

BIRMINGHAM CITY COMMISSION AGENDA

AMENDED

MARCH 18, 2024

MUNICIPAL BUILDING, 151 MARTIN

7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Elaine McLain, Mayor

II. ROLL CALL

Alexandria Bingham, City Clerk

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

ANNOUNCEMENTS

- The Ad Hoc Aging in Place Committee will accept Community Surveys until April 1, 2024. The Community Surveys can be mailed to City Hall or dropped off at City Hall, the Baldwin Public Library, The Birmingham Museum and Next. Access the survey on Engage Birmingham or [bhamgov.org/aginginplacesurvey](https://www.bhamgov.org/aginginplacesurvey).
- The Clerk's Office would like to thank all of the Election Inspectors and City Staff that helped conduct a safe and successful 2024 Presidential Primary Election. We appreciate all of the voters who participated by voting early, absentee, or in-person voting. 28.5% of Birmingham registered voters participated, which exceeds the county-wide turnout of 26.6%. Official results are available at oakgov.com/elections under the 2024 elections tab.

APPOINTMENTS

- A. Planning Board
1. J. Bryan Williams
 2. Jason Emerine
 3. Stuart Jeffares
 4. Daniel Share
 5. Nasseem Ramin

To appoint _____ to the Planning Board as a regular member to serve a three-year term to expire March 28, 2027.

To appoint _____ to the Planning Board as a regular member to serve a three-year term to expire March 28, 2027.

To appoint _____ to the Planning Board as a regular member to serve a three-year term to expire March 28, 2027.

To appoint _____ to the Planning Board as an alternate member to serve a three-year term to expire March 28, 2027.

To appoint _____ to the Planning Board as an alternate member to serve a three-year term to expire March 28, 2027.

B. Architectural Review Committee

1. Larry Bertolini

To appoint _____ to the Architectural Review Committee as a regular member to serve a three-year term to expire April 11, 2027.

To appoint _____ to the Architectural Review Committee as a regular member to serve the remainder of a three-year term to expire April 11, 2025.

C. Parks and Recreation board

1. Jessica Einstein
2. Susan Collins
3. Heather Carmona

To appoint _____ to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2027.

To appoint _____ to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2027.

To appoint _____ to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2027.¹

D. The Board of Ethics

1. Michael Minelli
2. Tina Marie Varlesi
3. Irene Hathaway
4. Melissa Demorest LeDuc

To appoint _____ as an alternate member to the Board of Ethics to serve a three-year term to expire June 30, 2026.

E. Ad Hoc Senior/Recreation Center Committee

1. Donald Rogers
2. Bert Koseck
3. Jason Emerine

To appoint _____ as a regular member to the Ad Hoc Senior/Recreation Center Committee to a serve three-year term to expire March 4, 2027.

To appoint _____ as a regular member to the Ad Hoc Senior/Recreation Center Committee to serve a three-year term to expire March 4, 2027.

¹ Was previously listed as an alternate position and should be a regular member seat.

To appoint _____ as a regular member to the Ad Hoc Senior/Recreation Center Committee to serve a three-year term to expire March 4, 2027.

To appoint _____ as a regular member from the City Commission to the Ad Hoc Senior/Recreation Center Committee to serve a three-year term to expire March 4, 2027.

To appoint _____ as a regular member from the City Commission to the Ad Hoc Senior/Recreation Center Committee to serve a three-year term to expire March 4, 2027.²

F. Board of Review

1. Rich Pennock

To appoint _____ to the Board of Review as a regular member to serve a three-year term to expire December 31, 2026.

To appoint _____ to the Board of Review as an alternate member to serve the remainder of a three-year term to expire December 31, 2025.

To appoint _____ to the Board of Review as an alternate member to serve a three-year term to expire December 31, 2026.

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

V. 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.
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- A. Resolution to approve the City Commission workshop meeting minutes of March 4, 2024.
- B. Resolution to approve the City Commission regular meeting minutes of March 4, 2024.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 7, 2024 in the amount of \$537,026.92.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 14, 2024 in the amount of \$2,012,821.03.
- E. Resolution to approve a special event permit as requested by the City of Birmingham, Department of Public Services to hold the 2024 City of Birmingham In The Park Concert Series weekly June 7, 2024 – August 14, 2024 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

² At the March 4, 2024 City Commission meeting the City Commission decided to appoint two City Commission members to the Ad Hoc Senior/Recreation Center Committee, resolution #03-061-24

event, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.

