

BIRMINGHAM CITY COMMISSION AGENDA
OCTOBER 28, 2019
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Pierre Boutros, Mayor Pro Tem

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:

- The City Commission acknowledges and thanks Mr. Dan Isaksen for his service to the community on the Multi-Modal Transportation Board.

- Tuesday, November 5, 2019 is the election of four City Commissioners and three Library Board members in Birmingham. The polls will be open from 7:00 AM to 8:00 PM. Also on the ballot are proposals for Oakland Community College and Birmingham Public Schools. Sample ballots for each of the nine precincts in Birmingham are available at the City Clerk's Office during business hours, or by visiting the Clerk's Office page at www.bhamgov.org. Contact the Clerk's Office at 248-530-1880 during business hours for information about how you can request an Absent Voter ballot. The Clerk's office will be open from 8 A.M. to 4 P.M. on Saturday, November 2nd for the purpose of issuing and receiving Absent Voter ballots.

Appointments:

- A. Interview for Advisory Parking Committee – Alternate member
 - 1. Michael Horowitz
 - 2. Robin Mueller

- B. To appoint _____ as the Alternate member to the Advisory Parking Committee to complete a three-year term to expire September 4, 2020.

- C. Administration of the Oath of Office to the appointee.

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. Resolution approving the Regular City Commission meeting minutes of October 7, 2019.
- B. Resolution approving the Joint City Commission-Planning Board Work Session minutes of October 17, 2019.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated October 9, 2019 in the amount of \$.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated October 16, 2019 in the amount of \$.
- E. Resolution approving the warrant list, including Automated Clearing House payments, dated October 23, 2019 in the amount of \$.
- F. Resolution approving the request from the Chabad of Bloomfield Hills to display the Shain Park Menorah on December 19-31, 2019, with a special gathering to be held on December 23, 2019 from 5-7 pm in Shain Park, 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.
- G. Resolution confirming the City Manager's authorization for an emergency expenditure pursuant to Sec. 2-286 of the City Code in the amount of \$18,000 at the North Old Woodward parking garage to repair and secure failing panels on the exterior façade to be paid from account #585-538.005-977.0000.
- H. Resolution approving the agreement with WJE Engineers and Architects, P.C. (WJE) for professional engineering services to conduct full structural assessments of the five parking garages in downtown Birmingham for an amount not to exceed \$392,480 from account #585-538.001-811.0000 for Fiscal Year 2019-2020. Further, direct the Mayor and City Clerk to sign the agreement on behalf of the City.
- I. Resolution approving the Public Arts Board's recommendation that the City purchase the sculpture "The Counselor" by Chris Yockey for \$5,500 from account 101-299.000-811.0000; that the sculpture remain in its current location on the N. Old Woodward parking structure; and to approve the appropriations and amendment to the fiscal year 2019-2020 General Fund budget as follows:

Revenues:		
Draw from Fund Balance	101-000.000-400.0000	<u>\$5,500</u>
Total Revenues		<u>\$5,500</u>
Expenditures:		
Other Contractual Services	101-299.000-811.0000	<u>\$5,500</u>
Total Expenditures		<u>\$5,500</u>

- J. Resolution setting November 25, 2019 at 7:30 PM as the public hearing date for the Program Year 2020 Community Development Block Grant Program.
- K. Resolution setting November 25, 2019 at 7:30 PM as the public hearing date for the reprogramming of program year 2018 Community Development Block Grant (CDBG) funds.
- L. Resolution approving the Professional Services Proposal from Automated Benefit Services, Inc., for a three-year agreement with renewal options to provide administration of the

City's Flexible Spending Account and Health Reimbursement Arrangement programs, and to authorize the Human Resources Manager to sign the Addendum to the Administrative Services Agreement on behalf of the City following satisfactory legal review by the City Attorney.

- M. Resolution confirming the City Manager's authorization for the emergency expenditure related to the repair of vehicle #160 by Jack Doheny Companies in the amount of \$7,905.35 from the Auto Equipment Fund account #641-441.006-933.0200, pursuant to Sec. 2-286 of the City Code.
- N. Resolution approving the purchase and planting of ninety-six (96) trees from Greg Davis Landscape Services for the Fall 2019 Tree Purchase and Planting Project for a total project cost not to exceed \$38,315.00. Funds are available from the Local Streets Fund-Forestry Service Contract account #203-449.005-819.0000, the Major Streets Fund-Forestry Service Contract account #202-449.005-819.0000, the Local Streets Fund-Operating Supplies account #203-449.005-729.0000, the Major Streets Fund-Operating Supplies account #202-449.005-729.0000 and the Parks- Other Contractual Services account #101-751.000-811.0000 for these services. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.
- O. Resolution approving the installation of a Yield Sign on Millrace at Lakeside. Further, to direct the Chief of Police and the City Clerk to sign the traffic control order on behalf of the City establishing the installation of a "Yield" sign on Millrace at Lakeside.
- P. Resolution approving the amendment to the City Manager's Employment Agreement as outlined in the Third Amended Employment Agreement and directing the Mayor to sign the Agreement on behalf of the City.

