BIRMINGHAM CITY COMMISSION MINUTES
JUNE 29, 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 Rinschler
	Absent,	Commissioner Moore
		Commissioner Nickita

Administration: City Manager Valentine, City Attorney Currier, Clerk Pierce, Finance Director Gerber, Police Chief Studt, Deputy Police Chief Clemence, Interim Fire Chief Connaughton, City Engineer O'Meara, DPS Director Wood, Museum Director Pielack, City Planner Ecker

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

06-123-15 APPOINTMENT TO THE AD HOC PARKING DEVELOPMENT COMMITTEE

MOTION: Motion by Hoff:

To concur in the appointment of Judith Paskiewicz, 560 Woodland, as the Advisory Parking Committee member on the Ad Hoc Parking Development Committee.

VOTE: Yeas, 5
Absent, 2 (Moore, Nickita)

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.

06-124-15 APPROVAL OF CONSENT AGENDA

MOTION: Motion by Rinschler, seconded by Dilgard:

To approve the consent agenda as follows:

A. Approval of City Commission minutes of June 1, 2015.

B. Approval of warrant list, including Automated Clearing House payments, of June 3, 2015 in the amount of $728,568.08.

C. Approval of warrant list, including Automated Clearing House payments, of June 10, 2015 in the amount of $661,690.75.

D. Approval of warrant list, including Automated Clearing House payments, of June 17, 2015 in the amount of $2,006,071.19.

E. Approval of warrant list, including Automated Clearing House payments, of June 24, 2015 in the amount of $715,281.90.

F. Resolution setting July 27, 2015 as the public hearing date for the reprogramming of program year 2013 Community Development Block Grant (CDBG) funds.

G. Resolution setting a Public Hearing for July 27, 2015 to consider the proposed Lot rearrangement of 1173 Latham, Parcel #1935427003 T2N, R10E, SEC 35 J LEE BAKER CO'S BIRMINGHAM HILLS SUB LOT 218 & NLY PART OF LOT 219 MEAS 18.33 FT ON W LOT LINE & 21.44 FT ON E LOT LINE and 1221 Latham, Parcel # 1935427004, T2N, R10E, SEC 35 J LEE BAKER CO'S BIRMINGHAM HILLS SUB W 1/2 OF LOT 215 AS MEAS ON N & S LOT LINES EXC THAT PART LYING SLY OF S LINE OF LOT 220 EXT ELY, ALSO SLY PART OF LOT 219 MEAS 36.67 FT ON W LOT LINE & 42.89 FT ON E LOT LINE, ALSO ALL OF LOT 220.

H. Resolution approving a request submitted by the Birmingham Jewish Connection to display a Menorah in Shain Park from December 6 - 14, 2015 and to hold a lighting ceremony on December 10, 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.

I. Resolution approving a request submitted by the Public Arts Board to hold the 2015 Birmingham in Stitches from September 19th – 28th, with an extension until October 11th based on the condition of the yarn, 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.

J. Resolution approving the purchase of one (1) new 2015 GMC Sierra 1500 4WD pickup truck from Red Holman Pontiac GMC, using Oakland County Cooperative bid pricing for a total expenditure of $24,825.00. Funds for this purchase are available in the Auto Equipment Fund, account #641.441.006-971.0100.

K. Resolution approving the purchase of two (2) new 2016 Ford Fusion SE's from Signature Ford Lincoln, using the State of Michigan MiDeal Cooperative Contract #071B1300009 for a total expenditure of $45,527.00. Funds for this purchase are available in the Auto Equipment Fund, account #641.441.006-971.0100.

L. Resolution approving the purchase of one (1) new 2016 Freightliner Tandem Axle 64,000 pound GVW chassis from Wolverine Freightliner Eastside, using Rochester Hills Municipal Cooperative contract pricing for $104,521.00. Further approving the purchase of an underbody snow scraper, front plow, Henderson salt spreader and anti-ice system, 2 contractor grade 14' dumpsters, platform body, dump body and Stellar Hooklift system from Knapheide Truck Equipment utilizing National Joint Powers Alliance and sole source vendor pricing for $162,339.00. The total expenditure for this vehicle and options is $266,860.00. Funds for this purchase are available in the Auto Equipment Fund, account #641.441.006-971.0100.

