

BIRMINGHAM CITY COMMISSION MINUTES
JUNE 26, 2017
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Mark Nickita called the meeting to order at 7:30 p.m.

II. ROLL CALL

ROLL CALL: Present,	Mayor Nickita Mayor Pro Tem Harris Commissioner Bordman Commissioner Boutros Commissioner DeWeese Commissioner Hoff Commissioner Sherman
Absent,	None

Administration: City Manager Valentine, City Clerk Brown, IT Director Brunk, Police Commander Grewe, City Attorney Currier, City Planner Ecker, Finance Director Gerber, Deputy Treasurer Klobucar, Assistant Engineer Fletcher, DPS Director Wood

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

Mayor Nickita presented a Proclamation honoring the students, staff and advisor of Wylie E. Groves High School's official student-run newsmagazine, *The Scriptor*. *Formal resolution appended to minutes as Attachment A.*

Mayor Nickita announced:

- The Summer Concerts are in full swing at Shain Park with concerts on June 28th and July 5th. A special Fourth of July concert has been added to this year's schedule featuring the Jazz Ambassadors of the U.S. Army Field Band. The concerts begin at 7:00 p.m. Visit www.bhamgov.org/summerconcerts for the list of performers and the upcoming schedule of concerts.
- City offices and Baldwin Library will be closed Tuesday, July 4th for Independence Day.

06-163-17 APPOINTMENT TO THE RETIREMENT BOARD

Lawrence Smith was interviewed by the Commission on June 12, 2017.

Current Board Member Christopher Conti was present and was interviewed by the Commission. Commissioner Hoff questioned Mr. Conti's attendance in 2015, which was only 20%. Mr. Conti explained he typically only misses one meeting per year, and rarely misses the Retirement Investment Committee meetings where the recommendations are formulated to be made to the Retirement Board.

MOTION: Motion by Commissioner Boutros, second by Commissioner DeWeese:

To concur with the Mayor's recommendation to appoint Christopher Conti to the Retirement Board, as the resident member who is not eligible to participate in the retirement system, to serve a three-year term to expire July 1, 2020.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

City Clerk Brown administered the oath of office to the appointed board member.

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.

06-164-17 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Commissioner Hoff: Item P, Deaf & Hearing Impaired Service Agreement
 Item R, Police Department Outside Agency Service Agreements
- Commissioner Bordman: Item L, Municipal Credit and Community Credit contract for Fiscal year 2018
 Item Q, NEXT 2017-2018 Service Agreement
- Mayor Pro Tem Harris: Item N, Ice Arena Repairs
- Mayor Nickita: Item T, Set Public Hearing-Glazing Standards

MOTION: Motion by Commissioner Sherman, seconded by Commissioner DeWeese:
To approve the Consent Agenda, with items L, N, P, Q, R, and T removed.

ROLL CALL VOTE: Yeas, Commissioner Bordman
 Commissioner Boutros
 Commissioner DeWeese
 Mayor Pro Tem Harris
 Commissioner Hoff
 Mayor Nickita
 Commissioner Sherman
 Nays, None
 Absent, None

- A. Approval of City Commission minutes of June 12, 2017.
- B. Approval of warrant list, including Automated Clearing House payments, of June 14, 2017 in the amount of \$1,948,346.44.
- C. Approval of warrant list, including Automated Clearing House payments, of June 21, 2017 in the amount of \$324,850.26.
- D. Resolution approving the Verizon Access Transmission Services Right-of-Way Metro Act Safe Harbor Application and Safe Harbor Bi-Lateral Permit. *Formal resolution appended to minutes as Attachment B.*

- E. Resolution approving the purchase of a 4-ton hot box patch trailer from Falcon Asphalt Repair Equipment through the State of Michigan extendable purchasing contract #071B770092 in the amount of \$23,105.69 from account #641-441.006-971.0100.
- F. Resolution approving Change Order Numbers 1-6 to the Springdale Pavilion Concrete Project, in the amount not to exceed \$108,098.00, to Luigi Ferdinandi & Son Cement Company for a new concrete floor and foundation reconstruction. Further, authorizing the payment amount of \$102,693.10 until final inspection and approval is provided by the Building Department. After which time, the remaining balance of \$5,404.90 will be paid. Funds for this project are available in the Capital Projects Fund account #401-751.001-981.0100.
- G. Resolution authorizing the IT department to purchase the recommended count of Microsoft Office 2016 Standard and Pro Software Licenses from CDWG using the SelectPlus Pricing Agreement. The purchase price not to exceed \$20,575.00. Funds are available in the IT Computer Software fund account # 636-228.000-742.0000.
- H. Resolution accepting the resignation of Mark Coir from the Historic District Study Commission and Design Review Board, thanking him for his service, and directing the Clerk to begin the process of filling the vacancies.
- I. Resolution accepting the resignation of Paul Robertson, Jr. from the Brownfield Redevelopment Committee, thanking him for his service, and directing the Clerk to begin the process to fill the vacancy.
- J. Resolution accepting the resignation of Robert Ziegelman from the Triangle District Corridor Improvement Authority and the Housing Board of Appeals, thanking him for his service, and directing the Clerk to begin the process to fill the vacancies.
- K. Resolution authorizing the IT department to purchase the Microsoft Windows server and SQL Licenses from CDWG using the Select Plus Pricing Agreement. The purchase price not to exceed \$25,024.00. Funds are available in the IT Computer Software fund account # 636-228.000-742.0000.
- M. Resolution awarding the "Flat Roof Replacement at the Birmingham Ice Sports Arena" project to LaDuke Roofing and Sheet Metal for a total expenditure of \$84,890 and authorizing the Mayor and City Clerk to sign the contract on behalf of the City upon the receipt of all required insurances. Further, approving the appropriations and budget amendments to the fiscal year 2016-2017 Capital Projects Fund and General Fund budgets as follows:

Capital Projects Fund		
Revenues:		
Transfers In-General Fund	#401-901.001-699.0101	\$24,890
Total Revenue Adjustments		\$24,890
Expenditures:		
Ice Arena/Buildings	#401-901.001-977.0000	\$24,890
Total Expenditure Adjustments		\$24,890
General Fund		
Revenues:		
Draw from Fund Balance	#101-000.000-400.0000	\$24,890
Total Revenue Adjustments		\$24,890
Expenditures:		
Transfers Out-Capital		
Projects Fund	#101-999.000-999.4010	\$24,890
Total Expenditure Adjustments		\$24,890
- O. Resolution waiving the competitive bidding requirement for the sole source vendor and approving the purchase of six (6) additional security cameras along with an updated

hard drive, for a total expenditure not to exceed \$8,004.00. Funds for this purchase are available in the General Fund, Ice Rink Sports Arena, Buildings, account #101-752.000-977.0000.

