

BIRMINGHAM CITY COMMISSION MINUTES
OCTOBER 12, 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 7:31 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, Fire Chief Connaughton, IT Director Gemmell, Finance Director Gerber, Deputy Treasurer Klobucar, City Planner Ecker, Planner Baka, City Engineer O'Meara, Building Official Johnson, PSD Director Heiney, HR Manager Taylor, Library Director Koschik, Assistant Library Director Craft

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

**10-219-15 PROCLAMATION
TOM HUGHES, BOARD OF ZONING APPEALS**

The Mayor presented a proclamation to Tom Hughes for his 39 years of service on the Board of Zoning Appeals.

**10-220-15 APPOINTMENT TO THE
BOARD OF ZONING APPEALS**

MOTION: Motion by Rinschler:
To appoint Erik Morganroth, 631 Ann to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2018.

MOTION: Motion by McDaniel:
To appoint John Miller, 544 Brookside to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2018.

VOTE ON NOMINATION OF MORGANROTH:
Yeas, 7
Absent, None

VOTE ON NOMINATION OF MILLER:

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.

10-221-15 APPROVAL OF CONSENT AGENDA

The following items were removed from the consent agenda:

- Item A (Minutes of September 21, 2015) by Mayor Pro Tem Hoff
- Item G (Special Event Request – Art Birmingham) by Mayor Pro Tem Hoff

MOTION: Motion by Rinschler, seconded by McDaniel:

To approve the consent agenda as follows:

- B. Approval of warrant list, including Automated Clearing House payments, of September 23, 2015 in the amount of \$29,479,122.06.
- C. Approval of warrant list, including Automated Clearing House payments, of September 30, 2015 in the amount of \$842,576.26.
- D. Approval of warrant list, including Automated Clearing House payments, of October 7, 2015 in the amount of \$1,407,553.67.
- E. Resolution approving the appointment of election inspectors for the November 3, 2015 City Election pursuant to MCL 168.674(1) and authorizing the City Clerk to make revisions as needed.
- F. Resolution approving the appointment of John Connaughton as Emergency Management Coordinator for the City of Birmingham. Further, directing the Mayor to sign the Emergency Management Coordinator form EMD-021 on behalf of the City.
- H. Resolution accepting the resignation of Thomas Hughes from the Board of Zoning Appeals and to thank Mr. Hughes for his service.
- I. Resolution approving purchase of four multi-function printers from Xerox, using MiDEAL extendable contract, in an amount not to exceed \$36,793.00 and charging the purchase against the 636-228-000-971.0100 Machinery & Equipment account.
- J. Resolution approving the street light agreement between the City of Birmingham and DTE Energy regarding the installation of street lights at 400 S. 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.

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

The Commission agreed to consider Item G, Special Event Request for Art Birmingham, at this time.

**10-222-15 SPECIAL EVENT REQUEST
ART BIRMINGHAM**

In regard to a question from Mayor Pro Tem Hoff, Annie VanGelderren, President & CEO of the Birmingham Bloomfield Art Center explained the changes that will occur for the 2016 event regarding the drop off route and time for vendors and the vendor parking policy.

MOTION: Motion by Hoff, seconded by McDaniel:

To approving a request from the Birmingham Bloomfield Art Center to hold Art Birmingham in Shain Park and on the surrounding streets on May 7 – 8, 2016 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

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

**10-223-15 BALDWIN PUBLIC LIBRARY
INSTALLATION OF BOOK DROP**

Library Director Koschik explained the request to install an external book drop on the west side of Bates Street just north of Merrill outside the Library. He noted that one parking space would be eliminated as a result of the book drop, however one of the five-minute spaces on Merrill would become a metered space.

In response to questions from the Commission, Mr. Koschik explained that the drop box would face the street and be accessible from the passenger side of vehicles. The drop box would be emptied by staff four times a day. He noted that the box would be painted Birmingham green.

MOTION: Motion by Hoff, seconded by Dilgard:

To approve the installation of a book drop for the Baldwin Public Library on the west side of Bates Street just north of Merrill and further, relocating one metered parking space from the east side of the Library on Bates Street to the south side of the Library and replacing one of the existing five minute drop off spaces.

