

**BIRMINGHAM CITY COMMISSION AGENDA**  
**MARCH 10, 2014**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Stuart Lee Sherman, Mayor Pro Tem

**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 Birmingham Firefighters Association is hosting a fundraiser for the family of fallen firefighter Pat Nagel. The fundraiser will be held on Thursday, March 27<sup>th</sup> from 11:00 AM – 10:00 PM at Dick O'Dow's. Tickets are \$10 in advance or \$15 at the door. Contact the Adams Fire Station for additional information.

***Appointments:***

- A. Interviews for the appointment to the Parks and Recreation Board.
  - 1. Patricia Bordman, 1091 Lake Park
  - 2. Ross Kaplan, 635 Oak
  - 3. John Meehan, 656 Chester (unable to attend)
- B. To appoint \_\_\_\_\_ to the Parks & Recreation Board to serve a three-year term to expire March 13, 2017.
- C. To appoint \_\_\_\_\_ to the Parks & Recreation Board to serve a three-year term to expire March 13, 2017.
- D. Interviews for appointment to the Planning Board.
  - 1. Bert Koseck, 2441 Dorchester
  - 2. Janelle Boyce, 179 Catalpa
- E. To appoint \_\_\_\_\_, as the architect member, to serve a three-year term on the Planning Board to expire March 28, 2017.
- F. To appoint \_\_\_\_\_ to serve a three-year term on the Planning Board to expire March 28, 2017.
- G. Interviews for appointment to the Cablecasting Board.
  - 1. David Lurie, 755 Lakeview
  - 2. Colin Linsenman, 1196 Holland
  - 3. Elaine McLain, 528 Pilgrim
- H. To appoint \_\_\_\_\_ to serve a three-year term on the Cablecasting Board to expire March 30, 2017.
- I. To appoint \_\_\_\_\_ to serve a three-year term on the Cablecasting Board to expire March 30, 2017.
- J. To appoint \_\_\_\_\_ to serve a three-year term on the Cablecasting Board to expire March 30, 2017.
- K. 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 minutes of February 24, 2014.
- B. Approval of warrant list, including Automated Clearing House payments, of February 26, 2014 in the amount of \$461,993.57.
- C. Approval of warrant list, including Automated Clearing House payments, of March 5, 2014 in the amount of \$4,000,327.76.
- D. Resolution awarding the Mohegan & Kennesaw Paving Project, Contract #2-14(P), to DiPonio Contracting, Inc. of Shelby Township, MI, in the amount of \$2,561,141.90, to be funded from the following accounts:
- |                    |                       |                      |
|--------------------|-----------------------|----------------------|
| Sewer Fund         | #590-536.001-981.0100 | \$ 438,518.95        |
| Water Mains Fund   | #591-537.004-981.0100 | \$ 1,134,669.60      |
| Local Streets Fund | #202-449.001-981.0100 | <u>\$ 987,953.35</u> |
| TOTAL              |                       | \$ 2,561,141.90      |
- E. Resolution setting a public hearing of necessity for the installation of lateral sewers within the Mohegan Ave. & Kennesaw Ave. Paving Project area on April 3, 2014. If necessity is declared, setting a public hearing to confirm the roll on April 28, 2014. (complete resolution in agenda packet)
- F. Resolution awarding the Birmingham Villas Water Main Project, Contract #3-14(W) to D & D Water & Sewer, Inc., of Canton, MI, in the amount of \$1,034,911.00, to be funded from the following accounts:
- |                    |                       |                     |
|--------------------|-----------------------|---------------------|
| Sewer Fund         | #590-536.001-981.0100 | \$ 56,310.00        |
| Water Mains Fund   | #591-537.004-981.0100 | \$ 889,711.00       |
| Local Streets Fund | #202-449.001-981.0100 | <u>\$ 88,890.00</u> |
| TOTAL              |                       | \$ 1,034,911.00     |
- G. Resolution approving the proposal and agreement with DTE Energy Co. for the removal and replacement of two street lights in front of 2000-2070 Villa Ave., in the amount of \$17,432.17, to be charged to account #401-901.006-981.0100. Further, directing the Mayor to sign the agreement on behalf of the City.
- H. Resolution adopting the recommendation of the Advisory Parking Committee to decrease the number of monthly permits authorized for sale in the Peabody Street Parking Structure by 31 permits, for a total of 400 permits authorized beginning immediately.
- I. Resolution accepting the resignation of Alexander Chapman from the Housing Board of Appeals, thanking Mr. Chapman for his service, and directing the Clerk to begin the process to fill the vacancy.
- J. Resolution approving the agreement between Oakland County and the City of Birmingham for Ballot Layout and Programming Services for a five-year period in the amount of \$300.00 per election and to charge account #101-262.000-729.0000 for this service. Further, authorizing the mayor to sign the agreement on behalf of the City.
- K. Resolution authorizing the City to enter into a contract with Colonial Fireworks for providing a fireworks display on July 3, 2014 (July 5 rain date) at Lincoln Hills for the sum of \$15,000.00 and further authorizing the administration to secure the necessary insurance. This would be contingent upon the vendor meeting all state and local laws, City requirements, and insurance requirements.
- L. Resolution approving a three (3) year Golf Cart Lease between the City of Birmingham and Pifer, Inc. in the annual amount of \$26,250 (\$78,750 for total leasing period) and

