

BIRMINGHAM CITY COMMISSION AGENDA
JUNE 26, 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 Recognizing Astrein’s Creative Jewelers for 50 Years Serving Birmingham

APPOINTMENTS

- A. Appointment to the Ad Hoc Aging in Place Committee
1. Rebekah Craft – Representative from Baldwin Library
 2. Leslie Pielack – Representative from Birmingham Museum
 3. Cris Braun
 4. Melissa Mark
 5. Rackeline Hoff
 6. Rosemary O’Malley

To acknowledge Rebekah Craft as the Representative from Baldwin Library for the Ad Hoc Aging in Place Committee as a regular to serve an 18-month term to expire January 31, 2025.

To acknowledge Leslie Pielack as the Representative from Birmingham Museum for the Ad Hoc Aging in Place Committee as a regular to serve an 18-month term to expire January 31, 2025.

To appoint _____ to the Ad Hoc Aging in Place Committee as a regular member who is a _____ to serve an 18-month term to expire January 31, 2025.

To appoint _____ to the Ad Hoc Aging in Place Committee as a regular member who is a _____ to serve an 18-month term to expire January 31, 2025.

To appoint _____ to the Ad Hoc Aging in Place Committee as a regular member who is a _____ to serve an 18-month term to expire January 31, 2025.

To appoint _____ to the Ad Hoc Aging in Place Committee as a regular member who is a _____ to serve an 18-month term to expire January 31, 2025.

To appoint _____ to the Ad Hoc Aging in Place Committee as a regular member who is a _____ to serve an 18-month term to expire January 31, 2025.

B. Appointment to the Board of Ethics

1. S. Joseph Cross

To appoint _____ as a regular member to the Board of Ethics to serve a three-year term to expire June 30, 2026.

To appoint _____ as an alternate regular member to the Board of Ethics to serve a three-year term to expire June 30, 2026.

To appoint _____ as an alternate regular member to the Board of Ethics to serve a three-year term to expire June 30, 2026.

C. Appointment to the Museum Board

1. Caroline Ashleigh
2. Marty Logue
3. Alexandria Harris

To appoint _____ to the Museum Board as a regular member to serve a three-year term to expire July 6, 2026.

To appoint _____ to the Museum Board as a regular member to serve a three-year term to expire July 6, 2026.

To appoint _____ to the Museum Board as a regular member to serve a three-year term to expire July 6, 2026.

To appoint _____ to the Museum Board as an alternate member to serve a three-year term to expire July 6, 2026.

D. Appointment to the Public Arts Board

1. Andi Harris
2. Lisa M. Beverly

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

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.

E. Appointment to the Martha Baldwin Park Board

1. Linda Forrester

To appoint _____, as a regular member to the Martha Baldwin Park Board to serve a four-year term to expire May 1, 2027.

To appoint _____, as a regular member to the Martha Baldwin Park Board to serve a four-year term to expire May 1, 2027.

To appoint _____, as a regular member to the Martha Baldwin Park Board to serve the remainder of a four-year term to expire May 1, 2024.

- F. Appointment to the Retirement Board
 - 1. Christopher Conti

To concur with the Mayor's recommendation to appoint _____ to the Retirement Board, as the resident member who is not eligible to participate in the retirement system, to serve a three-year term to expire July 1, 2026.

- G. Appointment to the Greenwood Cemetery Advisory Board
 - 1. Paul S. Connell

To appoint _____ to the Greenwood Cemetery Advisory Board as a regular member to serve a three-year term to expire July 6, 2024.

- H. Employee Recognition
 - 1. City Clerk Bingham received the Certified Municipal Clerk (CMC) Designation from the International Institute of Municipal Clerks (IIMC) for demonstrating mastery of administrative skills critical to good government.