VOTE: Yeas, 7
Nays, None
Absent, None

**10-224-15 BALDWIN PUBLIC LIBRARY
DEVELOPMENT OF CONSTRUCTION DRAWINGS**

Library Director Koschik explained the request to proceed with the construction drawings as outlined by the concept plan for the Baldwin Public Library building with funding for these drawings to be paid from Library funds. He explained that the request includes a renovation to the adult services department, concentrating on the main floor of the Birkerts addition. He noted that the next phases would include the youth department, circulation department, installation of a small café, main entrance and the interface with Shain Park and the Community House.

Mr. Koschik explained that the improvements coordinate the interior design which works with the curve of the building, arranges the collection in a logical way, creates a quiet reading room off the Grand Hall, and moves the computer lab to the main floor and establishes a small high tech makers space. In addition, three enclosed study rooms will be added, seating for study will be increased, and new carpet, furnishing, lighting and higher ceiling will be installed. He noted that two exterior window bands would be installed to bring in more light. He noted that the project would take approximately five to six months and the Birkerts addition would be closed during construction.

John Gardner and Karen Swanson, of Luckenbach Ziegelman Gardner, explained the goals were to get more light into the space, create a more open and collaboration of space, increase wayfinding and circulation and to satisfy the Library's programming requirements.

In response to a question from Commissioner Nickita regarding the effect of the sunlight on the books, Ms. Swanson explained that the combination of the type of glass and a blind system will be used to redirect the light from the books. In addition, the books will be eight to nine feet from the windows.

Commissioner Nickita questioned whether the existing heating and cooling system would be able to accommodate the proposed improvements.

George Hopkins, with Peter Basso Consulting, explained that the analysis compared the existing condition to a condition with glass exposure along the wall. The existing system meets the requirements of the new condition.

Commissioner Rinschler questioned how the Aaron Cohen became involved in the project. Mr. Gardner explained that Aaron Cohen is a world famous library planning consultant in New York City. A library patron brought him to their attention. They interviewed him and asked him to work with them on this project.

Commissioner Rinschler expressed concern that if an expansion occurred on the outside of the Birkerts addition, the windows would be something that ends up in the scapyard. He questioned where space could be added to increase the footprint. Mr. Gardner responded that an expansion could go towards the part near the children's section.

Commissioner Rinschler commented that it is a very aggressive time schedule. Mr. Koschik explained that by delaying the project, it would increase the cost by 4%.

The Commission discussed the City process for issuing a request for proposal. Commissioner Nickita expressed concern with investing in Phase 1 before Phases 2 and 3 are prepared. Mr.

Koschik noted that the items for consideration in Phases 2 and 3 are at the east end of the Library and will not conflict with what is being proposed.

Mayor Pro Tem Hoff expressed support and commented that if Phase 1 is implemented, the public will see the results which may generate support for future improvements.

Commissioner McDaniel expressed concern with the proposal to finance the amount over \$600,000 and noted that it is important to define Phase 2 and 3 as well. He noted that work needs to be done from a funding standpoint.

Commissioner Rinschler suggested the Board of Ethics review the process to use Mr. Cohen to make sure that everything was done properly. He expressed support of the design, but is uncomfortable with the process.

Frank Pisano, Library Board member, commented that this is the first bite of the apple. The Board is fiscally disciplined and brings a great project which will build momentum for the future phases of the Library.

Jim Suhay, Library Board member, commented that Mr. Duany suggested going in phases. He stated that they do not want to delay the timetable that they currently have.

Patty Bordman, 1091 Lakepark, expressed support of the proposal and stated that communication about the project is necessary.

Ashley Aidenbaum, 327 Southfield, expressed support of the project and noted that it is cost effective and the right thing for the residents.

David Bloom commented that this project has been very transparent.

Andy Harris, Library Board member, stated that the phases should be staggered with legitimate gaps in between. He suggested that there be an agreement for the facility to clarify what the City and Library are responsible for which would make operations more efficient.

