BIRMINGHAM CITY COMMISSION AGENDA
AUGUST 14, 2017
SOUTHEAST CORNER OF S. ETON AND MAPLE INTERSECTION
(NEAR BIG ROCK CHOPHOUSE, 245 S. ETON, BIRMINGHAM MI 48009)
5:30 P.M.
RECONVENING AT
MUNICIPAL BUILDING
151 MARTIN, BIRMINGHAM MI 48009  PH: 248-530-1880
6:30 P.M.

A. CONVENE AT 5:30 P.M. AT THE SOUTHEAST CORNER OF S. ETON AND MAPLE INTERSECTION, BIRMINGHAM MI

CALL TO ORDER
Mark Nickita, Mayor

ROLL CALL
J. Cherilynn Mynsberge, City Clerk

1) Physical inspection of S. Eton St. and Maple Rd. intersection

Members of the public wishing to attend this part of the meeting should utilize street parking either on S. Eton or Yosemite.

B. RECESS

1) Resolution to recess the meeting and reconvene at the Birmingham Municipal Building, 151 Martin, Birmingham MI at 6:30 p.m.

C. RECONVENE AT 6:30 P.M. AT MUNICIPAL BUILDING, 151 MARTIN, BIRMINGHAM MI

CALL TO ORDER
Mark Nickita, Mayor

ROLL CALL
J. Cherilynn Mynsberge, City Clerk

1. 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 and reconvene to open session, after the closed session, for purposes of taking formal action resulting from the closed session and for purposes of continuing the meeting.)

I. RECONVENE IN OPEN SESSION AT 7:30 P.M.

II. PLEDGE OF ALLEGIANCE
Announcements:
- Mayor Pro Tem Harris’ Birthday
- The last Summer Concert of the year is Wednesday, August 16th at 7:00 PM in Shain Park, featuring The Favorites, who will be performing music from the 50’s.
- The Birmingham Cruise event will be held on Saturday, August 19th from 9:00 AM to 4:00 PM in downtown Birmingham.
- The Farmer’s Market continues on Sundays from 9:00 AM to 2:00 PM in Parking Lot #6 on N. Old Woodward.

Appointments:
A. Interviews for Martha Baldwin Park Board
   1. Andrew Linovitz
B. To appoint ____ to the Martha Baldwin Park Board to serve the remainder of a four-year term to expire May 1, 2019.
C. Interviews for Advisory Parking Committee
   1. Steven Kalcynski
   2. Lisa Krueger
D. To appoint ____ as the representative of a downtown commercial large retail business to the Advisory Parking Committee to serve a three-year term expiring September 4, 2020.
E. To appoint ____ as the downtown employee representative to the Advisory Parking Committee to serve a three-year term expiring September 4, 2020.
F. Interviews for Triangle District Corridor Improvement Authority
   1. Clinton Baller
G. To concur in the Mayor’s appointment of ______ to the Corridor Improvement Authority to serve the remainder of a four-year term to expire December 15, 2017.
   OR
   To concur in the Mayor’s appointment of ______ to the Corridor Improvement Authority to serve the remainder of a four-year term to expire December 15, 2020.
H. Interviews for Design Review Board
   1. Lauren Tolles
   2. Keith Deyer
   3. Joseph Mercurio
I. To appoint ____ as a regular member to the Design Review Board to serve the remainder of a three-year term to expire September 25, 2018.
J. To appoint ____ as a regular member to the Design Review Board to serve a three-year term to expire September 25, 2020.
K. To appoint ____ as a regular member to the Design Review Board to serve a three-year term to expire September 25, 2020.
L. Interviews for Historic District Commission
   1. Padraic Mullin
   2. Doug Burley
   3. Keith Deyer
M. To appoint ____ as a regular member to the Historic District Commission to serve the remainder of a three-year term to expire September 25, 2018.
N. To appoint ___ as a regular member to the Historic District Commission to serve a three-year term to expire September 25, 2020.
O. To appoint ___ as a regular member to the Historic District Commission to serve a three-year term to expire September 25, 2020.

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 July 24, 2017.
B. Approval of warrant list, including Automated Clearing House payments, of July 26, 2017 in the amount of $555,229.01.
C. Approval of warrant list, including Automated Clearing House payments, of August 2, 2017 in the amount of $6,327,225.92.
D. Approval of warrant list, including Automated Clearing House payments, of August 9, 2017 in the amount of $814,228.89.
E. Resolution approving a request submitted by the Birmingham Bloomfield Chamber and Junior League of Birmingham requesting permission to hold the annual Halloween Parade and Pumpkin Patch on Sunday, October 29, 2017 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.
F. Resolution approving the audit contract with Plante & Moran to include fiscal years ending June 30, 2017 through June 30, 2019 with options for June 30, 2020 and 2021 in the amount of $70,975 for the fiscal year ending June 30, 2017 and an annual increase not to exceed the Headlee inflation factor for years two and three and option years four and five, and further authorizing the Mayor and the City Clerk to sign the agreement on behalf of the City.
G. Resolution appointing Commissioner Patty Bordman as the Birmingham City Commission’s official voting delegate at the Michigan Municipal League Annual Meeting to be held in Holland, Michigan on September 13, 2017.
H. Resolution approving the purchase of a new 2017 Ford Transit Connect cargo van from Gorno Ford through the State of Michigan extendable purchasing contract #071B1300005 in the amount of $23,836.00 from account #101-371.000-971.0100.
I. Resolution approving the purchase of one (1) Tink Model 520 Claw from Alta Equipment Company in the amount of $11,395.00 from account 641-441.006-971.0100.
J. Resolution approving a service agreement with L.G.K. Building, Inc., for the replacement of Siding and Trim for the Allen House in the amount of $57,430.00, to be charged to account 401-804.002-977.0000, and to direct the Mayor and City Clerk to sign the agreement on behalf of the City; further, to approve the appropriation and amendment to the 2017-2018 Capital Projects Fund budget as follows:

