BIRMINGHAM CITY COMMISSION AGENDA
FEBRUARY 23, 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 Clerk's Office will be holding special weekend hours to process passport applications on Saturday, February 28th from 9:00 AM – 2:00 PM. Appointments are not needed. Visit www.bhamgov.org/passports for additional information.

Introduction of Guests:

- State Senator Marty Knollenberg

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 February 9, 2015.

B. Approval of warrant list, including Automated Clearing House payments, of February 11, 2015 in the amount of $1,376,773.67.

C. Approval of warrant list, including Automated Clearing House payments, of February 18, 2015 in the amount of $1,772,024.97.

D. Resolution accepting the resignation of Darlene Gehringer from the Historic District Commission and Design Review Board, thanking Ms. Gehringer for her service, and directing the Clerk to begin the process to fill the vacancy.

E. Resolution approving a request from the City of Birmingham to hold the In the Park Concerts on Wednesday evenings from June, 2015 through August, 2015and the Band Jam on June 12, 2015 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.

F. Resolution approving the purchase of one (1) new Toro 648 Aerifier from Spartan Distributors, through the State of Michigan extendable purchasing contract #071B0200329 for a total expenditure of $23,445.77. Funds for this purchase are available in the Equipment Fund account #641-441.006-971.0100.

G. Resolution approving the purchase of four (4) new Toro Workman MD Utility Vehicles from Spartan Distributors, through the State of Michigan extendable purchasing contract

#071B0200329 for a total expenditure of $31,276.88. Spartan Distributors will purchase the four (4) used Toro Workman HDX vehicles from the City of Birmingham in the amount of $30,000. Funds for this purchase are available in the Equipment Fund, account #641.441.006-971.0100.

H. Resolution approving the purchase of two (2) Toro 3150 riding greens mowers from Spartan Distributors, through the State of Michigan extendable purchasing contract #071B0200329 for a total expenditure not to exceed $67,977.62. Funds for this purchase are available in the equipment fund account #641-441.006-971.0100.

I. Resolution approving the 2015 annual flower purchase from Gardens & Beyond/Croswell Greenhouse in the amount not to exceed $18,088.50. Funds are available from the General Fund – Property Maintenance – Operating Supplies account #101-441.003-729.0000.

J. Resolution setting a public hearing date for March 30, 2015 to consider the Final Site Plan and Special Land Use Permit at 2200 Holland, Mercedes-Benz, to construct a warehouse building over 6,000 sq. ft.

K. Resolution approving the agreement with Kone, Inc. in the amount not to exceed $122,800.00 to perform the Baldwin Public Library Freight Elevator Renovation. Further, directing the Mayor and City Clerk to sign the agreement on behalf of the city, and further approving the appropriation and amendment to the 2014-2015 General Fund budget as follows:

Revenue:		
Draw from Fund Balance	#101-000.000-400.0000	$122,800
Total Revenue Adjustment		$122,800
Expenditure:		
City Property Maintenance- Library	#101-265.002-977.0000	$122,800
Total Expenditure Adjustment		$122,800

L. Resolution awarding the 2015 Concrete Sidewalk Repair Program, Contract #7-15(SW) to RDC Construction Services, LLC, of Southfield, MI, in the amount of $311,578.50, to be charged to the various accounts as detailed in the report; and further approving the appropriations and budget amendments as follows:

Major Street Fund		
Revenues:		
Draw from fund balance	#202-000.000-400.0000	$ 15,000
Total Revenue Adjustments		$ 15,000
Expenditures:		
Public Improvements	#202-449.001-981.0100	$ 15,000
Total Expenditure Adjustments		$ 15,000
Water Fund		
Revenues:		
Draw from net assets	#591-000.000-400.0000	$ 66,000
Total Revenue Adjustments		$ 66,000
Expenditures:		
Other Contractual Services	#591-537.004-811.0000	$ 7,000
Other Contractual Services	#591-537.005-811.0000	$ 59,000
Total Expenditure Adjustments		$ 66,000

