

BIRMINGHAM CITY COMMISSION AGENDA
MARCH 25, 2019
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Patty Bordman, 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 City Commission will hold a workshop to receive an update on the N. Old Woodward Parking Structure and Bates Street development project on March 26, 2019 at 5:00 p.m. in the Commission Room.
- Author Adriana Trigiani will be speaking on April 2 at Temple Beth El and April 3 at Adat Shalom Synagogue at 7:00 p.m. as part of the 2019 Everyone's Reading program. Tickets to each event are available at the Baldwin Public Library.
- The Birmingham City Commission wishes to thank Lilly Stotland for her service on the Parks and Recreation Board since December 2015.

Appointments:

- A. Interviews for the Multi-Modal Transportation Board
 - 1. Johanna Slanga
- B. Appointments to the Multi-Modal Transportation Board
To appoint _____, as a regular member who has traffic-focused education and/or experience to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2022.
- C. Interviews for the Parks and Recreation Board
 - 1. Therese Longe
 - 2. Dominick Pulis
- D. Appointments to the Parks and Recreation Board
To appoint _____, to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2022.

To appoint _____, to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2022.
- E. Interviews for the Planning Board
 - 1. Robin Boyle
 - 2. Scott Clein
- F. Appointments to the Planning Board

To appoint _____, to the Planning Board as a regular member to serve a three-year term to expire March 28, 2022.

To appoint _____, to the Planning Board as a regular member to serve a three-year term to expire March 28, 2022.

G. Administration of Oath of Office to Appointees

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. Resolution approving the City Commission meeting minutes of March 11, 2019.
- B. Resolution approving the Special City Commission meeting minutes of March 18, 2019.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated March 13, 2019 in the amount of \$1,573,817.22.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated March 20, 2019 in the amount of \$620,146.09.
- E. Resolution awarding the Parking Lot #6 Rehabilitation Project, Contract #4-19 (PK) to Asphalt Specialists, Inc. in the amount of \$642,864.50, to be charged to the Parking Fund, account number 585-538.006-981.0100, contingent upon execution of the agreement and meeting all insurance requirements.
- F. Resolution approving the agreement between the City of Birmingham and DTE Energy and authorizing the expenditure of \$44,501.40 to DTE Energy, for the relocation of three (3) existing street lights, the manufacture and installation of three (3) new street lights, in conjunction with the rehabilitation of Parking Lot #6 and the replacement of nine (9) existing luminaires with LED luminaires. The work will be charged to account number 585-538.006-981.0100.
- G. Resolution awarding the 2019 Storm Drain Improvements Project, Contract #7-19(S) to Sitework Services, LLC, in the amount of \$82,225, to be charged to the Local Streets Fund, account number 203-449.001-981.0100, contingent upon execution of the agreement and meeting all insurance requirements, and further approving the appropriation and amendment to the fiscal year 2018-2019 Local Street Fund budget.
- H. Resolution adopting the new Street Acceptance Resolutions for Forest Hills Lane and Martin Street respectively and forward certified copies of their resolutions to the Michigan Department of Transportation for inclusion on Act 51 distributions.
- I. Resolution accepting the resignation of Lori Eaton from the Birmingham Museum Board, thanking her for her service, and directing the City Clerk to begin the process of filling the vacancy.
- J. Resolution approving an extension of the Old Woodward Sewer Video Inspection Contract, to conduct similar work on the Maple Rd. Reconstruction Project area, at 2017 contract prices, to Pipetek Infrastructure Services, Inc., in the amount of \$8,530.00, contingent upon submittal of the required updated insurance certificate. All costs shall be charged to account number 590-536.001-981.0100.

