

BIRMINGHAM CITY COMMISSION AGENDA
APRIL 24, 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.
- Arbor Day Celebration Proclamation
- Arab American Heritage Month Proclamation
- Chaldean-American Month Proclamation
- Clerk Week Proclamation

APPOINTMENTS

- A. Appointment to the Board of Building Trades Appeals
1. Dennis Mando
 2. Scott H. Sirich

To appoint _____ to the Board of Building Trades Appeals as a regular member to serve a three-year term to expire May 23, 2026.

To appoint _____ to the Board of Building Trades Appeals as a regular member to serve a three-year term to expire May 23, 2026.

- B. Employee Recognition
1. Promotion of Jeff Scaife to Fire Marshal

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.

- A. Resolution to approve the City Commission regular meeting minutes of March 27, 2023.
- B. Resolution to approve the City Commission workshop meeting minutes of April 3, 2023.
- C. Resolution to approve the City Commission regular meeting minutes of April 3, 2023.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated April 5, 2023 in the amount of \$402,708.23.
- E. Resolution to approve the warrant list, including Automated Clearing House payments, dated April 12, 2023 in the amount of \$633,448.28.
- F. Resolution to approve the warrant list, including Automated Clearing House payments, dated April 19, 2023 in the amount of \$1,190,459.59.
- G. Resolution to approve the purchase a Tandem-Axle Dump Truck from Wolverine Truck Group, located at 107 S. Groesbeck, Mt. Clemens, MI 48043, under the Rochester Hills Cooperative Agreement, RFP-RH-20-023, in the amount not to exceed \$313,976.00. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funds for this purchase are available in the FY 2022-2023 Auto Equipment Fund account #661.0-441.006.971.0100.
- H. Resolution to approve the Fourth Amendment to the Tennis Facility Lease with the Birmingham Racquet Club authorizing a second ten (10) year extension to the lease, ending September 30, 2043, in consideration of the Lessee making long-term improvements and maintenance of the tennis facility and offering a resident discount of 20% across all memberships according to Attachment A. Further, to authorize the Mayor and Clerk to sign the agreement upon receipt of the required insurance.
- I. Resolution to approve an extension of the public services and minor home repair contract with NEXT for the purpose of expending remaining program year 2020-2021 Community Development Block Grant funds for Minor Home Repair Services administered by NEXT through June 30, 2024; and further, to authorize the Mayor and the City Clerk to sign the amendment on behalf of the City.
- J. Resolution to award the 2022-2023 Public Services contract totaling \$10,445.00 for Yard Services and Senior Outreach Services to NEXT under the Community Development Block Grant Program; and further, to authorize the Mayor to sign the contract on behalf of the City.

- K. Resolution WHEREAS, the City Treasurer, in accordance with the provisions in the City Code has reported certain special assessments and invoices, including interest and penalty, unpaid and delinquent on May 1, 2023, and

WHEREAS, the City Code provides that these delinquent special assessments and invoices shall be carried to the next annual City tax roll,

NOW THEREFORE BE IT RESOLVED, that the listing of unpaid and delinquent special assessments and invoices, including interest and penalty, be transferred and reassessed to the 2023 City tax roll with an additional 15% penalty and authorization be given to remove from the list any bills paid after commission approval.

- L. Resolution WHEREAS, The City Treasurer, in accordance with Chapter 114, Section 114-303, of the city code has reported certain water/sewage accounts, including interest and penalty, unpaid and delinquent on May 1, 2023, and

WHEREAS, Chapter 114, Section 114-303, of the city code provides that these payments shall be carried to the next annual city tax roll.

NOW, THEREFORE, BE IT RESOLVED, that the properties with unpaid and delinquent water/sewage accounts, listed in the Delinquent Water/Sewer Tax Roll, dated April 13, 2023, including interest and penalty, be transferred and reassessed to the 2023 city tax roll and authorization be given to remove from the list any bills paid or a payment plan agreement signed after commission approval.

- M. Resolution to approve the art donation and temporary art installation of a piano to be placed in Shain Park beneath the Markus Pavilion from the middle of May 2023 to the end of November 2023.

