

BIRMINGHAM CITY COMMISSION AGENDA
OCTOBER 3, 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. 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 initial mailing of absentee ballots have been sent out by the Clerk's Office last week. If you know you have applied for an absentee ballot and have not received one yet, please contact the office for assistance. If you would like to request an absentee ballot and have not submitted an AV Ballot Application, you can do so at mi.gov/vote. 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. The online and mail voter registration deadline is October 24. After October 24th new voters must register in person at the clerk's office.
- This Saturday, October 8th, from 1pm to 4pm, the Birmingham Fire Department will be hosting their annual open house. The day will be filled with many fire education opportunities, including a live vehicle extrication demonstration. This kid-friendly event will have face painting, popcorn, hot dogs, firehouse chili, and much more. The open house will take place at Station 1, located at 572 S. Adams Rd.

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 September 12, 2022.

- B. Resolution to approve the City Commission workshop meeting minutes of September 14, 2022.
- C. Resolution to approve the City Commission meeting minutes of September 19, 2022.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated September 21, 2022, in the amount of \$1,860,098.38.
- E. Resolution to approve the warrant list, including Automated Clearing House payments, dated September 28, 2022, in the amount of \$1,168,834.75.
- F. Resolution appointing election inspectors, absentee voter counting board inspectors, receiving board inspectors and other election officials as recommended by the City Clerk for the November 8, 2022 State Primary Election pursuant to MCL 168.674, and further grant the City Clerk the authority to make emergency appointments of qualified candidates should circumstance warrant in order to maintain adequate staffing in the various precincts, counting boards and receiving boards.

And

Authorize the use of the Oakland County absent voter counting board for the purpose of processing absent voting ballots on November 8, 2022, as prescribed in the terms and responsibilities previously agreed upon at the July 12, 2020 meeting by Commission resolution 07-120-20.

- G. Resolution designating Finance Director Mark Gerber, Assistant Finance Director Kim Wickenheiser, DPS Director Lauren Wood, Building Official Bruce Johnson, Assistant Building Official Mike Morad, Caitlin Donnelly, 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 Shafer, to conduct the Public Accuracy Tests of the electronic tabulating equipment which will be used to count votes at Birmingham Precincts during the November 8, 2022 election.
- H. Resolution to designate City Engineer Melissa Coatta as the Street Administrator for the City of Birmingham in all transactions with the State Transportation Department as provided in Section 13 of Act 51.
- I. Resolution to approve the interlocal agreement between the City and Oakland County for a \$100,000 Local Government Critical Infrastructure Planning grant award. In addition, authorize the City Engineer to sign the interlocal agreement on behalf of the City and the City Clerk to witness. Funding for this project has been budgeted in accounts 590.0-537.000-811.0000 and 591.0-544.000-811.0000.
- J. Resolution confirming the City Manger's emergency authorization for the expenditure to replace the brakes on Ladder 1 for the cost not to exceed \$23,106.17 to be charged to the Fire Apparatus Maintenance account #101.0-336.000-933.0100.
- K. Resolution to approve the FY 2023 Emergency Management Performance Grant Work Agreement and accept the awarded FY 2022 EMPG funds totaling \$37,610.00 Further, to direct the Mayor to sign the agreements on behalf of the City and any required quarterly reports or surveys associated with the EMPG grant and to authorize the Fire Chief as the

sub-recipient authorized representative in order to sign any related EMPG documents on the City's behalf.

