

BIRMINGHAM CITY COMMISSION AGENDA
JULY 25, 2016
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Rackeline J. Hoff, 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.

Announcements:

- The Clerk's Office will be open on Saturday, July 30, 2016 from 9:00 A.M. to 2:00 P.M. to accept and issue absentee ballots for the August election.
- The Primary Election will be held Tuesday, August 2, 2016. The polls will be open from 7:00 A.M. to 8:00 P.M. To confirm your voter registration or locate your precinct, visit www.michigan.gov/vote or contact the Clerk's Office at 248.530.1880.
- Summer concerts continue at Shain Park on Wednesday, July 27th and Wednesday, August 3rd beginning at 7:00 P.M. For more information on scheduled entertainment, visit www.bhamgov.org/summerconcerts.
- The Farmer's Market continues in the Municipal Parking Lot #6 on Old Woodward on Sundays through October from 9:00 A.M. to 2:00 P.M.

Proclamations:

- Introduction of new Deputy Fire Marshal, Joel Campbell
- Proclamation to Peabody Family

Appointments:

- A. Continued interviews for appointment of the Hearing Officer and Alternate Hearing Officer.
 - 1. Alexander Stotland, 698 Hanna
 - 2. Patricia Papadopoulos, 1588 Bennaville
- B. To appoint _____ as the Hearing Officer to serve a three-year term to expire June 30, 2019.
- C. To appoint _____ as the alternate Hearing Officer to serve a three-year term to expire June 30, 2018.
- D. City Manager's appointment to Birmingham Shopping District – Business Operator or Property Owner Member
 - 1. Amy Pohlod, 912 S. Old Woodward (Bridal Couture)
- E. To concur in the city manager's appointment of _____ to the Birmingham Shopping District Board, as the business operator or property owner member, to serve the remainder of a four-year term to expire November 16, 2018.
- F. Administration of oath to the 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 warrant list, including Automated Clearing House payments, of July 13, 2016 in the amount of \$908,197.85.
- B. Approval of warrant list, including Automated Clearing House payments, of July 20, 2016 in the amount of \$2,810,980.77.
- C. Resolution approving chemical/fertilizer purchases for Lincoln Hills and Springdale golf courses from Harrell's for \$22,000, Residex Turfgrass for \$22,000 and Great lakes Turf for \$8,000. The total purchase from all vendors will not exceed a total of \$52,000. Funds will be charged to account numbers 584/597-753.001-729.0000.
- D. Resolution approving the amendment to the City of Birmingham Park Rules and Regulations as it pertains to Park Rule #10 and corresponding Birmingham City Code Chapter 78 – Parks and Recreation Article IV. Use of Parks Section 78-82. Closing hours. Language change is as follows:
 - The following city-owned or city-controlled areas shall be closed during the hours specified below. During such hours, no person shall enter into or remain in such property, except those persons whose presence is related to or in connection with a municipal activity or a project or activity which has been licensed to be operated or carried on within such public property, or persons who enter such property for the express purpose of parking or removing a vehicle legally parked upon such property and who, upon entering the parking area, immediately park or remove such vehicle. Such person shall not remain in the park for any other purpose.
 - (1) Manor Park shall be closed from one hour after sundown to one hour before sunrise.
 - (2) Adams Park shall be closed from 9:00 p.m. to 8:00 a.m.
 - (3) Springdale Park hours shall coincide with Springdale Golf Course hours and park rentals. The closing of the park is up to the discretion of the City of Birmingham Representative on duty.
 - (4) Except as provided in subsections (1), (2) and (3) of this section, all City Parks shall be closed between the hours of 10:00 p.m. and 6:00 a.m.
 - (5) All public property not included in subsections (1), (2), (3) and (4) of this section shall be closed between the hours of 12:00 midnight and 6:00 a.m. For purposes of this section, public property shall be deemed to be property zoned as public property under the provisions of chapter 126.
- E. Resolution accepting the resignation of Diane Kowaleski from the Public Arts Board, thanking Ms. Kowaleski for her service, and directing the Clerk to begin the process to fill the vacancy.
- F. Resolution accepting the resignation of Amanda Warner from the Multi-Modal Transportation Board, thanking Ms. Warner for her service, and directing the Clerk to begin the process to fill the vacancy.
- G. Resolution setting Monday, August 22, 2016 at 7:30 PM for a public hearing to consider the amendments to Chapter 126, Zoning, Article 02, Sections 2.23, 2.27, 2.29, 2.31, 2.33, 2.35, 2.37, 2.39, Article 04, sections 4.12, 4.57, 4.67, 4.68, 4.69, 4.70, 4.71, Article 05, Sections 5.10, 5.12, 5.13, and Article 09, Section 9.02.
- H. Resolution approving a request from the Birmingham Bloomfield Art Center to hold Art Birmingham in Shain Park and on the surrounding streets on May 13 – 14, 2017

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 submitted by the Birmingham Bloomfield Chamber, Junior League of Birmingham, and The Community House requesting permission to hold the annual Halloween Parade and Pumpkin Patch on Sunday, October 30, 2016 in downtown Birmingham, 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 purchase and installation of Porous Pave by X Tier Inc. to improve connectivity to the Rouge River trail system in the amount not to exceed \$25,000. Further, waiving the normal bidding requirements due to X Tier Inc. being the sole source installer of this product. Funds are available for this project from the Parks – Other Contractual Services account # 101- 751.000-811.0000.

