

**BIRMINGHAM CITY COMMISSION AGENDA**  
**JUNE 13, 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.

**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 May 23, 2022.
- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated May 25, 2022, in the amount of \$1,373,431.15.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated June 1, 2022, in the amount of \$1,399,577.65.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated June 8, 2022, in the amount of \$711,825.41.
- E. Resolution to approve the purchase of a complete set of Holmatro extrication tools and accessories from West Shore Fire in the amount not to exceed \$59,459.63 from Fire Department Machinery and Equipment fund #101-336.000-971.0100 subject to the approval of the annual FY 2022-2023 budget. In addition, to authorize the Mayor, City

Clerk, City Manager, City Attorney, Finance Director, and Fire Chief to sign the purchase agreement on behalf of the City.

- F. Resolution to approve the purchase of a MAKO BAM06H Breathing Air Module and SSCFS3-4HP MAKO Three Position SCBA/SCUBA Containment Fill Station from West Shore Fire in the amount not to exceed \$50,637.35 from Fire Department Machinery and Equipment fund #101-336.000-971.0100 subject to the approval of the annual FY 2022-2023 budget. In addition, to authorize the Mayor, City Clerk, City Manager, City Attorney, Finance Director and Fire Chief to sign the agreement on behalf of the City.
- G. Resolution to approve the purchase of a QuantiFit2 Respirator Fit Test System from OHD, LLLP in the amount not to exceed \$8,920.00 from Fire Department Machinery and Equipment fund #101-336.000-971.0100 subject to the approval of the annual FY 2022-2023 budget. In addition, to authorize the Fire Chief to approve the purchase order on behalf of the City.
- H. Resolution to purchase thirteen (13) APX6000 portable radios with required accessories from Motorola in the amount of \$87,732.00 from the State of Michigan MI Deal purchasing contract #190000001544 and \$6,250 for licensing rights from Michigan Public Safety Communication System (MPSCS) not to exceed a total of \$93,982.00 from Fire Department Machinery and Equipment fund #101-336.000-971.0100 and Emergency Management Miscellaneous fund #101-337.000-962.0000 subject to the approval of the annual FY 2022-2023 budget. In addition, to authorize the Fire Chief to approve the purchase order on behalf of the City.
- I. Resolution to approve an agreement with L.G.K. Construction, Inc., for Birmingham Museum-Allen House Visitor Doors Refinishing Project in the amount not to exceed \$12,850. 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 #101-804.002-811.0000.
- J. Resolution approving a one-year contract between the City and Oakland County for assessing services for the period of July 1, 2022 through June 30, 2023 and authorize the mayor and the City clerk to sign the agreement on behalf of the City.
- K. Resolution to provide gap funding in the amount of \$18,667.00 to support the continuation of the CoRe program from April 1, 2022 through September 30, 2022. Sufficient funds are available in the police department's salaries and wages account (account# 101-301.000-702.0001) in both the 2021-2022 budget and the 2022-2023 budget to cover this cost

And

To support the City of Birmingham's commitment to allocate and dedicate the resources necessary for the continuation and expansion of the CoRe program subject to the additional funding from the "Community Projects" grant as part of the American Rescue Plan Act (ARPA) as detailed in the OCHN "Letter of Commitment". This plan includes an additional OCHN full time mental health clinician and the addition of the City of Rochester, MI to the CoRe team. Furthermore, to authorize the Chief of Police to sign the "Letter of Agreement" agreement on behalf of the City.)

- L. Resolution to set a public hearing date of July 11, 2022 to amend Article 2, Sections 2.04, 2.06, 2.08 and 2.10 of the Zoning Ordinance to modify the minimum front yard setback requirement.
- M. Resolution to set a public hearing date of July 11, 2022 to amend Article 4, Section 4.30 of the Zoning Ordinance to include provisions for accessible ramps that do not unintentionally inhibit persons in need as it relates to open space restrictions.
- N. Resolution to set a public hearing date of July 11th, 2022 to consider the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 185 N. Old Woodward – Bell Bistro – to allow for interior and exterior renovations at an existing bistro and the addition of a new outdoor dining area on public/private property on N. Old Woodward.
- O. Resolution to set a public hearing date of July 11th, 2022 to consider the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 310 E. Maple – Casa Pernoï to allow for the expansion of the outdoor seating arrangement.
- P. Resolution to approve a request from the Birmingham Shopping District to hold the 2022 Birmingham Cruise special event, on Saturday, August 20, 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 request by the Birmingham Shopping District to hold the 2022 Santa House special event beginning the weekend of November 26, 2022 through December 24, 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 request from the Birmingham Shopping District to hold the 2022 Winter Markt special event on Friday, December 2 – Sunday, December 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.
- S. Resolution to authorize the Mayor to sign the National League of Cities Open Letter to Congress on Gun Violence Prevention.

<b>VI. UNFINISHED BUSINESS</b>
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<b>VII. NEW BUSINESS</b>
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- A. Public Hearing - 243 E. Merrill - La Strada Special Land Use Permit
  - 1. Resolution to approve the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 243 E. Merrill – La Strada – to allow for the expansion of the existing bistro and the associated interior renovations and the addition of a new outdoor dining platform in the Merrill St. right-of-way with the following condition:
    - The applicant must install city-standard tree grates in the two (2) tree boxes adjacent to their storefront and outdoor dining facilities.

- B. Resolution to approve an agreement with Kraemer Design Group for historic services in the amount not to exceed \$20,000. 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 # 101-721.000-811.0000 (*Staff Recommendation*).

