

**BIRMINGHAM CITY COMMISSION AGENDA**  
**JUNE 27, 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 Update: Per the CDC, Oakland County has a COVID-19 transmission level of HIGH. The City continues to recommend the public wear masks while attending City meetings per CDC guidelines. 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.
- The Clerk's office would like to remind voters to turn in an absentee ballot application if they wish to vote by mail for the August 2, 2022 State Primary Election. Return your absentee ballot to the clerk's office as soon as possible via drop box or mail. To review your specific voting information and preview your ballot visit [mi.gov/vote](http://mi.gov/vote). The online and mail voter registration deadline is July 18th. After July 18th new voters must register in person at the clerk's office.
- Upcoming In The Park Summer Concert Series in Shain Park on Wednesday starting at 7 pm. June 29th is the Birmingham Concert Band (Orchestra) and July 6th is Lisa Mary (Country). Please join us in the park!
- Nominations are being accepted for the 2022 Birmingham Bloomfield cultural arts awards by the Cultural Council of Birmingham/Bloomfield. To download the nomination form, see a list of former honorees and see nomination criteria, visit: <https://culturalcouncilbirminghambloomfield.org>

**APPOINTMENTS**

- A. Appointment for Historic District Study Committee
1. Andrea Prena
  2. Jenny Roush
  3. Thomas Loafman

To appoint \_\_\_\_\_ as a regular member to the Historic District Study Committee to serve a three-year term to expire June 25, 2025

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B. Appointment for Board of Ethics

1. Jim Robb

To appoint \_\_\_\_\_ as a regular member to the Board of Ethics to serve a three-year term to expire June 30, 2025.

C. Appointment for Museum Board

1. Patrick J. Hughes

To confirm the City Manager's appointment of \_\_\_\_\_ to the Museum Board as a regular member who is a business owner to serve a three-year term to expire July 5, 2025.

2. Judith Keefer

To appoint \_\_\_\_\_ to the Museum Board as a regular member to serve a three-year term to expire July 5, 2025.

**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.

*\*Minutes from the June 20, 2022 Joint City Commission & Planning board meeting will be available at the July 11, 2022 meeting.*

- A. Resolution to approve the City Commission workshop meeting minutes of June 13, 2022.
- B. Resolution to approve the City Commission meeting minutes of June 13, 2022.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated June 15, 2022, in the amount of \$657,037.54.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated June 22, 2022, in the amount of \$929,872.69.
- E. Resolution to approve a request by the Birmingham Museum to hold the Underground Railroad Commemoration special event on September 17, 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.
- F. Resolution designating Deputy Treasurer Jack Todd, Assistant Finance Director Kim Wickenheiser, DPS Director Lauren Wood, Building Official Bruce Johnson, Assistant Building Official Mike Morad, Birmingham Museum Director Leslie Pielack, and Police Chief Mark Clemence as proxy representatives of Election Commissioners Mayor Therese Longe, Mayor Pro Tem Pierre Boutros, Commissioner Clinton Baller, Commissioner Brad Host,

Commissioner Andrew Haig, Commissioner Elaine McLain, and Commissioner Katie Schafer, for the purpose of conducting the Public Accuracy Tests of the electronic tabulating equipment which will be used to count votes cast at the August 2, 2022 election.

- G. Resolution appointing election inspectors, absentee voter counting board inspectors, receiving board inspectors and other election officials as recommended by the City Clerk for the August 2, 2022 State Primary Election pursuant to MCL 168.674(1), and further grant the City Clerk the authority to make emergency appointments of qualified candidates should circumstances warrant in order to maintain adequate staffing in the various precincts, counting boards and receiving boards. And further, to increase Election Inspectors rate of pay to the proposed amounts, budgeted in account 101.262-000.815-0100, as presented in the staff report.
- H. Resolution to approve the Birmingham City Commission 2023 Meeting Schedule as submitted.
- I. Resolution to direct the City Manager to encourage all City sponsored special events to include the use of local food trucks within the event area when and where appropriate;  
AND  
To request that the Birmingham Shopping District consider including the use of local food trucks in all BSD sponsored special events;  
AND  
To request the Birmingham Shopping District to consider organizing and sponsoring a rotation of special events to be held on days or evenings on streets closed off to vehicular traffic.
- J. Resolution to approve the Indemnification and Hold Harmless Agreement between Canelle Patisserie licensee Canelle, LLC, 159 N. Eton property owner Beach Escape, LLC, and the City of Birmingham.
- K. Resolution to set a public hearing date of July 25th, 2022 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 1160 Grant St. – Ortiz Educare.
- L. Resolution to set a public hearing date of July 25th, 2022 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 36877 Woodward Ave – Gasow Veterinary Clinic.
- M. Resolution to set a public hearing date of July 25, 2022 to review the outdoor dining at 220 Merrill – 220 Restaurant for compliance.
- N. Resolution to approve an agreement with Johnson Sign Co. for the fabrication and installation of via wayfinding signs in the amount not to exceed \$19,200. 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 # 101-721.000-825.0100.
- O. Resolution to amend the Schedule of Fees, Charges, Bonds and Insurance for changes in sewer and storm water rates effective for bills with read dates on or after July 1, 2022 as recommended in this report, contingent on the Oakland County Water Resources

Commissioner adopting the revised Great Lakes Water Authority rates at their June 28th meeting.