- S. Resolution approving the purchase of uniforms with Contractors Clothing Company for the total amount not to exceed \$9,000 for fiscal year 2017-2018. Funds are available for this purchase in the Public Services - Uniform Allowance account # 101-441.002-743.0000.
- U. Resolution awarding the Recreation Master Plan Professional Services Agreement to McKenna Associates in the amount not to exceed \$24,500 and authorizing the Mayor and City Clerk to sign the agreement upon receipt of all required insurances. Funds are available in the General Fund – Parks – Other Contractual Services account #101-751.000-811.0000.

The Commission agreed to discuss Items L, Q, P, and R at this time.

06-165-17 ITEM L. MUNICIPAL CREDIT AND COMMUNITY CREDIT CONTRACT FOR FISCAL YEAR 2018

Commissioner Bordman, in reference to both Item L and Item Q, noted:

- She was appointed by the City Commission to serve on the NEXT Board.
- The Commission requested the Board of Ethics evaluate if there is a conflict of interest that would prevent her from voting on NEXT matters.
- NEXT has since revised their bylaws to make the Commission representative a liaison to the Board, rather than a member of the Board.
- She has had no knowledge of the amounts being recommended and has not voted on any matter at NEXT meetings.
- She offered the explanation to assure the public and the Commission she is not in conflict to vote on the item as a City Commissioner.

MOTION: Motion by Commissioner Bordman, second by Commissioner DeWeese: To approve \$19,760 in Municipal Credits and \$25,347 in Community Credits to provide support for NEXT's specialized transportation program; and further directing the Mayor to sign the Municipal Credit and Community Credit contract for fiscal year 2018 on behalf of the City.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

06-166-17 ITEM Q. NEXT 2017-2018 SERVICE AGREEMENT

MOTION: Motion by Commissioner Bordman, second by Commissioner DeWeese: To approve the service agreement with NEXT in the amount of \$99,810 for services described in Attachment A of the agreement for fiscal year 2017-2018, account number 101-299.000-811.0000, and further directing the Mayor and City Clerk to sign the agreement on behalf of the City.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

06-167-17 ITEM P. DEAF & HEARING IMPAIRED SERVICE AGREEMENT

Commissioner Hoff noted:

The services the organization provides are very valuable, but are not being used to a great extent in Birmingham.

The organization is based in Farmington Hills, and she would like to know how much Farmington Hills contributes, and what other communities contribute.

Tanner Parmentier, Deaf and Hearing Impaired Services, reported the organization's biggest contributors are the Area Agency on Aging 1A and 1B. Mr. Parmentier explained the value of the benefits to Birmingham's residents:

- Transportation to satellite sites for programs.
- A drop-in fee of \$1 for programs.
- Prevent isolation of deaf residents by offering trips and services.
- Provide an on-site interpreter for all trips, programs and services.
- Would provide an interpreter for City meetings if needed.

Commissioner Bordman remarked:

- Quite a few of the services offered by Deaf & Hearing Impaired Services, Inc. are available through Birmingham's senior center, NEXT.
- That seven Birmingham residents are utilizing the organization's services, and asked if they are low-income individuals. Mr. Parmentier commented that in general hearing impaired individuals are low-income, but he does not know who the Birmingham individuals are and so could not give an answer.

Mayor Pro Tem Harris:

- Received clarification that Birmingham residents would not be turned away from services if the City no longer provided funding to the organization.
- Confirmed the City is required by law to provide an interpreter for a meeting if requested.
- Questioned if hiring an interpreter for a meeting would be more expensive from a separate vendor than the service agreement with Deaf & Hearing Impaired Services.
- Categorized the service agreement as quasi-insurance.

MOTION: Motion by Commissioner Hoff, second by Commissioner Bordman:

To approve an amended service agreement with Deaf & Hearing Impaired Services, Inc. in the amount of \$1,500.00 for services described in Attachments A & B of the agreement for fiscal year 2017-2018, account number 101-215.000-811-0000, and to direct the Mayor and City Clerk to sign the amended agreement on behalf of the City.

VOTE: Yeas, 6
 Nays, 1 (Harris)
 Absent, 0

06-168-17 ITEM R. OUTSIDE AGENCY SERVICE AGREEMENTS WITH BIRMINGHAM BLOOMFIELD COMMUNITY COALITION, BIRMINGHAM YOUTH ASSISTANCE, COMMON GROUND AND HAVEN

Commissioner Hoff asked for the agencies to list other municipalities that provide funding. She said she wants to know that other communities are valuing these services as much as Birmingham does.

Carol Mastroianni, Executive Director, Birmingham Bloomfield Community Coalition, explained:

- Contributions from other municipalities are broken down as an amount per resident based on the 2010 Census
- There is a wide diversity in population among the five municipalities, so a breakdown per resident allows an apples-to-apples comparison.

Ms. Mastroianni listed contributions to Birmingham Bloomfield Community Coalition:

Oakland County Community Health Network	\$30,000	
Federal government	\$47,500	
Village of Bingham Farms	\$1,000	\$.90/resident.
City of Birmingham	\$3,000	\$.15/resident.
Village of Beverly Hills	\$1,800	\$.175/resident
Bloomfield Township	\$6,000	\$.146/resident

In response to questions from Commissioner Bordman, Ms. Mastroianni provided information on the invoice to the city and on programs involving Birmingham residents:

- The municipalities are invoiced for the amount of approved contribution or service agreement amount, not the actual cost of the programs which exceed the contribution amount.
- The Middle School Transition Program at Derby Middle School had a total cost of \$3,950.
- For the Parents Who Host Campaign, 656 letters were mailed to parents of students in 11th and 12th grade.

Commissioner Bordman commented:

- Your organization does wonderful work.
- Only 219 of the students involved in the programs are Birmingham residents, which is 31% of the total students reported.
- Does the \$3,000 investment made by Birmingham actually represent 31% -32% of the cost of the program, and are the other communities paying for their percentage of their residents serviced.

Mayor Nickita summed up the Commission's concern by stating the City of Birmingham provides funding for a variety of organizations, and the Commission wants the organizations to be as clear as possible as to what Birmingham residents receive for the tax money being paid to them.

Karen DeKett, Social Action Program Director for HAVEN, explained the director of business operations, Marianne Dwyer, does have a spreadsheet with how much each municipality in Oakland County contributes to HAVEN and offered to submit the information. She stated 52% of HAVEN's financial resources come from fundraising and other contributions, and 44% from Federal, state and local government, with the vast majority being federal funding.

Commissioner Hoff requested that the City Clerk revise the application to specifically ask what other municipalities contribute to the organization and how much do they contribute.

Jeff Kapuscinski, Director of Business Development and Advancement at Common Ground, stated four or five communities in Oakland County contribute, including Wixom which gave Common Ground a \$2,500 grant.

