

**BIRMINGHAM CITY COMMISSION AGENDA**

**AMENDED**

**OCTOBER 4, 2021**

**MUNICIPAL BUILDING, 151 MARTIN**

**7:30 P.M.**

**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**

- The highly transmissible COVID-19 Delta variant is spreading throughout the nation at an alarming rate. As a result, the CDC is recommending that vaccinated and unvaccinated personnel wear a facemask indoors while in public if you live or work in a substantial or high transmission area. **Oakland County is now at the HIGH level of community transmission for COVID-19.** The City has reinstated mask requirements for all employees while indoors. The mask requirement also applies to all board and commission members as well as the public attending public meetings.
- The City Clerk's office encourages voters wishing to vote absentee for the November 2, 2021 election to return their absentee ballot applications as soon as possible. Precinct 6 voters are reminded that their new polling location is the Baldwin Public Library.
- Due to the ongoing pandemic and increased amount of positive cases locally, the 2021 Fire Department Open House will be cancelled.
- Commissioner Sherman's Birthday.
- Present Alex Calderone with the "Pat Nagel Community Award."
- Legislative Update from Sen. McMorrow.
  - Topics city staff wishes to have Sen. McMorrow address:
    - Virtual Meetings
    - Noise, Traffic Control, Walkability & Safety on Woodward
    - MDOT Intelligent Transportation Systems
    - Road Funding
    - Stormwater Utility Legislation (currently in Senate, S.B. 593)
    - Storm Drainage on Woodward to City Combined Sewers
    - Firework Regulations

**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 September 13, 2021.
- B. Resolution to approve the City Commission regular meeting minutes of September 13, 2021.
- C. Resolution to approve the City Commission regular meeting minutes of September 20, 2021.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated September 22, 2021, in the amount of \$1,715,367.22.
- E. Resolution to approve the warrant list, including Automated Clearing House payments, dated September 29, 2021, in the amount of \$484,824.36.
- F. Resolution approving the appointment of election inspectors, absentee voter counting board inspectors, receiving board inspectors and other election officials as recommended by the City Clerk for the November 2, 2021 General Election pursuant to MCL 168.674(1) and granting the City Clerk authority to make emergency appointments of qualified candidates should circumstances warrant to maintain adequate staffing in the various precincts, counting boards and receiving boards.
- G. Resolution authorizing the City Manager to cast a vote, on the City's behalf, for the three candidates for the Michigan Municipal League Liability and Property Pool Board of Directors for three-year terms, beginning January 1, 2022.
- H. Resolution to approve \$19,760 in Municipal Credits and \$30,962 in Community Credits from fiscal year 2022 to Next in support of their specialized transportation program; and further to direct the Finance Director to sign the Municipal Credit and Community Credit contract for fiscal year 2022 on behalf of the City.
- I. Resolution to purchase eight (8) APX6000 portable radios and four (4) APX6500 desk top control stations with required accessories, including installation costs, associated with the purchase from ComSource Inc. in the amount of \$99,794.30 from the State of Michigan MiDeal purchasing contract number 190000001544. Further, to authorize these budget expenditures from account number 101-336.000-971.0100.
- J. Resolution to approve the FY 2022 Emergency Management Performance Grant Work Agreement and accept the awarded FY 2021 EMPG funds totaling \$30,036.00. Further, to direct the Mayor to sign the agreements on behalf of the City and any required quarterly reports or surveys associated with the EMPG grant and to authorize the Fire Chief as the sub recipient authorized representative in order to sign any related EMPG documents on the City's behalf.

- K. Resolution to set a public hearing date of October 25, 2021 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 210 S. Old Woodward – Zana – to allow the addition of a new food and drink establishment serving alcoholic beverages for on premise consumption and associated interior/exterior renovations.
- L. Resolution to set a public hearing date of October 25, 2021 to consider the Special Land Use Permit Amendment at 34977 Woodward – Hazel’s – to allow a name change from “Hazel, Ravines & Downtown” to “Hazel’s”.
- M. Resolution to approve the purchase and planting of one hundred one (101) trees from Davey Tree Expert Company for the Fall 2021 Tree Purchase and Planting Project for a total project cost not to exceed \$45,543.00. Funds are available from the Local Streets Fund-Forestry Service Contract account #203-449.005-819.0000, the Major Streets Fund-Forestry Service Contract account #202-449.005-819.0000, the Local Streets Fund-Operating Supplies account #203-449.005-729.0000, the Major Streets Fund-Operating Supplies account #202-449.005-729.0000 for these services. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of the required insurance coverage.
- N. Resolution to purchase one (1) 2022 GMC Sierra 2500 HD 4x4 from Todd Wenzel Buick GMC of Westland through the State of Michigan MIDEAL extendable purchasing contract #071B7700184 in the amount not to exceed \$40,226.10. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641-441.006.971.0100.
- O. Resolution to purchase one (1) 2022 GMC Sierra 2500 HD 4x4 from Todd Wenzel Buick GMC of Westland through the Michigan MIDEAL extendable purchasing contract #071B7700184 in the amount not to exceed \$40,226.10. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641-441.006.971.0100.
- P. Resolution to purchase one (1) 2022 GMC Sierra 2500 HD 4x4 from Todd Wenzel Buick GMC of Westland through the State of Michigan MIDEAL extendable purchasing contract #071B7700184 in the amount not to exceed \$40,226.10. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641-441.006.971.0100.

**VI. UNFINISHED BUSINESS**

None

**VII. NEW BUSINESS**

- A. Public Hearing of Necessity for the Lakeview Ave Project #2-20(P) Water and Sewer Lateral Special Assessment District
  - 1. Resolution that there be a special assessment district created and special assessments levied in accordance with benefits against the properties within such assessment

district, said special assessment district shall be all properties, within the district of 30 parcels as listed in the staff report.

AND

That the Commission shall meet on Monday, October 25, 2021, at 7:30 P.M., for the purpose of conducting a public hearing to confirm the roll for the replacement of water and sewer laterals within the Lakeview Ave. Paving Project area.

(see full resolution in packet)

B. Public Hearing for 160 W. Maple – Dick O’ Dows – Special Land Use Permit Amendment, Final Site Plan & Design Review

1. Resolution to **APPROVE** the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 160 W. Maple – Dick O’ Dows – to allow changes to the front façade and outdoor dining plan.

**OR**

Make a motion to **POSTPONE** the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 160 W. Maple – Dick O’ Dows.

**OR**

Make a motion adopting a resolution to **DENY** the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 160 W. Maple – Dick O’ Dows.

C. Resolution to adopt the proposed Ordinance to amend Chapter 54, Section 32 to require the installation of Emergency Power Shutdown Devices.

D. Resolution awarding the audit services contract to Plante & Moran, PLLC, for fiscal years 2022-2026 with optional years 2027 and 2028 and authorizing the Mayor to sign the contract on behalf of the City pending a mutually agreed upon contract.

E. Resolution providing consent to the City Manager to appoint the law offices of Beier Howlett, P.C. as the City’s attorney, and acknowledging receipt of the Appointment Agreement the City Manager intends to enter into with the law offices of Beier Howlett, P.C.

- **Amended to include the contract document**

F. Commission discussion on items from prior meeting.

- None

G. 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 Review

- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. Weingartz – Announcement of Hire
  - 2. Staff Report – Phase III Old Woodward

INFORMATION ONLY

<b>XI. ADJOURN</b>
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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).*