

**BIRMINGHAM CITY COMMISSION AGENDA**  
**AUGUST 9, 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 currently classified as a substantial transmission area. 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.
- In The Park Summer Concerts are being held weekly in Shain Park on Wednesday evenings from 7 pm - 9 pm. Upcoming groups include the following:
  - August 11th Alan Turner
  - August 18th Jill Jack
  - August 25th Ben Sharkey
  - September 1st Sun Messengers
  - September 8th "The Byron Legacy Show" starring Bryon Cancelmo
- The Police Department submitted a patrol vehicle to the Michigan Association of Chiefs of Police annual "Police Car of the Year" competition for 2021. The Department's current patrol vehicle graphics and color scheme were designed by a committee of volunteer department officers and implemented by Chief Clemence in 2017. The Police Department's patrol vehicle won second place in the State of Michigan for "Police Car of the Year" for 2021.

**APPOINTMENTS**

- A. Triangle District
  - 1. Thomas Guastello

To concur in the Mayor's appointment of to the Corridor Improvement Authority as a member with ownership or business interest in property located in the Development Area to serve the remainder of a four-year term to expire December 15, 2021.

To concur in the Mayor's appointment of \_\_\_\_\_ to the Corridor Improvement Authority as a member with ownership or business interest in property located in the Development Area to serve the remainder of a four-year term to expire December 15, 2023.

To concur in the Mayor's appointment of \_\_\_\_\_ to the Corridor Improvement Authority as the regular member to serve the remainder of a four-year term to expire December 15, 2024.

B. Multi Modal

1. Amanda Fishburn

To appoint \_\_\_\_\_ to the Multi-Modal Transportation Board as a regular member to serve a three-year term to expire October 27, 2022.

C. Museum Board

1. Jay R. Shell

To appoint \_\_\_\_\_ to the Museum Board as a regular member to serve the remainder of a three-year term to expire July 5, 2024.

**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 July 26, 2021.
- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated July 28, 2021, in the amount of \$8,073,706.41.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated August 4, 2021, in the amount of \$615,077.21.
- D. Resolution to approve a request from the Birmingham Bloomfield Art Center to hold Art Birmingham in Shain Park and on surrounding streets on May 7-8, 2022 contingent upon compliance with all permit and insurance requirements, as well as payment of all fees and, further pursuant to any minor 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.
- E. Resolution to approve a special event permit as requested by Schools Offer Support to hold the Strides for SOS road race September 26, 2021, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, 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 approve a special event permit as requested by Child Safe Michigan to hold the Legends of Tomorrow gala at the Townsend Hotel September 17, 2021, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, 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. Additionally, to allow the use of a temporary liquor license for this event, contingent upon compliance with all permit and insurance requirements and payment of all fees, and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
- G. Resolution to authorize the creation of the Indigent Defense Fund for the purpose of accepting grant and local share funding and charging all MIDC plan-related costs to this fund; to authorize the Finance Director to sign the grant agreement with MIDC on behalf of the City; and to approve the appropriation and amendment to the 2021-2022 budget as follows:

**Indigent Defense Fund**

Revenues:

Intergovernmental Revenue	<u>\$532,550</u>
Total Revenues	<u>\$532,550</u>

Expenditures:

Indigent Defense Fund	<u>\$532,550</u>
Total Expenditures	<u>\$532,550</u>

- H. Resolution to authorize the Chief of Police to sign the MLCC Police Investigation Report (LC- 1800) and to approve the liquor license request of Whistle Stop Diner, Inc. that requests a new Class C License to be issued under MCL 436.1521(A)(1)(B) and SDM License with Outdoor Service (1 Area) located at 501 S. Eton St, Birmingham, Oakland County, MI 48009.

Furthermore, pursuant to Birmingham City Ordinance, to authorize the City Clerk to complete the Local Approval Notice at the request of Whistle Stop Diner, Inc. approving the liquor license request of Whistle Stop Diner, Inc. that requested a new Class C License be issued under MCL 436.1521 (A)(1)(B) & SDM License with Outdoor a) located at 501 S. Eton St, Birmingham, Oakland County, MI 48009.

- I. Resolution to approve an extension of the 2021 Sidewalk Trip Elimination Program through the addendum of the Contact #6-18 (SW) for the 2021 sidewalk program repair area, at 2018 contract prices, to Precision Concrete, Inc., in the amount of \$125,000.00, contingent upon submittal of the necessary bonds and insurance certificate. All costs shall be charged to account number 101-444.001-981.0100.

And to have the Mayor sign the approved contract addendum authorizing this work.

<b>VI. UNFINISHED BUSINESS</b>
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**VII. NEW BUSINESS**

A. Public Hearing to Confirm S.A.D. for Confirming S.A.D. #895- Townsend Street Paving Project #6-21 (P), Water & Sewer Lateral Special Assessment

1. Resolution to confirm Special Assessment Roll No. 895,

WHEREAS, Special Assessment Roll, designated Roll No. 895 has been heretofore prepared for collection, and

WHEREAS, notice was given pursuant to Section 94-7 of the City Code, to each owner or party-in-interest of property to be assessed, and

WHEREAS, the Commission has deemed it practicable to cause payment of the cost thereof to be made at a date closer to the time of construction and Commission Resolution 07-199-21 provided it would meet this 9th day of August, 2021 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this August 9th, 2021, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll as determined in Section 94-9 of the Code of the City of Birmingham,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 895 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that special assessment shall be payable in ten (10) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of four and one quarter percent (4.25%) on all unpaid installments.

B. Public Hearing for 300 - 394 S. Old Woodward and a portion of 294 E. Brown and a portion of 294 E. Brown Street – New Mixed Use 4 story Building, RH – Special Land Use Permit, Final Site Plan & Design Review

1. To approve a resolution issuing a Special Land Use Permit and approving the Final Site Plan and Design Review application for 300 - 394 S. Old Woodward and a portion of 294 E. Brown to allow a new building for Restoration Hardware, including a restaurant operating with an Economic Development Liquor License;

AND

To authorize the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and to approve the liquor license request of RH F&B Michigan, LLC that requests a transfer of interest in a Tavern License with new Outdoor Service (1 Area)

to be issued under MCL 436.1501 located at 300-394 S Old Woodward, Birmingham, Oakland County, MI 48009;

AND

Furthermore, pursuant to Birmingham City Ordinance, to authorize the City Clerk to complete the Local Approval Notice at the request of RH F&B Michigan, LLC approving the liquor license transfer request of RH F&B Birmingham, LLC that requested a Tavern License with new Outdoor Service (1 Area) be transferred under MCL 436.1501 located at 300-394 S Old Woodard, Birmingham, Oakland County, MI 48009.

- C. Commission discussion on items from prior meeting.
- 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.

**VIII. REMOVED FROM CONSENT AGENDA**

**IX. COMMUNICATIONS**

**X. REPORTS**

- A. Commissioner Reports
  - 1. Notice to appoint to the Historic District Commission
  - 2. Notice to appoint to the Design Review Board
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. Update on Recent Rain Events
  - 2. Qualifications for Appointment as a Museum Board Member

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).*