

**BIRMINGHAM CITY COMMISSION AGENDA**  
**FEBRUARY 13, 2017**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mark Nickita, Mayor

**II. ROLL CALL**

Cheryl Arft, Acting City Clerk

**III. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS, INTRODUCTION OF GUESTS AND ANNOUNCEMENTS.**

*Announcements:*

Commissioners birthdays: Mayor Nickita, Commissioner DeWeese

*Appointments:*

- A. Interviews for Board of Review – Alternate members (2)
  - 1. Jill Stress, 784 Westchester Way
  - 2. Jason Monahan, 732 Chapin
  - 3. Todd Fleury, 1863 Hazel
  - 4. Pdraic Mullin, 1794 Bradford
- B. Resolution appointing \_\_\_\_\_ to the Board of Review as an alternate member to serve a three-year term to expire December 31, 2017.
- C. Resolution appointing \_\_\_\_\_ to the Board of Review as an alternate member to serve a three-year term to expire December 31, 2019.
- D. Interviews for Board of Zoning Appeals – Alternate members (2)
  - 1. Allan J. Kovinsky, 2020 Northlawn Blvd.
  - 2. Cynthia Grove, 584 Rivenoak
  - 3. Kristen Baiardi, 2152 Manchester
  - 4. Jason Canvasser, 369 Kimberly
- E. Resolution appointing \_\_\_\_\_ to the Board of Zoning Appeals as an alternate member to serve a three-year term to expire on February 17, 2020.
- F. Resolution appointing \_\_\_\_\_ to the Board of Zoning Appeals as an alternate member to serve a three-year term to expire on February 17, 2020.
- G. Administration of Oath of Office to 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 minutes (amended) of December 5, 2016.
- B. Approval of City Commission minutes (amended) of December 12, 2016.
- C. Approval of City Commission minutes (amended) of January 9, 2017.
- D. Approval of City Commission minutes of January 23, 2017.

- E. Approval of City Commission Long Range Planning minutes of January 28, 2017.
- F. Approval of City Commission Special Meeting minutes of February 2, 2017.
- G. Approval of warrant list, including Automated Clearing House payments, of January 25, 2017 in the amount of \$1,416,743.83.
- H. Approval of warrant list, including Automated Clearing House payments, of February 1, 2017 in the amount of \$1,705,620.55.
- I. Approval of warrant list, including Automated Clearing House payments, of February 8, 2017 in the amount of \$923,117.63.
- J. Resolution approving a request submitted by the Birmingham Bloomfield Chamber to hold the Village Fair in the Shain Park area, May 31 – June 4, 2017, including the private party, 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.
- K. Resolution accepting the resignation of Phyllis Klinger from the Public Arts Board, thanking her for her service, and directing the Acting Clerk to begin the process of filling the vacancy.
- L. Resolution accepting the resignation of Maggie Mettler from the Public Arts Board, thanking her for her service, and directing the Acting Clerk to begin the process of filling the vacancy.
- M. Resolution approving the application and permit submitted by CenturyLink Communications, LLC, and authorizing the Mayor to sign the Right-of-Way Telecommunications Permit on behalf of the City.
- N. Resolution setting Monday, March 13, 2017 at 7:30 PM for a public hearing to consider amendments to Chapter 126, Zoning, Article 04, Structure Standards, Section 4.75 SS-02, to create limitations on the allowable size of dormers on single family homes; and Article 09, definitions, section 9.02, to add a definition of "Attic" and to amend the definitions of "Habitable attic" and "Story" for consistency with the Michigan Residential Code.

<b>V. UNFINISHED BUSINESS</b>
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<b>VI. NEW BUSINESS</b>
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- A. Public Hearing to consider the proposed rezoning of 412-420 E. Frank.
  - 1. Resolution approving the proposed rezoning of 412 - 420 E. Frank Street from R3 (Single-Family Residential), B1 (Neighborhood Business), and B2B (General Commercial) to TZ1 (Transitional Zoning) for all three parcels.
- B. Public Hearing to consider amending Chapter 126, Zoning – Rail District Bistros.
  - 1. Ordinance amending Chapter 126, Zoning as follows to establish the boundaries of the Rail District and to allow bistros in B2 and B2B zone districts located within the Rail District with an approved Special Land Use Permit:
    - (a) Article 02, section 2.29 (General Business), to allow bistros in the Rail District as a use requiring a Special Land Use Permit;
    - (b) Article 02, section 2.31 (General Business), to allow bistros in the Rail District as a use requiring a Special Land Use Permit; and
    - (c) Article 09, section 9.02 (Definitions), to add a definition for Rail District.
  - AND/OR**
  - 2. Ordinance amending Chapter 126, Zoning as follows to allow the use of an Economic Development license at 2100 E. Maple with an approved Special Land Use Permit:

- (a) To amend section 2.29, B2 (General Business) to amend the accessory permitted uses; and
- (b) To amend appendix C, Exhibit 1, Economic Development Licenses map.
- C. Public Hearing to consider amending Chapter 126, Zoning – Liquor Licenses in Theaters and Chapter 10, Alcoholic Liquors, Licenses for Theaters.
  - 1. Ordinance amending Chapter 126, Zoning, Article 2, section 2.37, B-4 Business Residential, to allow the use of liquor license in theaters in the B-4 zoning district, and to consider the associated amendments to Chapter 10, Alcoholic Liquors, Article II, to add a Division 5, Licenses for Theaters.
- D. Public Hearing to consider amendments to Chapter 126, Zoning, to create new D5 Zone.
  - 1. Ordinance amending Chapter 126, Zoning, Article 3, Downtown Birmingham Overlay District, Section 3.04, to create a new D5 Zone and to establish development standards for this district, and Article 6, nonconformances, Section 6.02, to allow for the extension and/or enlargement of existing legal, non-conforming commercial buildings;

**AND**

Resolution approving the rezoning of the following properties:

- (a) 555 S. Old Woodward (555 Office and Residential Buildings) from D4 in the Downtown Overlay to D5 in the Downtown Overlay;
- (b) 411 S. Old Woodward (Birmingham Place) from D4 in the Downtown Overlay to D5 in the Downtown Overlay; and
- (c) 225 E. Merrill (Merrillwood Building) from D4 in the Downtown Overlay to D5 in the Downtown Overlay.

**VII. REMOVED FROM CONSENT AGENDA**

**VIII. COMMUNICATIONS**

- A. Peggy Dufault & City Manager Valentine response re: Fairway sidewalks
- B. Darin McBride re: Fairway sidewalks
- C. Renee Suchara re: Fairway sidewalks

**IX. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA**

**X. REPORTS**

- A. Commissioner Reports  
The City Commission intends to appoint members to the Parks & Recreation Board, Multi-Modal Transportation Board, Planning Board and Cablecasting Board on Monday, March 13, 2017.
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. Maple Road & Southfield Road Intersection, Easterly Crosswalk, submitted by City Engineer O'Meara

**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).*