

BIRMINGHAM CITY COMMISSION AGENDA
JULY 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

- On Saturday, July 29, 2023 the Police Department will hold its first Open House in conjunction with the Day on the Town event from 10 am to 2 pm. Many services that the department offers will be on display, including State and County law enforcement resources. There will also be a bike rodeo for children covering bike safety. Residents are encouraged to come out and meet their Birmingham Police officers.
- Visit Downtown Birmingham on Saturday, July 29, from 9 a.m. to 5 p.m. for Day On The Town, the biggest and most exciting retail event of the year! Find deeply discounted merchandise from over 60 premium retailers, food trucks, live broadcasts, chalk art displays, kids' activities and more in stores and throughout the streets and sidewalks of Downtown Birmingham. From 1 – 3 p.m., join Meaghan from *Mojo in the Morning* and Channel 955, as they broadcast live and hand out free ice cream from the Channel 955 Ice Cream Truck.
- Visit the Birmingham Farmers Market on Sunday, August 6, from 9 a.m. - 2 p.m., for the annual Corn Festival! Shop bountiful peak-season produce (including corn picked just hours before the market), farm-fresh eggs, artisan baked goods and more from over 50 vendors. Enjoy live music, fresh-roasted corn, kids' activities including a petting zoo, crafts and a tractor for photo ops!
- Join us at Booth Park on Friday, August 11, for an outdoor movie night featuring the community's choice of *Despicable Me*. Pre-show entertainment begins at 6:30 p.m.; movie at 7:30 p.m. In the event of inclement weather, movie night will be held the following evening (Saturday).
- Proclamation sending greetings from the City of Birmingham to the mayor and residents of Sarisske Dravce, Slovakia on the occasion of the visit of James W. Suhay, Jr and family.

APPOINTMENTS

- A. Employee recognition
 - 1. Rachel Matti

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 meeting minutes of July 10, 2023.
- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated July 13, 2023, in the amount of \$2,256,394.69.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated July 20, 2023, in the amount of \$1,310,972.13.
- D. Resolution to approve a special event permit as requested by the DAR Piety Hill Chapter to hold the Veterans Day 2023 Annual Wreath-Laying Ceremony on November 11, 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.
- E. Resolution to approve the Settlement Agreement of July 7, 2023 between the City of Birmingham and BFFA Local 911 for a renewal of the collective bargaining agreement for a term of July 1, 2023 through June 30, 2026, and to authorize staff to execute a collective bargaining agreement consistent with its terms and conditions. Further, to authorize the transfer of the appropriate funds by the Finance Department for these expenditures.
- F. Resolution to amend the fee schedule to increase the following fees for Greenwood Cemetery:

Greenwood Cemetery (126-26)

	Current Fee	Recommended Fee
Grave space accommodating one full burial or three cremations	\$4,000.00	\$6,000.00
Additional Rights of Burial for cremated remains, each	\$750.00	\$1,000.00
Grave space accommodating two cremated remains	\$2,600.00	\$4,000.00
Grave space accommodating one cremated remains	\$1,300.00	\$2,000.00
Administrative fee for transfer of grave ownership	\$200.00	\$400.00

And to make a motion adopting a resolution to release the 88 available graves suitable for burial in the flush rows in Section B, and to direct Greenwood Cemetery Advisory Board to evaluate the fee schedule again for plot costs after 20% of these plots have been sold.

G. Resolution to amend the City’s Fee Schedule as follows:

Parking Offenses & Fines (If paid before 10 days / If paid after 10 days)

Expired meter: First six offenses in calendar year \$20/\$30
 Expired meter: Seven offenses or more in calendar year \$60/\$70
 Handicap zone: \$175/\$200

H. Resolution to set a public hearing date of August 28, 2023 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 245 S. Eton – Big Rock Italian Chophouse.

I. Resolution to approve the Birmingham City Commission 2024 Meeting Schedule as submitted:

MONTH	DAY	MEETING	LOCATION
January	8	Regular Meeting	Municipal Building
	20 (Sat 8:30 am)	Long Range Planning	Municipal Building
	22	Regular Meeting	Municipal Building
February	5	Regular Meeting	Municipal Building
	12	Regular Meeting	Municipal Building
March	4	Regular Meeting	Municipal Building
	18	Regular Meeting	Municipal Building
April	8	Regular Meeting	Municipal Building
	15	Regular Meeting	Municipal Building
	27 (Sat 8:30 am)	Budget Hearing	Municipal Building
May	6	Regular Meeting	Municipal Building
	20	Regular Meeting	Municipal Building
June	3	Regular Meeting	Municipal Building
	10	Joint Commission/Planning Bd.	DPS
	24	Regular Meeting	Municipal Building
July	8	Regular Meeting	Municipal Building
	22	Regular Meeting	Municipal Building
August	12	Regular Meeting	Municipal Building
	26	Regular Meeting	Municipal Building
September	9	Regular Meeting	Municipal Building
	23	Regular Meeting	Municipal Building
October	7	Regular Meeting	Municipal Building
	21	Joint Commission/Planning Bd.	DPS
	28	Regular Meeting	Municipal Building
November	18	Regular Meeting	Municipal Building
	25	Regular Meeting	Municipal Building
December	9	Regular Meeting	Municipal Building
	16	Regular Meeting	Municipal Building

- J. Resolution to approve a revised three year agreement ending July 1, 2026 with the Birmingham School District for the provision of a full-time School Resource Officer, with all the salary and benefits for this officer to be paid by the Birmingham School District. In addition, to authorize the Mayor and City Clerk to sign the revised agreement on behalf of the City.

