

**BIRMINGHAM CITY COMMISSION AGENDA**  
**MONDAY, AUGUST 15, 2022 AMENDED**  
**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**

- The City continues to recommend the public wear masks while attending City meetings per CDC guidelines. The cases of COVID-19 are increasing in the area. 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.
- Enjoy Birmingham's Concert in the Park on August 17<sup>th</sup> at 12 p.m. with UC3 Acoustic Trio and at 7 p.m. the return of crowd favorite, Mainstreet Soul. Our last concert of the season will be Wednesday, August 24<sup>th</sup> at 7 p.m. with Captain Fantastic Detroit and The Donny Rod Show. We wish to thank our sponsors and concertgoers for another fantastic season!
- The Clerk's Office would like to thank all of the Election Inspectors and City Staff that helped with conducting a successful August 2<sup>nd</sup> State Primary Election. We appreciate all of the voters who participated safely, turnout for this election was 35.33%, which was above the 30.04% average for Oakland County. Unofficial results are available at oakgov.com/elections under the August election tab. Official results will be available after the completion of the canvass of the Oakland County Board of Canvassers.

**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 July 25, 2022.
- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated July 27, 2022, in the amount of \$7,149,774.29.

- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated August 3, 2022, in the amount of \$426,183.56.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated August 10, 2022, in the amount of \$598,607.66
- E. Motion to adopt an ordinance amending Chapter 54 – Fire Prevention and Protection, Article II. – Fire Prevention Code, Sec. 54-26, Sec. 54-27 and 54-28, which adopt the International Fire Code and its amendments.<sup>1</sup>
- F. Resolution to approve the contract from Air Handler Services to replace the HVAC system at Fire Station 1 and the additionally contingency funds for repairs etc. in the amount not to exceed \$149,008 from the Capital Projects Fund #403.0-339.000-977.0000. In addition, to authorize the Mayor, City Clerk, City Manager, City Attorney, Finance Director, and Fire Chief to sign the contract on behalf of the City and further, to approve the appropriations and amendment to the Capital Projects Fund budget as follows:
 

<u>Revenue:</u>		
Draw from Fund Balance	403.0-000.000-400.0000	\$149,008
<u>Expenditures:</u>		
Buildings – Adams Fire Station	403.0-346.001-977.0000	\$149,008
- G. Resolution to approve the contract from Royal Roofing Company Inc. to replace the steel roof system at Fire Station 1 in the amount not to exceed \$236,960 from the Capital Projects Fund #403.0-346.0019-977.0000. In addition, to authorize the Mayor, City Clerk, City Manager, City Attorney, Finance Director, and Fire Chief to sign the contract on behalf of the City and further, to approve the appropriations and amendment to the General Fund and Capital Projects Fund budgets as follows:
 

<u>General Fund Revenues:</u>		
Draw from Fund Balance	101.0-000.000-400.0000	\$85,968
<u>Expenditures:</u>		
Transfers Out	101.0-999.000-955.4030	\$85,968
<u>Capital Projects Fund Revenues:</u>		
Draw from Fund Balance	403.0-000.000-400.0000	\$150,992
Transfers In	403.0-346.001-699.0101	<u>\$85,968</u>
Total Revenues		\$236,960
<u>Expenditures:</u>		
Buildings – Adams Fire Station	403.0-346.001-977.0000	\$236,960
- H. Resolution to approve the purchase of the replacement monitor for Fire Station One and the additional monitor for Fire Station Two from CDWG with a total cost of \$19,884.10. Funds are available in the machinery and equipment fund account # 636.0-228.000-971.0100.
- I. Resolution to purchase one (1) 2023 Chevrolet Traverse AWD SL SUV, from Berger Chevrolet Inc., located at 2525 28<sup>th</sup> Street S.E., Grand Rapids, MI 49512, under the State of Michigan MiDeal extendable purchasing contract #071B7700184, in the amount not to

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<sup>1</sup> Additional information added in agenda packet 8/15/22 4:30pm

exceed \$29,916.00. Funds for this purchase are available in the FY 2022-2023 Auto Equipment Fund account#641.0-441.006.971.0100.

J. Resolution to confirm the City Manager’s authorization for the emergency expenditure related to the purchase of a new breaker. AIS Construction Equipment Corp., which is located at 56555 Pontiac Trail, New Hudson, MI 48165, will provide a new breaker for the amount of \$12,380.50. The funds for the purchase will be charged to the Auto Equipment account #641.0-441.006-971.0100.