Commissioner Bordman pointed out a possible error in the information submitted by Common Ground, noting Attachment A lists 161 Birmingham residents served, but she only counted 111 in the quarterly reports.

MOTION: Motion by Commissioner Hoff, second by Commissioner Boutros:

To approve the outside agency service agreements for services described in Attachment A of the agreement for fiscal year 2017-18 with Birmingham Bloomfield Community Coalition in the amount of \$3,000, Birmingham Youth Assistance in the amount of \$18,000, Common Ground in the amount of \$1,500 and HAVEN in the amount of \$2,000 from account number 101-301.000-811.0000, further to direct the Mayor and City Clerk to sign the agreements on behalf of the city.

Richard Stacey, Treasurer, and Mr. Rick Myers, Chairperson, Birmingham Youth Assistance, said they tried to supply all of the information requested. He explained to Commissioner Bordman the amount contributed by Oakland County is listed in the budget Birmingham Youth Assistance submitted.

Mayor Nickita noted the discussion in no way takes away the support the Commission has for all of the organizations. He asked that the representatives present take note of the questions and concerns expressed, and be prepared in the future to offer the clarifications the Commission is expecting.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

V. UNFINISHED BUSINESS

**06-169-17 PUBLIC HEARING – SLUP AMENDMENT AT 250 N. OLD
 WOODWARD – EMAGINE PALLADIUM/FOUR STORY BURGER**

Mayor Nickita continued the public hearing.

City Planner Ecker provided background information:

- In December of 2016 the petitioner changed the business name and concept to Four Story Burger. The City's Zoning Ordinance requires approval from the City Commission for a name change.
- During the liquor license renewal hearings the City Commission set a public hearing for April 13, 2017 to consider terminating the Special Land Use Permit (SLUP).
- The petitioner submitted a complete application to the Planning Department seeking a SLUP amendment for the name change. There is no change in ownership.
- The Planning Board, on March 22, 2017, recommended approval of the SLUP amendment.
- No exterior signage is proposed at this time. The building owner would pursue any exterior changes separately.
- On April 13, 2017, the City Commission opened the public hearing for the Special Land Use Permit Amendment and Final Site Plan Review for 250 N. Old Woodward, and continued the public hearing to May 8, 2017 to allow the managing partners to attend.

- On May 8, 2017, the City Commission opened the public hearing again. However, only Mr. Goldstein was in attendance. The City Commission subsequently postponed the public hearing until June 26, 2017 to allow both Mr. Goldstein and Mr. Glantz to be present.

Mr. Paul Glantz, CEO of Emagine Entertainment and a partner in the entity known as CH Birmingham LLC d/b/a Emagine Palladium, and Mr. John Goldstein, partner in the entity CH Birmingham LLC d/b/a Emagine Palladium were present. Mr. Glantz indicated CH Birmingham LLC was created approximately three years ago, and was originally known as CH Troy LLC.

Mr. Glantz profusely apologized to the Commission for not communicating their plans effectively. He explained:

- There was no effort to disrespect either Birmingham's ordinances or the City Commission when making the change to the restaurant.
- The services of a third party were utilized for the restaurant change and gave assurances that they understood the rules and regulations of the community.
- Subsequently he and Mr. Goldstein learned otherwise, but want to demonstrate to the Commission that he is responsible.
- He is a full-fledged member of the LLC and has a majority interest in the business.
- He is sincerely apologetic for the missteps that have transpired.

Mayor Nickita made clear that adherence to the City's guidelines, rules and ordinances is of utmost importance. Because the name change was not handled in accordance with the Special Land Use Permit (SLUP) the Commission felt it necessary to speak to the direct ownership of the company for assurance that Birmingham's laws will be followed.

Commissioner Sherman thanked Mr. Glantz for attending the meeting and for his comments and apology. He noted:

- What started as an issue of non-compliance with the SLUP turned into a situation where the Commission was not getting straight answers.
- Mr. Glantz signed original SLUP agreement with the City, but the Commission was subsequently told Mr. Glantz was not involved.

Mr. Glantz explained both owners are also managers and able to bind our organization but were unaware that changing the name of the restaurant would require an amendment to the SLUP.

Mr. Goldstein explained that once the company was made aware of the problem the proper applications for a SLUP amendment were submitted and brought before the Design Review Board and the Planning Board.

Commissioner Sherman read the following section of the Contract to Operate an Establishment with a Liquor License in order to make clear to the petitioners the requirements of the SLUP amendment:

4. Licensee acknowledges that no modifications to the site plan, floor plan, elevations or operation of the bistro may be made unless approved by the City Commission through a Special Land Use Permit Amendment as required in the Zoning Ordinance. Modifications include, but are not limited to, name changes, ownership changes, remodeling, changes in the number of interior or exterior seats, the use of eisenglass and other enclosure materials on any outdoor dining area, relocation or addition of bar, etc.

In response to questions from Commissioner Hoff, the following clarifications were made:

- There has been no ownership change
- The bar has not been moved.
- In the restaurant the floor plan was changed, reducing seating from 170 to 70, and concentrating the seating area in front of the windows.
- The restaurant decorations were changed.
- The extra space will be utilized as a casual lounge space for patrons waiting for their movie to start.
- No new exterior signage is being requested.

Mayor Nickita closed the public hearing 8:41 p.m.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Boutros: To approve the Special Land Use Permit Amendment and Final Site Plan Review for 250 N. Old Woodward, Emagine Palladium Theatre and Ironwood Grill restaurant. *Formal resolution appended to minutes as Attachment C.*

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

06-170-17 PUBLIC HEARING – SLUP TERMINATION AT 250 N. WOODWARD – EMAGINE PALLADIUM/IRONWOOD GRILL

Mayor Nickita continued the public hearing. There being no comments from the public, Mayor Nickita closed the public hearing at 8:47 p.m.