M. Resolution awarding the 2015 Local Streets Paving Project, Contract #2-15(P), to DiPonio Contracting, Inc., of Shelby Twp., MI, in the amount of $2,859,049.00, to be funded as follows:

Sewer Fund	590-536.001-981.0100	$ 771,438.36

Acacia Drain (Birmingham)	590-536.001-981.0100	$ 100,156.00
Acacia Drain (Beverly Hills)	590-536.001-981.6900	$ 236,050.77
Water Mains Fund	591-537.004-981.0100	$ 549,270.00
Local Streets Fund	203-449.001-981.0100	$ 880,547.30
Cummings St. Assessment	203-449.001-981.7000	$ 321,586.57
TOTAL		$2,859,049.00

Further, approving the appropriations and budget amendments as follows:

Local Street Fund

Revenues:

Draw from Fund Balance	#203-000.000-400.0000	$321,590
Total Revenue Adjustments		$321,590

Expenditures:

Cummings St. Public Improvements	#203-449.001-981.7000	$321,590
Total Expenditure Adjustments		$321,590

N. Resolution setting a public hearing of necessity for the installation of lateral sewers within the 2015 Local Streets Paving Program area, with a voluntary option being made available for those properties on the long side of Henley Dr. and Putney Dr. on March 16, 2015 at 7:30 PM. If necessity is declared, setting a public hearing to confirm the roll for the installation of lateral sewers in the 2015 Local Streets Paving Project Program area on March 30, 2015.

O. Resolution authorizing the Chief of Police to sign the Road Commission for Oakland County traffic control device cost agreement for the intersection of 14 Mile/Saxon and Southfield for signal modernization planned for the 2016-17 fiscal year.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

A. Public Hearing to consider an amendment to the Special Land Use Permit for 1755 & 1775 Melton, Eton Academy.

1. Resolution approving the Final Site Plan and Special Land Use Permit Amendment at 1755 & 1775 Melton to allow the expansion of the Eton Academy into the former St. Columban Church building. (complete resolution in agenda packet)

B. Public Hearing to consider an amendment to the Special Land Use Permit for 563 & 575 S. Eton, Griffin Claw.

1. Resolution approving the Final Site Plan and Special Land Use Permit Amendment at 563 & 575 S. Eton, Griffin Claw Brewery, to construct an accessory building, expand the outdoor dining area, build a canopy over the loading dock and add a new entrance feature to the back of the building. (complete resolution in agenda packet)

C. Public Hearing to consider an amendment to the Special Land Use Permit for 33588 Woodward, Shell Gas Station.

1. Resolution approving an amendment to the Special Land Use Permit to add environmental cleanup provisions to the Special Land Use Permit resolution for 33588 Woodward – Shell Gas Station. (complete resolution in agenda packet)

D. 2014 Liquor License Review and 2015 Liquor License Renewals

1. Resolution approving the renewal, for the 2015 licensing period, of all Class B and Class C liquor licenses for which a current year application was received.

- OR -

2. (Each of the following resolutions to be considered with separate motions.)

a. Resolution setting a public hearing for 7:30 PM on Monday, March 16, 2015 in the City Commission Room at the Birmingham Municipal Building, 151 Martin, Birmingham, MI 48009, to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of _____, for the following reasons: _____; Further, directing the City Manager to notify the owners/operators of _____, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

- AND -

b. Resolution approving the renewal for the 2015 licensing period, of all Class B and Class C liquor licenses for which a current year application was received, except for the license(s) held by _____, for which a public hearing has been set.

E. Resolution to meet in closed session to review pending litigation regarding Mary Haney v 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 members to the Historic District Commission and Design Review Board on March 16, 2015.

B. Commissioner Comments

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

D. Legislation

E. City Staff

1. Second Quarter Investment Report, submitted by Finance Director/Treasurer Gerber.
2. Second Quarter Financial Report, submitted by Finance Director/Treasurer Gerber.

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

INFORMATION ONLY