

BIRMINGHAM CITY COMMISSION MINUTES

JANUARY 27, 2020

MUNICIPAL BUILDING, 151 MARTIN

7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Pierre Boutros, Mayor

II. ROLL CALL

ROLL CALL: Present: Mayor Boutros
Mayor Pro Tem Longe
Commissioner Baller
Commissioner Hoff
Commissioner Host
Commissioner Nickita
Commissioner Sherman

Absent: None

Administration: City Manager Valentine, Assistant City Manager Gunter, City Attorney Currier, Acting City Clerk Arft, Human Resource Manager Myers, DPS Director Wood, City Engineer Fletcher, Assistant City Engineer Bridges, Police Commander Grewe, Police Chief Clemence, City Planner Ecker, IT Director Brunk, BSD Executive Director Tighe, Building Official Johnson

III. PUBLIC COMMENT

The City of Birmingham welcomes public comment limited at the Mayor's discretion on items that do not appear in the printed agenda in order to allow for an efficient meeting. The Commission will not participate in a question and answer session and will take no action on any item not appearing on the posted agenda. The public can also speak to agenda items as they occur when the presiding officer opens the floor to the public. When recognized by the presiding officer, please step to the microphone, state your name for the record, and direct all comments or questions to the presiding officer.

Louis meldman, 1925 yosemite, commented on comments
Betty gusho, commented on small cell towers, 5g infrastructure,
Stacy barnes, Beverly hills, small cell towers,
Ann kozel, royal oak,

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

ANNOUNCEMENTS:

Restaurant week continues this week through January 31st, then continues Monday, February 3rd through Friday, February 7th. Please visit www.allinbirmingham.com for more information or call 248-530-1200.

APPOINTMENTS:

- A. Public Arts Board – 1 regular member
 - 1. Jason Eddleston
 Joe explained

Longe moved Eddleston,
Passed

- B. To appoint ____ to the Public Arts Board as a resident member to complete a three-year term to expire January 18, 2022.

- C. Storm Water Utility Appeals Board
 - 1. A. James Partridge

Mr. Partridge addressed the cc; 40 yrs engineering exp,

Sherman nominated
Passed

- D. To appoint ____ to the Storm Water Utility Appeals Board as a regular member for a three-year term to expire January 31, 2023.

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.

Items removed:

Hoff-A, O

Nickita-G

Baller-N

Sherman moved excluding, Hoff

Passed

Item A-pg 6, vote on D5 zoning, check on the # of

Name Rick Rattner

Hoff moved, Sherman second

Passed

Item G-

Nickita – what point in process is an evaluation done?

Ingrid – ad hoc farmers committee meet, layout same, meeting coming up in few weeks, established

Nickita-any things identified for change in light of parking lot 6 reconfiguration; after action review conducted with cmte; activating the space this year, healthy initiatives,

Hoff-suggested recruitment, revitalize it more,
Ingrid-are recruiting
Nickita moved suggested resolution, Hoff
Passed

Item N-relatively large expenditure on a very important purchase, would like more information for public

Joe-provides additional security to city's network, city not been a victim,
Eric further explained,
Baller moved the suggested resolution, Host
Passed

Item O-site evaluation review contract,

Theresa Bridges-increased construction, managing in row, commercial-site improvements, an opportunity to support staff after retirement;