MOTION: Motion by Commissioner Harris, seconded by Commissioner DeWeese: To take no action to terminate the Special Land Use Permit at 250 N. Old Woodward – Emagine Palladium/Ironwood Grill.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

06-171-17 RUSSELL THAYER APPLICATION TO DONATE WIND RAPIDS

In an email to Sean Campbell, Assistant Planner, dated June 20, 2017, the artist, Russel Thayer wrote:

Of course I accept that the City can place this sculpture anywhere. I particularly like this spot because of the scale of both the park and the sculpture, and the beautiful plantings that enhance the piece. There are other wonderful sites in the City, too! Your choice, of course.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Boutros: To approve the donation of *Wind Rapids* by Russell Thayer to the City of Birmingham and to direct staff to insure this sculpture on the City's existing insurance policy.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

06-172-17**REVISED 2018 CITY COMMISSION MEETING SCHEDULE**

City Clerk Brown presented the proposed 2018 City Commission Meeting Schedule as amended to incorporate the changes requested by Commission members at the June 12, 2017 Commission meeting.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Boutros:
To approve the Birmingham City Commission 2018 Meeting Schedule as follows:

MONTH	DAY	MEETING	LOCATION
January	8	Regular Meeting	Municipal Building
	22	Regular Meeting	Municipal Building
	27 (Sat)	Long Range Planning Session	8:30 AM Municipal Building
February	12	Regular Meeting	Municipal Building
	26	Regular Meeting	Municipal Building
March	12	Regular Meeting	Municipal Building
	26	Regular Meeting	Municipal Building
April	9	Regular Meeting	Municipal Building
	23	Regular Meeting	Municipal Building
	28 (Sat)	Budget Hearing	8:30 AM Municipal Building
May	14	Regular Meeting	Municipal Building
	24 (Thurs)	Regular Meeting	Municipal Building
June	4	Regular Meeting	Municipal Building
	18	Planning Board Workshop	DPS Facility
	25	Regular Meeting	Municipal Building
July	9	Regular Meeting	Municipal Building
	23	Regular Meeting	Municipal Building
August	13	Regular Meeting	Municipal Building
	27	Regular Meeting	Municipal Building
September	6 (Thurs)	Regular Meeting	Municipal Building
	17	Regular Meeting	Municipal Building
October	8	Regular Meeting	Municipal Building
	15	Planning Board Workshop	DPS Facility
	29	Regular Meeting	Municipal Building
November	12	Regular Meeting	Municipal Building
	19	Regular Meeting	Municipal Building
December	3	Regular Meeting	Municipal Building
	10	Regular Meeting	Municipal Building

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

06-173-17**TRAIL IMPROVEMENT PROJECT-LOWER BALDWIN PARK**

Department of Public Services Director Wood reported:

- DPS has been looking to improve connectivity to the trail system at Lower Baldwin Park.
- Currently there is no official trail in place through the grass at this park to connect the trail entry with the sidewalk along Maple Road.
- Funds have been budgeted this fiscal year in the amount of \$25,000 for the improvement.
- The Parks and Recreation Board reviewed a Trail Connection Location report from the Community Development Department regarding the final best location for the trail

connection. The Planning Department's report considered several options for pedestrians crossing Maple Road, including their recommendation of an at-grade pedestrian crossing island on Maple Road, just west of Baldwin Road, west of the Bridge.

- Because of the recommendation of a crossing west of Baldwin, and a closer look at where foot traffic was located through Lower Baldwin Park, DPS staff recommended, and the Parks and Recreation Board endorsed, that the proposed trail connection at Lower Baldwin Park to connect the sidewalk along Maple to the chip trail be changed to a westerly connection.
- DPS recommends approximately 5 ft. x 50 ft. of porous pave to the North of the footbridge and 5 ft. x 10 ft. to the South of the footbridge.
- For the remaining proposed section of new trail, approximately 5 ft. x 132 ft., from the existing sidewalk to the bridge, crushed limestone will be used.
- Both the porous pave and the crushed limestone meet ADA requirements.

Responding to a question from Commissioner DeWeese on the timing of the project, City Manager Valentine explained there are two components to the plan in order to connect the entire system: a trail connection from the south side of Maple to the north side of Maple, and the Maple Road pedestrian crossing. The project will not commence unless and until the Commission approves the crossing. Staff hopes to have the crossing plan ready to present in July.

City Manager Valentine confirmed for Mayor Pro Tem Harris that the Multi Modal Transportation Board (MMTB) has reviewed the plan and will review additional modifications proposed to address affected residents' concerns.

MOTION: Motion by Commissioner Bordman, seconded by Commissioner DeWeese: To approve the Lower Baldwin Trail Extension project to X-Tier Design and Build Landscape in the amount of \$17,585.00. Further, to waive the normal bidding requirements due to X Tier Design and Build Landscape being the sole source installer of this product. Funds are available in the Parks - Other Contractual Services #101-751.000-811.0000 for these services. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances and contingent upon the approval of the Maple Road at-grade pedestrian crossing island on Maple Road, just west of Baldwin Road, west of the Bridge.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

VI. NEW BUSINESS

06-174-17 PUBLIC HEARING - CONFIRMING S.A.D. # 878 – OAK AVENUE WATER LATERALS

Deputy Treasurer Klobucar reported:

- For purposes of installing new water laterals that would specially benefit properties within the limits of the 2017 Local Streets Paving Program, it is requested that the City Commission adopt a resolution confirming S.A.D. No. 878.
- Comments during the hearing of confirmation are limited to those questions specifically addressing the assessment roll pursuant to Section 94-9 of the City Code.
- The hearing declaring the necessity of the Special Assessment District was held at the City Commission meeting of June 12, 2017.

Mayor Nickita opened the public hearing at 9:09 p.m., and there being no public comments, closed the public hearing at 9:09 p.m.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Sherman:
To confirm and ratify Special Assessment Roll No. 878, and to instruct the City Clerk 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. *Formal resolution appended to minutes as Attachment D.*

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**06-175-17 E. FRANK ST. – ANN ST. TO S. OLD WOODWARD AVE.
RELOCATION OF METERED PARKING SPACES**

Assistant Engineer Fletcher reported:

- The subject block of Frank St. was built at 36 ft. wide, the City's standard commercial cross-section which allows for parked cars on both sides of the street, with sufficient room for two-way traffic in the middle.
- In 1994, the City narrowed the west end of Frank St. in conjunction with the construction of the shopping center that now occupies the north side of the block.
- With the narrowing of the street, green space was introduced on both sides in response to input from the neighborhood.
- The full width was maintained on the north side adjacent to the new retail building, and was identified as a designated loading zone for the building.
- On the south side, the full width was maintained in front of the three commercial zoned properties, accommodating five metered parking spaces.
- Three of the four parcels on the south side are now being combined and redeveloped into a five unit condominium project, known as 420 E. Frank St., which will be changing the two commercially zoned parcels facing Frank St. on the south side to multi-family residential.
- The developer for the project requested the extension of the narrowed Frank St. cross-section across the remainder of their parcel to allow the entire building frontage to benefit from green space between the sidewalk and the curb.
- Doing so would require two of the five metered parking spaces to be removed, and a third space would also be lost in order to make room for the new development's driveway.
- After a public hearing on June 7, 2017 the Advisory Parking Committee adopted a recommendation to the City Commission to remove three metered parking spaces on the south side of E. Frank St., between Ann St. and S. Old Woodward Ave., and move two spaces to the north side of the street, adding two new metered spots and allowing for the property to proceed as designed.
- Staff agrees that there is sufficient room on the north side with the existing paved space available to install two new metered parking spaces.
- The travel lane will retain a consistent width going west.

