

BIRMINGHAM CITY COMMISSION AGENDA
MONDAY, MARCH 28, 2022
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.
Amended

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

- Per the CDC, COVID-19 Community Level for Oakland County is currently Low. The City continues to recommend the public wear masks while attending city meetings. These precautions are recommended while risks for COVID-19 transmission remain from new variants. All City employees, commissioners and board members must wear a mask while indoors when 6-feet of social distancing cannot be maintained. The City continues to provide KN-95 respirators for all in-person meeting attendees.
- The community is encouraged to submit non-emergency concerns or questions to the city via the new GovAlert mobile app. The free app is fast and user-friendly. Simply download the app, available for both iOS and Android devices, and follow the prompts. At this time we will play a short video that explains how to use the app. You may also view this video at www.bhamgov.org/govalert.
- Proclamation naming April 2022 as National Arab American Heritage Month
- Orderly and Efficient Conduct of Meetings of Public Bodies by City Attorney Kucharek

APPOINTMENTS

A. Parks & Recreation Board

1. Anne Lipp
2. Kyle Goulding
3. Steve Sweeney
4. Douglas Christensen

To appoint _____ to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2025.

To appoint _____ to the Parks and Recreation Board as an alternate member to serve a three-year term to expire March 13, 2025.

To appoint _____ to the Parks and Recreation Board as an alternate member to serve the remainder of a three-year term to expire March 13, 2023.

B. Multi-Modal Transportation Board

1. Michael Kopmeyer
2. Michael St. Germain
3. Anthony Long
4. Joe Zane
5. Mark Doolittle
6. Tom Peard
7. David Hocker¹

To appoint _____ to the Multi-Modal Transportation Board as a regular member to serve the remainder of a three-year term to expire March 24, 2025.

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To appoint _____ to the Multi-Modal Transportation Board as a regular member to serve the remainder of a three-year term to expire March 24, 2023.

To appoint _____ to the Multi-Modal Transportation Board as an alternate member to serve the remainder of a three-year term to expire October 27, 2022.

C. Planning Board

1. Robin Boyle
2. Scott Clein
3. Brian Palmeri

To appoint _____ to the Planning Board as a regular member to serve a three-year term to expire March 28, 2025.

To appoint _____ to the Planning Board as a regular member to serve a three-year term to expire March 28, 2025.

D. Museum Board

¹ Omitted in error, correction made 3/24/22

1. Kristy Barrett

To appoint _____ to the Museum Board as a regular member to serve the remainder of a three-year term to expire July 5, 2023.

E. Cablecasting Board

1. Jim Cleary

To appoint _____ to the Cablecasting Board as a regular member to serve a three-year term expiring March 30, 2025.

F. Board of Review

1. Maria Chirco

2. Jill Stress

To appoint _____ to the Board of Review as a regular member to serve the remainder of a three-year term to expire December 31, 2022.

IV. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

A. Public Comment – David Bloom

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 March 14, 2022.

B. Resolution to approve the City Commission meeting minutes of March 14, 2022.

C. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 16, 2022, in the amount of \$501,146.91.

D. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 23, 2022, in the amount of \$882,073.73.

E. Resolution to approve a Special Event Permit as requested by the Schools Offer Support to hold the Strides for SOS Race on October 9, 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, or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event.

F. Resolution to approve a Special Event Permit as requested by Eisenhower Dance Detroit to hold its Youth Ensemble Performance on May 26, 2022, in Shain Park 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.