Hoff-only for primarily residential new builds and some others,

Teresa response-

Joe-can guarantee the level supplied by the contractor,

Hoff moved the resolution, Sherman seconded
passed

- A. Resolution approving the Regular City Commission meeting minutes of January 13, 2020.
- B. Resolution approving the warrant list, including Automated Clearing House payments, dated January 15, 2020 in the amount of \$7,000,316.24.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated January 22, 2020 in the amount of \$325,763.51.
- D. Resolution authorizing the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and to approve the liquor license request of Bus Bar, LLC that requests a transfer of Ownership and Location of an Original 550 Resort Class C and SDM Liquor License with Sunday Sales (AM and PM) to be issued under MCL 436.1531(2) with Outdoor Service (2 Area), New Entertainment Permit and 3 New Additional Bar Permits to be located at 2159 E. Lincoln, Birmingham, Oakland County, MI 48009. Furthermore, pursuant to Birmingham City Ordinance, authorizing the City Clerk to complete the Local Approval Notice at the request of Bar Bus, LLC approving the liquor license transfer request of Bus Bar, LLC that requested a Resort Class C and SDM Liquor License with Sunday Sales (AM and PM) be transferred under MCL 436.1531(2) with Outdoor Service (2 Area), New Entertainment Permit and 3 New Additional Bar Permits to be located at 2159 E. Lincoln, Birmingham, Oakland County, MI 48009.
- E. Resolution approving the split award of the MITN cooperative bid of unleaded gasoline and diesel fuel for truck transport deliveries to RKA Petroleum Companies, Inc., 28340 Wick Road,

Romulus, MI 48174 and Petroleum Traders Corporation, 7120 Inverness Way, Fort Wayne, IN 46804; and further, approving the award for tank wagon deliveries to RKA Petroleum Companies, 28340 Wick Rd., Romulus, MI, 48174 and Atlas Oil Company, 24501 Ecorse Road, Taylor, MI 48180; based on bid factors included in the respective bids for a two-year period from February 1, 2020 through February 1, 2022, with the option to extend the terms and conditions an additional two years, upon mutual consent. Funds for this purchase of gasoline and diesel fuels are budgeted in Auto Equipment Fund – Fuel Expense account #641-441.006-737.0000.

- F. Resolution approving a request from the Huntington Disease Society of America-MI Chapter to hold Yoga in the Park in Shain Park on June 27, 2020 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.
- G. Resolution approving a request from the Birmingham Shopping District to hold the 2020 Farmers Market season beginning Sunday, May 3rd, 2020 to October 25th, 2020 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.
- H. Resolution approving a request from the Birmingham Shopping District to hold the 2020 Day on the Town special event on Saturday, July 25, 2020, using either Plan A or Plan B dependent on Maple Rd. construction as submitted in the application, and 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.
- I. Resolution approving a request from the Birmingham Shopping District to hold the 2020 Birmingham Cruise special event, on Saturday, August 15, 2020 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.
- J. Resolution approving a special event permit as requested by the Birmingham Shopping District to hold the 2020 Movie Nights on Fridays, June 12, July 17, and August 21, 2020, with rain dates scheduled on Saturdays, June 13, July 18, and August 22, 2020. Approval is 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.
- K. Resolution approving a request from Common Ground to hold the Art Fair in Shain Park and on the surrounding streets on September 26 & 27, 2020 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.
- L. Resolution authorizing the IT department to purchase the Security Subscription, Support and License renewals for the Palo Alto Firewall and Traps Server and endpoint clients from AmeriNet. The purchase price not to exceed \$27,690.40. Funds are available in the IT Computer Maintenance fund account # 636-228.000-933.0600.
- M. Resolution authorizing the IT department to purchase the License and support renewal for the

ArcGIS software from ESRI Inc. Total cost not to exceed \$9,332.19. Funds are available in the Computer Maintenance fund account # 636-228.000-933.0600.

- N. Resolution authorizing the IT department to purchase the Darktrace enterprise immune system from SHI international using Michigan Master Computing Program Contract - 071B6600113-MiDEAL with a total purchase price not to exceed \$239,292.00. Paid in 4 annual installments of \$59,823.00 beginning 2020, and ending in 2023; purchase to be charged to account #636-228.000-973.0400; and further approving the appropriation and amendment to the fiscal year 2019-2020 Computer Equipment Fund budget.
- O. Resolution approving the Professional Services Agreement with Hubbell, Roth & Clark, Inc. for Residential Site Evaluation Services for a 1-year term, extendable at the discretion of the City Commission up to three years. Further, to direct the Mayor and City Clerk to sign the agreement on behalf of the City.

AND

Resolution amending the Schedule of Fees, Charges, Bonds, Insurance, in the Community Development section as indicated by the consultant fee proposal.