- F. Resolution to approve a special event permit as requested by the City of Birmingham to hold the Celebrate Birmingham Hometown Parade on May 19, 2024 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, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.
- G. Resolution to approve the budget amendment of \$132,774.75 for the Pierce Street Paving Project Contract. Further to charge the additional cost to the following accounts:

Fund Account	Fund ID Number	Amount
Major Street Fund	202.0-449.001-981.0100	\$53,121.51
Sewer Fund	590.0-537.000-981.0100	\$6,633.18
Water Fund	591.0-544.000-981.0100	\$73,020.06

AND

To approve the appropriation and amendment of the fiscal year 2023/2024 budget as follows:

Major Street Fund:

Revenues:

202.0-000.000-400.0000	Draw from Fund Balance	<u>\$53,121.51</u>
Total Revenue		<u>\$53,121.51</u>

Expenditures:

202.0-449.001-981.0100	Public Improvement	<u>\$53,121.51</u>
Total Expenses		<u>\$53,121.51</u>

Sewer Fund:

Revenues:

590.0-000.000-400.0000	Draw from Net Position	<u>\$6,633.18</u>
Total Revenue		<u>\$6,633.18</u>

Expenditures:

590.0-537.000-981.0100	Public Improvement	<u>\$6,633.18</u>
Total Expenses		<u>\$6,633.18</u>

Water Fund:

Revenues:

591.0-000.000-400.0000	Draw from Net Position	<u>\$73,020.06</u>
Total Revenue		<u>\$73,020.06</u>

Expenditures:

591.0-544.000-981.0100 Public Improvement
Total Expenses

\$73,020.06
\$73,020.06

- H. Resolution to approve the application for placement of Extenet Systems, LLC equipment on DTE's utility pole located at 910 Fairfax within 18 inches of the sidewalk, with a maximum height of 46' 2".
- I. Resolution of the City of Birmingham demonstrating support of the Derby Road bridge project and submittal of an application to the Michigan Department of Transportation for fiscal year 2027 funding assistance under their Local Bridge Program.
- J. Resolution to approve the purchase of Parks and City Property Lawn Maintenance Services 2024-2027 from Birmingham Lawn Maintenance & Snow Removal, Inc. for a total contract cost of \$698,004.00 in the following accounts for contractual services as follows:

Account	Year 1 (2024)	Year 2 (2025)	Year 3 (2026)	Year 4 (2027)	Total
Parks: 101.0- 751.000-811.0000	\$89,447	\$89,447	\$89,447	\$89,447	\$357,788
Property Maintenance: 101.0-441.003-811.0000	\$25,312	\$25,312	\$25,312	\$25,312	\$101,248
Well Sites: 591.0-537.002-811.0000	\$8,905	\$8,905	\$8,905	\$8,905	\$35,620
Local Streets: 203.0-449.003-937.0400	\$7,707	\$7,707	\$7,707	\$7,707	\$30,828
Major Streets: 202.0-449.003-937.0400	\$38,130	\$38,130	\$38,130	\$38,130	\$152,520
Grass/ Noxious Weed Enforcement: 101-441.007-811.0000	\$5,000	\$5,000	\$5,000	\$5,000	\$20,000

- K. Resolution to authorize Birmingham to apply for a Michigan Natural Resource Trust Fund grant through the Michigan Department of Natural Resources, and further directing the City Clerk to sign the resolution.
- L. Resolution to approve the 2023 Multi-Jurisdictional Oakland County Hazard Mitigation Plan, in addition, to authorize the Mayor and City Clerk to sign the resolution.
- M. Resolution to set a public hearing date of April 15, 2024 to consider the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 245 S. Eton – Big Rock Italian Chophouse.
- N. Resolution to accept the resignation of John J. Schrot, Jr. from the Ethics Board, to thank him for his service and to direct the City Clerk to begin the process of filling the vacancy.

VI. CITY MANAGER'S REPORT

The City Manager's Report regularly occurs on the second City Commission meeting of the month. Additionally, reports from prior months can be viewed on the City's [website bhamgov.org/manager](http://www.bhamgov.org/manager).

- A. March 2024 City Manager's Report

VII. UNFINISHED BUSINESS

None

VIII. NEW BUSINESS

- A. Public Hearings – 2024 Outstanding Liquor License Renewals

1. 220 RESTAURANT

Make a motion adopting a resolution to approve the renewal of liquor license for the 2024 licensing period for 220 RESTAURANT, who holds a Class C Liquor License and is in compliance with Chapter 10, Alcoholic Liquors of the City Code.

2. ADACHI

Make a motion adopting a resolution to approve the renewal of liquor license for the 2024 licensing period for ADACHI, who holds a Class C Liquor License and is in compliance with Chapter 10, Alcoholic Liquors of the City Code.

3. EMPLOYEE MEAL

Make a motion adopting a resolution to approve the renewal of liquor license for the 2024 licensing period for EMPLOYEE MEAL, who holds a Class C Liquor License that is in compliance with Chapter 10, Alcoholic Liquors of the City Code.

OR

Make a motion adopting a resolution to file an objection with the Michigan Liquor Control Commission regarding the renewal of the liquor license for EMPLOYEE MEAL, who holds a Class C Liquor License that is NOT in compliance with Chapter 10, Alcoholic Liquors of the City Code.