MOTION: Motion by Rinschler, seconded by McDaniel:

To approve the concept plan of September 21, 2015 as presented and authorize the City and the Library to initiate an RFP for the construction drawings and to refer the selection to the Board of Ethics to make sure everything was done in accordance with Section 323 of the ethics ordinance. The funding for these drawings will be paid from Library funds.

VOTE: Yeas, 7
 Nays, None
 Absent, None

**10-225-15 PUBLIC HEARING OF CONFIRMATION FOR THE RENEWAL
 OF THE SPECIAL ASSESSMENT DISTRICT FOR THE
 PRINCIPAL SHOPPING DISTRICT**

Mayor Sherman opened the Public Hearing of Confirmation for fiscal years 2015-2016, and 2016-2017, and 2017-2018 Funding for the Principal Shopping District at 9:46 PM.

Hearing no public comment, the Mayor closed the Public Hearing at 9:47 PM.

MOTION: Motion by Rinschler, seconded by Hoff:

To confirm Special Assessment Roll No. 868 for fiscal year 2015-2016, Special Assessment Roll No. 869 for fiscal year 2016-2017 and Special Assessment Roll No. 870 for fiscal year 2017-2018, Funding for the Principal Shopping District.

WHEREAS, Special Assessment Roll, designated Roll No. 868 for fiscal year 2015-2016 has been heretofore prepared for collection and Roll No. 869 for fiscal year 2016-2017 and Roll No. 870 for fiscal year 2017-2018 shall be prepared for collection in the respective years, and

WHEREAS, the City Commission has established rates for fiscal years 2015-2016, 2016-2017 and 2017-2018 included in District 1 at \$0.494 per square foot for the first floor and \$0.196 per square foot for the floors second and above and included in District 1A at \$0.247 for the first floor and \$0.095 per square foot for the floors second and above, respectively, and with a maximum amount to be determined, and

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

WHEREAS, Commission Resolution No. 09-205-15 provided it would meet this 12th day of October, 2015 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this October 12, 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. 868 for fiscal year 2015- 2016 has been heretofore prepared for collection and Roll No. 869 for fiscal year 2016-2017 and Roll No. 870 for fiscal year 2017-2018 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said rolls, showing the date of confirmation thereof, and to certify said assessment rolls to the City Treasurer for collection.

BE IT FURTHER RESOLVED, that for each year of such assessments, special assessments shall be payable in one (1) installment 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 due unpaid installments.

VOTE: Yeas, 7
Nays, None
Absent, None

**10-226-15 PUBLIC HEARING TO CONSIDER REZONING
369 NORTH OLD WOODWARD**

Mayor Sherman opened the Public Hearing to consider the rezoning of 369 N. Old Woodward at 9:47 PM.

City Planner Ecker explained the proposal to keep the R6 zoning designation and to bring this property into the overlay district. She explained that the owner is proposing a five story mixed use building with first floor retail and commercial space and residential units on floors two

through five with two levels of underground parking. She explained that all other properties in the immediate area are either public property or mixed use business and residential. The requested height would be comparable to the parking structure immediately to the south of the site as well as other buildings in the area.

Clinton Baller, resident of the adjacent neighborhood, expressed support of the rezoning and noted it is essential for the Bates Street extension.

In response to a question from Mayor Pro Tem Hoff, Ms. Ecker explained that twenty-six units are proposed. She explained that a community impact study has been done which determined that the infrastructure could handle a building of this size.

Mayor Pro Tem Hoff questioned the effect of this rezoning project on the potential Bates Street extension and the parking development project. Ms. Ecker explained the discussion that will occur at the Planning Board level which will take into account potential future projects.

The Mayor closed the Public Hearing at 10:03 PM.

MOTION: Motion by Rinschler, seconded by Moore:
To approve the rezoning of the property at 369 N. Old Woodward from R-6 Multiple Family Residential to R-6 Multiple Family Residential and D-4 in the Downtown Overlay District.

