

**BIRMINGHAM CITY COMMISSION**  
**AGENDA APRIL 12, 2021**  
**7:30 P.M.**  
**VIRTUAL MEETING**  
**ZOOM MEETING ID: 655 079 760**

**AMENDED**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Pierre Boutros, 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**

- Liz Trombley, Director of Constituent Services and District Outreach for Sen. Mallory McMorrow.
- Proclamation Condemning Any and All Violence or Discrimination Against a Person Based on Race, Color, Natural Origin, Religion, Gender, Age or Disability.
- [Proclamation Recognizing April 24 As Armenian Genocide Remembrance Day](#)

**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 March 22, 2021.
- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 24, 2021, in the amount of \$530,224.21
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 31, 2021, in the amount of \$341,598.97
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated April 7, 2021, in the amount of \$845,806.53
- E. Resolution to approve a request from the Huntington Disease Society of America-MI Chapter to hold Yoga in the Park in Shain Park on June 26, 2021 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any modifications or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event, due to public health and safety measures.

- F. Resolution to award the project for Birmingham Museum Phase I Heritage Zone Landscape Improvement Project to Worry Free Outdoor Services, Inc. in the amount of \$33,400.00, to be charged to the Allen House Other Contractual Services account, #101-804.002-811.0000 and further; to approve the appropriation and budget amendment to the fiscal year 2020-2021 General Fund and Capital Projects Fund budgets as follows:

General Fund

Revenues:

101-000.000-400.0000 Draw from Fund Balance	\$(15,000)
101-000.000-699.0401 Transfer in Capital Projects Fund	\$ 15,000
Total Revenue	<u>\$ -0-</u>

Capital Projects Fund

Revenues:

401-000.000-400.0000 Draw from Fund Balance	\$15,000
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Expenditures:

401-804.001-999.0101 transfer to General Fund	\$15,000
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- G. Resolution to approve the purchase of the Larvicide material from Clarke Mosquito Control in the amount not to exceed \$9,987.78. Further, to waive the normal bidding requirements based on the government regulated pricing for this type of material. Funds for this purchase will come from the Sewer Fund-Operating Supplies Account #590-536.002-729.0000.
- H. Resolution to approve the purchase of one (1) 2021 Ford F-150 Responder Crew Cab 4x4 from Gorno Ford through the State of Michigan MIDEAL extendable purchasing contract #071B7700181 in the amount not to exceed \$39,692.00. Funds for this purchase are available in the Auto Equipment Fund account #641-441.006.971.0100.
- I. Resolution to confirm the City Manager’s credit card purchase authorization for the Blazer Brass .40 S&W training ammunition expenditure in the amount of \$4,544.57 from BULKAMMO.COM; further to charge this emergency expenditure to account number 101-301.000-734.0000.
- J. Resolution to set a public hearing date for May 10, 2021 to consider a Final Site Plan and Special Land Use Permit Amendment for 211 S. Old Woodward to allow the change in ownership of the Class C liquor license in use at Birmingham 8 Theater from Birmingham Theatro, LLC to CH Birmingham, LLC.

K. To award the Grant Street Paving Project #1-21(P), to DiPonio Contracting, Inc. contingent upon execution of the agreement and meeting all insurance and bonding requirements. In the amount of \$1,139,199.00, to be charged to the following accounts:

		Bid Amount	
Sewer Fund, Pub. Imp.	590-536.001-981.0100	\$	405,675.00
Water Fund, Lead			
Water Service Repl.	591-537.005-811.0000	\$	3,000.00
Water Fund, Pub. Imp.	591-537.004-981.0100	\$	240,931.00
Major Streets Fund	202-449.001-981.0100	\$	489,593.00
TOTAL		\$	1,139,199.00

To approve the appropriation and amendment to the fiscal year 2020-2021 Sewer Fund budget as follows:

Sewer Fund

Revenues:		
590-000.000-400.0000	Draw from Net Position	<u>\$245,675</u>
Total Revenue		<u>\$245,675</u>
Expenses:		
590-536.001-981.0100	Public Improvement	<u>\$245,675</u>
Total Expenses		<u>\$245,675</u>

To approve the appropriation and amendment to the fiscal year 2020-2021 Water Fund budget as follows:

Water Fund

Revenues:		
591-000.000-400.0000	Draw from Net Position	<u>\$30,931</u>
Total Revenue		<u>\$30,931</u>
Expenses:		
591-537.004-981.0100	Public Improvement	<u>\$30,931</u>
Total Expenses		<u>\$30,931</u>

To approve the appropriation and amendment to the fiscal year 2020-2021 Major Street Fund budget as follows:

Major Streets Fund

Revenues:		
202-000.000-400.0000	Draw from Fund Balance	<u>\$60,768</u>
Total Revenue		<u>\$60,768</u>
Expenses:		
202-449.001-981.0100	Public Improvement	<u>\$60,768</u>
Total Expenses		<u>\$60,768</u>

Also, to authorize the Mayor to sign the contract on behalf of the City.

- L. Resolution to adopt a resolution for the City Commission to meet on Monday, May 10, 2021, at 7:30 P.M., for the purpose of conducting a Public Hearing of Necessity for the replacement of sewer and water services within the Grant Street Paving project area.

