BIRMINGHAM CITY COMMISSION MINUTES
MARCH 30, 2015
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Stuart Lee Sherman, Mayor, called the meeting to order at 7:30 PM.

II. ROLL CALL

ROLL CALL: Present, Mayor Sherman
Commissioner Dilgard
Mayor Pro Tem Hoff
Commissioner McDaniel
Commissioner Moore
Commissioner Nickita
Commissioner Rinschler
Absent, None

Administration: City Manager Valentine, City Attorney Currier, Clerk Pierce, Billing Manager Laing, Assistant Fire Chief Connaughton, Police Chief Studt, City Engineer O'Meara, City Planners Ecker and Baka, DPS Director Wood, Public Works Manager Matthews

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

03-56-15 APPOINTMENT TO THE CABLECASTING BOARD

MOTION: Motion by Moore:
To appoint Matthew McAlear, 1742 Latham, to serve a three-year term on the Cablecasting Board to expire March 30, 2018.

VOTE: Yeas, 7
Absent, None

03-57-15 APPOINTMENT TO THE ADVISORY PARKING COMMITTEE

MOTION: Motion by Rinschler:
To appoint Lisa Krueger, 348 Ferndale, to the Advisory Parking Committee, as the Downtown Employee member, to serve the remainder of a three year term to expire September 4, 2017.

VOTE: Yeas, 7
Absent, None

The Clerk administered the 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.

03-58-15 APPROVAL OF CONSENT AGENDA

MOTION: Motion by McDaniel, seconded by Rinschler:

To approve the consent agenda as follows:

A. Approval of City Commission minutes of March 16, 2015.

B. Approval of warrant list, including Automated Clearing House payments, of March 18, 2015 in the amount of $1,675,759.16.

C. Approval of warrant list, including Automated Clearing House payments, of March 25, 2015 in the amount of $258,563.84.

D. Resolution approving the appointment of election inspectors for the May 5, 2015 Special Election pursuant to MCL 168.674(1) and authorizing the City Clerk to make revisions as needed.

E. Resolution approving a request submitted by Max Broock Realtors to hold the Run on the Town on September 12, 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.

F. Resolution authorizing the City to enter into a contract with Colonial Fireworks for providing a fireworks display on July 3, 2015 (July 5 rain date) at Lincoln Hills for the sum of $15,000.00, and further authorizing the administration to secure the necessary insurance. This would be contingent upon the vendor meeting all state and local laws, City requirements, and insurance requirements.

G. Resolution approving state law drug forfeitures and authorizing the finance department to transfer $21,401.16 from the drug enforcement bond account number 701-000.000-256.0005 to the state drug forfeiture account number 265-000.000-660.0001.

H. Resolution authorizing the Mayor and Clerk to sign the agreement for engineering services between Anderson, Eckstein, & Westrick, Inc., and the City of Birmingham.

I. Resolution approving the purchase of the larvicide material from Clarke Mosquito Control in the amount not to exceed $8,109.40. Further, waiving the normal bidding requirements based on the government regulated pricing for this type of material. Funds for this purchase will come from the Sewer Fund-Operating Supplies account #590-536.002-729.0000.

J. Resolution approving the purchase of two (2) new 2015 GMC Sierra 2500HD 4X4 pickup trucks from Red Holman Pontiac GMC, using Oakland County Cooperative bid pricing for a total expenditure of $53,920.00. Funds for this purchase are available in the Auto Equipment Fund, account #641.441.006-971.0100.

K. Resolution setting a public hearing date for April 27, 2015 to consider amendments to Article 4, Sections 4.59 and 4.70 of the Zoning Ordinance to amend the regulations controlling the size and placement of private, attached, single-family residential garages.

L. Resolution setting a public hearing date for April 27, 2015 to consider the Final Site Plan and Special Land Use Permit Amendment at 260 N. Old Woodward, to consider approval of the Final Site Plan and Special Land Use Permit to allow the operation of two new restaurants operating under one Class C Liquor License, with a Direct Connect Endorsement, to be held by Bellar Birmingham Ventures, LLC.

ROLL CALL VOTE: Yeas, Commissioner Dilgard
Mayor Pro Tem Hoff

	Commissioner McDaniel
	Commissioner Moore
	Commissioner Nickita
	Commissioner Rinschler
	Mayor Sherman
Nays,	None
Absent,	None
Abstentions,	None

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

03-59-15 PUBLIC HEARING OF CONFIRMATION SPECIAL ASSESSMENT DISTRICT 2015 LOCAL STREETS PAVING PROGRAM

Mayor Sherman opened the Public Hearing of Confirmation to consider a Special Assessment District for the 2015 Local Streets Paving Program at 7:35 PM.

