

**BIRMINGHAM CITY COMMISSION AGENDA**

**May 23, 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**

- Per the CDC, Oakland County has a COVID-19 Community level and transmission level of **HIGH**. The City continues to highly recommend the public wear masks while attending City meetings per CDC guidelines. These precautions are due to COVID-19 transmission levels remaining high in Oakland County that have led to an increase in infections of City employees and board members. All City employees, commissioners, and board members must wear a mask while indoors when 6-feet of social distancing cannot be maintained. This is to ensure the continuity of government is not affected by an exposure to COVID-19 that can be prevented by wearing a mask. The City continues to provide KN-95 respirators and triple-layered masks for all in-person meeting attendees.
- Thank you to all the participants, vendors, volunteers and visitors at the Celebrate Birmingham Parade and Party in Shain Park. Many thanks to the sponsors of the event and the multiple City departments and organizations who worked together to present this family-focused event. To view photos and video of the event go to [www.bhamgov.org/parade](http://www.bhamgov.org/parade).

**APPOINTMENTS**

- A. Appointment to Brownfield Redevelopment Authority
1. Dani Torcolacci

\*To concur with the Mayor's appointment of \_\_\_\_\_, as a regular member to the Brownfield Redevelopment Authority to serve a three-year term to expire May 23, 2025.

To concur with the Mayor's appointment of \_\_\_\_\_, as a regular member to the Brownfield Redevelopment Authority to serve the remainder of a three-year term to expire May 23, 2024.

\*Indicates the term that the applicant applied for.

**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 Budget Workshop meeting minutes of May 7, 2022.
- B. Resolution to approve the City Commission meeting minutes of May 9, 2022.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated May 11, 2022, in the amount of \$399,839.99.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated May 18 2022, in the amount of \$595,828.42.
- E. Resolution to approve the First Amended Interlocal Agreement for the Mental Health Co-Response Team between the City of Birmingham, the Township of Bloomfield, the City of Auburn Hills and the Oakland County Health Network (OCHN). In addition, to authorize the Mayor and the Chief of Police to sign the agreement on behalf of the City.
- F. Resolution to set a public hearing date of June 27th, 2022 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 588 S. Old Woodward – Phoenicia.
- G. Resolution to approve a two-year agreement for fiscal years 2022-2024 with Cadillac Asphalt LLC for the purchase of 36A hot asphalt mix at \$91.50/ton (2022-2023) and \$91.50/ton (2023-2024) and UPM cold patch (delivered) at \$150.00/ton (2022-2023) and \$150.00/ton (2023-2024). 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 accounts #202-449.003-729.0000, #203-449.003-729.0000, #590-536.002-729.0000 and #591-537.005-729.0000.
- H. Resolution to provide additional funding for the purchase of a 2021 Case CE 821G front-end loader 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 \$221,789.42. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641-441.006.971.0100.)
- I. Resolution to appoint Consulting Engineer Jim Surhigh as Representative and City Manager Thomas M. Markus as Alternative Representative of the City of Birmingham on the SOCWA Board of Trustees for the fiscal year starting July 1, 2022.
- J. Resolution to appoint City Manager Thomas M. Markus as Representative and DPS Director Lauren Wood as Alternate Representative of the City of Birmingham on the SOCRRA Board of Trustee for the fiscal year starting July 1, 2022.

- K. Resolution to delegate to the Birmingham City Clerk and her authorized assistants, those being the members of her staff, the following duties of the election commission for the August 2, 2022 and November 8, 2022 elections:
  - Preparing meeting materials for the election commission, including ballot proofs for approval and a listing of election inspectors for appointment;
  - Contracting for the preparation, printing and delivery of ballots;
  - Providing candidates and the Secretary of State with proof copies of ballots;
  - Providing election supplies and ballot containers; and
  - Preliminary logic and accuracy testing.
  
- L. Resolution to set a public hearing date of June 27, 2022 to consider the removal of Aaron Black from the Advisory Parking Committee for cause to be determined at the public hearing.

<b>VI. UNFINISHED BUSINESS</b>
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<b>VII. NEW BUSINESS</b>
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- A. Public Hearing: 2225 E. 14 Mile - Our Shepherd Special Land Use Permit
  - 1. Resolution to approve the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 2225 E. 14 Mile – Our Shepherd – to allow new parking lot landscaping, signage and new covered entries at an existing religious institution in the R2 zoning district with the following condition:
    - The applicant must submit final sign design plans to the Planning Division that reflect the outcome of the Board of Zoning Appeals review. In the event that a signage variance is not granted, the applicant must submit revised plans that meet the requirements of the Sign Ordinance.
  
- B. Resolution to approve the right-of-way parking request for 35106 Woodward – Whole Dental Wellness – to permit 4 public parking spaces to be counted towards the required off street parking total of the subject site pursuant to Article 4, Section 4.45 (G)(1).
  
- C. Resolution to accept the Ground Lease between Select Commercial Assets Hospitality and the City of Birmingham for a lease agreement for property located at 35001 and 35075 Woodward Avenue and to agree to allow the tenant to lease the City property for the benefit of the project and the City.
  
- D. Resolution to authorize James J. Surhigh, Consulting City Engineer to submit the grant application to FEMA under their Hazard Mitigation Grant Program for the Parking Lot #6 Floodwall project (HMGP #4494); And to certify that non-Federal matching funds are secured, available, and committed for use in constructing the Parking Lot #6 Floodwall project (HMGP #4494) by approving the project budget as presented in staff report.
  
- E. Resolution to certify that non-Federal matching funds are secured, available, and committed for use in constructing the Cranbrook Road Non-Motorized Improvements project; To approve the proposed compensation for temporary and permanent easements required for the project, and to authorize Scott Z. Zielinski, Assistant City Engineer to sign the written offers for said easements on behalf of the City; Further to approve the

appropriations and budget amendments to the Fiscal Year 2021-2022 budget as presented in the staff report.

- F. Resolution to direct the City Manager to have lines painted on the Crestview Tennis courts in order to offer Pickleball courts, as a temporary measure. Players will be able to play either tennis or Pickleball.

OR

Make a motion adopting a resolution to direct the City Manager to bid out the correct conversion, according to USA Pickleball Association, from tennis courts to Pickleball courts at Crestview Park.

OR

Make a motion adopting a resolution to direct the City Manager to hire a design and construction consultant to prepare bid documents for brand new Pickleball courts at Kenning Park.

- G. Discussion of Charter Amendment to Chapter III of the Birmingham City Charter
  - 1. Resolution to amend the City of Birmingham Charter, Chapter III. - PLAN OF GOVERNMENT, Section 19. - [Salaries.], from Five Dollars (\$5.00) to \_\_\_\_ Dollars (\$ ) per meeting and to direct the Mayor's signature for approval and the Clerk to proceed as dictated by state law.
- H. Resolution to meet in closed session to discuss pending litigation pursuant to MCL § 15.268(e) of the Open Meetings Act regarding *John Reinhart, et all v City of Birmingham; U.S. District Court Case No.: 2:22-cv-11074-MAG-DRG.*

**(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.)**

- I. 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.
- J. Commission discussion on items from prior 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. City Manager's Report
2. Federal Transportation Grant Opportunity

## 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).*