M. Resolution accepting the resignation of Julie Gheen from the Advisory Parking Committee, thanking her for her service, and directing the Clerk to begin the process to fill the vacancy.

N. Resolution approving the purchase of 36A hot asphalt mix at $54.00/ton, UPM cold patch (delivered) at $115.00/ton and UPM cold patch (picked up) at $111.00/ton from

Cadillac Asphalt LLC for fiscal year 2015-2016 to be charged to account #s 202-449.003-729.0000, 203-449.003-729.0000, 590-536.002-729.0000 and 591-537.005-729.0000.

O. Resolution engaging the consulting firm of G2 Consulting Group, Inc., to perform professional engineering services according to the attached agreement.

P. Resolution approving the 2015-2016 outside agency contracts for Building Better Families Through Action in the amount of $1,000, Common Ground in the amount of $1,500, Haven in the amount of $2,000, Birmingham Bloomfield Community Coalition in the amount of $3,000, and Birmingham Youth Assistance in the amount of $18,000, further authorizing and directing the Mayor and City Clerk to sign the agreements on behalf of the City.

Q. Resolution approving the service agreement with Deaf & Hearing Impaired, Inc. in the amount of $2,400.00 for services described in Attachment A of the agreement for fiscal year 2014-2015, account number 101-215.000-811-0000. Further, directing the Mayor and City Clerk to sign the agreement on behalf of the City.

R. Resolution approving the service agreement with Next in the amount of $90,810 for services described in Attachment A of the agreement for fiscal year 2015-2016, account number 101-299.000-811.0000, and further directing the Mayor and City Clerk to sign the agreement on behalf of the City.

S. Resolution setting July 27, 2015, as the public hearing date to consider adjusting the roll within the Hamilton Alley Paving Project area: RESOLVED, that the City Commission shall meet on Monday, July 27, 2015 at 7:30 P.M., for the purpose of conducting a public hearing to consider adjusting the roll within the Hamilton Alley Paving Project area. Should the district again be confirmed at that time, then the Commission can consider proceeding with the contract award to Merlo Construction Co.

T. Resolution setting July 27, 2015, as the date for the public hearing of necessity for the installation of lateral sewers within the Hamilton Alley Paving Project area. If necessity is declared, setting August 10, 2015 for the purpose of conducting a public hearing to confirm the roll for the installation of lateral sewers in the Hamilton Alley Paving Project area: RESOLVED, that the City Commission shall meet on Monday, July 27, 2015 at 7:30 P.M., for the purpose of conducting a public hearing of necessity for the installation of lateral sewers within the Hamilton Alley Paving Project area. Should the district be declared at that time, be it further RESOLVED, that the City Commission meet on Monday, August 10, 2015 at 7:30 P.M. for the purpose of conducting a public hearing to confirm the roll for the installation of lateral sewers in the Hamilton Alley Paving Project area.

ROLL CALL VOTE:	Yeas,	Commissioner Dilgard
		Mayor Pro Tem Hoff
		Commissioner McDaniel
		Commissioner Rinschler
		Mayor Sherman
	Nays,	None
	Absent,	2 (Moore, Nickita)
	Abstentions,	None

V. UNFINISHED BUSINESS

06-125-15 CONTINUED PUBLIC HEARING TO CONSIDER A LOT REARRAGEMENT AT 1530 PILGRIM

Mayor Sherman explained that the petitioner has requested the Public Hearing be postponed to July 13th.

MOTION: Motion by Rinschler, seconded by Hoff:
To postpone the Public Hearing to July 13, 2015.

VOTE: Yeas, 5
Nays, None
Absent, 2 (Moore, Nickita)

VI. NEW BUSINESS

06-126-15 PUBLIC HEARING TO CONSIDER BROWNFIELD PLAN & REIMBURSEMENT AGREEMENT FOR 33588 WOODWARD, SHELL GAS STATION

Mayor Sherman opened the Public Hearing to approve the Brownfield Plan and associated Reimbursement Agreement, 33588 Woodward – Shell Gas station (formerly Citgo) with B5 Investments, LLC at 7:35 PM.

City Planner Ecker explained that staff has met with MDEQ to look at the contamination issues on site. MDEQ did some additional testing and the applicant agreed to do additional testing. The plan has been reviewed by the Brownfield Redevelopment Authority. She noted that the plan outlines the existing contamination on site as well as the clean-up activities proposed under the plan.