VOTE: Yeas, 7
Nays, None
Absent, None

**10-227-15 PUBLIC HEARING TO CONSIDER A SPECIAL LAND USE PERMIT
FOREST AVENUE GRILL, 735 FOREST AVENUE**

Mayor Sherman opened the Public Hearing to consider the Revised Final Site Plan and Special Land Use Permit Amendment at Forest Avenue Grill, 735 Forest Avenue at 10:04 PM.

City Planner Ecker explained that the change to the interior of the building is to open the views into the kitchen. The exterior changes to the building will include replacing the middle bay of windows with a nanowall system and replacing the existing signs. She noted that the Planning Board asked the applicant to address the recessed brick panel on the east wall with artwork or another design element.

Ms. Ecker confirmed for Mayor Pro Tem Hoff that the changes do not affect the amount of glazing on the building.

The Mayor closed the Public Hearing at 10:12 PM.

MOTION: Motion by Nickita, seconded by Dilgard:
To approve the Final Site Plan and Special Land Use Permit Amendment for 735 Forest – Forest Grill, to allow changes to the ownership group and operation of the existing bistro:

WHEREAS, Forest Avenue Bistro filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a bistro as defined in Article 9, section 9.02 of Chapter 126, Zoning, of the City Code;

WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the north side of Forest Street between Woodward and Elm;

WHEREAS, The land is zoned MU-3 and MU-5, and is located within the Triangle Overlay District, which permits bistros with a Special Land Use Permit;

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;

WHEREAS, The Planning Board on July 22, 2015 reviewed the application for Revised Final Site Plan Review and a Special Land Use Permit Amendment and recommended approval with the following conditions:

- 1) The applicant comply with the requirements of Article 04, Section 4.41 OD-01 of the Zoning Ordinance as they relate to licensing and insurance requirements for the use of the public right-of-way;
- 2) The applicant provide street lights and hanging planters required by the Triangle Overlay District and submit for administrative approval or obtain a variance from the Board of Zoning Appeals;
- 3) A fully executed contract must be signed with the applicant and the City of Birmingham outlining the details of the operation of the bistro; and
- 4) Prior to appearing before the City Commission the applicant provide artwork or another design element to address the recessed brick panel of the wall in the former window opening on the east elevation; and
- 5) Applicant verifies that the type of glass proposed for the NANA wall will match the existing glazing and conform to the District standards.

WHEREAS, The applicant has submitted amended plans with elevation drawings and specification sheets, which indicate the new required streetscape requirements within the Triangle District;

WHEREAS, The applicant has committed to comply with all other conditions for approval as recommended by the Planning Board on July 22, 2015;

WHEREAS, The Birmingham City Commission has reviewed Forest Avenue Bistro Special Land Use Permit Amendment 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 Forest Avenue Bistro application for a Special Land Use Permit Amendment authorizing the operation of a bistro at 735 Forest Avenue in accordance with Chapter 10, Alcoholic Liquors, 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 Amendment is granted subject to the following conditions:

- 1) The applicant comply with the requirements of Article 04, Section 4.41 OD-01 of the Zoning Ordinance as they relate to licensing and insurance requirements for the use of the public right-of-way;

- 2) The applicant provide street lights and hanging planters required by the Triangle Overlay District and submit for administrative approval or obtain a variance from the Board of Zoning Appeals;
- 3) A fully executed contract must be signed with the applicant and the City of Birmingham outlining the details of the operation of the bistro; and
- 4) Prior to appearing before the City Commission the applicant provide artwork or another design element to address the recessed brick panel of the wall in the former window opening on the east elevation; and
- 5) Applicant verifies that the type of glass proposed for the NANA wall will match the existing glazing and conform to the District standards.

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, Forest Avenue Bistro 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 Forest Avenue Bistro 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

**10-228-15 PUBLIC HEARING TO CONSIDER A BROWNFIELD PLAN
 AND REIMBURSEMENT AGREEMENT AT
 DFCU FINANCIAL, 2483 WEST MAPLE**

Mayor Sherman opened the Public Hearing to consider approval of the Brownfield Plan and Reimbursement Agreement at DFCU Financial, 2483 W. Maple at 10:12 PM.