Be it further RESOLVED, that the City Commission meet on Monday, May 24, 2021 at 7:30 P.M. for the purpose of conducting a Public Hearing on Confirmation of the Roll for the replacement of sewer and water services in the Grant Street Paving project area.

**VI. UNFINISHED BUSINESS**

- A. Resolution To approve the use of 8 parking spaces in the right-of-way adjacent to the property located at 670 S. Old Woodward to help fulfill the parking requirements per Article 4, section 4.43 (G)(4) of the Zoning Ordinance.
  
- B. Public Hearing continued – Status Update - Lavery.

**VII. NEW BUSINESS**

- A. Resolution to confirm the City Manager’s authorization for the emergency expenditure related to the replacement of the water main across the BBAC parking lot by Bidigare Contractors, for a cost not to exceed for \$54,500.00 to be charged to the Public Improvements account #591-537.004- 981.0100, pursuant to Sec. 2-286 of the City Code.
- B. Resolution To waive the competitive bidding requirement and to authorize an expenditure in the amount of \$6,982 to Kropf Mechanical, Inc., for replacement of the Hunter House HVAC unit; \$1,000 to be charged to the Hunter House Equipment Maintenance account, #101-804.001-933.0200; and to approve the budget amendment to reduce Allen House Other Contractual Services account, #101-804.002-811.0000 by \$5,982 and increase Hunter House Equipment Maintenance account #101-804.001-933.0200 by \$5,982.

General Fund

Expenditures:

101-804.001-933.0200	\$1,000
101-804.001-933.0200	5,982
101-804.002-811.0000	<u>(5,982)</u>
Total Expenditures	\$6,982

- C. Resolution to award the Birmingham Ice Arena Renovation and Addition project to General Contractor C.E. Gleeson Constructors, Inc. in the amount of \$4,891,200.00. Also, to approve the Owner Contingency amount of \$391,296.00 and the related soft costs for \$515,110.00. Funds are available in the Capital Projects Fund account #401-901.001- 977.0000 and the Parks System Construction Fund account #408-752.000-977.0000 for this project. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of the required insurances.
- D. Resolution to release 38 graves in section B, rows 17-C, 16-C, 15-C, and 14-A to be available for purchase in Greenwood Cemetery.
- E. Resolution to APPROVE the proposed lot split/rearrangement of 300 S. Old Woodward to allow for 3,104.39 sq.ft. on the western edge of 300 S. Old Woodward to be split from the existing parcel, and added to the parcel known as 294 E. Brown Street;

AND

To APPROVE the proposed lot split/rearrangement of 294 E. Brown Street to divide the existing parcel into two parcels, to allow for 1,962.79 sq.ft. on the eastern edge of the parcel to be split and added to the parcel at 394 S. Old Woodward;

AND

To APPROVE the proposed lot combination of 300 – 394 S. Old Woodward to create a larger rectangular parcel 20,201.08 sq.ft. in size on S. Old Woodward running south of E. Brown Street to Daines, subject to the following conditions:

1. All outstanding taxes and special assessments due on 300 S. Old Woodward must be paid in full; and
2. Both 300 S. Old Woodward and 394 S. Old Woodward are approved for rezoning to D-4 in the Downtown Overlay District, or the height of the proposed building to is reduced to 68' and a use variance is obtained from the Board of Zoning Appeals for the use of the fourth floor as a restaurant.

OR

To DENY the proposed lot split/rearrangement of 300 S. Old Woodward, based on the following conditions that adversely affect the interest of the public and of the abutting property owners: \_\_\_\_\_.

AND

To DENY the proposed lot split of 294 E. Brown Street, based on the following conditions that adversely affect the interest of the public and of the abutting property owners: \_\_\_\_\_.

AND

To deny the lot combination of 300 – 394 S. Old Woodward as proposed based on the following conditions that adversely affect the interest of the public and of the abutting property owners: \_\_\_\_\_.

F. Resolution to refer this matter to the Parks and Recreation Board for their review, discussion and recommended actions about designating a portion of the Chesterfield Fire Station property as a City Park and provide formal park naming procedures. Further, to consider potential park site amenities and budget implications in order to undertake such endeavor.

G. Resolution to direct \_\_\_\_\_ bistro application(s) to the Planning Board for full site plan and design and Special Land Use Permit review.

OR

To take no action on any bistro applications at this time.

H. Commission discussion on items from prior meeting.

1. Builder developer street damage. Issues, costs, remedial action and payment proposal.

I. 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.

**VIII. REMOVED FROM CONSENT AGENDA**

**IX. COMMUNICATIONS**

## X. REPORTS

- A. Commissioner Reports
  - 1. Notice of Intention to appoint to the Board of Building Trade Appeals
  - 2. Notice of Intention to appoint to the Martha Baldwin Park Board
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
  - 1. Ethics Board opinion 2021-01 - Kucharek
  - 2. Ethics Board opinion 2021-03 – Holland v. Sherman
- D. Legislation
- E. City Staff
  - 1. Indexing of Fees
  - 2. Prior Communications with Restoration Hardware

## INFORMATION ONLY

## XI. ADJOURN

*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](tel:248-530-1880) por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).*