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 revised City Commission meeting minutes of May 22, 2023.
- B. Resolution to approve the City Commission workshop meeting minutes of June 5, 2023.
- C. Resolution to approve the City Commission meeting minutes of June 5, 2023.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated June 7, 2023, in the amount of \$1,197,876.28.
- E. Resolution to approve the warrant list, including Automated Clearing House payments, dated June 14, 2023, in the amount of \$821,955.20.
- F. Resolution to approve the warrant list, including Automated Clearing House payments, dated June 22, 2023, in the amount of \$1,891,383.34.
- G. Resolution to approve the Forestry Services Contract 2023-2026 agreement with J. H. Hart Urban Forestry, for three years commencing July 1, 2023 and ending June 30, 2026, for

forestry services in the amounts set forth in Attachment C – Cost Proposal, and to further approve the City Manager’s ability to extend the service contract for up to an additional 2-years pending future staff review. Funds are available in each of the following accounts for these services: Major Street Fund – Street Trees account #202.0-449.005-819.0000; Local Street Fund – Street Trees account #203.0-449.005-819.0000; Parks Forestry Services account #101.0-751.000-819.0000; and Property Maintenance Forestry Services account #101.0- 441.003-819.0000. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City Commission.

- H. Resolution to approve, pending the signed Purchase Agreement by Gorno Ford, the purchase of (1) 2023 Hybrid Explorer, and (2) Police Admin Package Explorers from Gorno Ford, located at 22025 Allen Rd, Woodhaven, MI 48183, through the State of Michigan MiDeal Contract # 071B7700181, MiDeal Spec # 3003-POL, in an amount not to exceed \$51,902.00 for the Police Hybrid Explorer, and \$47,243.00 Per Police Admin Package Explorer (total amount not to exceed \$146,388.00 for all three vehicle purchases combined). 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.
- I. Resolution to approve the Second Addendum with Superior Scape, Inc. for landscape bed maintenance services for an additional amount not to exceed \$55,166 for a total yearly amount not to exceed \$120,100. In addition, to authorize the Mayor and City Clerk to sign the addendum on behalf of the City. Funding for this project has been budgeted in the following accounts: Parks Other Contractual Services, 101.0-751.000-811.0000, Property Maintenance Other Contractual Services, 101.0-441.003-811.0000, and Major Streets Contract Maintenance, 202.0-449.003-937.0400.
- J. Resolution, authorizing Birmingham to apply for a grant from the Michigan Spark Grants Program, and further, directing the City Clerk to sign the resolution.
- K. Resolution to approve the purchase of the replacement for the Nutanix Hyper-converged Server Infrastructure from CDWG at a total cost not to exceed \$203,192.00. Funds are available in the Machinery and Equipment fund account # 636.0-228.000-971.0100.
- L. Resolution to approve the replacement of the Darktrace appliance, purchase of additional security services and renewal the 4-year agreement with the initial payment of \$43,936.00 and a total 4-year contract price of \$271,555.00 from SHI using funds available in account #636.0-228.000-973.0400.
- M. Resolution to approve the Local Road Improvement Matching Fund Program Cost Participation Agreement between Oakland County and the City of Birmingham. In addition, authorize the Mayor to sign the agreement on behalf of the City. Funding for this project has been budgeted in accounts 202.0-449.001-981.0100, 101.0-444.000-981.0100, 590.0-537.000-981.0100, and 591.0-544.000-981.0100.
- N. Resolution to award the 2023 Asphalt Resurfacing Program Project #7-23 (P) to Asphalt Specialist, Inc. in the amount of \$845,485.00 plus a 10% construction contingency for a total of \$930,033.50. In addition, authorize the Mayor and City Clerk to sign the agreement on behalf of the City after the review of Asphalt Specialist, Inc.’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 accounts:

2022-2023 Fiscal Year

Fund Account	Fund ID Number	Project Award	10% Contingencies	Total
Major Street Fund	202.0-449.001-981.0100	\$435,772.80	\$43,577.28	\$479,350.08
Local Street Fund	203.0-449.001-981.0100	\$108,943.20	\$10,894.32	\$119,837.52
Sewer Fund	590.0-537.000-981.0100	\$84,030.50	\$8,403.05	\$92,433.55
Water Fund	591.0-544.000-981.0100	\$84,030.50	\$8,403.05	\$92,433.55
Total Construction Costs		\$712,777.00	\$71,277.70	\$784,054.70