City Planner Ecker explained that DFCU Financial is a one story bank building which will be situated on this site. A gas station was located on this site for the last several decades and there is some contamination.

Commissioner Nickita questioned whether contamination encroached onto City property and if it would be cleaned up. Mike Kulka explained that the property is being treated as a whole. The significantly contaminated soil was removed during the redevelopment activities. He noted that they are voluntarily doing the cleanup.

In response to a question from Commissioner McDaniel, Ms. Ecker explained that the Brownfield Plan shows that the spill is on-site and has not migrated onto City property as there are no levels of contamination that are high enough to warrant fixing what is in that property.

The Mayor closed the Public Hearing at 10:25 PM.

MOTION: Motion by Rinschler, seconded by Nickita:
 To approve the Brownfield Plan and Reimbursement Agreement for 2483 W. Maple, DFCU Financial:

WHEREAS, the Birmingham Brownfield Redevelopment Authority (the "Authority"), pursuant to 1996 PA 381, as amended (the "Act"), prepared and recommended for approval by this Commission a brownfield plan ("the Plan") for property located at 2483 West Maple Road, Birmingham, Michigan; and,

WHEREAS, the City of Birmingham, at least ten days before the meeting of this Commission at which this resolution is considered, provided notice of a hearing to all taxing jurisdictions which are affected by the Plan (the "Taxing Jurisdictions") and fully informed the Taxing Jurisdictions about the fiscal and economic implications of the Plan; and,

WHEREAS, the City of Birmingham, at least ten days before the meeting of this Commission at which this resolution is considered, provided notice of the hearing to the Department of Environmental Quality and the Michigan Strategic Fund (or its designee); and,

WHEREAS, this Commission held a public hearing on the Plan at which officials from the Taxing Jurisdictions had an opportunity to be heard in regard to the adoption of the brownfield plan, interested persons had an opportunity to be heard, any written communications with reference to the Plan were received and considered, and a record of the public hearing, including all data presented at the hearing, was made and preserved.

NOW, THEREFORE, BE IT RESOLVED THAT

1. The Plan constitutes a public purpose.
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, 7
Nays, None
Absent, None

**10-229-15 PUBLIC HEARING TO CONSIDER A SPECIAL LAND USE PERMIT
PLATINUM MOTOR CARS, 1098 SOUTH ADAMS ROAD**

Mayor Sherman opened the Public Hearing to consider the Final Site Plan and Special Land Use Permit (SLUP) at Platinum Motor Cars, 1098 S. Adams Road at 10:25 PM.

Planner Baka explained the request to allow an auto sales agency at 1098 South Adams. He explained the improvements to the building include paint to the exterior, installation of an additional window to the Adams elevation, replace the existing tinted windows with clear glass, replace the exterior lighting, new signage, replace existing river rock in the right-of-way with grass and remove the existing flower beds and install brick pavers and benches. He noted that this location would be a small show room to display four to five cars on site. The applicant has a storage facility in Troy where the majority of their cars are stored.

Mr. Baka confirmed for Mayor Pro Tem Hoff that there would be no vehicles stored outside of the building and no car haulers used. The applicant would rearrange cars after business hours.

Commissioner McDaniel expressed concern with replacing the river rock with grass as it would be difficult to grow grass in that environment.

An attorney representing the owner of the 34000 Woodward Avenue and 1066 South Adams, expressed concern with the circulation plan due to the hazard pulling out onto Lincoln and Adams and suggested traffic flow be considered. She expressed concern that the parking spots for her clients would be used by clients of the proposed establishment. She requested there be a restriction on delivery time for vehicles.

Commissioner Rinschler expressed concern with the outdoor storage of cars. Syed Ahmed, Platinum Motor Cars Detroit, confirmed that cars will not be displayed outside.

The Mayor closed the Public Hearing at 10:46 PM.