V. UNFINISHED BUSINESS

A. Current Planning Issues for Discussion

(1) Transitional Zoning (TZ2 District)

Resolution directing staff to work with the Planning Board to prepare a narrative on the recent study of transitional zoning including the following:

- (i) What initiated the transitional zoning study;
- (ii) What options have been considered to date; and
- (iii) A comparison of existing O1 and O2 uses in relation to the proposed TZ2 uses.

And further, directing the Planning Board to review the number and type of uses proposed to be permitted in TZ2, outline the next steps planned, and to conduct a public hearing with sufficient public notice to gather input on the proposed changes and develop a recommendation based on input received that can be forwarded to the City Commission.

(2) Commercial Development Parking Requirements

Resolution directing the Planning Board to review the parking requirements for private developments, including but not limited to, considering the possible reduction of parking standards for residential units, and considering the impacts of multi-modal transportation options on the required number of parking spaces; and further directing staff to include a discussion on parking requirements in the City-wide master plan update.

(3) Existing Commercial Non-Conforming Buildings

Resolution reviewing the non-conformance provisions pertaining to commercial buildings to provide specific requirements that allow for changes to non-conforming buildings for the maintenance and renovation of existing buildings consistent with those permitted for residential buildings and structures.

(4) Definition of Retail

Resolution directing the Planning Board to study the following:

- (i) To evaluate the success of the red line retail district in Downtown Birmingham to determine if the intended objectives are being met;

- (ii) To study the existing definition of retail in the Zoning Ordinance and recommend any needed amendments to the definition; and
- (iii) To review all retail-related requirements contained in the Zoning Ordinance and recommend any needed amendments.

(5) Dormer Considerations

Resolution directing the Planning Board to review the dormer and habitable attic regulations in the Zoning Ordinance as they relate to current dormer construction trends in residential zoned districts. Specifically, to conduct a detailed public input and review process to:

- (1) Clarify the types of dormers permissible that project from second story roofs enclosing habitable attics;
- (2) Provide recommended width limitations for dormers projecting from second story roofs; and
- (3) Refine the maximum area regulations for habitable attics that would not count as a story.

(6) Planning Board Action List

Resolution directing the Planning Board to revise their 2016-2017 Planning Board Action List to reflect the City Commission's recent and pending directives as of July 11, 2016.

VI. NEW BUSINESS

- A. Public Hearing to consider amendments to Zoning Ordinance - Glazing
 - 1. Ordinance amending Chapter 126, Zoning, Article 04, Section 4.90 WN-01 and Article 07, Section 7.05 of the Zoning Ordinance to amend the glazing standards.
- B. Resolution authorizing the issuance of the 2016 Unlimited Tax General Obligation Recreation Refunding Bonds for the purpose of refinancing the 2006 Recreation Refunding Bonds and the 2008 Recreation Bonds. (complete resolution in agenda packet)
- C. Ordinance amending Chapter 102, Subdivisions, of the Birmingham City Code to add a new Article V - Combination of Land Parcels to create regulations governing the approval of residential lot combinations in the City of Birmingham.
- D. Resolution altering the bistro selection process for the 2017 calendar year only by limiting one new bistro license to a location in either the Triangle or MX District. (complete resolution in agenda packet)
- E. Resolution approving the license for Right-of-Way Occupancy by a temporary building wall and tie-backs and H-piles.

-OR-

Resolution denying the license for right-of-way occupancy by a temporary building wall and tie-backs and H-piles.

- F. Resolution authorizing a Request for Proposal (RFP) be issued for Birmingham Brand Development;

-AND-

Resolution approving the creation of an Ad Hoc Birmingham Brand Development Committee (BBDC) for the purpose of reviewing and making a recommendation to the City Commission for the rebranding of the City logo; and further, including 1 member of the Parks and Recreation Board, 1 member from the Birmingham Shopping District, 1 member from the Planning Board, (to be appointed by their respective boards), two

members at large in the City, and City Commissioners _____ and

- G. 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. Birmingham Theater – Liquor License Request

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 Multi-Modal Transportation Board and the Public Arts Board on August 8, 2016.
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
1. Response to cemetery questions, submitted by Clerk Pierce

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).