Billing Manager Laing recommended approval of Special Assessment Roll No. 865.

The Mayor closed the Public Hearing at 7:36 PM.

MOTION: Motion by McDaniel, seconded by Hoff:
To confirm Special Assessment Roll No. 865, to defray the cost of installing new sewer laterals within the 2015 Local Streets Paving Project limits:

WHEREAS, Special Assessment Roll, designated Roll No. 865, has been heretofore prepared by the Billing Manager for collection, and

WHEREAS, notice was given pursuant to Section 94-7 of the City Code, to each owner or party- in-interest of property to be assessed, and

WHEREAS, the Commission has deemed it practicable to cause payment of the cost thereof to be made at a date closer to the time of construction and

Commission Resolution 03-43-15 provided it would meet this 30th day of March, 2015 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this March 30th, 2015, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll as determined in Section 94-9 of the Code of the City of Birmingham,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 865 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that special assessments shall be payable in ten (10) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of four and a quarter percent (4.25%) on all unpaid installments.

VOTE: Yeas, 7
Nays, None
Absent, None

03-60-15 PUBLIC HEARING – SPECIAL LAND USE PERMIT MERCEDES-BENZ OF BLOOMFIELD HILLS, 2200 HOLLAND

Mayor Sherman opened the Public Hearing to consider a Special Land Use Permit for 2200 Holland, Mercedes-Benz of Bloomfield Hills at 7:36 PM.

Planner Baka explained that the property is located at the end of Holland Street and abuts the public school bus yard and DPS yard. He explained that the applicant is proposing to demolish the majority of the buildings on the site and construct a 16,400 square foot warehouse to provide off-site storage for the dealership. He noted that the proposal will include installing gates in line with the front of the warehouse, which will leave the front portion accessible.

In response to a question from Mayor Pro Tem Hoff, Mr. Baka explained that the majority of the storage will be inside as there is room for one hundred cars inside the warehouse. The warehouse will have garage doors on the north and south side.

Mr. Baka confirmed for Commissioner Nickita that the location of the building would not hinder any changes to Holland if it were extended in the future. Commissioner Nickita suggested that as a general rule, a requirement for base plans should include adjacencies and streets in any kind of proposal as the information is critical in order to make an informed decision.

The Mayor closed the Public Hearing at 7:51 PM.

Commissioner Rinschler questioned how many trucks would be going down the street on a regular basis. The applicant explained that there would be minimal trucks. It would mostly be the vehicles driven directly to the dealership.

MOTION: Motion by Dilgard, seconded by Rinschler:
To approve the Final Site Plan and Special Land Use Permit at 2200 Holland, Mercedes-Benz of Bloomfield Hills, to construct a warehouse over 6,000 sq. ft. to be used as a storage facility for vehicles:

WHEREAS, Mercedes-Benz of Bloomfield Hills filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to construct a warehouse over 6,000 sq. ft. to be used as a storage facility for vehicles;

WHEREAS, The land for which the Special Land Use Permit is sought is located at the end of Holland on the east side of S. Eton Street, in Birmingham;

WHEREAS, The land is zoned MX, and is located within the Rail District, which allows an eclectic mix of small scale commercial, light industrial and residential uses;

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the Site Plan and Design from the Planning Board for the proposed Special Land Use Permit Amendment;

WHEREAS, The Planning Board on March 11, 2015 voted to recommend approval of the applicant's request for Final Site Plan and a Special Land Use Permit to the City Commission for the Mercedes of Bloomfield Hills storage facility at 2200 Holland with the following conditions:

1. The applicant revises the photometric plan to meet the requirements of the Zoning Ordinance or obtain a variance from the Board of Zoning Appeals.

WHEREAS, The applicant has agreed to comply with all conditions for approval as recommended by the Planning Board on March 11, 2015;

WHEREAS, The Birmingham City Commission has reviewed the Mercedes-Benz of Bloomfield Hills' Special Land Use Permit application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that Mercedes-Benz of Bloomfield Hills application for a Special Land Use Permit to construct a warehouse over 6,000 sq. ft. to be used as a storage facility for vehicles at 2200 Holland is hereby approved.