- K. Resolution approving the purchase and planting of 66 trees from KLM Landscape for the 2019 Spring Tree Purchase and Planting Project for a total project cost not to exceed \$23,425.00. Funds are available from the Local Streets Fund-Forestry Service Contract account #203-449.005-819.0000, the Major Streets Fund-Forestry Service Contract account #202-449.005-819.0000, the Local Streets Fund-Operating Supplies account #203-449.005-729.0000, the Major Streets Fund-Operating Supplies account #202-449.005-729.0000, the Parks Other Contractual Services account #101-751.000-811.0000, and the Parks Operating Supplies account, #101-751.000-729.0000 for these services. Further, authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.
- L. Resolution approving an agreement with L.G.K. Building Inc. in the amount not to exceed \$44,000.00 to perform the project titled Adams Fire Station Locker Room from the Adams Fire Station Capital Improvement Account #401-339.000-977.0000; directing the Mayor and City Clerk to sign the agreement on behalf of the City; and approving the appropriation and amendment to the fiscal year 2018-2019 Capital Projects Fund budget.
- M. Resolution approving an agreement with Tech Mechanical Inc. in the amount not to exceed \$58,075.00 to perform the project titled New Chiller for City Hall from the City Hall and Grounds Capital Improvement Account 401-265.001-977.0000; directing the Mayor and City Clerk to sign the agreement on behalf of the City; and approving the appropriation and amendment to the fiscal year 2018-2019 Capital Projects Fund budget.
- N. Resolution setting Monday, May 6, 2019 at 7:30 PM for a public hearing to consider an amendment to Article 4, Section 4.74 SS-01 of Chapter 126, Zoning, of the Code of the City of Birmingham to establish standards regulating projections in the public right-of-way.
- O. Resolution setting Monday, May 6, 2019 at 7:30 PM for a public hearing to consider the following amendments to Chapter 126, Zoning, of the Code of the City of Birmingham to clarify the board review process for the renovation and new construction of buildings:
 - 1. Article 7, Processes, Permits and Fees, Section 7.08, Design Review Requirements and;
 - 2. Article 7, Processes, Permits and Fees, Section 7.25; Site Plan Review.
- P. Resolution setting Monday, May 6, 2019 at 7:30 PM for a public hearing to consider the proposed lot combination of 411 and 425 Hanna Street, Parcel # 1936182005 & #1936156006.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

- A. Public Hearings to consider renewal of liquor licenses for the 2019 licensing period.
 - 1. To renew, for the 2019 licensing period, the liquor license held by *name of establishment*.

OR

Resolution finding that (*name of establishment*) (Licensee), doing business at (*address*), has violated the standards set forth in Section 10-40 of the City Code; and to file with the Michigan Liquor Control Commission an objection to the

renewal of the Licensee's liquor license for the following reasons (*list those which apply*):

- (1) Licensee's failure to comply with all applicable city and state laws concerning health, safety, moral conduct or public welfare.
- (2) Licensee's repeated violations of state liquor laws.
- (3) Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to any of the following:
 - a. Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;
 - b. A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order, and tranquility of the neighborhood;
 - c. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining premises;
 - d. Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order and tranquility in the neighborhood of the licensed premises;
 - e. Any advertising, promotion or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises;
 - f. Numerous police contacts with the licensed premises or the patrons of the premises;
 - g. Failure to adequately staff and control the premises; and
 - h. The conditions or practices of the business present immediate health and safety issues.
- (4) Licensee's failure to permit the inspection of the licensed premises by the city's agents or employees in connection with the enforcement of the City Code.
- (5) Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license.
- (6) Licensee's failure to comply with all standards and plans established and approved by the city commission at the time of original approval or transfer of the license.
- (7) Licensee's failure to timely pay its taxes or other monies due the city.

B. Public Hearing of Necessity for Pierce Street Alley Special Assessment District

1. Resolution declaring necessity to create a Special Assessment District for improvements to the Pierce Street Alley from Pierce Street to E. Merrill Street, consisting of the construction of an 18 foot wide concrete pavement with

exposed aggregate concrete accents to be levied against the properties, both public and private within said district, and further setting Monday, April 8, 2019 at 7:30 PM for a public hearing to confirm the roll for the paving of the Pierce Street Alley, Pierce Street to E. Merrill Street.

- C. Public Hearing of Confirmation for Park Street Streetscape within the limits of the Park Street Paving Project
 - 1. Resolution confirming and ratifying Special Assessment Roll No. 888 to defray the cost of streetscape and street lights within the limits of the Park Street Paving Project and instructing the City Clerk to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement. Further, special assessments shall be payable in ten (10) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of six and a half percent (6.5%) on all unpaid installments.
- D. Resolution directing the Engineering Dept. to proceed to final design of the Park St. Paving Project, Oakland Blvd. to Hamilton Ave., per the streetscape design concept plan, including Option 1 for the northwest corner of Park St. and Hamilton Ave., pending final review by the Architectural Review Committee.
- E. Resolution to meet in closed session for a strategy and negotiation session connected with the negotiation of a collective bargaining agreement pursuant to Section 8(c) of the Open Meetings Act, MCL 15.261 – 15.275.
(A roll call vote is required and the vote must be approved by a 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 intent to appoint to Museum Board on May 6, 2019.
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. Annual Golf Report submitted by Golf Manager Brito

XI. ADJOURN

INFORMATION ONLY

PLEASE NOTE: Due to building security, public entrance during non-business hours is through the Police Department – Pierce St. entrance 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).