

BIRMINGHAM CITY COMMISSION AGENDA
MAY 22, 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

- Proclamation declaring the first Friday in June to be National Gun Violence Awareness Day
- Thank you for joining us at the DPS Open House on May 13th! Your presence made it a day of family fun and community engagement. We appreciate your support, enthusiasm, and interest in meeting our City staff, exploring equipment displays, and learning from informational exhibits. A special thanks to all city staff and volunteers who helped making this event a resounding success.
- Thank you to all the parade participants, vendors, and visitors who took part in the Celebrate Birmingham Parade and Party in Shain Park. We are grateful to the sponsors of the event and the multiple City departments and organizations that worked together to present this family-focused gathering. For a glimpse into the memorable moments, please visit www.bhamgov.org/parade to view photos and videos.

APPOINTMENTS

- A. Advisory Parking Committee
1. Michelle Moody

To appoint _____ to the Advisory Parking Committee as a regular member who is a resident to serve the remainder of a three-year term to expire September 1, 2025.

To appoint _____ to the Advisory Parking Committee as a regular member who is large retail owner to serve the remainder of a three-year term to expire September 4, 2023.

- B. Employee Recognition
1. Gavin Carrick, IT Assistant
 2. Mazumder Abdullaah, IT Assistant

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 Budget Hearing meeting minutes of April 29, 2023.
- B. Resolution to approve the City Commission workshop meeting minutes of May 8, 2023.
- C. Resolution to approve the City Commission regular meeting minutes of May 8, 2023.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated May 11, 2023 in the amount of \$1,176,829.18.
- E. Resolution to approve the warrant list, including Automated Clearing House payments, dated May 18, 2023 in the amount of \$1,326,509.93.
- F. Resolution to approve a special event permit as requested by the Schools Offer Support to hold the Strides for SOS Race on October 1, 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.
- G. Resolution to opt into Oakland County's Urban County Community Development Block Grant (CDBG) programs for the years 2024, 2025 and 2026. Furthermore, to remain in Oakland County's Urban County Community Development programs, which shall be automatically renewed in successive three-year qualification periods of time, or until such time that it is in the best interest of the City to terminate the Cooperative Agreement.
- H. Resolution to approve the deaccession and disposal of 87 redundant and damaged school yearbooks from the Birmingham Museum's permanent collection in accordance with the Birmingham Museum Collection Policy.
- I. Resolution to approve the purchase of (3) 2023 GMC Sierra 1500 Trucks from Todd Wenzel Buick GMC of Westland, located at 35100 FORD RD, WESTLAND, MI 48185, through State of Michigan MiDeal Contract # 071B7700184, MiDeal Spec # 0073-4WDL, in the amount not to exceed \$45,301.70 per truck for total amount not to exceed \$135,905.10. 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.
- J. Resolution to award the project to ProPump & Controls, Inc. in the amount not to exceed \$24,583.05. In addition, to authorize the Mayor and City Clerk to sign the agreement on

behalf of the City. Funding for this project is available in account #584.2-753.001-981.0100.

- K. Resolution to approve an agreement with McKenna for the preparation of the City's Parks and Recreation Master Plan update in the amount not to exceed \$68,500. 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 account # 101.0-751.000-811.0000.
- L. Resolution awarding the contract to RAM Construction for the proposed work at the North Old Woodward Parking Structure in the amount of \$803,286.00; further, to authorize the Mayor and City Clerk to sign the contract on behalf of the city.

VI. UNFINISHED BUSINESS

- A. Public Hearing – Proposed Amendments to Chapter 126 (Zoning) – Outdoor Dining
 - 1. Motion to adopt an ordinance 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

Motion adopting an ordinance to amend Chapter 98 (Streets, Sidewalks and Other Public Places), Articles 2 and 3 to add language for outdoor dining facilities on public property.

VII. NEW BUSINESS

- A. Public Hearing – Confirmation of Special Assessment District Roll 904 Brown Street Paving – Sidewalk and Streetscape
 - 1. WHEREAS, Special Assessment Roll, designated Roll No. 904, 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 after the time of construction and

WHEREAS, The Commission Resolution 05-104-23 provided it would meet this 22nd day of May, 2023 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this May 22, 2023, 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,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 904 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 assessment 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 nine and one quarter percent (9.25%) on all unpaid installments.

