

BIRMINGHAM CITY COMMISSION AGENDA

June 28, 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

Legislative Update from Sen. McMorrow

APPOINTMENTS

A. Board of Ethics:

1. John Schrot

To appoint _____ as a regular member to the Board of Ethics to serve a three-year term to expire June 30, 2024.

B. Historic District Study Committee

1. Jake German
2. Colleen McGough

To appoint _____, as a regular member to the Historic District Study Committee to serve a three-year term to expire June 25, 2024.

To appoint _____, as a regular member to the Historic District Study Committee to serve a three-year term to expire June 25, 2024.

To appoint _____, as a regular member to the Historic District Study Committee to serve the remainder of a three-year term to expire June 25, 2022.

C. Building Trade Appeals

1. Arya Afrakhtch
2. Rick Wiand
3. Thomas Lindberg

To appoint _____ to the Board of Building Trades Appeals as a regular member to serve a three-year term to expire May 23, 2024.

To appoint _____ to the Board of Building Trades Appeals as a regular member to serve a three-year term to expire May 23, 2024.

To appoint _____ to the Board of Building Trades Appeals as a regular member to serve the remainder of a three-year term to expire May 23, 2022.

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 Workshop meeting minutes of June 14, 2021
- B. Resolution to approve the City Commission meeting minutes of June 14, 2021
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated June 16, 2021, in the amount of \$1,430,167.59.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated June 23, 2021, in the amount of \$722,368.00.
- E. Resolution to approve the service agreement with Next in the amount of \$122,940 for services described in Attachment A of the agreement for fiscal year 2021-2022, account number 101-299.000-811.0000, and further direct the Mayor and City Clerk to sign the agreement on behalf of the City.
- F. Resolution to approve the purchase of two (2) Toro 3555-D fairway mowers from Spartan Distributors, through State of Michigan extendable purchasing contract #071B0200329 at a cost of \$107,917.56 less the trade in amount of \$13,000 for a total expenditure of \$94,917.56. Funds for this purchase are available in the Auto Equipment Fund account # 641-441.006-971.0100.
- G. Resolution to approve the Cost Participation Agreement with Oakland County for the City of Birmingham to participate in the 2021 OAKSTEM Program. Further, to authorize the Director of Public Services to sign on behalf of the City of Birmingham the Cost Participation Agreement with Oakland County, for an amount not to exceed \$15,000, for planting street trees in Spring 2022.
- H. Resolution to allow the IT department to purchase the 36-month subscription for Enterprise Data protection and endpoint email and drive protection from Virtru for a total cost \$27,717.00 paid as a yearly subscription of \$9,239.00. Funds available in the IT Computer maintenance account: 636-228.000-933.0600

- I. Resolution to set a public hearing date for July 26th, 2021 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 501 S. Eton – Whistle Stop to allow the operation of a bistro.
- J. Resolution to set public hearings on July 26, 2021 to consider the following amendments to Chapter 126, Zoning:
 - 1. Article 3, Section 3.04 (Specific Standards) to amend the Architectural Standards;
 - 2. Article 4, Section 4.90 (Window Standards) to amend storefront window requirements; and
 - 3. Article 9, Section 9.02 (Definitions) to redefine clear glazing and eliminate lightly tinted glazing.
- K. Resolution to set public hearings for July 26, 2021 to consider the following amendments to Chapter 126, Zoning:
 - 1. Article 4, Section 4.09 (Essential Services) to remove Roof Mounted Solar Electric Systems; and
 - 2. Article 4, Section 4.88 (Alternative Energy) to add amended Roof Mounted Solar Electric Systems language.
- L. Resolution to adopt a resolution for the City Commission to meet on Monday, July 26, 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 Townsend & Peabody Street Paving project areas.

Be it further RESOLVED, that the City Commission meet on Monday, August 9, 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 Townsend & Peabody Street Paving project areas.

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

- A. Resolution to authorize the City Manager to use the City’s allocation of Coronavirus State and Local Fiscal Recovery Funds towards lead service line replacement.
- B. Resolution to enter into a Consent Judgement in connection with the pending litigation entitled *Birmingham Wine Shop, LLC et al v City of Birmingham, et al*; *Oakland County Circuit Court Case No.: 2021-186823-AA*.
- C. Commission discussion on items from prior meeting.
 - 1. Food Trucks in Birmingham

- D. 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.
- E. Resolution for the City Commission to meet in closed session pursuant to the OMA at MCL §15.268(a) for a performance evaluation of Mr. Markus at Mr. Markus' request that such performance evaluation be held in closed session.

(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
- 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
 - 3. City Commission Vote Revisited, submitted by City Attorney Kucharek
 - 4. Temporary COVID-19 Outdoor Structure Fire Code Violations, submitted by Fire Chief Wells
 - 5. Parking Structure Debt, submitted by Finance Director Mark Gerber
 - 6. City Manager's Report

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).