authorizing the Mayor and City Clerk to sign the lease documents on behalf of the City upon receipt of proper insurances. Funds for this lease are contained with the Equipment Rental line items, accounts #584-753.002-941.0000 and #597-753.002-941.0000.

- M. Resolution approving the Master Membership Agreement with MISS DIG. Further, directing the Mayor and City Clerk to sign the agreement on behalf of the City.

**V. UNFINISHED BUSINESS**

**VI. NEW BUSINESS**

- A. Public Hearing to consider a Lot Split, 572 Watkins and 559 Southfield
1. Resolution waiving the minimum lot size standard for 572 Watkins and approving the proposed rearrangement of 572 Watkins & 559 Southfield as proposed  
OR
  2. Resolution denying the proposed rearrangement of 572 Watkins & 559 Southfield as proposed, based on the following conditions that adversely affect the interest of the public and of the abutting property owners: \_\_\_\_\_.
- B. Public Hearing to consider a Lot Split 607 Bates
1. Resolution waiving the minimum lot width standard for 607 Bates and approving the proposed lot split as proposed;  
OR  
Resolution denying the proposed lot split of 607 Bates as proposed, based on the following conditions that adversely affect the interest of the public and of the abutting property owners: \_\_\_\_\_.
- C. Public Hearing to consider Special Land Use Permit and Final Site Plan for 220 E. Merrill
1. Resolution approving a Special Land Use Permit and the Final Site Plan for 220 Restaurant at 220 E. Merrill. (complete resolution in agenda packet)
- D. Resolution awarding Contract #5-14(PK), Park Street Parking Structure Elevator Lobby Addition, to Cedroni Associates, Inc., of Utica, MI in the amount of \$552,905.00, to be charged as follows:
- |                      |                       |           |
|----------------------|-----------------------|-----------|
| 585-538.003-977.0000 | Building Improvements | \$314,700 |
| 585-538.003-981.0100 | Site Improvements     | \$238,205 |
- Further, amending the 2013-2014 fiscal year budget as follows:
- |   |  |                  |
|---|--|------------------|
| Revenues:                                   |  |                  |
| Draw from Net Position 585-000-000-400.0000 |  | <u>\$227,905</u> |
| Total Revenues                              |  | \$227,905        |
| Expenses:                                   |  |                  |
| Building Improvements 585-538.003-977.0000  |  | \$214,700        |
| Site Improvements 585-538.003-981.0100      |  | <u>\$ 13,205</u> |
| Total Expenses                              |  | \$227,905        |
- E. Resolution accepting the recommendation of the Advisory Parking Committee, authorizing the formation of an Ad Hoc Parking Study Committee that will be formed for a limited time to update the parking demand study done in 2000 for the Parking Assessment District, as well as the 2007 parking study completed as a part of the Triangle District Master Plan. The goal of the Committee will be to determine the long term demand levels for parking throughout the Central Business District and Triangle District, and to provide recommendations of how to best use the Auto Parking System's properties at this time, as well as to establish targeted needs for the Triangle District.

The Ad Hoc Parking Study Committee shall include the following members, with each of the suggested boards nominating their representative accordingly:

- Advisory Parking Committee
- Corridor Improvement Authority
- Multi-Modal Transportation Board
- Planning Board
- Principal Shopping District

The Ad Hoc Parking Study Committee shall be formed as soon as practical, with the goal of finalizing a report of findings and recommendations by July, 2014.

- F. Resolution accepting the Golf Report – 2013 Review – 2014 Prospectus.
- G. Ordinance amending Part II of the City Code Chapter 26 Businesses, Article V, Precious Metals Dealers, Division 2, Registration, adding Section 26-181 Permanent Record of Each Transaction and adding Section 26-182 retaining precious item for the nine calendar days; alteration and adding section 26-183 Prohibited Conduct.
- H. 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. Oakland County Homeland Security Division re: Severe Weather Awareness Week, April 6-12, 2014.
- B. WOW! Business regarding increase in rates.
- C. Daniel Padilla regarding West Maple between Cranbrook and Southfield

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

#### **X. REPORTS**

- A. Commissioner Reports
  - 1. Notice of Intention to appoint to the Architectural Review Committee and Housing Board of Appeals on April 3, 2014.
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. Engineering 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).*