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Boutros:

To approve the relocation of two metered parking spaces on E. Frank St. west of South Old Woodward Ave. from the south side to the north side of the street, using an existing area designated as a loading zone, and further approving the extension of green space on the south side of Frank St. across the entire property now known as 420 E. Frank St., to be completed at developer expense, as a part of the final site plan approval.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**06-176-17 PARKING LOT 6 AREA MONTHLY PARKING PERMITS
 AUTHORIZED SALES AREA**

Assistant Engineer Fletcher reported:

- The Municipal Parking Lot #6 permit area has expanded over the years in order to accommodate more demand, many metered parking spaces on N. Old Woodward Ave., extending from north of Oak St., to just north of Willits St.
- A map created by SP+ indicates several permit holders do not work in the immediate area. The waiting list for a permit in this area is much shorter than the waiting list for the five parking structures, resulting in street meters being used for several hours a day by employees who may work closer to a parking structure than to the Lot #6 permit area.
- A public hearing was held at the June 7, 2017 Advisory Parking Committee (APC) meeting to discuss the suggestion that Lot 6 Monthly Permit sales could potentially be restricted to those working at a business north of Euclid Ave.
- Nine permit holders would be affected by the change. Since they were not ever made to feel that they were doing something wrong, the APC felt that as a part of creating this rule, the nine permit holders should be offered the opportunity to purchase a permit at the parking structure of their choice.
- The Advisory Parking Committee adopted a recommendation that Parking Lot 6 permits may only be sold to business owners and employees located in a business north of the intersection of N. Old Woodward Ave. and Euclid Ave., and further, that all current permit holders affected by this change will be allowed the opportunity to purchase monthly permits in the same number currently owned at the parking structure of their choice.

City Manager Valentine clarified by allowing for reassigning Lot #6 area permit holders into a parking structure, the Advisory Parking Committee is allocating nine additional parking structure permit spaces.

Mayor Pro Tem Harris expressed concern for the nine permit holders getting into a parking structure ahead of people on the waiting list. Assistant Engineer Fletcher noted that revoking a monthly permit for the Lot #6 area wouldn't be fair to the permit holders.

Commissioner Bordman asked if monthly permit holders must prove they are employed in the proper area of the city to renew their permit. Assistant Engineer Fletcher explained the feeling of Parking Advisory Committee was that current permit holds should not be penalized.

MOTION: Motion by Commissioner DeWeese, seconded by Mayor Pro Tem Harris:
To concur with the Advisory Parking Committee, and to direct staff to restrict all future Parking Lot 6 area monthly permit sales to employees working at businesses located north of the intersection of N. Old Woodward Ave. and Euclid Ave., and further, to allow current Lot 6 area

permit holders located south of Euclid Ave. to purchase a monthly permit in the parking structure of their choice.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**06-177-17 ACCESSIBLE PARKING SPACES IN PARKING STRUCTURES
 RECOMMENDED MODIFICATIONS**

Assistant Engineer Fletcher reported:

- In April staff received a comment that the accessible parking spaces in the Park St. Structure were often filled to capacity, leaving this frequent visitor with the assumption that there are not enough of them in the building. A survey was conducted during hours of peak demand, which confirmed that they are often at or close to capacity. The matter was introduced to the Advisory Parking Committee (APC) at their meeting of May 3, 2017.
- It was noted that demand may have increased after the policy for accessible parking changed at the meters on the streets. After discussion, it was decided to survey demand of accessible parking spaces in all five structures.
- At the meeting of June 7, 2017, it was noted that demand was strong at both the Park St. and Peabody St. Structures, while not so strong in the other three buildings. All five structures were studied to compare actual space count to that which is required under the Americans with Disabilities Act (ADA). The review determined that the parking structures compared to the ADA requirements as noted below:

Parking Structure	Compliance with ADA
Pierce St.	+4
Park St.	0
Peabody St.	-2
N. Old Woodward Ave.	+6
Chester St.	+8

The APC adopted a resolution recommending the following adjustments to the handicapped parking spaces at the following structures to better meet current requirements of the Americans with Disabilities Act (ADA):

1. Remove 4 accessible parking spaces at the Pierce St. Structure, Levels 3 & 4, Brown St. elevator area.
2. Add 2 accessible parking spaces at the Peabody St. Structure, Level 1, near the Brown St. elevator.
3. Remove 6 accessible parking spaces in the N. Old Woodward Ave. Structure, Levels 2, 3, and 4, adjacent to the elevators in both the southwest and southeast corners of the structure.
4. Add 2 accessible parking spaces at the Park St. Structure, Level 1.

Assistant Engineer Fletcher confirmed the surveys at the affected structures were conducted at various times on various days, and agreed with Mayor Nickita that periodic surveys should be conducted to monitor the situation. He confirmed for Commissioner Hoff the survey was done four months after the changes to on-street handicapped parking went into effect.

Commissioners commented that first floor parking should be reserved for transient parkers, not permit holders, suggested permit holders be encouraged to park on upper floors, and that regulations be enforcement.

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Bordman:
To concur with the Advisory Parking Committee to make the following adjustments to the number of accessible parking spaces in parking structures, to better meet both the requirements of the Americans with Disabilities Act as well as current demand trends, as noted:

Pierce St. Structure – Remove 4 accessible spaces.

Park St. Structure – Add 2 accessible spaces.

Peabody St. Structure – Add 2 accessible spaces.

N. Old Woodward Ave. Structure – Remove 6 accessible spaces.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

**06-178-17 QUARTON RD. PUMP STATION - TRANSFER TO OAKLAND CO.
 WATER RESOURCES COMMISSIONER'S OFFICE (OCWRC)**

Assistant Engineer Fletcher reported:

- In 1996, the Detroit Water & Sewer Dept. (DWSD) installed a 72 inch regional water main to strengthen their system in this area, which extended for several miles.
- A section of the water main was installed on Quarton Rd., along Birmingham's north boundary. The project included removal and relocation of an 8 inch sanitary sewer that was in the Quarton Rd. right-of-way, extending from Chesterfield Ave. to Lakeside Dr. The subject sanitary sewer served the homes located directly on Quarton Rd. from Pilgrim Ave. to Chesterfield Ave.
- As a part of the reconstruction, DWSD installed a new 8 inch sanitary sewer along the south edge of the right-of-way, and the outlet to the Oakland Co. interceptor was changed to a point about 150 ft. east of Pilgrim Ave.
- After construction, the frequency with which sewer backups from the County interceptor pushed backward into the new 8 inch sanitary sewer increased and flooded a small number of Quarton Rd. basements located in the low area west of Pilgrim Ave.
- In 1999, the City installed a new pump station in the Quarton Rd. right-of-way, about 150 ft. east of Pilgrim Ave., which contains a control box, a valve in a well, and a pump within a separate well.
- During normal conditions, the sewer drains to the County interceptor as it was designed to do, with gravity flow. Flow sensors monitor the flow level in the adjacent County sewer. Once it senses that flow is starting to go in the wrong direction (under pressure), the controller closes the valve, and directs flow from the small sewer into the storage well with a pump, effectively closing off the small sewer from backflow being experienced by the County sewer. Once flow levels are back to normal in the County sewer, the sewage in the wet well chamber is pumped out and into the County sewer for disposal.
- Since this problem was created by changes made by DWSD, and the flows causing backup conditions were coming from the adjacent OCWRC sewer, the City never felt that it should be financially responsible for the cost of this station. After attempts to get cost participation from these agencies failed, the City installed and has continued to cover the cost of maintaining and operating the station.