Parcel ID/Sidwell Number	Street Address	SAD Assessment
08-19-36-208-015	325 S Old Woodward	\$ 44,666.31
08-19-36-208-016	355 S Old Woodward	\$ 24,899.56
08-19-36-208-004	34745 Woodward	\$ 86,244.20
08-19-36-206-021	255 S Old Woodward	\$ 35,820.42
08-19-36-207-010	34901 Woodward	\$ 57,520.88
08-19-36-207-014	34901 Woodward Ave #200	\$ 1,043.34
08-19-36-207-015	34901 Woodward Ave #3	\$ 1,400.03
08-19-36-206-023	Alley	\$ -
08-19-36-206-024	Peabody Parking Structure	\$ -

\$ 251,594.74

- B. Resolution to approve the construction project budget and award Brown Street Paving Project #5-23 (P) to V.I.L. Construction in the amount of \$1,832,529.69 and not to exceed \$1,924,156.18. In addition, to authorize the Mayor and City Clark to sign the agreement on behalf of the City after the review of V.I.L. Construction's insurance and bonds, contingent upon execution of the agreement and meeting all insurance and bonding requirements. Funding for this project has been budgeted in the following account:

Fund Account	Fund ID Number	Project Award	5% Contingencies	Total
Major Street Fund	202.0-449.001-981.0100	\$705,388.34	\$35,269.42	\$740,657.75
Sidewalk Fund	101.0-444.000-981.0100	\$567,178.95	\$28,358.95	\$595,537.90
Sewer Fund	590.0-537.000-981.0100	\$551,152.91	\$27,557.65	\$578,710.55
Water Fund	591.0-544.000-981.0100	\$8,809.50	\$440.49	\$9,249.99

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

Revenues:	Draw from Fund Balance	
202.0-000.000-400.0000		<u>\$740,660</u>
Total Revenue		<u>\$740,660</u>

Expenditures:	Public Improvement	
202.0-449.001-981.0100		<u>\$740,660</u>
Total Expenses		<u>\$740,660</u>

General Fund:

Revenues:	Draw from Fund Balance	
101.0-000.000-400.0000		<u>\$595,540</u>
Total Revenue		<u>\$595,540</u>

Expenditures:	Public Improvement - Sidewalks	
101.0-449.001-981.0100		<u>\$595,540</u>
Total Expenses		<u>\$595,540</u>

Sewer Fund:

Revenues:	Draw from Net Position	
590.0-000.000-400.0000		<u>\$578,710</u>
Total Revenue		<u>\$578,710</u>

Expenditures:	Public Improvement	
590.0-537.000-981.0100		<u>\$578,710</u>
Total Expenses		<u>\$578,710</u>

Water Fund: Revenues:

590.0-000.000-400.0000	Draw from Net Position	<u>\$9,250</u>
Total Revenue		<u>\$9,250</u>

Expenditures:	Public Improvement	
590.0-537.000-981.0100		<u>\$9,250</u>
Total Expenses		<u>\$9,250</u>

C. Public Hearing – The Birmingham Plan 2040

1. Resolution to adopt and approve in its entirety the Birmingham Plan 2040, inclusive of all maps, plats, charts, and other related matter, figures and the Future Land Use Map, as recommended by the Planning Board.

- D. Resolution to amend the Schedule of Fees, Charges, Bonds and Insurance 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, 2023 as recommended in the attached Water/Sewer Rate Changes Report for 2023-2024 by Finance Director Mark Gerber dated May 11, 2023 and approve the appropriation and amendment to the 2023-2024 Sewage Disposal Fund as follows:

Revenues:

590.0-000.000-642.0003	Charges for Services-Storm Water	\$174,740.00
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Expenses:

590.0-537.000-927.0100	Public Works-Acacia RTB	\$24,940.00
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590.0-537.000-927.0200	Public Works-Birmingham RTB	\$45,440.00
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590.0-537.000-927.0300	Public Works-Bloomfield RTB	\$104,360.00
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<u>Total Expenses:</u>		\$174,740.00
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- E. 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.
- F. Commission discussion on items from a prior meeting.
- G. Motion adopting a resolution to meet in closed session to discuss the potential purchase of real property pursuant to MCL § 15.268 Sec. 8(d) 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.)

VIII. REMOVED FROM CONSENT AGENDA
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IX. COMMUNICATIONS

X. REPORTS

- A. Commissioner Reports
1. Notice of Intention to Appoint to the Retirement Board
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
1. City Manager's Report
2. Letter from Mary Kucharek regarding the Board of Ethics Advisory Opinion Concerning Commissioner Host
- i. 2023-01 Opinion Robb and Schrot
- ii. 2023-01 Opinion Fierro-Share

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).*