- a. Letter from Oakland County dated June 9, 2022 re: GLWA
- P. Resolution to approve the outside agency service agreements for services described in Attachment A of the agreement for fiscal year 2022-23 with Birmingham Bloomfield Community Coalition in the amount of \$3,000, Birmingham Youth Assistance in the amount of \$18,000 and Common Ground in the amount of \$1,500. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding has been budgeted for these agreements in account #101-301.000.-811.0000
- Q. Resolution to approve an agreement with Etna Supply Company located at 2158 Gratiot Avenue, Detroit, MI 48207, for the purchase of Sensus Meter replacement parts, in the amount of \$71,665. Funds for this purchase are available in the FY 2021-2022 Water Supply System Fund, account #591-537.001-747.0000; and further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

## **VI. UNFINISHED BUSINESS**

## **VII. NEW BUSINESS**

- A. Public Hearing – To consider the removal of Aaron Black from the Advisory Parking Committee
  - 1. Resolution to accept the resignation letter of Aaron Black from the Advisory Parking Committee.
- B. Public Hearing - 588 S. Old Woodward - Phoenicia – Special Land Use Permit, Final Site Plan and Design Review
  - 1. Resolution to APPROVE the Special Land Use Permit, Final Site Plan and Design Review application for 588 S. Old Woodward – Phoenicia with the following condition:
    - The applicant submit a signed parking lease agreement for 20 parking spaces or obtain a variance for required parking spaces from the BZA.
- C. Resolution to adopt the Crosswalk Installation Guidelines for pedestrian crosswalk installation as depicted in the flowchart “Exhibit A”.
- D. Resolution to approve the reduction of vehicular travel lanes on eastbound Brown Street between Peabody Street and Woodward Ave from two lanes down to one lane;

AND

To direct the Multi-Modal Transportation Board to evaluate permanent road designs incorporating one eastbound vehicular travel lane for Brown Street from Peabody Street to Woodward Ave to recommend to City Commission at a later date.

- E. Resolution to direct the Engineering Department to proceed with final design of the Westwood, Raynale & Oak Street Project to include the planned improvements to the sewer and water systems, and the full reconstruction of the streets within the project area that will meet the City standards for an improved street;

Or

Resolution to direct the Engineering Department to proceed with final design of the Westwood, Raynale & Oak Street Project to include the planned improvements to the sewer and water systems, and the replacement of pavement surfaces disturbed by the utility construction with a full cape-seal treatment to be completed upon the conclusion of the other construction;

Or

Resolution to direct the Engineering Department to postpone further design of the Westwood, Raynale & Oak Street Project until such a time when the property owners in the project area present a petition requesting the City Commission consider improving their streets or unless emergency conditions arise necessitating repair and/or replacement of the water or sewer utilities in the project area.

- F. Resolution to approve a 4.5% salary range adjustment and in-range adjustments based upon performance for full-time and part-time employees in the Department Head and Administrative/Management classifications effective July 1, 2022 and approving a 2.5% performance increment through June 30, 2023 with individual eligibility to be in accordance with the attached merit increase guidelines. Further, to authorize the budget amendments from the wage adjustment account 101-299.000-709.0000 to the appropriate departments.
- G. Resolution to approve a 1 year agreement with Lew Bender for strategic planning services in the amount not to exceed \$14,500. 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 101-101.000-962.00.
- H. Resolution to meet in closed session to discuss pending litigation pursuant to MCL § 15.268 Sec. 8(e) of the Open Meetings Act regarding John Reinhart, et al the v City of Birmingham; U.S. District Court Case No.: 2:22-cv-11074-MAG-DRG and Privilege Underwriters Reciprocal Exchange/ A foreign Company a/s/o Patrick Carroll v City Of Birmingham/ a Michigan Municipal Corporation Case No.: 2019-173450-ND.

**(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
  - 1. Discussion on Meeting Start/End Times - Baller
  - 2. Discussion re Sustainability Board - Schafer

**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. Lead Water Service Replacement Program Update

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).*