

**BIRMINGHAM CITY COMMISSION AGENDA**  
**MAY 20, 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 Birmingham Public Library will be closed Saturday through Monday, May 25 – 27, and City Offices will be closed on Monday, May 27 for Memorial Day. Trash collection will be delayed one day the week of May 27.

**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 Regular City Commission meeting minutes of May 6, 2019.
- B. Resolution approving the City Commission Budget Hearing meeting minutes of May 11, 2019.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated May 8, 2019 in the amount of \$455,452.27.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated May 15, 2019 in the amount of \$640,141.07.
- E. Resolution delegating to the Birmingham City Clerk and her authorized assistants, those being the members of her staff, the following duties of the election commission for the August 6, 2019 and November 5, 2019 elections:
  - Preparing meeting materials for the election commission, including ballot proofs for approval and a listing of election inspectors for appointment;
  - Contracting for the preparation, printing and delivery of ballots;
  - Providing candidates and the Secretary of State with proof copies of ballots;
  - Providing election supplies and ballot containers; and
  - Preliminary logic and accuracy testing.
- F. Resolution designating Finance Director Mark Gerber, Assistant Finance Director Kim Wickenheiser, DPS Director Lauren Wood, Building Official Bruce Johnson, Assistant Building Official Mike Morad, Birmingham Museum Director Pielack, and Police Commander Scott Grewe as representatives for Election Commission members Mayor Patty Bordman, Mayor Pro Tem Pierre Boutros, and Commissioners Carroll DeWeese, Andrew Harris, Rackeline Hoff, Mark Nickita and Stuart Sherman for the purpose of conducting the Public Accuracy

Tests of the electronic tabulating equipment which will be used to count votes cast at the August 6, 2019 and November 5, 2019 elections.

- G. Resolution setting Monday, June 24, 2019 at 7:30 PM for a public hearing to consider approval of a Special Land Use Permit Amendment for 250 & 280 E. Merrill, to expand the existing Sidecar Slider Bar restaurant into a portion of the neighboring restaurant, Rojo in accordance with Article 7, Section 7.34 of the Zoning Ordinance.
- H. Resolution setting Monday, June 24, 2019 at 7:30 PM for a public hearing to consider an amendment to Article 3, Section 3.04(E)(12) of the Zoning Code - Balcony, Railing and Porch Materials in the Downtown Overlay District.
- I. Resolution setting Monday, June 24, 2019 at 7:30 PM for a public hearing to consider an amendment to Article 4, Section 4.54(B)(8) of the Zoning Code – Screening Materials for Trash Enclosures.
- J. Resolution recommending the piano donated by Michael and Maybeth Flynn be placed in the location beneath the pavilion at Shain Park as suggested by the Public Arts Board for the time period of June 1<sup>st</sup>, 2019 to August 31<sup>st</sup>, 2019, with the conditions that the piano be equipped with industrial grade wheels, a cover be provided during Shain Park events, and that the City Commission vote on whether or not to keep the piano in the park beyond August 31<sup>st</sup>, 2019 in August 2019. Also, that the painting of the piano occur at a space outside of Shain Park, and that the Public Arts Board be responsible for funding the moving of the piano if the City Commission chooses to have the piano removed on August 31<sup>st</sup>, 2019, or any time before that. And further, authorizing funds in an amount not to exceed \$750 from account #101-299-000-811-0000.
- K. Resolution appointing City Engineer Paul T. O'Meara as Representative and Assistant City Engineer Austin W. Fletcher as Alternate Representative of the City of Birmingham on the SOCWA Board of Trustees for the fiscal year starting July 1, 2019.
- L. Resolution appointing City Manager Joseph A. Valentine as Representative and DPS Director Lauren Wood as Alternate Representative of the City of Birmingham on the SOCRRA Board of Trustees for the fiscal year starting July 1, 2019.
- M. Resolution accepting the recommendation of the Ad Hoc Unimproved Streets Committee to authorize engagement with an outside Engineering firm, for a cost not to exceed, \$7,000 to conduct research and information gathering and provide a final report to the committee regarding road design alternatives for converting unimproved roads to be paid using fund #203-449.007-804.0100.
- N. Resolution approving a special event permit as requested by Woodward Camera for the Veterans Hospitality Tent during the Cruise on Saturday, August 17, 2019 from 9:00 AM – 9:00 PM, with set-up on August 16 and tear-down on August 18, 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.

**V. UNFINISHED BUSINESS**

- A. Resolution directing staff to use Option \_\_\_\_\_ for the landscape and street furnishing design of the Maple Road Reconstruction Project and further, to use Frontier Elms along all onstreet parking zones, and to use Honey Locusts at pedestrian crossing and street transition locations.
- B. Resolution directing staff to proceed with the pedestrian enhancement Option \_\_\_\_ for the block of S. Eton Rd. from Maple Rd. to Yosemite Blvd. Further, directing staff to amend the 2019 Concrete Sidewalk Program, Contract #6-19(SW), to construct these improvements in the 2019 construction season. Further, approving the appropriations and amendments to the 2018 - 2019 Major Street Fund budget as presented.

**VI. NEW BUSINESS**

- A. Resolution approving the budget appropriations resolution adopting the City of Birmingham's budget and establishing the total number of mills for ad valorem property taxes to be levied for the fiscal year commencing July 1, 2019 and ending June 30, 2020.
- B. Resolution amending the Schedule of Fees, Charges, Bonds and Insurance, Water and Sewer Service Sections, for changes in sewer, storm water, industrial surcharge, and industrial waste control charge rates effective for bills with read dates on or after July 1, 2019 as recommended in this report.
- C. Resolution recommending the electrical box in the planter on the east sidewalk on S. Old Woodward at the intersection of Merrill Street be painted by Anne Ritchie as the popcorn box design created by Anne Ritchie and recommended by the Public Arts Board in an amount not to exceed \$250 charged to account #101-299-000-811-0000.

**OR**

Resolution directing the Public Arts Board to pursue alternative concepts for this location and work with adjoining businesses to develop a concept that will incorporate a design or sculpture that will meet the objective of creating a terminating vista at Merrill and South Old Woodward.

- D. 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
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas

- D. Legislation
- E. City Staff
  - 1. 2019 Asphalt Program – MMTB Review, submitted by Ecker, Grewe, O'Meara
  - 2. Parking Utilization Report, submitted by Assistant City Manager Gunter

<b>XI. ADJOURN</b>
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**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).*