Mayor Pro Tem Hoff questioned how long it would take to generate the funds for the estimated costs through the tax increment financing. Ms. Ecker explained that the Brownfield Plan states it will take thirty years as there is not as much of a level of investment on this site.

Jeff Haynes, Beier Howlett, clarified that MDEQ has used triage funds which are from the Refined Petroleum Fund which means MDEQ is spending funds already to determine if the contamination has gone off-site.

The Mayor closed the Public Hearing at 7:41 PM.

MOTION: Motion by McDaniel, seconded by Rinschler:
To approve the Brownfield Plan and associated Reimbursement Agreement for 33588 Woodward, Shell Gas Station with B5 Investments, LLC:

WHEREAS, the Birmingham Brownfield Redevelopment Authority (the "Authority"), pursuant to Section 13 of Act 381 of 1996, as amended (the "Act"), prepared and recommended for approval by this Commission a brownfield plan ("the Plan") for 33588 Woodward; and,

WHEREAS, the City of Birmingham, at least ten days before the meeting of this Commission at which this resolution is considered, provided notice to and informed all taxing jurisdictions (the "Taxing Jurisdictions") which are affected by the Plan of the fiscal and economic implications of the Plan, and provided the Taxing Jurisdictions a reasonable opportunity to express their views and recommendations regarding the Plan.

NOW, THEREFORE, BE IT RESOLVED THAT

1. The Plan constitutes a public purpose under the Act.

2. The Plan meets all of the requirements for a brownfield plan set forth in Section 13 of the Act.
3. The proposed method of financing the costs of the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing.
4. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act.
5. The amount of captured taxable value estimated to result from the adoption of the Plan is reasonable.
6. The Plan is approved.
7. The reimbursement agreement pertaining to the Plan is approved.

VOTE: Yeas, 5
Nays, None
Absent, 2 (Moore, Nickita)

06-127-15 PUBLIC HEARING TO CONSIDER REZONING AND ORDINANCE AMENDMENT AT 2100 EAST MAPLE

Mayor Sherman opened the Public Hearing to consider the rezoning of 2100 E. Maple at 7:41 PM.

City Planner Ecker explained the request to rezone the property at 2100 East Maple. Currently it is zoned O-1 Office. The applicant is requesting the property be rezoned to either B-2 General Business or B-2B General Business. Their preference is B-2. She explained that the current zoning classification does not allow the use of the site as a grocery store. The proposal is to redevelop the site to a Whole Foods Grocery Store. A grocery store is permitted under B-2 and B-2B. She explained that B-2 allows department stores as a permitted use and B-2B allows for auto sales. The B-2B permits a building height of thirty feet and two stories and the B-2 permits a maximum height of forty feet and three stories. She noted that the applicant is only proposing a one story building, however it would be taller than a typical one story building. She noted that the Planning Board recommended the property be rezoned to B-2 General Business.

Commissioner Rinschler noted that the traffic impact for a grocery store would be different than that for a three-story office building. He questioned what control the City would have in the future if after ten years, the grocery store is gone and an office building comes in so as to not create a future problem with a more intense use. Ms. Ecker responded that the City does not allow contract zoning therefore the City cannot recommend a rezoning and contain it to that use only.

Mayor Sherman questioned whether a Special Land Use Permit (SLUP) could be used to limit the use. Ms. Ecker explained that SLUP's are tied to certain uses. Unless it was listed as one of the uses that needed a SLUP, it would not come back to the Commission. City Attorney Currier explained that a SLUP is not authorized for this particular usage.

Rick Rattner, attorney for applicant, explained the location of property and the rezoning request. He noted that it would be a one story building that is over thirty feet in height. He noted that it is less square fee than what is currently there.

Linden Nelson, applicant, commented on the location of the property and the surrounding properties. He noted that he has a signed 25 year lease with Whole Foods with seven five-year options to extend.

DeAngello Espree, resident, stated that the corner is a high volume traffic corner and requested comment on the traffic report.

Joe Marson, traffic engineering with Parsons, explained that a traffic analysis has been done and noted the improvements which need to be made to make the area work better. Mr. Rattner confirmed for Mayor Pro Tem Hoff that the applicant would do the improvements to the intersection.