- The OCWRC has now acknowledged the capacity issues that the County interceptor has in this area, and has now offered to take over ownership and responsibility to operate this pump station.
- The County has offered to overhaul the entire facility, now over 20 years old, to help make certain that it operates trouble free for many years to come, and will tie the station into their County wide communications system, so that when the station is active, messages will be sent to their control room wirelessly.
- In exchange for taking over the station, the OCWRC will also use the level monitoring system to help operate a new flow chamber to be constructed in the Woodward Ave. median north of Quarton Rd., as a part of their capacity improvement project.
- The City will continue to own and operate the facility while the improvements are being made. If a failure occurs during the time the improvements are being made, the Contractor hired by the OCWRC to make these improvements has insurance to cover any costs or liabilities that may arise. Once the facility has been completed to the County's satisfaction, they will ask the City to sign the Bill of Sale turning over ownership of the facility to the OCWRC.
- This exchange is positive for the City. The OCWRC will become responsible for the future ownership and operations of the pump station, at no cost to the City. It will become a good location for the County to monitor the flows in its interceptor sewer. Plus, assuming the large sewer to be installed on Woodward Ave. to the east provides sufficient storage, the need for this station to operate during high flows should be substantially reduced.

City Attorney Currier clarified this is a sale of personal property, not real estate.

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Hoff:
To authorize the Mayor to sign the Memorandum of Understanding with the Oakland County Water Resources Commissioner pertaining to the Quarton Rd. Pump Station located at 1371 Quarton Rd., authorizing the renovation of the facility to their standards, with the intention of the County taking ownership and responsibility for it upon completion, through a subsequent Bill of Sale.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

06-179-17 ADAMS BRIDGE PAINTING PROJECT

Director of Public Services Wood explained:

The lower portion of Adams Bridge, underneath Adams Road and over the CN railroad is in need of primer and paint to cover graffiti that has been applied to the painted concrete surface.

The graffiti is below grade, but is visible from an area along Shepardsbush Street, where it runs alongside Adams Bridge. Complaints from the neighborhood have prompted the City to request quotes for painting over the graffiti.

Currently, the Department of Public Services monitors and takes care of any graffiti above grade by painting over it to match the existing paint. Because the bridge underpass is on

the railroad tracks, this particular bridge location was not on the department's routine graffiti patrol, but will be added.

The specifications for this project include all prep work, pressure washing and priming of the concrete surface and then applying paint to cover the graffiti. The lowest qualified bidder, Cross Renovation, provided a proposal of Sherwin William products, specifically the "Loxon Concrete and Masonry Primer" as well as "A100" exterior paint. These products would not be applied until the entire surface is power washed to ensure proper adhesion.

Because the work location is directly around and over the railroad, a Right of Entry Permit and a Flagman Permit is required through CN Railroad. The contractor is required to obtain the permits through the railroad.

An anti-graffiti coating overtop of the paint is under consideration and would potentially add \$15,000-\$20,000 to the cost.

Director of Public Services Wood explained the anti-graffiti coating does not provide an unpaintable surface; the coating makes it easier to remove graffiti. In general the Commission was opposed to the additional cost of the anti-graffiti coating because it would not prohibit new graffiti from being re-painted. There was some suggestions that the coating be tried in a smaller area in the future.

Commissioners Boutros and Sherman suggested wireless cameras be installed for surveillance. City Manager Valentine agreed surveillance options would be investigated and that regular inspections will take place.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Bordman:
To approve the award of the Adams Bridge Painting Project to Cross Renovation, Inc. in an amount not to exceed \$18,777.00. Funds are available from the Parks – Other Contractual Services account #101-751.000-811.0000 for these services. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

06-180-17 WATER/SEWER RATE CHANGES FOR 2017-2018

Finance Director Gerber reported:

- Water rates are recommended to increase \$.26 from \$4.36 to \$4.62, or 6.0%. This is the same rate as was proposed at the budget hearing on April 22nd. The increase would raise the annual cost to the average homeowner using 90 units of water by \$23.40. The increase is the result of an increase in the cost of water, contractual services and equipment rental along with a decrease in other operating revenues.
- Sewer rates are recommended to increase \$.64 from \$6.74 to \$7.38, or 9.5%. The increase would raise the annual cost to the average homeowner using 90 units of water by \$57.60. This rate is \$.27 higher than the rate proposed at the budget hearing on April 22nd. The rate proposed at the budget hearing was based on sanitary sewer costs increasing by 4%. As a result of a reallocation of sewer costs by the Great Lakes Water Authority (GLWA) based on a strength of flow study, the

average increase for sanitary sewer disposal will be 10% for our two sewage disposal districts. Approximately two-thirds of the recommended increase of \$.64 is the result of an increase in sanitary sewage disposal costs. The remaining amount of the recommended increase is the result of an increase in contractual services and depreciation.

- Storm water rates are recommended to increase \$1 from \$183 to \$184 per ESWU for Evergreen-Farmington Sewage Disposal District and \$2 from \$238 to \$240 per ESWU for Southeast Oakland Sewage Disposal District. Both of these rate increases are less than what was proposed at the budget hearing on April 22nd as a result of the reallocation of sewer costs by GLWA based on the strength of flow study.
- The charges for Industrial Surcharge and Industrial Waste Control Charge are determined by Great Lakes Water Authority (GLWA). These charges are collected by the City and remitted to GLWA. The City does not keep any of the money it collects for these fees. The Industrial Waste Control Charge is scheduled to increase approximately .5%. Currently, there is one Birmingham customer charged an Industrial Surcharge.
- The new rates will take affect for all billings where the read date is on or after July 1, 2017.
- In addition to the change in rates listed above, the Sewage Disposal Fund budget for 2017- 2018 will need to be amended to reflect the change in the sewer and storm water rates.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner DeWeese: To amend the Schedule of Fees, Charges, Bonds and Insurance, Water and Sewer Service Sections, for changes in water, sewer, storm water, industrial surcharge, and industrial waste control charge rates effective for bills with read dates on or after July 1, 2017; and further to approve the appropriations and amendments to the 2017-2018 Sewage Disposal Fund budget as follows:

Sewage Disposal Fund

Revenues:

Charges for Services	\$184,000
Total Revenues	\$184,000

Expenses:

Other Charges	\$184,000
Total Expenses	\$184,000

-

06-181-17 RESOLUTION TO MEET IN CLOSED SESSION TO DISCUSS ATTORNEY/CLIENT PRIVILEGED COMMUNICATION IN ACCORDANCE WITH SECTION 8(H) 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.)

