candidates should circumstances warrant to maintain adequate staffing in the various precincts, counting boards and receiving boards.
- G. Resolution approving the amendment to the professional services agreement with McKenna Associates, Inc. to provide for the use of a City vehicle by the Consultant's employees performing construction site code enforcement duties.
- H. Resolution approving the federal funds in the amount of \$20,310.00 for the 2017 Emergency Management Performance Grant period of 10/1/2016 to 9/30/2017. Further, directing the Mayor to sign the agreement on behalf of the City.
- I. Resolution authorizing the IT department to purchase 95 block hours of GIS support from Geographic Information Services, Inc. 2100 Riverchase Center, Suite 105, Birmingham, AL 35244, the total purchase not to exceed \$15,000.00. Funds are available in the IT GIS fund account # 636-228.000-973.0500.
- J. Resolution approving the purchase for the painting of 72 light poles and traffic signal poles on West Maple Road with Seaway Painting, LLC in the amount not to exceed \$18,280.00. Further, authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances. Funds are available in the Street Lighting Maintenance Account #202-449.003-937.0500. In addition, waiving the normal bidding requirements because Seaway is a DTE selected contractor.
- K. Resolution approving a request submitted by the Birmingham Jewish Connection to display a Menorah in Shain Park from December 12, 2017 – December 20, 2017, and to hold a lighting ceremony on December 14, 2017, 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.
- L. Resolution setting Monday, November 13, 2017 at 7:30 PM for a Public Hearing to consider the proposed lot combination of 607 & 635 S. Bates.
- M. Resolution setting Monday, November 13, 2017 at 7:30 PM for a public hearing to consider the Final Site Plan and Special Land Use Permit Amendment for 505 N. Old Woodward to allow interior and exterior changes to the existing Salvatore Scallopini bistro at 505 N. Old Woodward.
- N. Resolution authorizing the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and approving the liquor license transfer for Whole Foods that requests a transfer of Class C License issued under MCL 436.1521(A)(1)(B) to be located at 2100 East Maple Rd., Suite B, Birmingham, Oakland County, MI 48009. Furthermore, pursuant to Birmingham City Ordinance, authorizing the City Clerk to complete the Local Approval Notice at the request of Whole Foods approving the liquor license transfer request of Whole Foods for the transfer of a Class C License to be issued under MCL 436.1521 (A) (1) (B) located at 2100 East Maple Rd, Suite B, Birmingham, Oakland County, MI 48009.
- O. Resolution approving the Lighting Agreements with Essco of Birmingham and Merrillwood Collection, granting permission for the City for said lighting to be placed

over Merrill Street during the 2017 holiday season, and further directing the Mayor to sign the agreement on behalf of the City.

- P. Resolution awarding the 2017 Sewer Lining Program, Contract #8-17(S), to Lanzo Trenchless Technologies North, of Roseville, MI in the amount of \$786,997.00, to be charged to the Sewer Fund as follows:

590-536.001-981.0100	\$100,887.00
590-536.001-981.0200	\$686,110.00

Further, granting a waiver of Section 50-74(b)(2) of the Birmingham City Code to Lanzo Lining Technologies North pertaining to the sewer lining proposed in the downtown area, which will allow the work to be done at those times of day that traffic demands are relatively light, and building occupancy is low.

- Q. Resolution designating City Manager Valentine, Communications Director Byrnes, City Planner Ecker, Finance Director Gerber, Police Commander Grewe, City Engineer O'Meara, and BSD Director Tighe as representatives for Election Commission members Mayor Nickita, Mayor Pro Tem Harris, and Commissioners Bordman, Boutros, DeWeese, Hoff and Sherman for the purpose of conducting the Public Accuracy Test of the electronic tabulating equipment which will be used to count votes cast at the November 7, 2017 Election.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

- A. Public Hearing to consider the proposed rezoning of 191 N. Chester from TZ1 (Transitional Zoning) to TZ2 (Transitional Zoning)

1. Resolution approving the rezoning of 191 N. Chester from TZ1 (Transitional Zoning) to TZ2 (Transitional Zoning) as recommended by the Planning Board on September 13, 2017;

OR

Resolution denying the rezoning of 191 N. Chester from TZ1 (Transitional Zoning) to TZ2 (Transitional Zoning).

OR

Resolution approving the rezoning of 191 N. Chester from TZ1 (Transitional Zoning) to TZ2 (Transitional Zoning) as recommended by the Planning Board on September 13, 2017 with the conditions as outlined in the letter dated October 5, 2017 from Chester Street Partners, LLC, A Surnow Company.

- B. Resolution authorizing the Mayor and Clerk to sign the license agreement authorizing the removal of eight metered parking spaces on the Old Woodward Ave. frontage of 298 S. Old Woodward Ave., to be used as a valet loading area, at the current rate of \$3,000 per meter per year, effective upon closure of the area for construction of the adjacent hotel.

- C. Ordinance amending Chapter 127, Section 25(20) of the Birmingham City Code to add 927 Purdy as a Historic District

1. Resolution establishing the home at 927 Purdy as a non-contiguous historic district in accordance with the requirements of section 127 of the Birmingham City code by amending Chapter 127, section 25 (20) to add 927 Purdy as a Historic District in the City of Birmingham.

- D. Resolution allowing the use of glyphosate as a means of control for invasive plants, weeds, and other nuisance vegetation in limited areas by trained and certified applicators in accordance with regulated application standards.

OR

Resolution continuing the ban on the use of glyphosate as a means of control for invasive plants, weeds, and other nuisance vegetation in the City.

- E. 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. South Poppleton Homeowners communication re: Adams Park

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

X. REPORTS

- A. Commissioner Reports
 1. Notice to appoint two alternates to Planning Board on November 20, 2017.
 2. Notice to appoint two business operators and one business operator/property owner to the Birmingham Shopping District Board on November 20, 2017.
 3. Notice to appoint members to the Ad Hoc Unimproved Street Study Committee on December 4, 2017.
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 1. Parking Utilization Report, submitted by City Engineer O'Meara

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).