

BIRMINGHAM CITY COMMISSION AGENDA
MAY 8, 2017
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mark Nickita, Mayor

II. ROLL CALL

Cherilynn Brown, City Clerk

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

Announcements:

- The Farmers Market continues on Sundays from 9:00 AM to 2:00 PM in Municipal Parking Lot #6 on N. Old Woodward through October 29, 2017. For more information, visit www.birminghamfarmersmarket.org.
- The Birmingham Bloomfield Art Center Annual Art Birmingham will be held Saturday, May 13th and Sunday, May 14th in Shain Park. For more information and hours, visit www.theguild.org.
- The theme of this year's Celebrate Birmingham Hometown Parade is "Hats Off to Our Heroes", and it will be held Sunday, May 21st at 1:00 PM. The parade begins at S. Old Woodward and Daines, continues on S. Old Woodward to Maple, then to Bates, ending at Shain Park. Until 4:00 PM, there will be free children's activities in Shain Park immediately after the parade ends. Come out and join your neighbors to kick off your summer activities in Birmingham!

Appointments:

- A. Interviews for Multi-Modal Transportation Board
 - 1. Daniel Isaksen, 1386 Yorkshire
- B. To appoint _____, as an alternate member, to the Multi-Modal Transportation Board to serve a three-year term to expire October 27, 2019.
- C. Administration of oath to the appointed board member(s).

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 April 22, 2017.
- B. Approval of City Commission minutes of April 24, 2017.
- C. Approval of warrant list, including Automated Clearing House payments of April 26, 2017 in the amount of \$419,107.15.
- D. Approval of warrant list, including Automated Clearing House payments of May 3, 2017 in the amount of \$414,407.27.

- E. Resolution approving the street light agreement between the City of Birmingham and DTE Energy regarding the installation of street lights at 369 N. Old Woodward Ave. Further, directing the Mayor to sign the agreement on behalf of the City. All costs relative to this agreement will be charged to the adjacent owner.
- F. Resolution awarding the 2017 Local Streets Paving Program, Contract #1-17(P) to DiPonio Contracting, Inc., of Shelby Twp., MI, in the amount of \$1,195,989.00, to be charged to the various accounts as detailed in the report; and further approving the appropriations and budget amendments as follows:

Local Street Fund

Revenues:

Draw from Fund Balance	#203-000.000-400.0000	\$49,540
Total Revenue Adjustments		\$49,540

Expenditures:

Public Improvements	#203-449.001-981.0100	\$49,540
Total Expenditure Adjustments		\$49,540

AND

Resolution setting Monday, June 12, 2017 at 7:30 PM for a Public Hearing to consider declaring necessity for the installation of water laterals within the 2017 Local Street Paving Program area, and further setting Monday, June 26, 2017, at 7:30 P.M. for a Public Hearing to consider confirming the roll for the installation of water laterals within the 2017 Local Street Paving Program area.

- G. Resolution requesting reimbursement for the maximum allotment of \$2,648.39 for eligible mosquito control activity under the Oakland County's West Nile Virus Fund Program. (complete resolution in agenda packet)
- H. Resolution approving the Amended and Restated Tree Care and Removal Agreement with J. H. Hart Urban Forestry, for a second year renewal (July 1, 2017 – June 30, 2018) upon thirty (30) days written notice in the amount set forth in the price schedule, with all other terms and conditions remaining the same. Funds are available in each of the following accounts for these services: Major Street Fund – Street Trees – Tree Trimming Contract account #202-449.005-819.0000; Local Street Fund – Street Trees – Tree Trimming Contract account #203-449.005-819.0000; Parks – Tree Trimming Contract account #101-751.000-819.0000; and Property Maintenance –Tree Trimming Contract account #101-441.003-819.0000.
- I. Resolution accepting Ms. Maricak's and Mr. Cristbrook's resignations from the Museum Board, thanking each of them for their service, and directing the Clerk to begin the process to fill the vacancies.
- J. Resolution approving an amended request submitted by the City of Birmingham to hold Celebrate Birmingham Parade on Sunday, May 21, 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.
- K. Resolution setting Monday, June 12, 2017 at 7:30 PM for a Public Hearing to consider the Final Site Plan and Special Land Use Permit for 160 W. Maple - Dick O Dow's, to allow the renovation of an existing restaurant. (complete resolution in agenda packet)
- L. Resolution approving the purchase of a 2017 Ford Fusion SE from Gorno Ford through the State of Michigan extendable purchasing contract #071B1300005 in the amount of \$21,593.00 from account #641-441.006.971.0100.
- M. Resolution approving the purchase of one (1) 2018 Freightliner 108 chassis from Wolverine Freightliner through the Rochester Hills Cooperative Award Agreement #RFP-RH-13-30 totaling \$87,253.00 from account #641-441.006.971.0100; further,

approving the purchase and installation of snow removal up-fitting equipment from Knapheide Truck Equipment through the State of Michigan MI-Deal Cooperative Purchasing Contract #071B7700087 totaling \$95,315.00 from account #641-441.006.971.0100, for a total combined expenditure of \$182,568.00.

- N. Resolution approving the agreement between the City of Birmingham and the Village of Beverly Hills for use of the police pistol range by Beverly Hills Department of Public Safety for \$1,500 per year; authorizing the mayor and city clerk to sign the contract.
- O. Resolution approving the service agreement with Heartland Payment Systems for services described in Attachment A – Agreement as submitted in the corrected proposal of April 20, 2017 and utilizing the special interchange pricing program for credit card payment processing contingent upon Heartland Payment Systems endorsing the City as additional insured upon execution of the agreement; further directing the Mayor and City Clerk to sign the agreement on behalf of the City.

V. UNFINISHED BUSINESS

- A. Resolution approving the Special Land Use Permit Amendment and Final Site Plan Review for 250 N. Old Woodward, Emagine Palladium Theatre and Ironwood Grill restaurant to allow the establishment to change their name to Emagine Palladium Theatre and Four Story Burger.
- B. Resolution terminating the Special Land Use Permit at 250 N. Old Woodward, Emagine Palladium Theatre and Ironwood Grill restaurant for failure to comply with the terms of the SLUP.

OR

Resolution taking no action at this time.

VI. NEW BUSINESS

- A. Resolution amending the existing City policy governing street improvements with respect to allowing streets to be paved in block segments subject to established criteria and partially financed through a special assessment district. (complete resolution in agenda packet)
- B. Resolution establishing an On-Street Accessible Parking Policy, as well as an application process outlined in the proposed application form, with no fee. (complete resolution in agenda packet)
- C. Resolution directing the Planning Board to review and present the recommendation to amend Article 3, section 3.04(C)(6), Specific Standards, to amend the Downtown Birmingham Overlay Standards to excluded community and personal service uses as permitted in the Redline Retail District, and to forward a recommendation to the City Commission by June 26, 2017.
- D. Resolution to meet in closed session to discuss an attorney/client privileged 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 Intention to appoint members to the Historic District Study Committee, Ethics Board, Retirement Board, and Museum Board on June 12, 2017
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. 3rd Quarter Budget Report, submitted by Finance Director Gerber
 - 2. 3rd Quarter Investment Report, submitted by Finance Director Gerber
 - 3. Parking Structure Utilization Report, submitted by City Engineer O'Meara
 - 4. Invisible fence signage, submitted by City Attorney Currier

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:2485301880) por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).