4. MARKET NORTH END

Make a motion adopting a resolution to approve the renewal of liquor license for the 2024 licensing period for MARKET NORTH END, who holds a Class C Liquor License that is in compliance with Chapter 10, Alcoholic Liquors of the City Code.

OR

Make a motion adopting a resolution to file an objection with the Michigan Liquor Control Commission regarding the renewal of the liquor license for MARKET NORTH END, who holds a Class C Liquor License that is NOT in compliance with Chapter 10, Alcoholic Liquors of the City Code.

5. PAPA JOES & BISTRO JOES

Make a motion adopting a resolution to approve the renewal of liquor license for the 2024 licensing period for PAPA JOES/BISTRO JOES, who holds a Class C Liquor License that is in compliance with Chapter 10, Alcoholic Liquors of the City Code.

OR

Make a motion adopting a resolution to file an objection with the Michigan Liquor Control Commission regarding the renewal of the liquor license for PAPA JOES/BISTRO JOES, who holds a Class C Liquor License that is NOT in compliance with Chapter 10, Alcoholic Liquors of the City Code.

6. SIDECAR/SLICE/SHIFT

Make a motion adopting a resolution to approve the renewal of liquor license for the 2024 licensing period for SIDECAR/SHIFT/SLICE, who holds a Class C Liquor License and is in compliance with Chapter 10, Alcoholic Liquors of the City Code.

7. SOCIAL KITCHEN & BAR

Make a motion adopting a resolution to approve the renewal of liquor license for the 2024 licensing period for SOCIAL KITCHEN & BAR, who holds a Class C Liquor License and is in compliance with Chapter 10, Alcoholic Liquors of the City Code.

8. TOAST

Make a motion adopting a resolution to approve the renewal of liquor license for the 2024 licensing period for TOAST, who holds a Class C Liquor License and is in compliance with Chapter 10, Alcoholic Liquors of the City Code.

9. ZANA

Make a motion adopting a resolution to approve the renewal of liquor license for the 2024 licensing period for ZANA, who holds a Class C Liquor License and is in compliance with Chapter 10, Alcoholic Liquors of the City Code.

- B. Public Hearing for 115 Willits – Mare Mediterranean – Special Land Use Permit Amendment (Ownership Change) – **WITHDRAWN**
 - 1. No action Required
- C. Resolution to approve a special event permit as requested by the Next Level Dance Center to hold the Next Level Summer Performance on August 11, 2024 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, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.
- D. Resolution to approve a special event permit as requested by the Holy Name Catholic School to hold the Holy Name School Rosary 5K Walk on May 31, 2024 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, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.

- E. Resolution to approve MKSK as the selected consultant for professional design services for the Booth Park Entry Plaza and Trail Improvements project for the base bid amount of \$179,100, with a contingency of \$125,000 for potential alternates including field visits. Funding is available from the park improvements construction fund: account # 408.1-751.000-979.0000. In addition to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of the required insurance.

OR

Make a motion adopting a resolution to approve Grissim, Metz, Andriese Associates as the selected Consultant for professional design services for the Booth Park Entry Plaza and Trail Improvements project for the base bid amount of \$137,300, with a contingency of \$71,550 for potential alternates and additional meetings. Funding is available from the park improvements construction fund: account # 408.1-751.000-979.0000. In addition to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of the required insurance.

OR

Make a motion adopting a resolution to approve PEA Group as the selected Consultant for professional design services for the Booth Park Entry Plaza and Trail Improvements project for the base bid amount of \$93,000, with a contingency of \$60,000 for potential alternates and additional meetings. Funding is available from the park improvements construction fund: account # 408.1-751.000-979.0000. In addition to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of the required insurance.

- F. Commission Items for Future Discussion. A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.
- G. Commission discussion on items from a prior meeting.
1. Cameras on City Cars
 2. City Run Events and Sponsors
 3. Publicizing Board and Committee Openings
 4. Advisory Parking Committee Letter

IX. REMOVED FROM CONSENT AGENDA
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X. COMMUNICATIONS

- A. Shirley Arlington Letters

XI. REPORTS

- A. Commissioner Reports
1. Notice of intention to appoint to the Board of Building Trades Appeals
 2. Notice of intention to appoint to the Brownfield Redevelopment Authority

3. Notice of Intention to appoint to the Multi-Modal Transportation Board
4. Notice of Intention to appoint to the Ethics Board
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
 1. Birmingham Area Cable Board Annual Report FY 2022-2023
- D. Legislation
- E. City Staff
 1. Planning Division Annual Report

INFORMATION ONLY

XI!. ADJOURN

Should you wish to participate in this meeting, you are invited to attend the meeting in person or virtually through ZOOM: <https://zoom.us/j/655079760> **Meeting ID: 655 079 760**
 You may also present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.

*NOTICE: Individuals requiring accommodations, such as mobility, visual, hearing, interpreter or other assistance, for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice), or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.
 Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al (248) 530-1880 por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).*