V. UNFINISHED BUSINESS

- A. Resolution approving the recommended modifications to the traffic signal timing at the N. Old Woodward Ave. & Willits St./Oakland Blvd. intersection for a trial period as soon as possible, through March, 2020, at a total estimated cost of \$9,200, including:
 - 1. Remove the permissive left turn phase of the traffic signal for eastbound and westbound traffic using Option 3 as a trial through March, 2020;
 - 2. Installing updated crosswalk markings on three legs of the intersection; and
 - 3. Installing lane modifications north of the intersection, marked by bollards, such that a bump out can be added on the northwest corner, and a separated bus lane will be created on the northeast corner.

Further, approving the appropriation and amendment to the 2019-2020 fiscal year Major Street Fund budget as follows:

Major Street Fund

Revenues:

Draw from Fund Balance	202-000.000-400.0000	\$9,200
	Total Revenue Adjustments	\$9,200

Expenditures:

Other Contractual Service	202-449.001-981.0100	\$9,200
	Total Expenditure Adjustments	\$9,200

VI. NEW BUSINESS

- A. Resolution approving a Zoning Amendment to Chapter 126, Zoning Ordinance, Appendix C, Exhibit 1, Licenses for Economic Development to include 2159 E. Lincoln Street as well as all the properties along Cole Street and Lincoln Street within the Rail District as recommended by the Planning Board to be qualified to be eligible for an Economic Development License;

AND

Resolution approving an amendment to Chapter 126, Zoning Ordinance, Article 2, Section 2.39 MX, Uses Requiring a Special Land Use Permit, to allow establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development on those parcels identified in Appendix C, Exhibit 1 with a Special Land Use Permit.

- B. Resolution approving a Special Land Use Permit and Final Site Plan and Design Review for Lincoln Yard at 2159 E. Lincoln to allow the use of an economic development liquor license to serve alcohol on premise and to occupy a building more than 6,000 square feet in size in the MX Zone.
- C. Resolution approving a Special Land Use Permit and Final Site Plan and Design Review for 298 S. Old Woodward to allow the operation of the Daxton Hotel with the service of alcoholic liquors, in accordance with Article 7, Section 7.34 of the Zoning Ordinance;

AND

Resolution authorizing the City Clerk to sign the MLCC Local Government Approval Report (MLC 436.1510) and to approve the liquor license request of Aparium Hotel Group, LLC that requests a B-Hotel Liquor License be issued under MCL 436.1521(4), SDM License with Outdoor Service (1 Area) Sunday Sale Permit (AM)(PM), Dance-Entertainment Permit, Catering Permit, Eight (8) Additional Bar Permits, Specific Purpose Permit for Hotel Operations located and a Participation Permit in the name of Woodward Brown Ventures, LLC located at 298 S Old Woodward, Birmingham, Oakland County, MI 48009.

- D. Audit Presentation
- E. Resolution approving the following amendments to the Sign Ordinance to add Electronic Message Centers to the list of prohibited sign types:
1. To amend Article 1, Section 1.03, Sign Requirements, to amend the prohibited sign types; and
 2. To amend Article 3, Section 3.02, Definitions, to add definitions for Electronic Message Centers and Gas Station Price Signs.
- F. Resolution adopting the resolution to amend Advisory Parking Committee membership to remove the Building Owner position and replace it with a board member of the Birmingham Shopping District and to remove the City Engineer (non-voting, ex-officio) position and to replace this position with the City Manager, or his/her designee.
- G. Resolution amending the Fees, Charges, Bonds, Insurance Schedule to allow all associated water permit fees (ROW Permit, Plumbing Permit, Trench Maintenance and Inspection Fees) to be waived for individuals that wish to replace their lead water services.

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

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

X. REPORTS

- A. Commissioner Reports
Notice of Intention to Appoint to Multi-Modal Transportation Board (1) Alternate and (1) Regular members
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. Parking Utilization Report (Gunter)
 - 2. 1st Qtr Budget Report (Gerber)
 - 3. 1st Qtr Investment Report (Gerber)

INFORMATION ONLY

XI. ADJOURN

PLEASE NOTE: Due to building security, public entrance during non-business hours is through the Police Department – Pierce St. entrance 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).