

**AMENDED 2**  
**BIRMINGHAM CITY COMMISSION AGENDA**  
**FEBRUARY 28, 2022**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

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

Therese Longe, 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**

- ~~COVID-19 cases locally are the highest they have been since the beginning of the pandemic.~~ Michigan and Oakland County continue to be at a high level of COVID-19 community transmission. As a result, the CDC recommends vaccinated and unvaccinated individuals wear a facemask indoors while in public. The City requires masks in City Hall for all employees, board and commission members, and the public. KN-95 respirators will be provided to everyone attending public meetings. <sup>1</sup>

**APPOINTMENTS**

A. Recognition of Outgoing Student Reps

To recognize the following fourteen student representatives for their service in 2021 on Birmingham boards and committees and award each student a certificate in appreciation for their civic involvement:

HDC-DRB	Charles Cusimano—Groves Elizabeth Wiegand—Seaholm
Multi-Modal Transportation Board	Lauren Morris—Groves Justin Schoener—Seaholm Alex Walters—Seaholm
Museum Board	Carter Lutz – Groves Aidan Schoener—Seaholm
Planning Board	Daniel Murphy—Seaholm Jane Wineman—Seaholm
Public Arts Board	Hadley Lovell—Seaholm Nora Sherifaj—Seaholm

<sup>1</sup> Corrected 2/25/22

Parks & Recreation Board	R.J. Carrel—Groves Alison Chapnick—Groves Kyle Sayers—Seaholm
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- B. 2022 Student Appointments to City Boards and Committees  
To appoint the following students as non-voting members for the calendar year 2022.

HDC-DRB	Meghan Murray - Seaholm Charlie Vercellone - Seaholm
Multi-Modal Transportation Board	Isabela Betanzos - Seaholm Ben Rosenfield - Seaholm
Museum Board	Jordan Snyder - Seaholm
Planning Board	MacKinzie Clein - Seaholm Andrew Fuller - Seaholm
Parks & Recreation Board	Zachary Miketa - Seaholm Matthew Windsor - Seaholm

- C. Board of Zoning Appeals
- a. Luke Joseph
  - b. Pierre Yaldo
  - c. Erin Rodenhouse
    - 1) Letter from Mary Kucharek
    - 2) Letter of resignation from Erin Rodenhouse
  - d. Ron Reddy

To appoint \_\_\_\_\_ as a regular member to the Board of Zoning Appeals to serve the remainder of a three-year term to expire October 10, 2022.

To appoint \_\_\_\_\_ as a regular member to the Board of Zoning Appeals to serve the remainder of a three-year term to expire October 10, 2022.

- D. Alternate Hearing Officer
- a. Larry Lyng

To make a motion to appoint \_\_\_\_\_ as the Hearing Officer to serve the remainder of a three-year term to expire June 30, 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 workshop meeting minutes of February 14, 2022.
- B. Resolution to approve the City Commission meeting minutes of February 14, 2022.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated February 16, 2022, in the amount of \$1,502,550.28.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated February 23, 2022, in the amount of \$5,008,283.70.
- E. Resolution to approve a one (1) year agreement with MSCA Group, Inc. for professional design services for improvements to the Rouge River Trail Corridor (RRTC) in an amount not to exceed \$11,200.00. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for this project has been budgeted in account # 408-751.000-979.0000
- F. Resolution to authorize the IT department to purchase the security subscription and support license extension for the Palo Alto firewall from AmeriNet. The purchase price not to exceed \$11,360.40. Funds are available in the IT computer maintenance fund account # 636-228.000-933.0600
- G. Resolution to approve a one (1) year agreement with Bang the Table for a subscription to its public engagement platform in the amount not to exceed (\$13,300). In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for this project has been budgeted in account #636-228.000-933.0700.
- H. Resolution to authorize the City Clerk to complete the Local Approval Notice at the request of Station MLCC, LLC to transfer ownership of the Class C and SDM Liquor License with Sunday Sales (AM/PM) Permit, (4) Additional Bar Permits, Catering Permit, Off Premise Storage, Outdoor Service Area Permit and Dance/Entertainment Permit from Eton Street Restaurant Inc. (Business I.D. # 392) located at 245-235 S. Eton Street, Birmingham, Oakland County, MI 48009 to Station MLCC, LLC; and request to cancel the Catering Permit, Off Premise Storage and (2) Additional Bar Permits
- I. Resolution to authorize the City Clerk to complete the Local Approval Notice at the request of Forest Grill 2, LLC to approve the request of Forest Grill 2, LLC to transfer the membership in Forest Grill 2, LLC which holds the Class C and SDM License with Sunday Sales (PM) and Outdoor Service Area located at 735 Forest, Birmingham, Oakland County, MI from 50% Elm Restaurant Group, LLC and 50% SSE Restaurant Group, LLC to 100% SSE Restaurant Group, LLC.
- J. Resolution to approve the art donation of a piano to be placed in Shain Park beneath the pavillion from the beginning of May 2022 to the end of November 2022.