VI. UNFINISHED BUSINESS

- A. Resolution directing the City Clerk to submit the ballot wording for the proposed Ordinance Amending the Prohibition of Marihuana Sales to the County Clerk in order for the question to appear on the November 7, 2023 consolidated election:

Ordinance Amending Prohibition of Marihuana Sales

Shall the Birmingham City Code ordinance, Chapter 26 – Businesses, Article XII, which currently prohibits the sale of marihuana in the City of Birmingham, be amended to authorize and allow one (1) medical marihuana facility and one (1) marihuana recreational establishment to operate in the City of Birmingham?

YES or NO.

VII. NEW BUSINESS

- A. Public Hearing - to amend Chapter 126 (Zoning), Article 2, Section 2.27, Article 4, Section 4.46 Table A, Article 5, Section 5.09, and Article 9, Section 9.02 for the B1 Neighborhood Business District to include Specialty Food Store, Boutique, Bank, and Café as permitted uses, to include Health Club/Studio as a use requiring a Special Land Use Permit, to include indoor dining as an accessory use, to create a definition for a Café use, and to create a parking ratio requirement for a Café use.

- 1. Resolution to approve the proposed ordinance amendments to Article 2, Section 2.27, Article 4, Section 4.46 Table A, Article 5, Section 5.09, and Article 9, Section 9.02 for the B1 Neighborhood Business District to include Specialty Food Store, Boutique, Bank, and Café as permitted uses, to include Health Club/Studio as a use requiring a Special Land Use Permit, to include indoor dining as an accessory use limited to 500 square feet or less, to create a definition for a Café use, and to create a parking requirement for a Café use.

- B. Resolution to approve the reconfiguration of S. Eton Street from Lincoln to Yosemite with Alternative 2 as recommended by the Multi-Modal Transportation Board and indicated in the attached plan view;

AND

Resolution to approve the reconfiguration of S. Eton Street from 14 Mile to Lincoln Ave with Alternative 1 as recommended by the Multi-Modal Transportation Board and indicated in the attached plan view, with the condition that the City of Birmingham receive a TAP Grant to assist in funding the recommended enhancements;

AND

Resolution to approve the reconfiguration of S. Eton Street from Maple to Villa as recommended by the City staff and indicated in the attached plan view, with the condition that the City of Birmingham receive a TAP Grant to assist in funding the recommended enhancements.

AND

Resolution to authorize City staff to complete a TAP Grant application in support of the proposed S. Eton resurfacing with additional multi-modal amenities with the funding match amount up to 50 percent as approved in the F.Y. 2023-2024 budget, with Senior Planner Brooks Cowan and Engineering Director Melissa Coatta to act as the representatives on behalf of the City of Birmingham's project development, with the City of Birmingham committing to owning and operating the proposed multi-modal facilities in perpetuity, and for the City of Birmingham to be responsible for all engineering, permits, administration, potential cost overruns, and any non participating items.

- C. Resolution to approve a three (3) year Lease Agreement in the amount of \$1 per year allowing the YMCA to continue to provide their services at 400 E. Lincoln Street after the City closes on the purchase of the property, and further to direct the Mayor and City Clerk to sign the Lease Agreement with the YMCA.
- D. Resolution to approve Contract No. 22-5560, Control Section M 63051, Job Number 214051CON, between the Michigan Department of Transportation and the City of Birmingham in the amount of \$109,900.00, to charge this expenditure to account number 202.0-316.000-971.0000, and to authorize the Mayor to digitally sign the contract; AND make a motion adopting a resolution to approve the appropriation and amendment to the fiscal year 2023-2024 budget as follows:

Major Street Fund:

Revenues:

Draw From Fund Balance	202.0-000.000-400.0000	<u>\$52,650</u>
Total Revenue		<u>\$52,650</u>

Expenditures:

Machinery and Equipment	202.0-316.000-971.0100	<u>\$52,650</u>
Total Expenses		<u>\$52,650</u>

- E. Resolution to approve the Obstruction Permit Agreement for Right-of-Way Occupancy By H-Pile with Woodward Development, LLC and to accept \$5,000.00 in consideration of allowing a 3-inch encroachment of an H-Pile into the City right-of-way at Daines Street. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.
- 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.

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

- A. Diane Roach Smith – Regarding Trucks on Melton

X. REPORTS

- A. Commissioner Reports
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions’ Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. City Manager’s 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).*