- N. Resolution to approve the project budget increase for Contract #5-21 (P), 2021 Asphalt Resurfacing Program, by \$382,510.00 to a total budget for Parking Lot No. 5 of \$485,510.00, and approving the appropriation and amendment of the 2022/2023 budget as follows:

Automobile Parking System:

Revenues:

Draw from Fund Balance	514.1-000.000-400.0000	\$382,510.00
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Expenditures:

Public Improvements	514.1-594.005-981.0100-21.ASPHALT	\$382,510.00
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- O. Resolution to set the Public Hearing of Necessity for the construction of sidewalk and streetscape improvements adjacent to all properties within the project area on Brown Street, from S. Old Woodward Ave. to Woodward Ave., on Monday, May 8, 2023, at 7:30 P.M.; and

If necessity is determined on May 8, 2023, to meet on Monday, May 22, 2023, at 7:30 P.M., for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for

construction of sidewalk and streetscape improvements adjacent to all properties within the project area on Brown Street, from S. Old Woodward Ave. to Woodward Ave.

- P. Resolution to accept the resignation of George Stern from the Greenwood Cemetery Advisory Board, to thank him for his service, and to direct the City Clerk to begin the process of filling the vacancy of this regular board member position with term expiration of July 6, 2024.
- Q. Resolution to accept the resignation of Robert Ziegleman, Chris McLogan and Luke Joseph from the Housing Board of Appeals, to thank them for their service, and to direct the City Clerk to continue to accept applications to fill vacancies on the Housing Board of Appeals.

VI. UNFINISHED BUSINESS

- A. Proposed Ordinance Amending Chapter 66 – Establishing Tenants Rights for Senior Citizens
 - 1. Motion to adopt the proposed ordinance, which amends Birmingham City Code, Part II, Chapter 66 – Human Relations, Article II. Discrimination, Division 2. Fair Housing, Sec. 66-36. et al, which prohibits discrimination for persons who are 65 years of age and older, living in dwellings of four units or greater, based upon the senior citizens' source of income, and to protect their security by changing their rights to renew their leases in a way that now is a balance between the seniors' interest and those of landlords.
- B. Public Hearing - to amend Chapter 126 (Zoning), Article 3, Section 3.04, Article 3, Section 3.16, Article 4, Section 4.44 and Article 9, Section 9.02 to provide clear and enforceable outdoor dining standards AND to amend Chapter 98 (Streets, Sidewalks and Other Public Places), Article 2 and Article 3, to add language for outdoor dining facilities on public property
 - 1. Resolution to ***postpone*** consideration of the amendments to Chapter 126 (Zoning), Article 3, Section 3.04, Article 3, Section 3.16, Article 4, Section 4.44 and Article 9, Section 9.02 AND the amendments to Chapter 98 (Streets, Sidewalks and Other Public Places), Article 2 and Article 3, to a date certain of May 22, 2023.
- C. Proposed Ordinance Amending Chapter 26 – Establishing and Regulating Marihuana
 - 1. Motion to adopt the ordinance to Amend Part II of the City Code, Chapter 26 - Businesses, Article XII - Marihuana Establishments Prohibited to now be identified as Chapter 26 - Businesses, Article XII. Medical Facility and Adult-Use Marihuana Establishments, in order to establish and regulate marihuana businesses.

VII. NEW BUSINESS

- A. Resolution to establish the Ad Hoc Aging in Place Committee for a term of 18 months, and to direct staff to advertise for upcoming appointments to this committee; further, once established, to direct staff to facilitate the requested studies and research needed to develop an action plan to improve the health, safety and welfare of senior citizens in Birmingham.

- B. Public Hearing - 1429 Quarton Road (Parcel # 19-26-203-003) – Lot Division
 - 1. Resolution to approve the lot division of 1429 Quarton Road, parcel # 19-26-203-003.
- C. Proposed Ordinance Amending Chapter 2 – Changes to the Ethics Ordinance
 - 1. Motion to adopt the ordinance amendments as recommended by the Board of Ethics and to further direct the City Clerk to notice the two available alternate Ethics Board member positions and begin the process of filling these vacancies.
- D. 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.
- E. Commission discussion on items from a prior meeting.
 - None.
- F. Resolution to meet in closed session to discuss the potential purchase of land pursuant to MCL § 15.268 Sec. 8(d) of the Open Meetings Act and pursuant to MCL § 15.268 Sec. 8(h) to discuss a written attorney client privileged communication.

(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.)

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of Intention to Appoint to the Historic District Study Committee
 - 2. Notice of Intention to Appoint to the Greenwood Cemetery Advisory Board
 - 3. Notice of Intention to Appoint to the Martha Baldwin Park Board
 - 4. Notice of Intention to Appoint to the Board of Ethics
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. City Manager's Report
 - 2. Code of Conduct

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).