David Bloom expressed concern with traffic congestion on Maple.

The Mayor closed the Public Hearing at 8:28 PM.

Commissioners Rinschler, McDaniel, and Dilgard expressed support of rezoning to B-2. Mayor Pro Tem Hoff stated that she is more comfortable with B-2B and would like to see the June 10th minutes of the Planning Board discussion of this item. Mayor Sherman expressed concern that the proposed grocery store may not be the long term use for this property.

MOTION: Motion by Rinschler, seconded by McDaniel:
To approve rezoning the property at 2100 E. Maple in accordance with the recommendation of the Planning Board from O-1 Office to B-2 General Business.

VOTE: Yeas, 3 (Dilgard, McDaniel, Rinschler)
Nays, 2 (Hoff, Sherman)
Absent, 2 (Moore, Nickita)

Mr. Nelson stated that he would provide a letter stating that the use was for grocery store only if the B-2 zoning is granted, if the Commission and attorneys are agreeable.

MOTION: Motion by Sherman, seconded by Rinschler:
To reconsider the previous motion.

VOTE: Yeas, 5
Nays, None
Absent, 2 (Moore, Nickita)

MOTION: Motion by Sherman, seconded by Rinschler:
To amend the motion to accept their offer for limiting the use to grocery store, the agreement worked out by the attorneys and allow the B2 zoning upon execution of that letter.

VOTE: Yeas, 5
Nays, None
Absent, 2 (Moore, Nickita)

06-128-15 SPECIAL EVENT REQUEST

LUNG RUN

Students from Seaholm High School presented their request to hold the Lung Run to benefit the American Cancer Society on September 19th. The run will begin and end at Seaholm.

MOTION: Motion by Rinschler, seconded by Hoff:
To approve a request submitted by Seaholm Interact Club, Seaholm Offers Support, and the Humanity Club to hold the Lung Run benefitting the American Cancer Society on September 19, 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.

VOTE: Yeas, 5
Nays, None
Absent, 2 (Moore, Nickita)

06-129-15 GROUND LEASE AGREEMENT WITH MARKET SQUARE ENTERPRISES, LLC

City Planner Ecker explained that the applicant appeared before the Planning Board for their site plan review for an expansion to the building. One of the comments from the Planning Board was to activate the field just north of the property and provide a connection from the store and provide seating to the general public. The applicant is proposing a lease with the City for the use of that public property which includes an outdoor patio, pavilion and fountain area, and six parking spaces. She confirmed that the pavilion would be a permanent structure and include seasonal displays by Market Square. The structure would be secured after the store is closed. Ms. Ecker explained that the parking spaces are not needed to meet the parking requirement.

Victor Saroki, architect for Market Square, explained the expansion to the store. In response to a question from Mayor Pro Tem Hoff, Mr. Saroki explained that there would be no service from the store to the tables.

MOTION: Motion by McDaniel, seconded by Rinschler:
To approve the Ground Lease between the City of Birmingham and Market Square Enterprises, LLC and authorizing the Mayor and Clerk to execute the same on behalf of the City.

Commissioner McDaniel suggested staff be directed to look at cut-thru traffic in the neighborhood and monitor the speeds.

The following individuals spoke in opposition to the proposal:
Jay Shell, President of the Birmingham Farms Homeowners Association
Diane McShane, 1035 Wakefield
Amy Folberg, 1580 Latham
David Field, 1732 Norfolk
Pat McShane, 1035 Wakefield
Cynthia Yates, 1108 Saxon
Mark Favot, 1190 Wakefield
Patti Bordman, 1091 Lakepark
Patrick Seeburg, 1164 Wakefield
Adam Levitsky 955 Wakefield

Kathryn Ticer, 1199 Wakefield
Laura Mason, 1133 Wakefield
Maureen Field, 1732 Northfolk

The following individuals spoke in support of the proposal:
Adam Lawrie, 1898 Latham
Russ Vorhees, 990 Wakefield

Johnny Karmo, owner of Market Square, explained that he employs fifty people and prefers to have the six additional parking spaces. In response to a question by Commissioner McDaniel, Mr. Karmo explained that the intention is to bring the tables and chairs inside each night.

