

BIRMINGHAM CITY COMMISSION AGENDA
FEBRUARY 27, 2023
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Therese Longe, 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 City recommends members of the public wear a mask if they have been exposed to COVID-19 or have a respiratory illness. City staff, City Commission and all board and committee members must wear a mask if they have been exposed to COVID-19 or actively have a respiratory illness. The City continues to provide KN-95 respirators and triple-layered masks for attendees.
- The City Commission thanks all members of the public who attended the February 15, 2023 City Manager Candidate Meet and Greet and for all of the feedback submitted on <http://engage.bhamgov.org>. City staff is currently in the process of compiling the reports on staff and public feedback as well as extensive reference checks, background checks, and investigations on all three candidates. The City Commission intends to review this information in March and work through the final steps of the City Manager Selection Process as we approach spring.

APPOINTMENTS

- A. Appointment to the Parks and Recreation Board
1. Pam Graham

To appoint _____ to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2026.

To appoint _____ to the Parks and Recreation Board as an alternate member to serve a three-year term to expire March 13, 2026.

- B. Appointment to the Public Arts Board
1. Pam Graham

To appoint _____ to the Public Arts Board as a regular member to serve the remainder of a three-year term to expire January 28, 2026.

To appoint _____ to the Public Arts Board as an alternate member to serve the remainder of a three-year term to expire January 28, 2026.

To appoint _____ to the Public Arts Board as an alternate member to serve the remainder of a three-year term to expire January 28, 2025.

C. Appointment to the Cablecasting Board

1. Deanna Brown

To appoint _____ to the Cablecasting Board as a regular member to serve a three-year term expiring March 30, 2026, effective April 1, 2023.

To appoint _____ to the Cablecasting Board as a regular member to serve the remainder of a three-year term expiring March 30, 2024.

To appoint _____ to the Cablecasting Board as an alternate member to serve the remainder of a three-year term expiring March 30, 2025.

D. Appointment of Student Representatives as non-voting members to Birmingham Boards for the 2023 calendar year

1. Ian Weinberg, Historic District Commission / Design Review Board
2. Sophie Hanawalt, Multi-Modal Transportation Board
3. Angie Sharma, Multi-Modal Transportation Board
4. Alex Motea, Museum Board
5. Alexandria Schaufler, Museum Board
6. Kate Glasier, Parks & Recreation Board
7. Archie Reynolds, Parks & Recreation Board
8. Asher Kaftan, Planning Board
9. Matthew Wiegand, Planning Board
10. Luca DeSanto, Public Arts Board
11. Andrew McClean, Public Arts Board

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 special meeting minutes of February 8, 2023.
- B. Resolution to approve the City Commission special meeting minutes of February 9, 2023.
- C. Resolution to approve the City Commission workshop meeting minutes of February 13, 2023.
- D. Resolution to approve the City Commission regular meeting minutes of February 13, 2023.
- E. Resolution to approve the Special City Commission meeting minutes of February 15, 2023.

- F. Resolution to approve the warrant list, including Automated Clearing House payments, dated February 15, 2023 in the amount of \$1,412,606.06.
- G. Resolution to approve the warrant list, including Automated Clearing House payments, dated February 22, 2023 in the amount of \$835,571.51.
- H. Resolution to enact a traffic control order for Park Street north of Oakland allowing permitted parking only on the east side of the street, to post "no parking signs" on the west side of the street and to direct the police department to enforce such an order.
- I. Resolution to approve Contract No. 23-5001, Control Section TAU 63000, Job Number 23A0194 by and between the Michigan Department of Transportation and the City of Birmingham. In addition, authorize the City Engineer to sign the agreement on behalf of the City.
- J. Resolution to approve the construction project budget and award the 2023 Quarton Lake Estates Phase 2 Project - Westwood, Raynale, and Oak Street #1-23 (P) to FDM Contracting, Inc. in the amount of \$1,062,984.25. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for this project has been budgeted in the following accounts:

Fund Account	Fund ID Number	Project Award	10% Contingencies	Total
Major Street Fund	202.0-449.001-981.0100	\$81,505.46	\$8,150.55	\$89,656.01
Local Street Fund	203.0-449.001-981.0100	\$128,234.19	\$12,823.42	\$141,057.61
Sewer Fund	590.0-537.000-981.0100	\$460,485.16	\$46,048.52	\$506,533.68
Water Fund	591.0-544.000-981.0100	\$392,759.44	\$39,275.94	\$432,035.38
Total Construction Costs		\$1,062,984.25	\$106,298.43	\$1,169,282.68

- K. Resolution to approve the construction project budget and award the 2022-2023 Cape Seal Program #6-22 (P) to Highway Maintenance and Construction in the amount of \$436,387.10. In addition, to authorized the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for this project will be charged to the following accounts:

Fund Account	Fund ID Number	Project Award	10% Contingencies	Total
Local Street Fund	203.0-449.001-981.0100	\$436,387.10	\$43,638.71	\$480,025.81

AND

To approve the appropriation and amendment of the fiscal year 2022/2023 budget as follows:

Local Street Fund:

Revenues:

203.0-000.000-400.0000	Draw from Fund Balance	\$160,030.00
Total Revenue		\$160,030.00

Expenditures:

203.0-449.001-981.0100	Public Improvement	\$160,030.00
Total Expenses		\$160,030.00