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit is granted subject to the following conditions:

1. Mercedes-Benz of Bloomfield Hills shall abide by all provisions of the Birmingham City Code;

2. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest;

3. The applicant revises the photometric plan to meet the requirements of the Zoning Ordinance or obtain a variance from the Board of Zoning Appeals.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, Mercedes-Benz of Bloomfield Hills and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of Mercedes-Benz of Bloomfield Hills to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

VOTE: Yeas, 7
Nays, None
Absent, None

03-61-15 SPECIAL EVENT REQUEST
BIRMINGHAM GRUB CRAWL

Carol Lewis, executive director of Connect in the Kitchen, explained that the event is a sip, sample, and shop tour of the downtown area to promote Birmingham as a foodie destination. The starting point will be in Shain Park. She explained that a shuttle will be available to transport participants.

In response to questions from the Commission, Ms. Lewis explained that the funds raised would benefit Connect in the Kitchen, a non-profit organization, which provides cooking classes for youths and adults, a mentoring program, and an educational fund is being started to assist those who show culinary talent, but are unable to afford culinary school.

MOTION: Motion by McDaniel, seconded by Nickita:
To approve a request from Connect in the Kitchen to hold the Birmingham Grub Crawl on May 16, 2015 in downtown Birmingham and 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.

VOTE: Yeas, 7
Nays, None
Absent, None

03-62-15 ESTABLISHMENT OF THE AD HOC PARKING DEVELOPMENT COMMITTEE

City Engineer O'Meara explained the composition of the committee and its duties which include studying the Parking Study, Downtown Birmingham 2016 Master Plan, Rouge River Trail Corridor Master Plan, and the RFQ for the Bates Street Development from 2006. He noted that the Committee would also review the scope and timing of the projects at Pierce and North Old Woodward, communicate with the public and immediate neighbors for input and concerns, look at land sale and financial issues, finalize timeline and determine which projects should be a priority, the general scope of each project, and return to the Commission with a final report.

In response to a question from Commissioner McDaniel, City Manager Valentine explained that the intention is for the work to be completed by the fall.

Commissioners Rinschler and Moore questioned the purpose of a Parks and Recreation member on the Committee at this point in the process. Commissioner Nickita suggested removing the Parks and Recreation member and include another resident member, which would allow one with a finance background and one resident member with development expertise. Commissioner Moore and Mayor Sherman suggested that in so far as possible, the resident members not be members currently serving on another board.

MOTION: Motion by Nickita, seconded by Rinschler:
To create the Ad Hoc Parking Development Committee as amended.

Whereas, the City's Ad Hoc Parking Study Committee (AHPSC) concluded their analysis for identifying long term parking needs for the Central Business District (CBD) and identified Lot #5/North Old Woodward Structure and the Pierce Street Structure as locations to meet projected future parking demands, and

Whereas, the City of Birmingham is desirous of utilizing the data developed by the AHPSC to develop an implementation plan for future parking needs in the Central Business District while considering the opportunity to increase parking capacity both at Lot#5 and the Pierce Street Parking Structure, and

Whereas, the City of Birmingham is desirous of pursuing improvements to Lot#5 consistent with multiple studies for this site addressing parking demands, a street extension with infill development, and a connection to the parks system; and

Whereas, the Downtown Birmingham 2016 Report contemplated the expansion of Bates Street through Lot #5 with the inclusion of residential and commercial elements along with the expansion of the North Old Woodward Parking Structure; and

Whereas, the Rouge River Trail Corridor Master Plan proposed linkages from Lot #5 to the Booth Park trail system through a combination of bridges and trail extensions; and

Whereas, the City Commission wishes to establish an Ad Hoc Parking Development Committee to provide a coordinated review of these sites while considering all of the elements and input needed to formalize a parking development plan.

Now Therefore Be It Resolved that an Ad Hoc Parking Development Committee is hereby established to develop an implementation strategy for addressing future parking demands in the Central Business District, while considering cost, capacity needs and impacts, master planning concepts, financial alternatives and timelines, as follows:

1. The Committee will be Ad Hoc. The term of the Committee will expire upon completion of a final report to the City Commission and the Committee will cease functioning unless otherwise directed by the Commission.