Mayor Pro Tem Hoff questioned if the parking spaces were eliminated, would the applicant still want the pavilion. Mr. Karmo stated that the reason he was in favor of the lease was for the six parking spaces.

In response to a question from Commissioner Rinschler, Mr. Karmo stated that he would not be interested in the lease without the parking spaces as the development is quite costly. He noted that the addition to Market Square would move forward regardless of the lease agreement.

VOTE: Yeas, 4
Nays, 1 (Hoff)
Absent, 2 (Moore, Nickita)

06-130-15 LIQUOR LICENSE TRANSFER OF OWNERSHIP REQUEST AT 270 N. OLD WOODWARD, 201 HAMILTON, AND 260 N. OLD WOODWARD

Deputy Police Chief Clemence explained that the Palladium Building has three liquor licenses. This transfer of ownership will transfer three licenses from the Palladium to the Jona family. The next two items will transfer the ownership of one license each to the new tenants who will occupy space within the building. The third license will remain in the Jona family as the space is not yet occupied.

MOTION: Motion by McDaniel, seconded by Rinschler:
To approve the liquor license transfer of ownership request of The Palladium of Birmingham, LLC of Three Class C Liquor Licenses held by: (1) Palladium Restaurant I, LLC, located at 270 N Old Woodward, Birmingham, MI (re-named 250 N. Old Woodward), (2) Palladium II, LLC, located at 201 Hamilton, Birmingham, MI (pursuant to obtaining a valid SLUP before occupancy) and (3) Crowley Restaurant, LLC located at 260 N. Old Woodward, Birmingham, MI to The Palladium of Birmingham, LLC. Furthermore, pursuant to Birmingham City Ordinance, to authorize the City Clerk to complete the Local Approval Notice at the request of The Palladium of Birmingham, LLC to transfer ownership of Three Class C Liquor Licenses held by: (1) Palladium Restaurant I, LLC, located at 270 N Old Woodward, Birmingham, MI (re-named 250 N. Old Woodward), (2) Palladium II, LLC, located at 201 Hamilton, Birmingham, MI (pursuant to obtaining a valid SLUP before occupancy) and (3) Crowley Restaurant, LLC located at 260 N. Old Woodward, Birmingham, MI to The Palladium of Birmingham, LLC.

VOTE: Yeas, 5

Nays, None
Absent, 2 (Moore, Nickita)

06-131-15 LIQUOR LICENSE TRANSFER OF OWNERSHIP AT 250 N. OLD WOODWARD

MOTION: Motion by Rinschler, seconded by Dilgard:
To approve the Request to Transfer Ownership of Class C Liquor License with Specific Purpose Permit (Food & Movies), Dance Permit, Entertainment Permit, (1) New Add Bar Permit and New Sunday Sales Permit (AM and PM) from The Palladium of Birmingham, LLC to CH Birmingham, LLC, located at 250 N. Old Woodward, Birmingham, Oakland County, Michigan. Furthermore, pursuant to Birmingham City Ordinance, authorizing the City Clerk to complete the Local Approval Notice at the request of CH Birmingham, LLC, approving the Transfer Ownership of Class C Liquor License with Specific Purpose Permit (Food & Movies), Dance Permit, Entertainment Permit, (1) New Add Bar Permit and New Sunday Sales Permit (AM and PM) from The Palladium of Birmingham, LLC to CH Birmingham, LLC, located at 250 N. Old Woodward, Birmingham, Oakland County, Michigan.

VOTE: Yeas, 5
Nays, None
Absent, 2 (Moore, Nickita)