- L. Resolution to approve the purchase of root control services, as quoted by Duke's Root Control, Inc. for the 2023 Sewer Root Control Program, in the amount not to exceed \$99,465.67. Funds for this purchase are available in the Sewer Fund, Other Contractual Services, account number 590.0-538.000-811.0000.
- M. Resolution to approve the 2023-2024 Annual Flower Purchase from Croswell Greenhouse Inc. in the amount not to exceed \$22,032.25 for 2023 and \$23,133.86 for 2024. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for the Annual Flower Purchase has been budgeted for in the General Fund – Property Maintenance – Operating Supplies account #101.0-441.003-729.0000.
- N. Resolution to approve the appropriation and amendment to the Michigan Indigent Defense Fund for the fiscal year 2022-2023 as follows:

Revenues:

State Grant Revenue	260.0-698.000-571.0000	\$365,150.00
Local Contributions	260.0-698.000-590.0000	\$17,600.00
Total Revenues		\$382,750.00

Expenditures:

Supplies	260.0-698.000-729.0000	\$500.00
Other Charges-Attorneys	260.0-698.000-801.0400	\$373,550.00
Other Charges-Experts	260.0-698.000-803.0200	\$7,500.00
Other Charges-Training	260.0-698.000-957.0100	\$1,200.00
Total Expenditures		\$382,750

- O. Resolution to approve an increase to the City's credit card limit to \$35,000.
- P. Resolution to approve a special event permit as requested by the Birmingham Shopping District to hold the Day on the Town on July 29, 2023, 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.
- Q. Resolution to approve a special event permit as requested by the Birmingham Shopping District to hold the Birmingham Farmers Market on May 7, 2023 – October 29, 2023 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.
- R. Resolution to approve a special event permit as requested by the Birmingham Department of Public Services to hold the In the Park Concert Series on Wednesdays from June 14, 2023 to August 16, 2023 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.

- S. Resolution to recognize the following nine student representatives for their service in 2022 on Birmingham boards and committees and award each student a certificate in appreciation for their civic involvement:

Historic District Commission / Design Review Board	Meghan Murray Charlie Vercellone
Multi-Modal Transportation Board	Isabela Betanzos Ben Rosenfield
Museum Board	Jordan Snyder
Planning Board	MacKinzie Clein Andrew Fuller
Parks & Recreation Board	Zachary Miketa Matthew Windsor

VI. UNFINISHED BUSINESS

- A. Public Hearing for 300 S. Old Woodward – RH – Special Land Use Permit Amendment, Final Site Plan & Design Review
1. Resolution to approve the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 300 S. Old Woodward – RH. In addition, to authorize the Mayor and City Clerk to sign the Amended Contract for an Economic Development Liquor License on behalf of the City.
- B. Public Hearing to amend Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide clear and enforceable outdoor dining standards
1. Resolution to table consideration of the ordinance amendments to Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide staff with time to adjust the proposed language and address the concerns of the City Commission.

VII. NEW BUSINESS

- A. Resolution to approve the renewal of liquor licenses for the 2023 licensing period for the following establishments holding a Class B, Class C, or Microbrewery Liquor License that are in compliance with Chapter 10, Alcoholic Liquors of the City Code:
- Adachi
 - All Seasons Senior Living (Hospitality of Birmingham)
 - Bella Piatti, LLC
 - Birmingham Pub
 - Birmingham Theater
 - Brooklyn Pizza
 - Churchills Bistro
 - Community House
 - Dick O'Dows
 - Elie's Mediterranean
 - EM
 - Emagine Palladium
 - Fleming's Prime Steakhouse
 - Forest Grill 2, LLC
 - Griffin Claw Brewing Company
 - Hazel Ravines & Downtown
 - Hyde Park Steak House

- La Strada Italian Kitchen and Bar
- Lincoln Hills Golf Course
- Luxe Bar and Grille
- Mare Mediterranean
- Market North End
- Phoenicia Restaurant
- Salvatore Scallopini
- Sidecar/Slice/Shift
- Social Kitchen and Bar LLC
- Springdale Golf Course
- Streetside Seafood
- Sushi Japan
- Tallulah Wine Bar & Bistro
- The Daxton Hotel
- The Morrie Birmingham, LLC
- Townhouse Kitchen & Bar LLC
- Townsend
- Whistlestop
- Zana

And

To make a motion adopting a resolution to set public hearings on Monday, March 27, 2023 to consider whether the City Commission shall file objections with the Michigan Liquor Control Commission for the renewal of licenses held by the following establishments that are in violation of Chapter 10, Alcoholic Liquors of the City Code:

- 220 Merrill
- Casa Perno
- Papa Joe's/Bistro Joe's
- Toast
- Whole Foods

And

Further, to direct the City Manager to notify the owners and operators of licensed establishments for which a public hearing is set via first class certified mail, to inform them of the public hearing date set for the March 27, 2023 7:30 p.m. City Commission meeting, and inform them that they may submit any written material for consideration by the City Commission prior to or at the public hearing, that the licensee or counsel of licensee may appear at the hearing in person or via zoom, and that the licensee or counsel of licensee may present witnesses or written evidence for City Commission consideration at the public hearing.

- B. 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.
- C. Commission discussion on items from a prior meeting

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of intention to appoint to the Multi Modal Transportation Board
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas

- D. Legislation
 - E. City Staff
 - 1. 2nd Quarter Investment Reports
 - 2. 2nd Quarter Financial Reports
 - 3. Train Emergency Response and Safety Staff Report
 - 4. City Manager's Report
 - 5. City Manager Selection Next Steps - Save the Date
- 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).*