

**BIRMINGHAM CITY COMMISSION AGENDA**  
**FEBRUARY 24, 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.**

*Appointments:*

- A. Interview for the appointment to the Board of Review.
  - 1. Alex Chapman, 1832 Cole
- B. To appoint \_\_\_\_\_ to the Board of Review to complete a three-year term to expire December 31, 2016.
- C. Administration of oath to 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 Long Range Planning minutes of February 1, 2014.
- B. Approval of City Commission minutes of February 10, 2014.
- C. Approval of warrant list, including Automated Clearing House payments, of February 12, 2014 in the amount of \$1,194,450.01.
- D. Approval of warrant list, including Automated Clearing House payments, of February 19, 2014 in the amount of \$1,372,340.21.
- E. Resolution awarding Contract #6-14(PK), Park Street Parking Structure Restoration – Levels 1, 2 & 3, to DRV Contractors, LLC, of Shelby Township, MI in the amount of \$803,525.00, to be charged to account #585-538.003-977.0000.
- F. Resolution appointing Sandy Debicki as chairperson of the 2014 Celebrate Birmingham Parade Committee.
- G. Resolution approving a request submitted by the City of Birmingham to hold the Celebrate Birmingham Parade on Sunday, May 18, 2014, 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 a request from Common Ground to hold the 40th Annual Birmingham Street Art Fair on South Old Woodward on September 20 - 21, 2014, 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 City of Birmingham to hold the In the Park Concerts on Wednesday evenings from June, 2014 through August, 2014 and the Band Jam on Friday, June 13, 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 approving the 2014 annual flower purchase from Gardens & Beyond in the amount not to exceed \$15,732.35. Funds are available from the General Fund – Property Maintenance – Operating Supplies account #101-441.003-729.0000.
- K. Resolution recognizing Birmingham Seaholm Bands, 2436 W. Lincoln, Birmingham, Michigan 48009 as a non-profit organization for the purpose of obtaining a State of Michigan Gaming License with the State of Michigan Charitable Gaming Division. Further, authorizing the City Clerk to complete the Local Governing Body Resolution Form, forwarding same to the Charitable Gaming Division, Lansing, Michigan.
- L. Resolution approving an agreement with Revize Software Systems, LLC for website hosting and support services, for a period of five (5) years, in an amount not to exceed \$14,000 from account #636-228.000-933.0700. Further authorizing the Mayor and City Clerk to sign the agreement on behalf of the City.
- M. Resolution approving the purchase agreement with AVI Systems for the purchase and installation of a new video monitor at Adams Fire Station, and further directing the Mayor and City Clerk to sign the agreement on behalf of the City and charging \$11,208 towards the grant received from the Birmingham Area Cable Board for this purchase.

<b>V. UNFINISHED BUSINESS</b>
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<b>VI. NEW BUSINESS</b>
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- A. Public Hearing to consider approval of a Special Land Use Permit and Final Site Plan for the operation of a new bistro - Tea Parlor, Inc. dba Mad Hatter, 185 N. Old Woodward
  - 1. Resolution approving the Final Site Plan and Design and a Special Land Use Permit for 185 N. Old Woodward, Mad Hatter, pursuant to Article 7, section 7.34, Zoning, of the Birmingham City Code, in accordance with the recommendation of the Planning Board on December 12, 2012; (complete Resolution in agenda packet)  
AND  
Resolution allowing Mad Hatter, to obtain a liquor license with an outdoor dining endorsement for the operation of a bistro above all others pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code;  
AND  
Resolution authorizing the Mayor and the City Clerk to complete and execute the contract for operation of Mad Hatter at 185 N. Old Woodward.
- B. 2013 Liquor License Review and 2014 Liquor License Renewals
  - 1. Resolution approving the renewal, for the 2014 licensing period, of all Class B and Class C liquor licenses for which a current year application was received.  
OR (Each of the following resolutions to be considered separately.)
  - 2. Resolution setting a public hearing for 7:30 p.m. on Monday, March 24, 2014 in the City Commission Room at the Birmingham City Hall, located at 151 Martin, Birmingham, MI 48009, to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the

owners/operators of \_\_\_\_\_ for the following reasons:  
\_\_\_\_\_; Further, directing the City Manager to notify the owners/operators of \_\_\_\_\_, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel, and that the licensee may present witnesses or written evidence at the hearing.

AND

Resolution approving the renewal, for the 2014 licensing period, of all Class B and Class C liquor licenses for which a current year application was received, except for the license(s) held by \_\_\_\_\_, for which a public hearing has been set.

- C. Presentation of new City website – [www.bhamgov.org](http://www.bhamgov.org)
- D. Request to meet in a closed session to consider the personnel evaluation of the Interim City Manager pursuant to Section 8(a) of the Open Meetings Act (Act 267 of 1976). A 2/3 roll call vote of the City Commission is not required to call a closed session permitted under Section 8(a).
- 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. Comcast regarding new contact person
- B. Comcast regarding Comcast and Time Warner Cable Transaction Fact Sheet
- C. Comcast regarding merger with Time Warner Cable
- D. Paula Jones regarding election date

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

#### X. REPORTS

- A. Commissioner Reports
  - 1. Notice of intention to appoint to the Multi-Modal Transportation Board on March 24, 2014.
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
  - 1. Cablecasting Board Annual Report
- D. Legislation
- E. City Staff
  - 1. Engineering Update, submitted by City Engineer O'Meara
  - 2. Oakland County Water Resource Commissioner's Office Update, submitted by City Engineer O'Meara
  - 3. Oakland County Federal Aid Committee 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).*