MOTION: Motion by Commissioner Sherman, seconded by Commissioner 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,	Commissioner Bordman Commissioner Boutros Commissioner DeWeese Mayor Pro Tem Harris Commissioner Hoff Mayor Nickita Commissioner Sherman
	Nays,	None
	Absent,	None

Mayor Nickita announced no action would be taken following the closed session.

VII. REMOVED FROM CONSENT AGENDA

06-182-17 ITEM N. ICE ARENA REPAIRS

Mayor Pro Tem Harris:

- Supported the suggested resolution to purchase Rink Seal Pro Cooling Solution as a temporary fix.
- Expressed concern that there is no guarantee this is a permanent solution, and explained the financial burden on families when Berkley's rink suffered irreparable infrastructure problems and was no longer operable.
- Stated that a long-term plan should be in place for replacement of the 45-year-old rink, perhaps as part of the master plan.
- Wanted to make sure the City adequately plans for, and anticipates, shortcomings in a 45-year-old structure.

Department of Public Services Director Wood explained:

- Rink Seal Pro Cooling Solution comes with a 12-month warranty and money-back guarantee with the first infusion of the product.
- Success rates at a variety of arenas have been high.
- For the leaks that currently exist, and we don't know if it is one or several, this will be a permanent solution.
- There is no guarantee after the 12 months that a new leak or leaks won't occur.
- Annual preventative maintenance is suggested.
- A long-term plan is underway.

City Manager Valentine explained that, just like the ice rink roof replacement, a capital projects initiative would plan for replacement of the rink in time.

Director of Public Services Wood stated:

The City has experts in place, including Delta Temp for maintenance and service, and that is the same company which maintained Joe Louis Arena.

The department is consulting with specialists, and are confident with the Rink Seal Pro Cooling Solution from Rink Seal the City is going to be ahead of the game.

Director of Public Services Wood confirmed for Mayor Pro Tem Harris that if Rink Seal uncovers an issue, whether separate from the current problem or not, they will report to the City in enough time to be addressed.

Commissioner Hoff questioned the difference in the initial estimated cost of \$18,600 and the quoted price of \$12,150. Director of Public Services Wood explained that subsequent to the initial estimate Rink Seal was able to gather in-depth data on the capacity, size, length of piping, and glycol held in the system.

MOTION: Motion by Mayor Pro Tem Harris, seconded by Commissioner Bordman:
To approve the purchase of the Rink Seal Pro Cooling Solution from Rink Seal Pro in an amount not to exceed \$12,150.00. Funds are available from the General Fund – Ice Arena account #101-752.000-930.0300.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

06-183-17 ITEM T. SET PUBLIC HEARING FOR GLAZING STANDARDS

Mayor Nickita asked how tinting of windows will be legally defined.

City Planner Ecker reported the proposal will include definitions based on objective industry standards.

MOTION: Motion by Mayor Nickita, seconded by Commissioner Boutros:
To set Monday, July 24, 2017 at 7:30 p.m. for a public hearing to consider ordinance amendments for glazing standards.

VOTE: Yeas, 7
 Nays, 0
 Absent, 0

VIII. COMMUNICATIONS

None.

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

None.

X. REPORTS

06-184-17 COMMISSIONER REPORTS

The Commission will appoint members to the Brownfield Redevelopment Authority, Design Review Board, Historic District Commission, Housing Board of Appeals and the Triangle District Corridor Improvement Authority on August 14, 2017.

06-185-17 COMMISSIONER COMMENTS

Mayor Nickita pointed out the need for regulations to prevent encroachment into the public right-of-way from building elements.

Mayor Nickita commended the ground-level headquarters of Lady Jane Haircuts as a good example of activating the edge of an office on the ground floor in accordance with the 2016 Plan.

Commissioner Bordman discussed the need for a policy to guide the Commission in choosing and evaluating non-profit organizations with which to enter into service agreements. Citing Article 9 of the Michigan Constitution, she suggested a policy for evaluating “the fair exchange of value” to be sure the City is paying the proper amount for what residents actually receive.

Commissioner Sherman addressed Commissioner Bordman's comments:

The Commission used to make charitable contributions to organizations, but stopped and instead enter into service agreements to provide services the City should be providing to residents.

Comparisons should be made with the cost of providing the same service in-house.

Through the service contracts the City is hiring agencies to provide a service, and the organizations are detailing the costs for providing the services.

Mayor Pro Tem Harris underscored Commissioner Sherman's point by describing the service contracts as having an insurance policy in place to give the City the ability to supply the services it should be providing.

Mayor Nickita asked City Manager Valentine for a discussion as to what information the Commission wants from the service agencies.

06-186-17 CITY STAFF REPORTS

The Commission received the Quarton Lake regarding lily pad treatment, submitted by Department of Public Services Director Wood.

The Commission received the MDOT Construction Update for Woodward Avenue, Quarton Road to 14 Mile Road, submitted by City Engineer O'Meara.

The Commission received the Oak Street Sanitary Sewer, West of Chesterfield Ave. report, submitted by City Engineer O'Meara.

XII ADJOURN

Mayor Nickita adjourned the meeting into closed session at 10:45 p.m. and reconvened the regular meeting at 11:22 p.m.

The regular meeting was adjourned at 11:22 p.m.