K. Resolution to approve the purchase of eleven (11) Dumor benches, five (5) litter receptacles, and five (5) recycled plastic park benches for a total purchase price of\$39,820.00 from the sole source vendor, Penchura, LLC and charge the purchase to account # 101.0-751.000-729.0000. Further, to approve and amend the General Fund budget as follows:

<u>General Fund Revenues</u>		
Draw from Fund Balance	101.0-000.000-400.0000	\$39,820
<u>Expenditures</u>		
Parks Operating Supplies	101.0-751.000-729.0000	\$39,820

L. Resolution to approve the agreement with Goddard Coatings Company for the Crestview Park Pickleball project in the amount of \$63,750 and charge the purchase to the Land Improvement Account # 408.1-751.000-979.0000. Further, to appropriate and amend the Park System Construction Fund budget as follows:

<u>Park System Construction Fund</u>		
<u>Revenues</u>		
Draw from Fund Balance	408.1-000.000-400.0000	\$63,750
<u>Expenditures</u>		
Land Improvements	408.1-751.000-979.0000	\$63,750

M. Resolution approving the service agreement with Next in the amount of \$122,944 for services described in Attachment A of the agreement for fiscal year 2022-2023, account number 101.0-656.000-811.0000, and further direct the Mayor and City Clerk to sign the agreement on behalf of the City.

N. Resolution to award the 2021-2022 Public Services contract totaling \$36,912.00 for Yard Services, Senior Outreach Services, and Minor Home Repair to NEXT under the Community Development Block Grant Program; and further, to authorize the Mayor to sign the contract on behalf of the City.

O. Resolution to set the Public Hearing of Necessity for the road surface cape-seal treatment for all properties within the project on Taunton between Woodward and Lincoln, Torry between Emmons and Sheffield, Bradford between Sheffield and Eton, Croft between Bradford and 14 Mile Road, Penistone between Torry and 14 Mile Road, Banbury between Torry and Sheffield, Humphrey between Torry and Eton, and Melton between Taunton to Eton on Monday, September 12, 2022 at 7:30 P.M.; and

If necessity is determined on September 12, 2022, to meet on Monday, September 19, 2022 at 7:30 P.M., for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the road surface cape-seal treatment for all properties within the project area on Taunton between Woodward and Lincoln, Torry between Emmons and

Sheffield, Bradford between Sheffield and Eton, Croft between Bradford and 14 Mile Road, Penistone between Torry and 14 Mile Road, Banbury between Torry and Sheffield, Humphrey between Torry and Eton, and Melton between Taunton to Eton.

- P. Resolution to set a public hearing date of September 19, 2022 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 460 N. Old Woodward – Wilders.
- Q. Resolution to release one grave in section B, row 12-A, for a family seeking one additional space adjacent to their currently owned plot in order to keep their family members together in Greenwood Cemetery.

## **VI. UNFINISHED BUSINESS**

## **VII. NEW BUSINESS**

- A. Public Hearing – Westwood, Raynale & Oak Street Project, Hearing of Necessity for Cape Seal Special Assessment District<sup>2</sup>
  - 1. Resolution declaring necessity and approving a Special Assessment District with special assessments levied in accordance with benefits against the properties within such assessment district. The Special Assessment District shall include all properties within the following district of 23 parcels (listed in report), and the City Commission will meet on Monday, August 29, 2022 at 7:30 P.M. for the purpose of conducting the Confirmation of the Assessment Roll for cape-seal for properties within the project area on Westwood between Raynale & Oak, Raynale between N. Glenhurst and the west City limits, and Oak between N. Glenhurst & the west City Limits.
- B. Public Hearing – Westwood, Raynale & Oak Street Project Hearing of Necessity for Water and Sewer Lateral Special Assessment District<sup>3</sup>
  - 1. Resolution declaring necessity and approving a Special Assessment District with special assessments levied in accordance with benefits against the properties within such assessment district. The special assessment district shall include all properties within the following district of 13 parcels (listed in report), and the City Commission will meet on Monday, August 29, 2022 at 7:30 P.M. for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the water and sewer lateral replacements for properties within the project area on Westwood between Raynale & Oak, Raynale between N. Glenhurst and the west City limits, and Oak between N. Glenhurst & the west City Limits.
- C. Public Hearing - Lot Combination of 770 S. Adams and 1000 Haynes Street (Former Citizens Bank & Office Building)
  - 1. Resolution to approve the proposed lot combination of 770 S. Adams and 1000 Haynes Street, Parcel ID # 19-36-283-016 & Parcel ID # 19-36-283-024.

<sup>2</sup> Additional information included in agenda packet 8/15/22 4:30pm

<sup>3</sup> Additional information included in agenda packet 8/15/22 4:30pm

- D. 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.
- E. Commission discussion on items from a prior meeting
  - 1. None
- F. Motion 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.

**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.**

<b>VIII. REMOVED FROM CONSENT AGENDA</b>
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<b>IX. COMMUNICATIONS</b>
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<b>X. REPORTS</b>
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- A. Commissioner Reports
  - 1. Notice of Intent to appoint: Design Review Board
  - 2. Notice of Intent to appoint: Historic District Commission
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. 1923 Fairview Tree Removal<sup>4</sup>

INFORMATION ONLY

<b>XI. ADJOURN</b>
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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).*

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<sup>4</sup> Additional information included in agenda packet 8/15/2022 4:30 pm