<table>
<thead>
<tr>
<th>Capital Projects Fund</th>
<th>401-000.000-400.0000</th>
<th>$57,430</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenues:</td>
<td></td>
<td></td>
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<tr>
<td>Draw from Fund Balance</td>
<td></td>
<td></td>
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<tr>
<td>Expenditures:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buildings - Allen House</td>
<td>401-804.002-977.0000</td>
<td>$57,430</td>
</tr>
</tbody>
</table>
K. Resolution accepting the resignation of Shelli Weisberg from the Design Review Board and the Historic District Commission, thanking her for her service, and directing the Clerk to begin the process of filling the vacancy.
L. Resolution accepting the resignation of Sarah Evans, Student Representative, from the Public Arts Board, and directing the City Clerk to thank her for her service on behalf of the City of Birmingham and present her with a Certificate of Appreciation.

M. Resolution waiving the formal competitive bid process and approving the purchase of (17) Armor Express RAZOR vests with ARA-SHOCK ICW plates in the amount of $12,602.00 from CMP Distributors, Inc. Further, authorizing this budgeted expenditure from uniform allowance account number 101-301.000-743.0000.

N. Resolution directing staff to issue the Request for Proposals for the solicitation of qualified firms to provide multi-modal transportation consulting services to assist the MMTTB and the City Commission in reviewing all transportation-related projects with the changes noted.

O. Resolution setting Monday, August 28, 2017 at 7:30 PM for a public hearing to consider the Final Site Plan and Special Land Use Permit for 375 S. Eton to allow a commercial use greater than 6,000 sq.ft. at 375 S. Eton.

V. UNFINISHED BUSINESS

A. Resolution authorizing the Mayor to sign DTE Electric Company Overhead Easement No. 47698093-47698095, located on Lot 91 of Assessor’s Plat #29, located in the northwest ¼ corner of Section 25, City of Birmingham

AND

Resolution authorizing the Mayor to sign the Tree Replacement Agreement with FLS Properties #5, LLC on behalf of the City of Birmingham.

B. Resolution endorsing the Multi-Modal Transportation Board recommendations as modified for S. Eton Rd. from Maple Rd. to Yosemite Blvd., as described below:

1. Relocation of the west side curb of S. Eton Rd. from Maple Rd. to Yosemite Blvd. three feet closer to the center, allowing the installation of an 8 ft. wide sidewalk behind the relocated curb.

2. Installation of a traffic island at the Maple Rd. & S. Eton Rd. intersection to improve safety for pedestrians crossing on the south side of Maple Rd.

3. Installation of a wider sidewalk adjacent to the handicap ramp at the southeast corner of Maple Rd. & S. Eton Rd.

4. Installation of sharrows on green painted squares for both directions

AND

Resolution confirming that the work on the block south of Maple Rd. shall be included as a part of the 2017 Concrete Sidewalk Program, Contract #3-17(SW), at an estimated total cost of $70,000, to be charged to account number 202-449.001-981.0100.

AND

Resolution directing the Multi-Modal Transportation Board to study and provide recommendations for bike route improvements for the area of S. Eton Rd. from Lincoln Ave. to 14 Mile Rd., then return to the City Commission with a package of Multi-Modal recommendations for the entire corridor.

VI. NEW BUSINESS

A. Public Hearing to consider approval of a Special Land Use Permit and Final Site plan-211 S. Old Woodward-Birmingham Theater

1. Resolution approving the Final Site Plan and Special Land Use Permit for 211 S. Old Woodward to allow for the addition of a theater liquor license for the Birmingham Theater.
B. Public Hearing to consider approval of the Brownfield Plan and Reimbursement Agreement – 35975 Woodward
   1. Resolution approving the Brownfield Plan and Reimbursement Agreement for 35975 Woodward.

C. Resolution repealing Chapter 122–Vehicles for Hire, Article IV–Taxicabs, Divisions 1, 2, 3, 4 and 5, All Sections: 121, 122, 131, 132, 136, 137, 138, 139, 140, 147, 148, 149, 150, 151, 152, 161, 162, 163, 164, 165, 166, 167, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 196, 197, 198, 199, 200, 201, 211, 212, 213, 214, 215, 216 and 217 from the City of Birmingham Code of Ordinances.

D. Resolution approving the appropriation and budget amendment to the 2016-2017 Capital Project’s Fund budget as follows:

   Capital Project Fund
   Revenues:
   Other Revenue – Bond Proceeds 401-751.000-698.0001 $11,345,605
   Expenditures:
   Capital Projects Fund – Bond Costs 401-751.000-824.0300 $109,340
   Capital Projects Fund – Debt Retirement 401-751.000-994.0000 $11,236,265
   Total Expenditures $11,345,605

E. Resolution granting a waiver of Section 50-74(b) of the Birmingham City Code to the Michigan Dept. of Transportation pertaining to the repair and resurfacing of Woodward Ave. (M-1) from September, 2017 to August, 2018 so that MDOT may allow its contractors to operate under lane closures at those times of day that traffic demands are relatively light.

F. 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
   1. Notice of Intent to appoint members to Board of Zoning Appeals on Monday, September 11, 2017 at 7:30 PM.

B. Commissioner Comments

C. Advisory Boards, Committees, Commissions’ Reports and Agendas

D. Legislation

E. City Staff
   1. Perpetual Care Fund Annual Investment Report, submitted by Finance Director Gerber
   2. High-Rise Fire Ratings, submitted by Building Official Johnson
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 por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).