- G. Resolution to approve the purchase of one (1) Case 721G Zbar T4 (Vehicle #30), as quoted through the State of Michigan MIDEAL extendable purchasing contract #071B7700089, awarded to Southeastern Equipment Company located at 48545 Grand River, Novi, MI 48374, in the amount not to exceed \$208,341.98. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641-441.006.971.0100.
- H. Resolution to approve the purchase of one (1) 2022 Freightliner 114SD (Vehicle #160) supplied with a 2100i PD 18" vacuum and 15-yard debris combo, as quoted, from Jack Doheny Company, in the amount not to exceed \$420,030.00. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641-441.006.971.0100.
- I. Resolution approving a 3-year contract (through November 7, 2024) with Michigan Automatic Sprinkler, Inc., for irrigation services in an amount not to exceed \$61,575. 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 for using funds from the following other contractual services accounts: \$25,000 in Parks (101-751.000-811.0000), \$25,000 in Property Maintenance (101-441.003-811.0000) and Major Streets (202-449.003-937.0400).
- J. Resolution to set a public hearing date of April 25, 2022 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 100 Townsend – Rugby Grille – to allow the addition of a new outdoor dining platform in the Townsend right-of-way.
- K. Resolution of the City of Birmingham demonstrating support of the project and submittal of the application to MDOT for FY 2025 funding assistance under their Local Bridge Program, as presented.
- L. Resolution to set a special joint meeting of the City Commission and the Planning Board on April 18, 2022 to finalize the review of the second draft of the Birmingham 2040 Plan.
- M. Resolution directing City staff and the Planning Board to consider allowing the operation of food trucks within the City.

AND

Resolution directing City staff and the Planning Board to consider the creation of a Social District to allow for the outdoor consumption of alcohol within a defined area adjacent to two or more licensed establishments.

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

- A. Resolution to deny a Special Event Permit as requested by the First Baptist Church to hold the Sanctuary Worship in the Park on Sundays June 12 - September 4, 2022.

OR

Resolution to approve a Special Event Permit as requested by the First Baptist Church to hold the Sanctuary Worship in the Park on Sunday(s) _____, 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.

- B. Resolution to approve the award of the Adams Park Improvement project contract to Michigan Recreational Construction, in the amount of \$1,046,576.00 to be funded from account number 408-751.000-979.0000, to have the Mayor sign the contract on behalf of the City, and further to approve the appropriation and amendment to the 2021-2022 budget as follows:

Park System Construction Fund:

Revenues: Draw from Fund Balance 408-000.000-400.0000 \$346,580.00

Expenditures: Land Improvements 408-751.000-979.0000 \$346,580.00

- C. Public Hearings of Liquor License establishments with Resolved and Outstanding Violations

1. Public Hearing to consider the renewal of the liquor licenses for those establishments that are now in compliance:

- The Daxton
- 220 Merrill
- Adachi Restaurant
- All Seasons Of Birmingham
- Bella Piatti
- Birmingham 8 Theater
- Birmingham Pub
- Churchill's Bistro/Cigar Bar
- Griffin Claw Brewing Company
- Hyde Park Prime Steakhouse
- Luxe Bar And Grill
- Mare
- Papa Joe's Gourmet Market Place Birmingham
- Phoenicia
- Salvatore Scallopini
- Slice/Shift/Sidecar
- Social Kitchen And Bar
- Tallulah Wine Bar & Bistro
- The Townsend
- Toast
- Townhouse

- a. 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 now in compliance with Chapter 10, Alcoholic Liquors of the City Code:

- The Daxton
- 220 Merrill
- Adachi Restaurant
- All Seasons Of Birmingham
- Bella Piatti
- Birmingham 8 Theater
- Birmingham Pub
- Churchill's Bistro/Cigar Bar
- Griffin Claw Brewing Company
- Hyde Park Prime Steakhouse

- Luxe Bar And Grill
- Mare
- Papa Joe's Gourmet Market
Place Birmingham
- Phoenicia
- Salvatore Scallopini
- Slice/Shift/Sidecar
- Social Kitchen And Bar
- Tallulah Wine Bar & Bistro
- The Townsend
- Toast
- Townhouse

2. Public Hearing to consider the renewal of the liquor license for Dick O'Dow's at 160 W. Maple

- a. Resolution to approve the renewal of the liquor license for the 2022 licensing period for Dick O'Dow's Irish Pub, holding a Class B, Class C or Microbrewery Liquor License that is now in compliance with Chapter 10, Alcoholic Liquors of the City Code.