MOTION: Motion by Rinschler, seconded by Dilgard:

To approve the Final Site Plan & Special Land Use Permit for 1098 S. Adams to allow the operation of an auto sales agency and showroom with the provision that the SLUP reflect that there be no outdoor storage of vehicles for sale:

WHEREAS, Platinum Motor Cars has applied for a Special Land Use Permit to operate an automobile sales agency at 1098 S. Adams,

WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the northwest corner of Lincoln and S. Adams,

WHEREAS, The land is zoned MU-5, Mixed Use, which permits automobile sales agencies with a Special Land Use Permit,

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning, requires a Special Land Use Permit Amendment 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;

WHEREAS, The Planning Board reviewed the proposed Special Land Use Permit request on August 26, 2015 at which time the Planning Board voted to recommend approval of the Final Site Plan and SLUP to the City Commission with the following conditions:

1. Reduce the amount of proposed signage to 48 sq. ft.;
2. Reduce the height of the wall sign to 36"; and
3. Submit revised plan for steps at the front entranceway for administrative approval.

WHEREAS, The applicant has agreed to comply with all conditions for approval as recommended by the Planning Board on August 26, 2015;

WHEREAS, The Birmingham City Commission has reviewed the Platinum Motor Cars Special Land Use Permit Amendment application as well as the standards for such review as set forth in Article 7, section 7.34 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 the Platinum Motor Cars application for a Special Land Use Permit is hereby approved, subject to the attached site plan, and subject to the following conditions:

1. Reduce the amount of proposed signage to 48 sq. ft.;
2. Reduce the height of the wall sign to 36"; and
3. Submit revised plan for steps at the front entranceway for administrative approval.

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, Platinum Motor Cars 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 Platinum Motor Cars 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

**10-230-15 PUBLIC HEARING TO CONSIDER
 AN AMENDMENT TO THE ZONING ORDINANCE**

Mayor Sherman opened the Public Hearing to consider an amendment to Zoning Ordinance Article 1, Section 1.14, Zoning Map update at 10:46 PM.

Hearing no public comment, the Mayor closed the Public Hearing at 10:47 PM.

MOTION: Motion by Nickita, seconded by Moore:
 To adopt an ordinance amending to Article 1, Zoning Ordinance Foundation, Section 1.14, Zoning Map, to provide for the update of the Zoning Map as needed.

VOTE: Yeas, 7
 Nays, None
 Absent, None

**10-231-15 PUBLIC HEARING OF NECESSITY
 REPLACEMENT OF SEWER LATERALS ON
 CATALPA DR BETWEEN EDGEWOOD AVE AND GRANT ST**

Mayor Sherman opened the Public Hearing of Necessity for replacement of sewer laterals on Catalpa Dr., between Edgewood Ave. and Grant St. at 10:48 PM.

City Engineer O'Meara explained that about half of the homes on the block still have the original sewer lateral and should be replaced as part of the sewer lateral program.

The Mayor closed the Public Hearing at 10:48 PM.

MOTION: Motion by Hoff, seconded by Nickita:
 To declare necessity for replacement of sewer laterals on Catalpa Dr., between Edgewood Ave. and Grant St. The Public Hearing of Confirmation of the Roll will be held on October 26, 2015 at 7:30 PM:

WHEREAS, The City Commission has passed Ordinance No. 1906, to establish and adopt requirements and procedures for the replacement of sewer lateral lines when the City street is open for repairs or reconstruction; and

WHEREAS, The City Commission is of the opinion that replacement of sewer laterals not meeting current criteria as a part of the planned road paving project is declared a necessity; and

WHEREAS, formal bids have been received and the actual cost per foot for replacement of the sewer laterals has been determined,

RESOLVED, that all sewer laterals not meeting current criteria located within the limits of the following streets shall be replaced as a part of the paving project on Catalpa Dr. from Edgewood Ave. to Grant St.

RESOLVED, that at such time as the Assessor is directed to prepare the assessment roll, of which 100% of the contractor's charge to replace sewer lateral (calculated at the rate of \$55 per linear foot) shall be charged to the adjoining property owners benefiting from the sewer lateral,

RESOLVED, that there be a special assessment district created and special assessments levied in accordance with benefits against the properties within such assessment district, said special assessment district shall be all properties, within the following district:

"Oakland Villas Annex"
Lots 50, 52, 57, 59-61 inclusive, 63-65 inclusive.