OR

Make a motion adopting a resolution to approve an agreement with H2A Architects for historic services in the amount not to exceed \$46,140. 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 # 101-721.000-811.0000 (*Historic District Commission Recommendation*).

- C. Resolution to rescind Resolution 05-136-22 and pass a resolution to change the minimum and maximum qualifying signatures needed for nominating petitions to a minimum of forty (40) and a maximum number of one hundred (100), to be in line with state law and to direct the City Clerk to notify the Attorney General of the rescission of the original Resolution No. 05-136-22.
- D. Resolution to rescind Resolution No. 05-137-22 previously adopted at the May 9, 2022 City Commission meeting and adopting a revised resolution to amend the City of Birmingham Charter, Chapter VI. – CONTRACTS, Sections 1., 2., and 3., as suggested by the Attorney General’s Office and as attached hereto, and to direct the Mayor’s signature for approval and the Clerk to proceed as dictated by state law.
- E. Resolution to approve the budget appropriations resolution, adopt the City of Birmingham’s budget and establish the total number of mills for ad valorem property taxes to be levied for the fiscal year commencing July 1, 2022 and ending June 30, 2023.
- F. Resolution to amend the Schedule of Fees, Charges, Bonds and Insurance for changes in water, sewer, storm water, industrial surcharge, and industrial waste control charge rates effective for bills with read dates on or after July 1, 2022 as recommended in the staff report.
- G. Resolution to approve the appropriations and amendments to the fiscal year 2021-2022 budget as follows:

**General Fund:**

Revenues:

Licenses & Permits	101-000.000-479.0011	\$ 100,000
Intergovernmental	101-000.000-528.0000	875,000
	101-000.000-574.0001	415,000
	101-000.000-588.0000	200,000
Charges for Services	101-000.000-639.0001	(40,000)
	101-000.000-646.0003	(60,000)
Fines and Forfeitures	101-000.000-657.0000	(550,000)
Interest and Rent	101-000.000-664.0000	(1,100,000)
	101-000.000-666.0001	(100,000)

Other Revenue	101-000.000-672.0101	<u>(100,000)</u>
Total Revenue Adjustments		<u>\$ (360,000)</u>

Expenditures:

Public Safety	101-336.000-702.0002	\$ 135,000
Engineering & Public Services	101-444.002-985.7700	(360,000)
Transfers Out	101-136.000-999.9999	<u>(135,000)</u>
Total Expenditure Adjustments		<u>\$ (360,000)</u>

**Major Streets Fund:**

Revenues:

Intergovernmental	202-000.000-554.0000	\$ 120,000
Interest & Rent	202-000.000-664.0000	<u>(220,000)</u>
Total Revenue Adjustments		<u>\$ (100,000)</u>

Expenditures:

Traffic Controls	202-303.001-981.0100	\$ (130,000)
Maintenance of Streets & Bridges	202-449.004-941.0000	15,000
Street Trees	202-449.005-819.0000	60,000
Snow & Ice	202-449.006-941.0000	<u>(45,000)</u>
Total Expenditure Adjustments		<u>\$ (100,000)</u>

**Local Streets Fund:**

Revenues:

Interest & Rent	203-000.000-664.0000	\$ (140,000)
Other Revenue	203-000.000-672.0203	<u>(35,000)</u>
Total Revenue Adjustments		<u>\$ (175,000)</u>

Expenditures:

Construction	203-449.001-981.0100	\$ (175,000)
Street Trees	203-449.005-819.0000	125,000
Street Maintenance	203-449.003-702.0001	(75,000)
	203-449.003-941.0000	<u>(50,000)</u>
Total Expenditure Adjustments		<u>\$ (175,000)</u>

**Solid Waste:**

Revenues:

Interest and Rent	226-000.000-664.0000	\$ (60,000)
Total Revenue Adjustments		<u>\$ (60,000)</u>

Expenditures:

Other Contractual Services		
226-582.000-827.0100	\$ (60,000)	
Total Expenditure Adjustments		<u>\$ (60,000)</u>

**Brownfield Redevelopment Fund:**

Revenues:

Draw from Fund Balance	243-000.000-400.0000	\$ 5,000
Property Taxes	243-000.000-402.0001	59,000
Interest and Rent	243-000.000-664.0000	<u>(5,000)</u>
Total Revenue Adjustments		<u>\$ 59,000</u>

Expenditures:

Brownfield Fund	243-691.000-967.0100	\$ 59,000
Total Expenditure Adjustments		<u>\$ 59,000</u>

**Principal Shopping District Fund:**

Revenues:

Interest and Rent	247-000.000-664.0000	<u>(33,000)</u>
Total Revenue Adjustments		<u>\$(33,000)</u>

Expenditures:

Principal Shopping District Fund	247-748.000-702.0001	\$ (33,000)
Total Expenditure Adjustments		<u>\$(33,000)</u>

**Debt Service Fund:**

Revenues:

Draw from Fund Balance	308-000.000-400.0000	\$ 8,000
Interest and Rent	308-000.000-664.0000	<u>(8,000)</u>
Total Revenue Adjustments		<u>\$ 0</u>

- H. Resolution to approve a special event permit as requested by Michigan Humane to hold the Dog Days of Summer Event on Saturday August 6, 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.
- 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**

- A. 479 South Old Woodward Correspondence

**X. REPORTS**

- A. Commissioner Reports
  - 1. Notice of Intention to Appoint to the Greenwood Cemetery Advisory Board
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. Next Resolutions – Update from Tom Markus
    - a. Village of Beverly Hills
    - b. Village of Bingham Farms

**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).*