

BIRMINGHAM CITY COMMISSION AGENDA

June 14, 2021

7:30 P.M.

VIRTUAL MEETING

ZOOM MEETING ID: 655 079 760

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

- Common Ground proclamation and congratulations.

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 May 24, 2021
- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated May 26, 2021, in the amount of \$538,196.60.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated June 2, 2021, in the amount of \$625,182.63.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated June 9, 2021, in the amount of \$506,594.83.
- E. Resolution to authorize the IT department to engage Crown Castle to upgrade the internet connection at each of the city parking structures for a term of 36 months with the monthly fee of \$570.00 charged to each of the 5 parking structure accounts. Total cost of \$2850.00 per month Total term cost not to exceed \$102,600.00.
- F. 1. Resolution to execute the Second Amendment to the MKSK Old Woodward Corridor Agreement to provide preliminary design development, public engagement, and

detailed design input services in accordance with their June 2, 2021 proposal, for an amount not to exceed \$178,380.00, to be charged to the Major Street Fund account #202-449.001-981.0100; and to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

2. Resolution to execute the MKSK Multi-Modal Transportation Consultant Contract to provide as requested professional services related to multi-modal transportation reviews and participation with the Multi-Modal Transportation Board, for a three-year term, to be charged to the Major Street Fund account #202-449.007-804.0100 and Local Street Fund account #203-449.007-804.0100 as appropriate; and to authorize the Mayor and the City Clerk to sign the agreement on behalf of the City.
 3. Resolution to execute the Fleis & Vandenbrink Multi-Modal Transportation Consultant Contract to provide as-requested professional services related to multi-modal transportation reviews and participation with the Multi-Modal Transportation Board, for a three-year term, to be charged to the Major Street Fund account #202-449.007-804.0100 and Local Street Fund account #203-449.007-804.0100 as appropriate; and to authorize the Mayor and the City Clerk to sign the agreement on behalf of the City.
 4. Resolution to execute the OHM Advisors Consulting Agreement to provide as-requested professional services including, but not limited to, construction engineering and administration services, for a three-year term, to be charged to the General Fund, Sidewalks account #101-444.001- 981.0100, Major Street Fund account #202-449.001-981.0100, Local Street Fund account #203- 449.001-981.0100, Sewer Fund account #590-536.001-981.0100, and/or Water Fund account #591-537.004-981.0100 as appropriate; and to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.
- G. Resolution to waive the competitive bidding requirement and to authorize an expenditure in the amount of \$7,770.47 to Poco, Inc., for a past and urgent purchase to provide temporary traffic barricades to expand the lane closure on Pierce Street from July 2020 to January 2021; to be charged to the Major Streets Fund, account #202-449.003-937.0400.
- H. Resolution to approve the Technology and Audio Visual Installation services for the Birmingham Ice Arena Renovation project to Advanced Lighting and Sound (ALS) in the amount not to exceed \$45,067.00. Funds are available in the Capital Projects Fund account #401-901.001-977.0000 for this work. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of the required insurance coverage.
- I. Resolution to approve the purchase of one (1) 2022 Ford F-350 4x4 Crew Cab from Gorno Ford through the State of Michigan MIDEAL extendable purchasing contract #071B7700181 in the amount not to exceed \$54,106.00. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641-441.006.971.0100.

- J. Resolution to award the 2020-2021 Public Services contract totaling \$36,377.00 for Yard Services, Senior Outreach Services, and Minor Home Repair to NEXT under the Community Development Block Grant Program; and further, to authorize the Mayor to sign the contract on behalf of the City.
- K. Resolution to approve the appropriations and amendments to the fiscal year 2020-2021 budget as indicated in the staff report.
- L. Resolution to set a public hearing for Monday, July 12th, 2021 at 7:30 PM to consider the Special Land Use Permit, Final Site Plan and Design Review application for 239 N. Old Woodward – Bloom Bistro. (complete resolution in agenda packet)
- M. Resolution to set a public hearing for Monday, July 12th, 2021 at 7:30 PM to consider the Special Land Use Permit, Final Site Plan and Design Review application for 115 Willits – MARE Mediterranean. (complete resolution in agenda packet)
- N. Resolution to set a public hearing for Monday, July 12th, 2021 at 7:30 PM to consider the Special Land Use Permit, Final Site Plan and Design Review application for 176 S. Old Woodward – Sushi Japan. (complete resolution in agenda packet)

VI. UNFINISHED BUSINESS

- A. Public Hearing to consider a Special Land Use Permit, Final Site Plan & Design Review at 720 N. Old Woodward – Vinewood Kitchen & Cocktails
 - 1. Resolution to APPROVE the Special Land Use Permit, Final Site Plan and Design Review application to allow the operation of Vinewood Kitchen & Cocktails as a new bistro at 720 N. Old Woodward. (complete resolution in agenda packet)

OR

 - 2. Resolution to DENY the Special Land Use Permit, Final Site Plan and Design Review application for 720 N. Old Woodward – Vinewood Kitchen & Cocktails.

