

BIRMINGHAM CITY COMMISSION AGENDA
SEPTEMBER 19, 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

- The City continues to recommend the public wear masks while attending City meetings. All City employees, commissioners, and board members must wear a mask during meetings because adequate ventilation 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 November 8, 2022 State General Election. Absentee Ballots are tentatively scheduled to be mailed out the last week of September. If you have already turned in your application to receive a November absentee ballot and need to change the mailing location, please contact the Clerk's office as soon as possible. To review your specific voting information, request an absentee ballot, or update your voter name or address go to mi.gov/vote. The online and mail voter registration deadline is October 24th. After October 24th new voters must register in person at the clerk's office.
- Wish Commissioner Elaine McLain a Happy Birthday!
- Introduce Cristina Sheppard-Decius, new Executive Director of the Birmingham Shopping District.

APPOINTMENTS

- A. Design Review Board
- Samantha Cappello
 - Dennis (Sam) Lanfear
 - Natalia Dukas
 - Michael Willoughby

To appoint _____, as a regular member of the Design Review Board to serve a three-year term to expire September 25, 2025.

To appoint _____, as a regular member of the Design Review Board to serve a three-year term to expire September 25, 2025.

To appoint _____, as an alternate member of the Design Review Board to serve a three-year term to expire September 25, 2025.

To appoint _____, as an alternate member of the Design Review Board to serve a three-year term to expire September 25, 2025.

B. Historic District Commission

- Natalia Dukas
- Steven Lemberg
- Cassandra McCarthy
- Michael Willoughby

To appoint _____, as a regular member to the Historic District Commission to serve a three-year term to expire September 25, 2025.

To appoint _____, as a regular member to the Historic District Commission to serve a three-year term to expire September 25, 2025.

To appoint _____, as an alternate member to the Historic District Commission to serve a three-year term to expire September 25, 2025.

To appoint _____, as an alternate member to the Historic District Commission to serve a three-year term to expire September 25, 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 Regular Meeting on September 12 and the Strategic Planning Session on September 14th will be available for the October 3rd meeting.*

- A. Resolution to approve the City Commission Workshop meeting minutes of September 12, 2022.
- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated September 14, 2022, in the amount of \$24,951,292.78.
- C. Resolution to approve a special event permit as requested by the Lutheran Church of the Redeemer to hold the 2022 Christmas Nativity Display daily, beginning on November 23, 2022 and ending December 30, 2022, contingent upon compliance with all permit and insurance requirements and payment of all fees, and further pursuant to any minor modifications or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event.

- D. Resolution to authorize the City's compliance with the provisions of State of Michigan Public Act 152 of 2011, by exercising the City's option to exempt itself from the requirements of the Act; and further, to direct the Assistant City Engineer and Finance Director to sign and submit the required form to MDOT.
- E. Resolution authorizing the issuance of the Request for Proposals, as recommended by the Library Board, for construction management services for the expansion and renovation of the Front Entrance and Circulation area of the Baldwin Public Library, with the necessary funds to be paid by the Library.
- F. Resolution to set a public hearing date of October 24, 2022 to consider ordinance amendments to Article 3, Section 3.04, Article 3, Section 3.09, Article 4, Section 4.90 and Article 9, Section 9.02 of the Zoning Ordinance to revise the window standards to adjust the definition of clear glazing and to eliminate lightly tinted glazing.
- G. Resolution to set a public hearing date of October 24, 2022 to consider ordinance amendments to Article 4, Section 4.03 of the Zoning Ordinance to add language to permit air conditioning units in the required side yard under certain conditions.
- H. Resolution confirming City Manager's authorization for the expenditure related to the rental of shoring at the Peabody Street Structure for a cost not to exceed \$6,000 to be charged to the Automobile Parking System Fund, Peabody Parking Structure Capital Outlay Building account #514.1.594.004-977.0000.

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

- A. Public Hearing - Confirming Roll for 2022 Cape Seal Program Special Assessment District
 - 1. Resolution confirming special assessment roll 899 as follows:

WHEREAS, Special Assessment Roll, designated Roll No. 899, has been heretofore prepared for collection, and

WHEREAS, notice was given pursuant to Section 94-7 of the City Code, to each owner or party-in-interest of property to be assessed, and

WHEREAS, the Commission has deemed it practicable to cause payment of the cost thereof to be made after the time of construction and

The Commission Resolution 08-208-22 provided it would meet this 19th day of September, 2022 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this September 19th, 2022, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 899 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that special assessment shall be payable in three (3) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of six and one half percent (6.5%) on all unpaid installments.

- B. Public Hearing for 460 N. Old Woodward – Wilders Bistro – Special Land Use Permit, Final Site Plan & Design Review
 - 1. Resolution to APPROVE the Special Land Use Permit, Final Site Plan and Design Review application for 460 N. Old Woodward – Wilders.
- C. 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.
- D. Commission discussion on items from a prior meeting:

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

- A. McNulty Letter Regarding Assault Rifles

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

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).*