2023-2024 Fiscal Year

Fund Account	Fund ID Number	Project Award	10% Contingencies	Total
Golf Course Fund	584.2-753.001-981.0100	\$132,708.00	\$13,270.80	\$145,978.80
Total Construction Costs		\$132,708.00	\$13,270.80	\$145,978.80

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

Sewer Fund:

Revenues:

590.0-000.000-400.0000	Draw from Net Position	\$92,440
Total Revenue		\$92,440

Expenditures:

590.0-537.000-981.0100	Public Improvement	\$92,440
Total Expenses		\$92,440

Water Fund:

Revenues:

591.0-000.000-400.0000	Draw from Net Position	\$52,440
Total Revenue		<u>\$52,440</u>

Expenditures:

591.0-544.000-981.0100	Public Improvement	\$52,440
Total Expenses		<u>\$52,440</u>

And to approve the appropriation and amendment of the fiscal year 2023/2024 budget as follows:

Golf Course Fund:

Revenues:

584.2-000.000-400.0000	Draw from Net Position	\$145,980
Total Revenue		<u>\$145,980</u>

Expenditures:

584.2-753.001-981.0100	Public Improvement	<u>\$145,980</u>
Total Expenses		<u>\$145,980</u>

- O. Resolution to approve the appropriation and amendment of the 2022/2023 budget as follows:

Major Street Fund:

Revenues:

202.0-000.000-400.0000	Draw from Fund Balance	\$23,010
Total Revenue		\$23,010

Expenditures:

202.0-449.001-981.0100	Public Improvement	\$23,010
Total Expenses		\$23,010

Sewer Fund:

Revenues:

590.0-000.000-400.0000	Draw from Fund Balance	\$23,010
Total Revenue		\$23,010

Expenditures:

590.0-537.000-981.0100	Public Improvement	\$23,010
Total Expenses		\$23,010

And to award a contract to repair the 10 inch sewer on Maple to D'Angelo Brothers Inc., in an amount not to exceed \$43,824.50.

- P. Resolution to set a public hearing date of July 24th, 2023 to consider 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 ratio requirement for a Café use.
- Q. Resolution to approve the right-of-way parking request for 33866 Woodward to permit 3 on-street parking spaces in the Woodward right-of-way to be counted towards the required off street parking requirements of the subject site pursuant to Article 4, Section 4.45 (G)(1) and subject to the condition that the area be improved in accordance with plans which have been approved by the Engineering Department.
- R. Resolution approving the service agreement with Next in the amount of \$126,632 for services described in Attachment A of the agreement for fiscal year 2023-2024, account number 101.0-656.000-811.0000, and further direct the Mayor and City Clerk to sign the agreement on behalf of the City.

- S. Resolution awarding the contract to Wiss, Janney, Elstner Associates, Inc. for construction period services in an amount not to exceed \$88,000; further, to charge the contract to the structure's capital outlay account as costs are incurred. Furthermore, to authorize the Mayor and City Clerk to sign the contract on behalf of the city.

VI. UNFINISHED BUSINESS

None

VII. NEW BUSINESS

- A. Public Hearing of Necessity – Pierce Street Paving Project – Hearing of Necessity for Water Service Special Assessment District

- 1. Motion to adopt the following resolution:

WHEREAS, Notice was given pursuant to Section 94-7 of the City Code, to each owner or party-in-interest of property and lots to be assessed, by first class mail, and by publication in a newspaper generally circulated in the City; and

WHEREAS, The City Commission has conducted a public hearing and has determined to proceed with the project of replacing water services that are less than 1 inch in diameter on Pierce Street between E. Lincoln Street and W. 14 Mile Road; and

WHEREAS, The City has previously established a policy requiring replacement of water services less than 1 inch in diameter when a water main is being replaced and the City street is open for repairs or reconstruction; and

