

BIRMINGHAM CITY COMMISSION AGENDA
JANUARY 9, 2017
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mark Nickita, Mayor

II. ROLL CALL

Cheryl Arft, Acting City Clerk

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

Announcements:

The very popular Birmingham Restaurant Week begins January 30th through February 3rd, and February 6th through February 10th, 2017. For more information about participating restaurants and menus, visit www.BirminghamRestaurantWeek.org.

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 November 21, 2016.
- B. Approval of warrant list, including Automated Clearing House payments, of December 14, 2016 in the amount of \$544,489.93.
- C. Approval of warrant list, including Automated Clearing House payments, of December 21, 2016 in the amount of \$1,564,889.66.
- D. Approval of warrant list, including Automated Clearing House payments, of January 4, 2017 in the amount of \$261,311.20.
- E. Resolution accepting the resignation of Harold Gottlieb from the Board of Review, thanking him for his service, and directing the Acting Clerk to begin the process of filling the vacancy.
- F. Resolution accepting the resignation of Scott Bonney from the Architectural Review Committee, thanking him for his service, and directing the Acting Clerk to begin the process of filling the vacancy.
- G. Resolution accepting the resignation of Michael Steinberger from the Board of Review, thanking him for his service, and directing the Acting Clerk to begin the process of filling the vacancy.
- H. Resolution approving a request from the Birmingham Shopping District to hold Birmingham Farmers' Market on Sundays from May through October, 2017 from 9:00 AM to 2:00 PM, in Municipal Parking Lot No. 6 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 from the Birmingham Shopping District to hold the Family Movie Night on June 23, July 15, and August 11 in Booth 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 approving the use of two (2) parking spaces in the right-of-way directly abutting the property located at 33263 Woodward to fulfill a portion of the off-street parking requirements per Article 4, section 4.43 (G)(1) of the Zoning Ordinance, and to make any improvements recommended by the Engineering Division.
- K. Resolution setting Monday, February 13, 2017 at 7:30 PM for a public hearing to consider the following amendments to Chapter 126 Zoning:
 - (a) Article 3, Downtown Birmingham Overlay District, Section 3.04, to create a new D5 Zone and to establish development standards for this district;
 - (b) Article 6, Nonconformances, Section 6.02, to allow for the extension and/or enlargement of existing legal, non-conforming buildings;

AND

Resolution setting Monday, February 13, 2017 at 7:30 PM for a public hearing for to consider the rezoning of the following properties:

- (a) 555 S. Old Woodward (555 Office and Residential Buildings) from D4 in the Downtown Overlay to D5 in the Downtown Overlay;
 - (b) 411 S. Old Woodward (Birmingham Place) from D4 in the Downtown Overlay to D5 in the Downtown Overlay; and
 - (c) 225 E. Merrill (Merrillwood Building) from D4 in the Downtown Overlay to D5 in the Downtown Overlay.
- L. Resolution setting Monday, February 13, 2017 at 7:30 PM for a public hearing to consider the proposed rezoning of 412 – 420 E. Frank Street from B1 (Neighborhood Business), R3 (Single-Family Residential), & B2B (General Commercial) to TZ1 (Transitional Zoning).
 - M. Resolution setting Monday, February 13, 2017 at 7:30 PM for a public hearing to consider the following amendments to Chapter 126, Zoning:
 - (a) Article 02, section 2.29 (General Business), to allow bistros in the Rail District as a use requiring a Special Land Use Permit;
 - (b) Article 02, section 2.31 (General Business), to allow bistros in the Rail District as a use requiring a Special Land Use Permit; and
 - (c) Article 09, section 9.02 (Definitions), to add a definition for Rail District.

AND/OR

Resolution setting Monday, February 13, 2017 at 7:30 PM for a public hearing to consider the following amendments to Chapter 126 Zoning:

- (a) Section 2.29, B2 (General Business) to amend the accessory permitted uses; and
- (b) Appendix C, Exhibit 1, Economic Development Licenses map.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

- A. Resolution accepting the MKSK design for Old Woodward and Maple and directing City staff to prepare bid specifications for Phase 1 of the Old Woodward and Maple project utilizing the City's existing standards and solicit alternatives for the components of the enhanced plan in order to make any adjustments based on cost considerations at the time actual bids are received.

- B. Resolution accepting the final report of the Ad Hoc Rail District Review Committee, and forwarding same to the Multi-Modal Transportation Board for their consideration in finalizing the design of the S. Eton corridor;

AND

Resolution forwarding the final report of the Ad Hoc Rail District Review Committee to the Planning Board, and directing the Planning Board to add Recommendations 4 (Encourage Shared Parking) and 5 (Add Wayfinding Signage) from the final report to their Action List for further study.

- C. RESOLUTION A (MONTHLY PERMIT RATE INCREASE):

Resolution authorizing monthly permit rate increases effective January 1, 2017, according to the following schedule:

Pierce St.	\$70
Park St.	\$70
Peabody St.	\$70
N. Old Woodward Ave.	\$70
Chester St.	\$50
Parking Lot 6 – Regular	\$70
Parking Lot 6 – Economy	\$50
South Side (Ann St.)	\$60
South Side (S. Old Woodward Ave.)	\$35

RESOLUTION B:

Resolution directing staff to increase all parking meters by 50¢ per hour as the new CivicSmart Liberty parking meters are installed, effectively raising the \$1 per hour meters in the central core of the downtown to \$1.50 per hour, and raising the 50¢ per hour meters to \$1 per hour.

- D. RESOLUTION A:

Resolution accepting the recommendation of the Advisory Parking Committee approving the purchase of 1,277 CivicSmart Liberty parking meters and vehicle sensors in the amount of \$787,270 for capital outlay and an additional \$586,143 for monthly maintenance and connectivity fees; further charging these expenditures to Auto Parking System Fund account number 585-538.001-981.0100.

SUGGESTED RESOLUTION B (CREDIT CARD PROCESSING FEES):

Resolution directing staff to offer a credit card payment option at the new CivicSmart Liberty parking meters, with all said card processing fees charged to the Auto Parking System Fund.

- E. Ordinance amending Part II of the City Code, Chapter 74 Offenses, Article IV. Offenses Against Property, Division 2 – Theft, Section 74-95 Bad Checks to replace “fine not more than \$100.00 and/or imprisonment for up to 90 days” with “fine not more than \$500.00 and/or imprisonment for up to 93 days” and authorizing the Mayor and City Clerk to sign the ordinance on behalf of the city.
- F. Ordinance amending Part II of the City Code, Chapter 74 Offenses, Article VIII – Offenses Against Public Morals, Division 1 Generally, Section 74-241 Indecent Exposure and Section 74-242 Indecent or Obscene Conduct to add “including, but not limited to urinating in public” and authorizing the Mayor and City Clerk to sign the ordinance on behalf of the city.
- G. Ordinance adding Section 1-18 to the Birmingham City Code establishing a Storm Water Utility Appeals Board for disputed fees.
- H. Resolution appointing a sub-committee comprised of Commissioners _____, the City Manager, and the HR Manager to conduct final interviews and recommend a finalist candidate for the position of City Clerk for approval by the City Commission.

I. 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 of Intention to appoint members to the Architectural Review Committee, Public Arts Board, Storm Water Utility Appeals Board, and Board of Building Trades Appeals on January 23, 2017, and the Board of Zoning Appeals, Triangle District Corridor Improvement Authority, and the Board of Review on February 13, 2017.

B. Commissioner Comments

C. Advisory Boards, Committees, Commissions' Reports and Agendas

D. Legislation

E. City Staff

1. Elm St. Parking Space, 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).