OR

 - 3. Resolution to POSTPONE the Special Land Use Permit, Final Site Plan and Design Review application for 720 N. Old Woodward – Vinewood Kitchen & Cocktails – pending receipt of the following:
 - 1. _____
 - 2. _____
 - 3. _____
- B. Resolution to approve a scaled down participation in the annual Woodward Dream Cruise event for 2021 in the City of Birmingham, due to public health and safety concerns attributed to the COVID-19 pandemic, by managing the large crowds that any participation in the Dream Cruise naturally creates. (complete resolution in agenda packet)

VII. NEW BUSINESS

- A. Public Hearing to consider the rezoning of 300-394 S. Old Woodward and portions of 294 E. Brown
1. Resolution to APPROVE the rezoning of the new parcel encompassing 300 - 394 S. Old Woodward and portions of 294 E. Brown from B-2 (General Business) and D-3 (Downtown Overlay) to B-2 (General Business) and D-4 (Downtown Overlay);
OR
 2. Resolution to DENY the rezoning of the new parcel encompassing 300 - 394 S. Old Woodward and portions of 294 E. Brown from B-2 (General Business) and D-3 (Downtown Overlay) to B-2 (General Business) and D-4 (Downtown Overlay);
OR
 3. Resolution to POSTPONE the public hearing on the rezoning of the new parcel encompassing 300 - 394 S. Old Woodward and portions of 294 E. Brown from B-2 (General Business) and D-3 (Downtown Overlay) to B-2 (General Business) and D-4 (Downtown Overlay) to _____.
- B. Public Hearing - Zoning Amendment to Economic Development License Map – 300-394 S. Old Woodward
1. Resolution to approve an amendment to Chapter 126, Zoning Ordinance, Appendix C, Exhibit 1, Licenses for Economic Development to include 300-394 S. Old Woodward and a portion of 294 E. Brown Street to be eligible for an Economic Development License.
OR
 2. Resolution to deny an amendment to Chapter 126, Zoning Ordinance, Appendix C, Exhibit 1, Licenses for Economic Development to include 300-394 S. Old Woodward and a portion of 294 E. Brown Street to be eligible for an Economic Development License.
- C.
1. Resolution to take no action. The current City resolution allowing Temporary COVID-19 Off-Season Outdoor Dining Standards would expire on June 30, 2021.
OR
 2. Resolution to extend the current City resolution allowing Temporary COVID-19 Off-Season Outdoor Dining Standards to Friday, September 10, 2021 subject to the following conditions:
 - i. Any temporary dining platform with walls and/or roofs must have those walls and/or roofs removed by July 9, 2021. Walls and/or roofs will not be permitted on any future temporary platforms. Proper temporary barriers will be required to denote the dining areas.
 - ii. Heaters will be allowed pursuant to fire department rules and regulations, but storage of propane containers near the dining area will no longer be permitted.
- D. Commission discussion on items from prior meeting.
1. Food Trucks in Birmingham

- 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. Resolution to meet in closed session to discuss a written Attorney/Client Privilege communication pursuant to MCL Sec. 15.268(h) of the Open Meetings Act regarding Birmingham Wine Shop, LLC, et al v City of Birmingham, et al; Oakland County Circuit Court Case No. 2021-186823-AA, and to discuss pending litigation, pursuant to MCL Sec. 15.268(e) of the Open Meetings Act regarding Birmingham Wine Shop, LLC, et al v City of Birmingham, et al; Oakland County Circuit Court Case No. 2021-186823-AA.

(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
 - 1. Notice to appoint to the Retirement Board
 - 2. Notice to appoint to the Museum Board
 - 3. Notice to appoint to the Greenwood Cemetery Advisory Board
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. Return to In person City Commission & Board meetings, submitted by Fire Chief Wells
 - 2. Public comment during City meetings, submitted by City Attorney Kucharek

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 por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).