WHEREAS, The City Commission, after the public hearing, has determined that the Pierce Street Project, and the replacing of water services that are less than 1 inch in diameter, is a necessity and is in the best interest of the City; and

WHEREAS, The Commission has approved the detailed plans and estimates of cost prepared by the City Engineer; and

WHEREAS, Formal bids have been received and the actual cost of water service replacement has been determined; and

WHEREAS, The City Engineer has determined the boundaries of water service laterals located within the limits of the following streets shall be installed as part of the Pierce Street Project (Contract #3-23(W)):

Pierce Street – Lincoln Street to 14 Mile Road; and

WHEREAS, The formula used in making the assessment is 100% of the contractor’s charge for replacing the water service that is less than 1 inch in diameter within the public right-of-way between the new water main and the property line (calculated at the rate of \$115.00 per foot of water service pipe).

THEREFORE LET IT BE RESOLVED, The City Commission has determined that the scope of the public improvement as described is in the best interest of the City and will benefit the properties listed in the assessment roll, and the City Commission directs the Manager to prepare a Special Assessment Roll and present the same to the Commission for confirmation and further set a Public Hearing and give notice on July 10, 2023.

Parcel ID / Sidwell Number	Street Address
19-36-401-006	1105 Pierce Street
19-36-329-011	1234 Pierce Street
19-36-401-009	1245 Pierce Street
19-36-329-012	1252 Pierce Street
19-36-329-013	1270 Pierce Street
19-36-329-014	1290 Pierce Street
19-36-401-046	1321 Pierce Street
19-36-329-015	1340 Pierce Street
19-36-401-013	1355 Pierce Street
19-36-329-017	1380 Pierce Street
19-36-401-017	1415 Pierce Street
19-36-333-020	1418 Pierce Street
19-36-401-018	1421 Pierce Street

Parcel ID / Sidwell Number	Street Address
19-36-333-021	1424 Pierce Street
19-36-333-022	1436 Pierce Street
19-36-401-019	1437 Pierce Street
19-36-333-023	1450 Pierce Street
19-36-401-021	1469 Pierce Street
19-36-333-025	1474 Pierce Street
19-36-333-027	1492 Pierce Street
19-36-333-028	1510 Pierce Street
19-36-333-032	1570 Pierce Street
19-36-333-033	1584 Pierce Street
19-36-333-035	1638 Pierce Street
19-36-333-036	1682 Pierce Street
19-36-379-025	100 W. 14 Mile Road

- B. Resolution to adopt in its entirety the completed Birmingham Historic District Design Guidelines as recommended by the Historic District Commission on June 7, 2023.

- C. Resolution to approve the appropriations and amendments to the fiscal year 2022-2023 budget as follows:

General Fund:

Revenues:

Fines and Forfeitures	101.0-000.000-657.0001	300,000
Total Revenue Adjustments		<u>\$ 300,000</u>

Expenditures:

Judicial	101.0-286.000-959.0300	\$ 300,000
Public Works	101.0-448.000-981.0100	(60,000)
Health and Welfare	101.0-656.000-811.0000	10,000
Recreation and Culture	101.0-785.001-702.0001	<u>50,000</u>
Total Expenditure Adjustments		<u>\$ 300,000</u>

Capital Projects Fund:

Revenues:

Local Contributions	403.0-901.020-587.0000	\$ 60,000
Interest and Rent	403.0-000.000-665.0001	<u>23,000</u>
Total Revenue Adjustments		<u>\$ 83,000</u>

Expenditures:

Capital Outlay	403.0-901.020-971.0100	\$ 70,000
	403.0-901.004-977.0000	<u>13,000</u>
Total Expenditure Adjustments		<u>\$ 83,000</u>

- D. Resolution to meet in closed session to discuss a written attorney/client privilege communication pursuant to MCL § 15.268 Sec. 8(h) 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.)

- 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.
1. Unimproved Streets – Commissioner Host

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

- A. Short Term Rentals Letter

X. REPORTS

- A. Commissioner Reports
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. Short Term Rentals Report by City Attorney Kucharek
 - 2. 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).