- K. Resolution approving a call for entry for artwork with the following terms for fiscal year 2021-2022:
- 1.) Timeframe options include a loan with a minimum 3-year term, or an accepted donation to the City.
  - 2.) The four locations indicated by the Public Arts Board are prioritized, however the Public Arts Board may recommend other sites more suitable within the City;
  - 3.) Each artist will coordinate with the relevant City Departments for requirements related to installation;
  - 4.) Each artist involved in the call for entry is to be provided a stipend for approved artwork, for a total amount not to exceed \$9,000 from the General Administration Budget, account #101-721.000-811-0000.
- L. Resolution to approve new bench installations at the 16 proposed locations listed below and attached in the MKSK document.
1. W. Maple and Lutheran Church – bus stop
  2. W. Maple and Larchlea – bus stop
  3. W. Maple and First Presbyterian Church – bus stop
  4. W. Maple and First Presbyterian Church
  5. W. Maple and Fairfax (Fairfax Park) – bus stop
  6. W. Maple and First Methodist Church – bus stop
  7. W. Maple and Pilgrim - bus stop
  8. W. Maple between Puritan & Lake Park – bus stop
  9. W. Maple & Lake Park – midblock crossing
  10. W. Maple near Waterfall Court
  11. W. Maple midblock crossing to Liden Park
  12. W. Maple & Trail entry to Quarton Lake Park
  13. Baldwin Road – along sidewalk between Wm. Maple and Rouge bridge
  14. Linden Park near Valley View Lane
  15. Maple Road – bus stop between Birmingham Museum and Baldwin Road
  16. Martha Baldwin Park – along sidewalk
- M. Resolution to approve a special event permit as requested by the Birmingham Public Services Department for the 2022 Birmingham Concert In The Park series for the dates as presented, 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.
- N. Resolution to approve a special event permit as requested by the Birmingham Museum to hold the 2022 Birmingham Museum Heritage Plant Exchange on Saturday, June 4, 2022, 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.
- O. Resolution to approve a request from Eisenhower Dance Detroit to hold their NewDanceFest on the stage at Shain Park on July 23, 2022, 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.

- P. Resolution to approve a special event permit as requested by the Birmingham Shopping District to hold the 2022 Day on the Town on Saturday, July 30, 2022, 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.
- Q. Resolution to approve a special event permit as requested by the Birmingham Shopping District to hold the 2022 Farmers Market days beginning on Sunday, May 1, 2022 – October 30, 2022, 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.
- R. Resolution to approve a special event permit as requested by the Birmingham Shopping District to hold the 2022 Birmingham Movie Nights on June 10, 2022, July 15, 2022, August 12, 2022, and September 16, 2022, 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.
- S. Resolution accepting the resignation of Leland Feiste from the Board of Review, to thank him for his service and to direct the City Clerk to begin the process of filling the vacancy.

## **VI. UNFINISHED BUSINESS**

## **VII. NEW BUSINESS**

- A. Public Hearing – Confirming Roll for Special Assessment District #896 – Maple Road Sewer Lateral Project
  - 1. Resolution for Confirming Special Assessment District #896S, Maple Road Sewer Laterals as indicated in the staff report
- B. Public Hearing – Corridor Improvement Authority Development & TIF Plan Update
  - 1. Resolution to approve the updates to the City of Birmingham’s Corridor Improvement Authority Development and TIF Plan.
- C. Resolution authorizing the issuance of the Request for Proposals as recommended by the Library Board to finalize designs and prepare for the expansion and renovation of the Front Entrance and Circulation area of the Baldwin Public Library, with the necessary funds to be paid by the Library
- D. Resolution directing the City Manager to prepare a draft Code of Conduct for the City for placement on a future City Commission agenda for review and consideration.

E. Resolution to approve the renewal of liquor licenses for the 2022 licensing period, for the following establishments holding a Class B, Class C, or Microbrewery Liquor License that are in compliance with Chapter 10, Alcoholic Liquors of the City Code:

- Brooklyn Pizza
- Community House
- Elie's Mediterranean
- Emagine Palladium/Ironwood Grill
- Fleming's #3302
- Forest Grill
- Hazel & Ravines
- La Strada Cafe
- Lincoln Hills Golf Course
- Mad Hatter
- Market North End
- Springdale Golf Course
- Streetside Seafood
- The Morrie

AND

To make a motion adopting a resolution to set public hearings on Monday, March 28, 2022 to consider whether the City Commission shall file objections with the Michigan Liquor Control Commission for the renewal of licenses held by the owners/operators of the following establishments that are in violation of Chapter 10, Alcoholic Liquors of the City Code:

- 220 Merrill
- Adachi Restaurant
- All Seasons Of Birmingham
- Bella Piatti
- Birmingham 8 Theater
- Birmingham Pub
- Churchill's Bistro/Cigar Bar
- Daxton
- Dick O Dow's Irish Pub
- Griffin Claw Brewing Company
- Hyde Park Prime Steakhouse
- Luxe Bar And Grill
- Maple Road Tap Room (Whole Foods)
- Mare
- Papa Joe's Gourmet Market Place Birmingham
- Per Noi
- Phoenicia
- Salvatore Scallopini
- Slice/Shift/Sidecar
- Social Kitchen And Bar
- Tallulah Wine Bar & Bistro

- The Townsend
- Toast
- Townhouse

AND

Further, to make a motion adopting a resolution to direct the City Manager to notify the owners/operators of licensed establishments for which a public hearing is set, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel, and that the licensee may present witnesses or written evidence at the hearing.

- F. 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.
- G. Commission discussion on items from prior meeting
  - 1. None

<b>VIII. REMOVED FROM CONSENT AGENDA</b>
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<b>IX. COMMUNICATIONS</b>
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A.

<b>X. REPORTS</b>
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- A. Commissioner Reports
  - 1. Notice of intention to appoint to the Board of Review
  - 2. Notice of intention to appoint to the Museum Board
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. 2nd Quarter Investment Report
  - 2. 2nd Quarter Budget Report
  - 3. City Manager's Report
    - a. Mary Kucharek – Board Appointment Nominations
    - b. Letter to Paul Reagan
  - 4. Mary Kucharek – Regarding ethics and the February 14, 2022 City Commission meeting<sup>2</sup>

INFORMATION ONLY

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<sup>2</sup> Included 2/25/22

## **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).*