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

- A.. Ordinance amending Part II of the City Code, Chapter 74 Offenses, Article I.– General, Sec 74-6, to replace the current ordinance with the attached updated version to include Electric Personal Assistive Mobility Devices. Furthermore, authorizing the Mayor and City Clerk to sign the ordinance on behalf of the city.

Grewe-current skateboard “under human power”,
Nickita-issue he has mandating that they are on the sidewalk; potential problem,

Further discussion,
Baller commented; would like to see more information
Hoff comments
Nickita commented; needs more clarity,
Joe-counsel has some ideas, and can bring it back after revisions,
Mayor-take no action tonight
Hoff noted, attachments
Baller-safety inimportant and don't want to discourage something that is safe,
Nickita-be clear on defining CBD, he is all in favor of these devices, just issue of conflict with peds;
Baller-gray areas of streets,
Joe propose work with legal, and bring it back,
Nickita-suggested looking at the zoning ordinance, cues from the uses,

Mary neff-son rides electric skateboard, had a conflict

Nickita commented 1 issue with sidewalk

- B. Ordinance amending Part II of the City Code, Chapter 74 Offenses, Article VII.–Offenses Against Public Morals, Division 5 – Controlled Substances, shall be amended to add Sec. 74-310 Marihuana Regulations. Furthermore, authorizing the Mayor and City Clerk to sign the ordinance on behalf of the city.

Grewe-under narcotics previously; amendment will be in line with state laws;
Baller-mary kucharek-it reflects state law perfect!
Baller-any more or less
Kucharek-it is kucharek
Hoff – an addition to the city code;

Baller moved the resolution; second by host
Passed

- C. Resolution approving Change Order #1 for the Oak Street Sewer Rehabilitation Project, Contract #11-19(S), to Bidigare Contracting, Inc., in the amount of \$66,500, to be charged to account number 591-537.005-811.0000; and further approving the appropriation and amendment to the 2019-2020 Water Supply System Receiving Fund budget.

Austin-explained work has been done by vendor previously in other areas, has had site visits with the 8 locations,

Currently under contract with city on Oak st.

Hoff-previous approval – what was that?
Austin- this is actual construction
Joe-explanation of cost, timing perspective,
Continued discussion on number
Baller-best price?
Nickit move the resolution, Longe second
Passed

- D. Resolution to meet in closed session to discuss pending litigation in the matter of Schneider v City of Birmingham pursuant to Section 8(e) of the Open Meetings Act, MCL 15.261 – 15.275.

Sherman moved, Hoff second,
Roll call:
Passed

No action expected

(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
 - B. Commissioner Comments
- Host-comments, 5G,
Joe-explanation

Host-audit- residential v commercial,

Baller-asked about Bates st., since other plans, it makes sense for master plan team to look at bates;
Mayor-
Baller-development options,

Hoff-4 acres

Longe-make sense to do it with the plan,

Joe can get a proposal from DPZ; have staff draft

Hoff-comments

Baller-

Nickita-not prepared to have the discussion; include comments,

Sherman-commented on

Baller.....

Sherman commented

Mayor commented

Sherman maybe direct joe to have conversation with dpz

Hoff-dpz was directed not to include that property in the mp;

Joe if intent is to have discussion, critical to have the expectation/vision; needs to be clarified,

Nickita-complicated issue; deficiency of parking still exists, and no way to rectify that;

Baller-agrees that parking has to be part of the program; thinks community should decide the other elements, not developers, does want to come to

Joe-Engage consultant need to provide clarity; scope of work for the consultant, not a detailed design

Baller

Nickita-cant have a consultant not be clear about what we want them to do; very clear how we identify them to do, fundamental needs of the downtown,

Sherman-cm come back with recommendation;

Mayor-further discussion important;

Sherman comments

Nickita-cc not a planning board

Mayor we're agreed on having a further discussion.

Nickita commented on identified as #1 great places;

Dead horse

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff

Recessed to closed session at 9:118

XI. ADJOURN

10 pm