06-132-15 LIQUOR LICENSE TRANSFER OF OWNERSHIP AT 260 N. OLD WOODWARD

MOTION: Motion by McDaniel, seconded by Rinschler:
To approve the Request to Transfer Ownership of Class C Liquor License with Official Permit (Food), Dance Permit, Entertainment Permit and Outdoor Service Area Permit from The Palladium of Birmingham, LLC (Business ID No 238855) to allow the operation of Au Cochon and Arthur Ave. Restaurants at 260 N. Old Woodward, Birmingham, Michigan, operating under one Class C Liquor License with a Direct Connect Endorsement, to be held by Bellar Birmingham Ventures, LLC; Request for a New Sunday Sales (AM and PM) Permit, a New Additional Bar Permit and (1) Outdoor Service Area on the City Sidewalk and Request to Cancel the Dance/Entertainment Permit and Official Permit (Food). Furthermore, pursuant to Birmingham City Ordinance, authorizing the City Clerk to complete the Local Approval Notice at the request of Bellar Birmingham Ventures, LLC approving the Transfer Ownership of Class C Liquor License with Official Permit (Food), Dance Permit, Entertainment Permit and Outdoor Service Area Permit from The Palladium of Birmingham, LLC (Business ID No 238855) to allow the operation of Au Cochon and Arthur Ave. Restaurants at 260 N. Old Woodward, Birmingham, Michigan, operating under one Class C Liquor License with a Direct Connect Endorsement, to be held by Bellar Birmingham Ventures, LLC; Request for a New Sunday Sales (AM and PM) Permit, a New Additional Bar Permit and (1) Outdoor Service Area on the City Sidewalk and Request to Cancel the Dance/Entertainment Permit and Official Permit (Food).

VOTE: Yeas, 5
Nays, None
Absent, 2 (Moore, Nickita)

06-133-15 LIQUOR LICENSE TRANSFER OF OWNERSHIP AT 735 FOREST

Deputy Chief Clemence explained the request to transfer the license from Bendyl LLC to Forest Grill 2, LLC. In addition, the owners of Forest Grill 2, LLC require a membership transfer of interest from Forest Grill 2, LLC to the Elm Restaurant Group, LLC which is a holding company made up of the same owners of Forest Grill 2, LLC. He noted that the license will remain in the name of Forest Grill 2, LLC.

Kelly Allen, attorney for the applicant, explained that the reason to put this into a holding company is for liability purposes between the four individual members. At the end of the process, the members wanted the ability to structure it into two separate entities.

MOTION: Motion by McDaniel, seconded by Dilgard:
To approve the Request to Transfer Ownership of Class C Liquor License and SDM Liquor Licenses with Sunday Sales (PM), Catering Permit, Outdoor Service Permit and Official Permit (Food) from Bendyl, LLC (Business ID No. 205823) located at 735 Forest, Birmingham, MI., Oakland County, to Forest Grill 2, LLC and approving a membership transfer of interest from Forest Grill 2, LLC to Elm Restaurant Group, LLC. Furthermore, pursuant to Birmingham City Ordinance, authorizing the City Clerk to complete the Local Approval Notice at the request of Forest Grill 2, LLC approving the Request to Transfer Ownership of Class C Liquor License and SDM Liquor Licenses with Sunday Sales (PM), Catering Permit, Outdoor Service Permit and Official Permit (Food) from Bendyl, LLC (Business ID No. 205823) located at 735 Forest, Birmingham, MI., Oakland County, to Forest Grill 2, LLC and approving a membership transfer of interest from Forest Grill 2, LLC to Elm Restaurant Group, LLC.

VOTE: Yeas, 5
Nays, None
Absent, 2 (Moore, Nickita)

06-134-15 HISTORIC DISTRICT STUDY COMMITTEE (HDSC) ORDINANCE AMENDMENT

City Planner Ecker explained the proposed revisions will clarify the role of the HDSC to state that the Committee would meet only at the direction of the City Commission if there is an application to make a property historic. She noted that the collection and preservation of mementos and history of properties can be cataloged through the Museum.

Mayor Pro Tem Hoff questioned who would initiate the research and photos of historic properties. Ms. Ecker explained that the process would begin if someone submitted an application to designate a property historic. Ms. Ecker confirmed that the City's Certified Local Government status would not be affected as long as there is an ordinance and Committee in place.

Mayor Pro Tem Hoff stated that she would like to see the HDSC continue and stated that she is not in favor of the proposal.

MOTION: Motion by Rinschler, seconded by McDaniel:
To confirm the City's efforts of preserving and supporting Birmingham's historic preservation activities and strengthen them through a realignment of responsibilities, with the role and duty of the HDSC as outlined in Chapter 127, Historic Preservation, to remain as a standing

committee, and to perform studies of properties and structures proposed for historic designation when directed to do so by resolution of the City Commission;

AND

To adopt an ordinance amending Chapter 127, Historic Districts, section 4(b) to remove the requirement of the HDSC to establish a schedule of regular meetings;

AND

To confirm the role and duty of the Museum Board as outlined in Chapter 62, Historical Preservation, to collect, preserve, catalog, and interpret materials and objects relating to Birmingham's history and making these objects and other source materials available in accordance with the Museum Strategic Plan.