2. The City Commission hereby appoints to the Committee the following members. Each respective board shall recommend an appointee to the City Commission for appointment.
   a) Two City Commissioners
   b) One member from the Advisory Parking Committee
   c) One member from the Planning Board
   d) One member from the Principal Shopping District
   e) Two resident members from the general public, one with a background in finance and one with a background in commercial development. (Such members would be excluded from financial participation in the implementation of the Committee's plan.)

   The City Commission also hereby appoints the City Manager as an ex officio member of the committee and the City Manager may designate respective city staff members to serve as ex officio members of the committee to assist in providing information and assistance as may be required.

3. The Committee shall formulate the development of a recommended plan on how to best proceed in addressing the future parking demands outlined in the analysis of the Ad Hoc Parking Study Committee in accordance with the following:

   a. Review the parking system's overall long-term parking demands for both the north and south ends of the Central Business District and finalize the necessary elements to complete the parking system's expansion plan, while considering cost, capacity needs and impacts, master planning concepts, financing requirements and timelines.

   b. Review the Ad Hoc Parking Study Committee's analysis, the Downtown Birmingham 2016 Report and the Rouge River Trail Corridor Master Plan as they relate to Lot#5 in order to achieve the best outcomes in all three areas in a coordinated fashion.

c. Review and update the Request for Qualifications/Proposals (RFQ/P) for the development of expanded parking into Lot#5 and the planned extension of Bates Street.

d. Review potential costs and financial alternatives associated with the implementation of the Committee's recommendations along with the development of a proposed timeline.

e. The Committee may request professional services as may be required in the finalization of a parking development plan.

f. The Committee is not authorized to expend funds. All recommendations made by the committee shall be in the form of a report to the City Commission.

4. All meetings of the committee shall be open to the public. Agenda and minutes for all meetings shall be prepared.

VOTE: Yeas, 7
Nays, None
Absent, None

03-63-15 2015 AMENDMENT TO THE FEE SCHEDULE

City Clerk Pierce presented the proposed revisions to the Fee Schedule which included changes to the refuse collection fill-a-dump, water sewer and connection, hydrant use, and public records policy fees.

Mr. Valentine confirmed that staff will review the fees for building permits as suggested by Commissioner Rinschler.

MOTION: Motion by Hoff, seconded by Dilgard:
To amend the Schedule of Fees, Charges, Bonds and Insurance, City Clerk's Office section, Department of Public Services section, and Fire Department section as stated in the report and adopting the revised Public Records Policy.

VOTE: Yeas, 7
Nays, None
Absent, None

03-64-15 CLOSED SESSION REQUEST
ATTORNEY/CLIENT PRIVILEGE COMMUNICATION

MOTION: Motion by Nickita, seconded by Hoff:
To meet in closed session to discuss an attorney/client privilege communication in accordance with Section 8(h) of the Open Meetings Act.

ROLL CALL VOTE: Yeas, Mayor Pro Tem Hoff
Commissioner McDaniel
Commissioner Moore
Commissioner Nickita
Commissioner Rinschler
Commissioner Dilgard

	Mayor Sherman
Nays,	None
Absent,	None
Abstentions,	None

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

03-65-15 COMMUNICATIONS

The Commission received a letter from James Ryan regarding West Maple.

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

X. REPORTS

03-66-15 CITY STAFF REPORTS

The Commission received the Community Development Department/Planning Division Annual Report & Planning Board, Historic District Commission, and Design Review Board Action Lists for 2015-2016.

Commissioner Hoff questioned the status of the zoning transition overlay and the South Woodward Gateway Plan. Ms. Ecker explained that a consultant was hired to do a neighborhood study regarding the overlay. She explained that it is now being reformatted from what was previously written as an overlay to be new zoning classifications. Ms. Ecker further explained that a consultant was hired for the South Woodward Gateway Project. She noted that there is a draft plan, however they were waiting to hear what happened with the Complete Streets Project on Woodward and the Bus Rapid Transit Project on Woodward as both projects would impact that corridor.

The Commission received the update on the activities of the West Maple Steering Committee.

Commissioner Rinschler pointed out that the Committee has considered keeping the curbs where at the current location whether Maple is four lanes or two lanes. Ms. Ecker explained that the discussion was constrained to keeping the curbs in the current location as this is not a complete reconstruction project. It is a resurfacing project in the budget.

The Commission recessed to closed session at 8:35 PM.
The Commission reconvened in open session at 9:26 PM.

XI. ADJOURN

The Mayor adjourned the meeting at 9:26 PM.

Laura M. Pierce
City Clerk