- L. Resolution to approve the purchase of two (2) Toro Greensmaster Mowers as quoted from Spartan Distributors, a provider of specialized golf course equipment, located at 1050 N Opdyke Rd, Auburn Hills, MI 48326, through OMNIA Cooperative Purchasing Agreement #2017025, in the amount not to exceed \$82,121.52 for both mowers. Funds for this purchase are available in the FY 2022-2023 Auto Equipment Fund account #661.0-441.006.971.0100.
- M. Resolution to purchase a density meter sensor needed to repair the brine maker in the amount not to exceed \$7,321.79 from Casper's Truck Equipment. Funds for this purchase are available in the Equipment Maintenance Fund, account #661.0-441.006-933.0200.
- N. Resolution to approve the purchase agreement with CMP Distributors, Inc. for (15) Point Blank AX-Series Ballistic System Level II, AXII Ballistic Panels to include (1) Hi-Lite Concealable Carrier with SSBS Shoulder System and (1) Soft Trauma Plate, and (15) Point Blank 7" x 10" Multi-curve Speed Plates in the amount not to exceed \$12,435.00. 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 101-0.301.000-743.0000.
- O. Resolution recognizing DESIGNCONNECT, 512 Graten Street, Birmingham, MI 48009 as a 501(c) (3) non-profit organization for the purpose of obtaining a State of Michigan Gaming License with the State of Michigan Charitable Gaming Division. Furthermore, authorizing the City Clerk to complete the Qualification Information Form, forwarding it to the Charitable Gaming Division, Lansing, Michigan.
- P. Resolution to approve the request of Essco of Birmingham, LLC to transfer ownership in the escrowed Class C & SDM License located at 210 S. Old Woodward, Suite 100, Birmingham, Oakland County, Michigan to Zana Hospitality, LLC. Additionally, Zana Hospitality, LLC also requests a new Sunday Sales Permit (AM), New Sunday Sales Permit (PM) for the Class C – Spirits and Mixed Spirit Drink (PM), New Sunday Sales Permit (PM) for the SDM License – Mixed Spirit Drink, a New Catering Permit, a New Outdoor Service Area and a New Dance-Entertainment Permit.

Furthermore, to authorize the City Clerk to complete the Local Approval Notice at the request of Essco of Birmingham, LLC to transfer ownership in the escrowed Class C & SDM License located at 210 S. Old Woodward, Suite 100, Birmingham, Oakland County, Michigan to Zana Hospitality, LLC. Additionally, Zana Hospitality, LLC also requests a new Sunday Sales Permit (AM), New Sunday Sales Permit (PM) for the Class C – Spirits and Mixed Spirit Drink (PM), New Sunday Sales Permit (PM) for the SDM License – Mixed Spirit Drink, a New Catering Permit, a New Outdoor Service Area and a New Dance-Entertainment Permit.
- Q. Resolution to authorize the City Manager to cast a vote, on the City's behalf, for the two candidates for the Michigan Municipal League Liability and Property Pool Board of Directors for three-year terms, beginning January 1, 2023.
- R. ~~Resolution to approve the purchase agreement with CMP Distributors, Inc. for (15) Point Blank AX-Series Ballistic System Level II, AXII Ballistic Panels to include (1) Hi-Lite Concealable Carrier with SSBS Shoulder System and (1) Soft Trauma Plate, and (15) Point~~

~~Blank 7" x 10" Multi-curve Speed Plates in the amount not to exceed \$12,435.00. 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 101-0.301.000-743.0000.¹~~

- S. R. Resolution to set the Public Hearing of Necessity for the Birmingham Shopping District on Monday, October 24, 2022;

AND

If necessity is determined on October 24, 2022, to set the Public Hearing to Confirm the Assessment Roll for the Birmingham Shopping District on November 14, 2022.

- T. S. Resolution to set a public hearing date of November 14, 2022 to consider the Special Land Use Permit Amendment application for 100 Townsend – Townsend Hotel – to allow the transfer of ownership and the existing Special Land Use Permit from THC Investors Limited Partnership to BHIP Townsend Hotel, LLC.

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

- A. Resolution to approve the right-of-way parking request for 33692 Woodward to permit 6 on-street parking spaces in the Woodward right-of-way to be counted towards the required off street parking requirements of the subject site pursuant to Article 4, Section 4.45 (G)(1).
- B. Resolution to authorize the required 63 day distribution period for the final draft of the 2040 Plan pursuant to the requirements of Article III, Section 125.3841 of the Michigan Planning Enabling Act and to notify the secretary of the planning commission to provide copies of the proposed master plan to all of the necessary entities pursuant to MCL 125.3841(2).
- C. Resolution to direct City Manager Markus to conduct a formal recruitment for the City Manager position using the attached recruitment profile.
- 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
(none)
- F. 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.

(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

¹ Duplicate resolution, corrected 10/3/22 9:04am

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.)

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

- A. Fairway Sidewalk Letter

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of Intent to appoint: Triangle District Corridor Improvement Authority
 - 2. Notice of Intent to appoint: Board of Review
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
 - 1. Board of Ethics Advisory Opinion – Samuel Oh
 - a. Memo from City Attorney Mary Kucharek regarding the Advisory Opinion for Samuel Oh
- D. Legislation
- E. City Staff
 - 1. Shirley Speed Survey

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).