OR

Resolution to direct the City Manager to file an objection on behalf of the City with the Michigan Liquor Control Commission by March 31, 2022 regarding Dick O'Dow's Irish Pub at 160 W. Maple, Birmingham, due to the City Commission's findings and a determination that Dick O'Dow's Irish Pub has committed the following violations of Chapter 10, Alcoholic Liquors, Sec 10-40 of the Birmingham City Code of Ordinances:

- (3) Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to any of the following:
 - a. Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;
- (6) Licensee's failure to comply with all standards and plans established and approved by the City Commission at the time of original approval or transfer of the license.

AND

Written resolution that the City Commission finds that Dick O'Dow's Irish Pub has failed to follow the Birmingham City Code of Ordinances at section 10-40(3) and (6) and the certified written resolution of the City Commission's finding shall be sent by first class mail to the licensee.

AND

Resolution to set a Public Hearing date of April 25, 2022 to consider termination of the Special Land Use Permit for Dick O'Dow's Irish Pub at 160 W. Maple.

3. Public Hearing to consider the renewal of the liquor license for Maple Road Tap Room in Whole Foods at 2100 E. Maple

- a. Resolution to approve the renewal of the liquor license for the 2022 licensing period for Maple Road Tap Room in Whole Foods, holding a Class B, Class C or Microbrewery Liquor License that is now in compliance with Chapter 10, Alcoholic Liquors of the City Code.

OR

Resolution to direct the City Manager to file an objection on behalf of the City with the Michigan Liquor Control Commission by March 31, 2022 regarding Maple Road Tap Room in Whole Foods at 2100 E. Maple, Birmingham, due to the City Commission's findings and a determination that Maple Road Tap Room in Whole Foods has committed the following violations of Chapter 10, Alcoholic Liquors, Sec 10-40 of the Birmingham City Code of Ordinances:

- (3) Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to any of the following:
 - a. Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;
- (6) Licensee's failure to comply with all standards and plans established and approved by the City Commission at the time of original approval or transfer of the license.

AND

Written resolution that the City Commission finds that Maple Road Tap Room in Whole Foods has failed to follow the Birmingham City Code of Ordinances at section 10-40(3) and (6) and the certified written resolution of the City Commission's finding shall be sent by first class mail to the licensee.

AND

Resolution to set a Public Hearing date of April 25, 2022 to consider termination of the Special Land Use Permit for Maple Road Tap Room in Whole Foods at 2100 E. Maple.

- 4. Public Hearing to consider the renewal of the liquor license for Casa Perno at 310 E. Maple
 - a. Resolution to approve the renewal of the liquor license for the 2022 licensing period for Casa Perno, holding a Class B, Class C or Microbrewery Liquor License that is now in compliance with Chapter 10, Alcoholic Liquors of the City Code.

OR

Resolution to direct the City Manager to file an objection on behalf of the City with the Michigan Liquor Control Commission by March 31, 2022 regarding Casa Perno at 310 E. Maple Road, Birmingham, due to the City Commission's

findings and a determination that Casa Perno has committed the following violations of Chapter 10, Alcoholic Liquors, Sec 10-40 of the Birmingham City Code of Ordinances:

- (3) Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including but not limited to any of the following:
 - a. Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes;
- (6) Licensee's failure to comply with all standards and plans established and approved by the City Commission at the time of original approval or transfer of the license.

AND

Written resolution that the City Commission finds that Casa Perno has failed to follow the Birmingham City Code of Ordinances at section 10-40(3) and (6) and the certified written resolution of the City Commission's finding shall be sent by first class mail to the licensee.

AND

Resolution to set a Public Hearing date of April 25, 2022 to consider termination of the Special Land Use Permit for Casa Perno at 310 E. Maple.

- D. Commission discussion on items from prior meeting
 - 1. (none)
- 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.

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. City Manager's Report
 - 2. Community Development Department/Planning Division Annual Report & Planning Board, Historic District Commission, and Design Review Board Action Lists for 2022-2023, submitted by Planning Director Dupuis

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).