J. Cherilynn Brown
City Clerk

ATTACHMENT A

CITY OF BIRMINGHAM PROCLAMATION

WHEREAS, *The Scriptor* is the official student-run newsmagazine of Wylie E. Groves High School; and

WHEREAS, *The Scriptor* was the winner of the 2016 American Scholastic Press Association (ASPA) First Place with Special Merit Award, Best Overall High School Magazine Award, First Place for Investigative Feature, and 21 Michigan Interscholastic Press Association (MIPA); and

WHEREAS, For the second year in a row in 2017, the American Scholastic Press Association (ASPA) awarded *The Scriptor* three first place awards in their national competition: National First Place for Newsmagazine, National First Place for Investigative Reporting, and a National First Place for Sports Photography; and

WHEREAS, Each year, ASPA's panel of journalists and editors rank student newsmagazines from colleges and high schools from across the country based on the following criteria: coverage, ethics, research and writing, page design, general plan, art/photography, business acumen, creativity, editing, and community leadership, and *The Scriptor* scored in the highest to earn the first place awards; and

WHEREAS, In this year's congratulations letter, the ASPA judges wrote, "*The Scriptor* is an excellent publication, which deserves first place ...Your magazine shows the superior efforts of talented and creative writers, artist, photographers, layout/graphic designers, staff members and adviser."; and

WHEREAS, Two students on staff earned First Place in the state for Division 2, and 11 total students earned an individual statewide award; and

THEREFORE, With sincere appreciation, I wish to recognize and congratulate the following students for their awards: Alex Johnson, Charlotte Beggs, Robbie Juriga, Allison Miller, Annalese Lohr, Katie Westerlund, Jaxon Bumbaugh, Anja Rouaud, Christian Zeitvogel, Justin Sherman, Josh Klein,

BE IT RESOLVED that I, Mark Nickita, Mayor for the City of Birmingham, wish to extend my sincere congratulations on behalf of myself, the City Commission, and an appreciative community to the students, staff and adviser of *The Scriptor*, in recognition of your excellence in Journalism and service to the community and the City. We wish you all the best in your future endeavors.

On behalf of the City Commission and the residents of Birmingham this 26th day of June, 2017.

Mark Nickita, Mayor

ATTACHMENT B

RESOLUTION APPROVING VERIZON ACCESS TRANSMISSION SERVICES RIGHT-OF-WAY METRO ACT SAFE HARBOR APPLICATION AND SAFE HARBOR BI-LATERAL PERMIT

Moved by: Commissioner Sherman, seconded by Commissioner DeWeese:

WHEREAS, the City received a permit application and permit from MCimetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services with documentation attached on June 5, 2017; and,

WHEREAS, the METRO Safe Harbor Application complies with the mandates of statute; and

WHEREAS, the Safe Harbor Bi-lateral Permit complies with the requirements of statute.

NOW, THEREFORE, BE IT RESOLVED the Verizon Access Transmission Services Right-of-Way METRO Safe Harbor Application and Safe Harbor Bi-lateral Permit are hereby approved.

Passed, adopted and approved this 26th day of June, 2017.

AYES: Mayor Nickita, Mayor Pro Tem Harris, Commissioner Bordman, Commissioner Boutros, Commissioner DeWeese, Commissioner Hoff, and Commissioner Sherman

NAYS: none

PRESENT: Mayor Nickita, Mayor Pro Tem Harris, Commissioner Bordman, Commissioner Boutros, Commissioner DeWeese, Commissioner Hoff, and Commissioner Sherman

ABSENT: none

CERTIFICATION

I, J. Cherilynn Brown, being the duly appointed and qualified Clerk of the City of Birmingham, Oakland County, Michigan, do hereby certify and declare that the foregoing is a true and correct copy of Resolution, the original of which is on file in my office, adopted by the City of Birmingham Commission at a regular meeting held on June 26, 2017.

J. Cherilynn Brown, City Clerk

ATTACHMENT C

**EMAGINE PALLADIUM AND FOUR STORY BURGER 250 N. OLD WOODWARD
SPECIAL LAND USE PERMIT AMENDMENT 2017**

WHEREAS, Emagine Palladium and Four Story Burger filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to change the name of the existing theatre and restaurant from Emagine Palladium and Ironwood Grill to Emagine Palladium and Four Story Burger;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the north side of Hamilton and the east side of N. Old Woodward;

WHEREAS, The land is zoned B4, Business Residential, which permits establishments serving alcoholic liquors 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 March 22, 2017 reviewed the application for Final Site Plan Review and a Special Land Use Permit Amendment and recommended approval with the following condition:

1. The applicant will be required to execute an amended contract with the City outlining the details of the proposed theatre and restaurant operations that must be fully executed upon approval of the SLUP Amendment.

WHEREAS, The applicant has committed to comply with all conditions for approval as recommended by the Planning Board on March 22, 2017;

WHEREAS, The Birmingham City Commission has reviewed the Emagine Palladium and Four Story Burger 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 Emagine Palladium and Four Story Burger's application for a Special Land Use Permit authorizing the operation of a restaurant serving alcoholic liquors at 250 N. Old Woodward 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. Emagine Palladium and Four Story Burger shall abide by all provisions of the Birmingham City Code;
2. The Special Land Use Permit may be cancelled by the City Commission upon finding that the continued use is not in the public interest;
3. The hours of operation for open air shall cease at 12:00am;

4. The use of eisenglass and other enclosure materials on any outdoor dining area shall require approval by the City Commission through a Special Land Use Permit Amendment;
5. Outdoor dining is seasonally permitted from April 1st through November 15th only, with an Outdoor Dining Permit. The use of an enclosure system(s) does not allow the outdoor dining season to be extended.
6. Emagine Palladium and Four Story Burger shall provide for the removal of disposable materials resulting from the operation and maintain the area in a clean and orderly condition by providing the necessary employees to guarantee this condition, and by the placement of a trash receptacle in the outdoor seating area;
7. Emagine Palladium and Four Story Burger shall enter into a contract with the City outlining the details of the proposed operation;
8. Emagine Palladium and Four Story Burger shall not increase the number of interior or exterior seats at any time without approval by the City Commission through a Special Land Use Permit Amendment;
9. Emagine Palladium and Four Story Burger shall have a duty of continuing compliance with regards to off-street parking as required in the Zoning Ordinance;
10. Emagine Palladium and Four Story Burger agrees to resolve any future parking issues that may arise, including but not limited to parking overflow and encroachment into residential areas or public parking facilities, to the satisfaction of the City or the Special Land Use Permit by be cancelled by the City Commission; and
11. Emagine Palladium and Four Story Burger is required to have any modifications to the site plan, floor plan or operation of the bistro approved through a Special Land Use Permit Amendment as required in the Zoning Ordinance.

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, Emagine Palladium and Four Story Burger 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 Emagine Palladium and Four Story Burger to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

I, J. Cherilynn Brown, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on June 26, 2017.

J. Cherilynn Brown, City Clerk

ATTACHMENT D

**RESOLUTION TO CONFIRM SPECIAL ASSESSMENT ROLL NO. 878,
TO DEFRAY THE COST OF INSTALLING NEW WATER LATERALS ON OAK AVENUE:**

WHEREAS, Special Assessment Roll, designated Roll No. 878, has been heretofore prepared 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 06-155-17 provided it would meet this 12th day of June 2017 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this June 12, 2017, 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. 878 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 five and a quarter percent (5.25%) on all unpaid installments.

I, J. Cherilynn Brown, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on June 26, 2017.

J. Cherilynn Brown, City Clerk