RESOLVED, that the Commission shall meet on Monday, October 26, 2015, at 7:30 P.M., for the purpose of conducting a public hearing to confirm the roll for the replacement of sewer laterals on Catalpa Dr., from Edgewood Ave. to Grant St.

VOTE: Yeas, 7
Nays, None
Absent, None

**10-232-15 TEAMSTERS LOCAL 214
SETTLEMENT AGREEMENT**

Human Resource Manager Taylor explained the terms of the Teamsters settlement agreement. She explained that the three year contract would be effective July 1, 2015.

MOTION: Motion by Hoff, seconded by Rinschler:
To approve the settlement agreement of August 18, 2015 between the City and Teamsters Local 214 for a renewal of the collective bargaining agreement through June 30, 2018. Further, authorizing the transfer of the appropriate funds by the Finance Department.

VOTE: Yeas, 7
Nays, None
Absent, None

10-233-15 COMPENSATION RECOMMENDATIONS 2015-16

Human Resource Manager Taylor explained that a compensation study for department heads and administrative management staff was done at the direction of the City Commission for the

2015-2016 budget year. She explained the position reclassifications and the changes to the 401a and Retirement Health Savings plans, vacation accrual, and health care provisions.

MOTION: Motion by Rinschler, seconded by Nickita:

To approve a 2% salary table adjustment and in range adjustments based upon performance for full-time and part-time employees in the Department Head and Administrative/Management classifications effective July 1, 2015, as recommended by Human Resources.

AND

To approve reclassification of the Senior Accountant, City Engineer, City Clerk, and Public Works Manager positions in 2015-2016 fiscal year as recommended.

AND

To approve ICMA plan amendments increasing contributions in the 401a and RHS plans for the Administrative/Management group effective January 1, 2016 as recommended.

AND

To approve implementation of the updated vacation schedule for the Administrative/Management group effective January 1, 2016 as recommended.

AND

To authorize increased deductibles, out-of-pocket maximums, and co-pays in the Administrative/Management benefit plan effective January 1, 2016 as recommended.

AND

To approve the transfer of the necessary funds by the Finance Department to the respective departmental personnel accounts.

VOTE: Yeas, 7
Nays, None
Absent, None

**10-234-15 CLOSED SESSION REQUEST
PENDING LITIGATION**

MOTION: Motion by Hoff, seconded by McDaniel:

To meet in closed session to review pending litigation regarding Wolf v City of Birmingham pursuant to Section 8(e) 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

**10-235-15 CITY COMMISSION MEETING MINUTES
SEPTEMBER 21, 2015**

Mayor Pro Tem Hoff made the following corrections to Resolution #09-204-15:

- Page 5: "Commissioner McDaniel questioned why other properties on Oakland Street were removed from the original proposal."
- Page 7: "He suggested either extend it to the other parcels on Oakland Street or direct the Planning Board to reopen the hearing to redo the process including all three parcels."
- Page 10: "In response to a question from Commissioner Nickita, City Manager Valentine explained that there was a question on the current use of the property at 412 & 420 East Frank zoned R3."

MOTION: Motion by Hoff, seconded by Nickita:
To approve the City Commission meeting minutes of September 21, 2015 as corrected.

VOTE: Yeas, 7
Nays, None
Absent, None

VIII. COMMUNICATIONS

10-236-15 COMMUNICATIONS

The Commission received the following communications:

- Michael Clawson thanking the Commission for their work and service on the Commission
- Richard Rollins regarding the West Maple Road improvements

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

X. REPORTS

10-237-15 ADVISORY BOARD & COMMITTEE REPORTS

The Commission received the Board of Ethics Opinions 2015-001 through 2015-005.

10-238-15 CITY STAFF REPORTS

The Commission received the report regarding the ReLeaf Michigan Tree Planting Project submitted by DPS Director Wood.

The Commission recessed to closed session at 11:04 PM.
The Commission reconvened in open session at 11:40 PM.

XI. ADJOURN

The Mayor adjourned the meeting at 11:40 PM.

Laura M. Pierce
City Clerk