

BIRMINGHAM CITY COMMISSION AGENDA
MAY 11, 2015
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Stuart Lee Sherman, 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 Celebrate Birmingham Parade will be held on Sunday, May 17th beginning at 1:00 PM followed by festivities in Shain Park. For more information, go to the Parade website at www.bhamgov.org/parade.
- The Ice Show will be May 15th, 16th and 17th at the Birmingham Ice Arena. For times and ticket information, go to the Department of Public Services page at www.bhamgov.org and click on the link for the Ice Arena.

Appointments:

- A. Interviews for appointment to the Board of Building Trades Appeals.
 - 1. David Force, 1099 N. Cranbrook Rd, Bloomfield Hills (Building Contractor)
 - 2. James Partridge, 3916 Cottontail Ln, Bloomfield (Mechanical Engineer)
 - 3. Ronald White, 1898 Tahquamenon Court, Bloomfield Hills (Electrical Contractor) (unable to attend)
- B. To appoint _____ to serve a three-year term on the Board of Building Trades Appeals to expire May 23, 2018.
- C. To appoint _____ to serve a three-year term on the Board of Building Trades Appeals to expire May 23, 2018.
- D. To appoint _____ to serve a three-year term on the Board of Building Trades Appeals to expire May 23, 2018.
- E. Interviews for appointment to the Housing Board of Appeals.
 - 1. Robert Ziegelman, 36800 Woodward, Bloomfield Hills
 - 2. Kenneth Peterson, 34 Adelaide, Detroit (unable to attend)
- F. To appoint _____ to serve a three-year term on the Housing Board of Appeals to expire May 4, 2018.
- G. To appoint _____ to serve a three-year term on the Housing Board of Appeals to expire May 4, 2018.
- H. Interviews for appointment to the Brownfield Redevelopment Authority.
 - 1. Wendy Zabriskie, 463 Wimbleton
- I. To concur in the Mayor's appointment of _____ to the City of Birmingham Brownfield Redevelopment Authority to serve a three-year term to expire May 23, 2018.

- J. Interviews for appointment to the Ad Hoc Parking Development Committee.
 - 1. Terry Lang, 1532 S. Bates (finance background)
 - 2. Mike Kennedy, 1712 Oak (commercial development background)
- K. To appoint _____ as the resident member with a finance background on the Ad Hoc Parking Development Committee.
- L. To appoint _____ as the resident member with a commercial development background on the Ad Hoc Parking Development Committee.
- M. To appoint Richard Astrein as the Principal Shopping District Committee member on the Ad Hoc Parking Development Committee.
- N. To appoint Scott Clein as the Planning Board member on the Ad Hoc Parking Development Committee.
- O. To appoint _____ as the City Commission member on the Ad Hoc Parking Development Committee.
- P. To appoint _____ as the City Commission member on the Ad Hoc Parking Development Committee.
- Q. 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 City Commission budget minutes of April 18, 2015.
- B. Approval of City Commission minutes of April 27, 2015.
- C. Approval of warrant list, including Automated Clearing House payments, of April 29, 2015 in the amount of \$291,992.52.
- D. Approval of warrant list, including Automated Clearing House payments, of May 6, 2015 in the amount of \$487,467.09.
- E. Resolution setting a public hearing date for June 1, 2015 to consider the Final Site Plan and Special Land Use Permit Amendment at 735 Forest (Forest Grill) to allow the transfer in ownership of the restaurant and the accompanying liquor license from Bendyl, LLC to Forest Grill 2, LLC.
- F. Resolution setting a public hearing date for June 1, 2015 to consider the Final Site Plan and Special Land Use Permit at 2483 W. Maple, Dearborn Federal Credit Union Financial, to construct a financial institution with a Drive-thru.
- G. Resolution approving the Commercial Natural Gas Purchase contract with Constellation NewEnergy-Gas Division, LLC for natural gas purchases from December 1, 2015 thru April 30, 2017 at a rate not to exceed \$4.15/Mcf. Further directing the Mayor and City Clerk to sign the agreement on behalf of the City.
- H. Resolution approving a request from the Principal Shopping District to hold the Birmingham Cruise Event on August 15, 2015, 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 Woodward Camera requesting permission to place two tents in the parking area in front of 33501 Woodward Ave on August 15, 2015, 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. Public Hearing to consider the adoption of the Development Plan and Tax Increment Financing Plan for the Corridor Improvement Authority.
 - 1. Resolution approving the Development Plan and Tax Increment Financing Plan for the City of Birmingham Corridor Improvement Authority.
- B. Public Hearing to consider a Special Land Use Permit and Final Site Plan at Au Cochon and Arthur Ave., 260 N. Old Woodward.
 - 1. Resolution approving the Final Site Plan and Special Land Use Permit to allow the operation of Au Cochon and Arthur Ave. restaurants at 260 N. Old Woodward, operating under one Class C Liquor License, with a Direct Connect Endorsement, to be held by Bellar Birmingham Ventures, LLC with outdoor seating on the sidewalk and on an elevated platform extending into the adjacent on-street parking spaces.

OR

Resolution approving the Final Site Plan and Special Land Use Permit to allow the operation of Au Cochon and Arthur Ave. restaurants at 260 N. Old Woodward, operating under one Class C Liquor License, with a Direct Connect Endorsement, to be held by Bellar Birmingham Ventures, LLC with outdoor seating on the sidewalk only.

VI. NEW BUSINESS

- A. Resolution approving the request of Hospitality of Birmingham, LLC for a new Economic Development Class C Liquor License with Sunday Sales Permit (AM and PM), Living Quarters and (5) Add Bars located at 820 E. Maple, Birmingham, Michigan. Furthermore, pursuant to Birmingham City Ordinance, authorizing the city clerk to complete the Local Approval Notice at the request of Hospitality of Birmingham, LLC for a new Economic Development Class C Liquor License with Sunday Sales Permit (AM and PM), Living Quarters and (5) Add Bars located at 820 E. Maple, Birmingham, Michigan.
- B. Ordinance amending Chapter 114 of the City Code, Utilities, to add Division 5, Sections 277 to 296, to establish methods for controlling the introduction of pollutants into the municipal separate storm sewer system, and to comply with the requirements of the National Pollution Discharge Elimination System (NPDES). Further, reserving Sections 297 to 500 for future use.
- C. Resolution authorizing the Mayor to sign the proposed lease to allow the operation of a temporary municipal parking lot at 35975 Woodward Ave., to be known as Parking Lot #11, further directing staff to proceed with the additional amenities planned for the lot to allow it to operate successfully as a Police patrolled monthly permit only public parking lot on an indefinite basis in accordance with the terms of the lease and the plan as prepared, and further, directing the Central Parking/SP+ local parking staff to sell up to 40 monthly parking permits at a cost of \$135 per quarter (\$45 per month) similar to the permits currently sold in and around Parking Lot #6 to current businesses and employees located with the Parking Assessment District, and to allow current holders of Parking Lot #6 monthly permits to park in this lot as needed.

- 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.
- E. Resolution to meet in closed session to review pending litigation regarding Gennie Hill v Ronald Dix & City of Birmingham pursuant to Section 8(e) 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 Intention to appoint to the Ethics Board on June 1, 2015.
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. 3rd Quarter Financial Reports, submitted by Finance Director Gerber
 - 2. 3rd Quarter Investment Report, submitted by Finance Director Gerber
 - 3. Ad Hoc Parking Development Committee Agenda Outline, 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).

INFORMATION ONLY