VOTE: Yeas, 4
Nays, 1 (Hoff)
Absent, 2 (Moore, Nickita)

06-135-15 LICENSE AGREEMENT WITH KARANA REAL ESTATE, LLC

Mayor Sherman noted that the request is to extend the license agreement for fifty years as part of the DFCU Credit Union change previously approved. Ms. Ecker explained that this is a land lease to DFCU.

MOTION: Motion by McDaniel, seconded by Rinschler:
To approve the License Agreement between the City of Birmingham and Karana Real Estate, LLC and authorizing the Mayor and Clerk to execute the same on behalf of the City.

VOTE: Yeas, 5
Nays, None
Absent, 2 (Moore, Nickita)

06-136-15 CHESTERFIELD FIRE STATION DESIGN REQUEST FOR PROPOSAL

Interim Fire Chief Connaughton presented the request for proposal for the Chesterfield Fire Station Design.

Commissioner McDaniel expressed concern with moving the building to the sidewalk it is out of the norm along that section of Maple. He suggested the RFP state the requirements, but not restrict how the space is used. Commissioner Rinschler agreed that the RFP should be clarified. Mayor Pro Tem Hoff agreed that the language is specific to a continuous urban street wall along West Maple. City Manager Valentine stated that the language will be revised to make it more general.

MOTION: Motion by Rinschler, seconded by Hoff:
To authorize the release of the Chesterfield Fire Station Design RFP to solicit bids for the work necessary to prepare for the replacement of the Chesterfield Fire Station with the clarification to the language as discussed.

Commissioner McDaniel requested the revised RFP be made available to the Commission at the next meeting.

VOTE: Yeas, 5
Nays, None
Absent, 2 (Moore, Nickita)

06-137-15 GREENWOOD CEMETERY
RULES AND REGULATIONS AND FEE SCHEDULE AMENDMENT

Commissioner Rinschler suggested removing the cut-off date in the process to sell graves and require anyone who wants to purchase the graves to add their name to the Interest List.

MOTION: Motion by Rinschler, seconded by Dilgard:
To amend the Greenwood Cemetery Operational Procedures, Conditions and Regulations as recommended.

AND

To amend the Schedule of Fees, Charges, Bonds and Insurance, Greenwood Cemetery to add a fee for the sale of grave spaces accommodating one or two cremated remains.

AND

To remove the cut-off date from the proposed schedule and then following the schedule to sell the new grave spaces in Sections B, C, D, K, L, O and newly identified grave spaces in Sections E, G, H, and O.

Commissioner Hoff expressed concern with this item and suggested it be moved to July 13th.

MOTION WITHDRAWN

MOTION: Motion by Rinschler, seconded by Dilgard:
To move this item to July 13th.

VOTE: Yeas, 5
Nays, None
Absent, 2 (Moore, Nickita)

06-138-15 FREEDOM OF INFORMATION PROCEDURES AND GUIDELINES

MOTION: Motion by Rinschler, seconded by Dilgard:
To adopt the City of Birmingham FOIA Procedures and Guidelines and Summary of FOIA Procedures and Guidelines.

VOTE: Yeas, 5
Nays, None
Absent, 2 (Moore, Nickita)

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

06-139-15 COMMUNICATIONS

The Commission received a communication from Richard Rollins, 466 Aspen, regarding West Maple.

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

X. REPORTS

06-140-15 COMMISSIONER REPORTS

The Commission intends to appoint members to the Advisory Parking Committee and Housing Board of Appeals on July 27, 2015.

06-141-15 COMMISSIONER COMMENTS

Commissioner Rinschler questioned why West Maple is being restriped at this time. Mr. Valentine will follow up with the Police Chief.

06-142-15 CITY STAFF REPORTS

The Commission received the East Maple Road Concrete Patching – Project Expansion report submitted by City Engineer O'Meara.

XI. ADJOURN

The Mayor adjourned the meeting at 10:58 PM.

Laura M. Pierce
City Clerk