

DRAFT BIRMINGHAM CITY COMMISSION AGENDA
NOVEMBER 14, 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

- Proclamation recognizing the late Roger Reynolds for his service to the community.
- The City recommends members of the public wear a mask if they have been exposed to COVID-19 or have a respiratory illness. City staff, City Commission and all board and committee members must wear a mask if they have been exposed to COVID-19 or actively have a respiratory illness. The City continues to provide KN-95 respirators and triple-layered masks for attendees.
- The Clerk's Office would like to thank all of the Election Inspectors and City Staff that helped conduct a safe and successful November 8th State General Election. We appreciate all of the 12,680 voters who participated by absentee or in-person voting. 66.75% of Birmingham registered voters participated, which exceeds the Oakland County turnout average of 60.75%. Unofficial results are available at oakgov.com/elections under the November election tab. Official results will be available after the completion of the canvass of the Oakland County Board of Canvassers.

Organization of City Commission

- A. Election of Temporary Chair of City Commission for purposes of conducting the Mayor and Mayor Pro Tem election.
- B. Election of Mayor and Mayor Pro Tem:
 - 1. Acceptance of nominations for Mayor from City Commissioners
 - 2. Election of Mayor
 - 3. Acceptance of nominations for Mayor Pro Tem from City Commissioners
 - 4. Election of Mayor Pro Tem
- C. Oath of Office to Mayor and Mayor Pro Tem
- D. Comments by newly elected Mayor and Mayor Pro Tem
- E. Presentation to outgoing Mayor Commissioner Longe by new Mayor
- F. Comments by Commissioner Longe

INTERMISSION

- G. Appointment of _____, Mayor, to the Retirement Board.
- H. Appointment of _____, Mayor Pro Tem, to the Retirement Board.
- I. Appointment of _____, Mayor, to the Retirees Health Care Fund Committee.

- J. Appointment of _____ (Mayor or his/her assignee), to the Triangle District Corridor Improvement Authority. *Member shall be appointed by the Mayor, subject to approval by the City Commission.*
- K. Appointment of _____, to SEMCOG as Delegate. *Must be an elected official.*
- L. Appointment of _____, to SEMCOG as Alternate. *May be an elected official, staff or individual selected by the member.*

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. Approval of the minutes from the Strategic Planning Workshop on Tuesday, October 11, 2022.
- B. Approval of City Commission minutes from October 24, 2022.
- C. Approval of warrant list, including Automated Clearing House payments, of October 26, 2022 in the amount of \$1,387,875.21.
- D. Approval of warrant list, including Automated Clearing House payments, of November 2, 2022 in the amount of \$642,163.98.
- E. Approval of warrant list, including Automated Clearing House payments, of November 9, 2022 in the amount of \$646,282.69.
- F. Resolution to approve the purchase of one (1) Xtreme Vac Model LCT600 from MTECH Company, located at 7401 First Place, Cleveland, Ohio 44146, through the Sourcewell Cooperative Purchase Agreement Contract #3031121-ODB, in the amount not to exceed \$79,047.19. Funds for this purchase are available in the FY 2022-2023 Auto Equipment Fund account #661.0- 441.006.971.0100.
- G. Resolution to approve the City Manager's authorization for the emergency expenditure related to the repair of vehicle #211, pursuant to Sec. 2-286 of the City Code. The manufacturer, and sole-source provider, Cummins Bridgeway, provided the parts and labor, which will be charged to the Equipment Maintenance account #641-441.006-933.0200, in the amount not to exceed \$10,249.07.
- H. Resolution awarding the contract to Wiss, Janney, Elstner Associates, Inc. for the proposed Repair Design & Construction Document Development for Park, Peabody, Pierce, Chester, and North Old Woodward parking Structures in the amount of \$631,400.00; further, to charge the contract to each structure's capital outlay account as costs are incurred. Furthermore, to authorize the Mayor and City Clerk to sign the contract on behalf of the city.
- I. Resolution to set December 19, 2022 as the public hearing date for the Program Year 2023 Community Development Block Grant Program.

- J. Resolution to set December 19, 2022 as the public hearing date for the reprogramming of program year 2019 Community Development Block Grant (CDBG) funds.
- K. Resolution to approve a 1 year agreement with the Michigan Department of Transportation (MDOT) for Governmental Agencies as written on MDOT Form 2207B (05/21), and authorizing the following titles to apply to MDOT for the necessary Annual Permit, and other Individual Permits for work within the State Highway Right-of-Way on behalf of the City of Birmingham; Director of Public Services, Parks and Recreation Manager, Public Services Manager, Parks and Forestry Foreman and Assistant Foreman, Streets Sewer and Water Foreman, Assistant City Engineer and City Engineer. In addition, to authorize the City Clerk to sign the certification of the Performance Resolution for Governmental Agencies form required for the Annual Permit on behalf of the City.
- L. Resolution to prepay in full the assessment for the Evergreen-Farmington Sanitary Drain Drainage District, Corrective Action Plan Phase II Project CWSRF Project Number 5834-01 in the amount of \$140,294.00 and to authorize the Mayor and City Clerk to sign the resolution on behalf of the City and to notify the Drain Board by November 30, 2022 of the intent to prepay along with the completed resolution, further charge this assessment to account number 590.0-537.000-811.0000, and further appropriate and amend the 2022-2023 Sewer Fund budget as follows:

<u>Revenues:</u>		
Draw from Net Position	590.0-000.000-400.0000	\$140,300
<u>Expenses:</u>		
Public Works – Other Contractual Service	590.0-537.000-811.0000	\$140,300
- M. Resolution to approve a Grant Agreement with the Michigan Humanities Council for funding for the Birmingham Museum’s “The Underground Railroad and Abolition Movement in Southern Oakland County-Traveling Exhibit and Website” project, in the amount of \$14,475. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.
- N. Motion adopting amended ordinance Chapter 74 – Article VI Offenses Against Public Safety, Sec. 74-194 Use of consumer fireworks prohibited, and make a motion adopting amended ordinance Chapter 1, General Provisions, Sec. 1-9, General Penalty (b).
- O. Resolution to authorize the City Clerk to complete the Local Approval Notice at the request of Wilders, LLC, to approve the transfer of the Class C Liquor License from Ren’s East Lake Chinese Restaurant, Inc. to Wilders, LLC. With a new SDM Liquor License, Sunday Sales permit (AM and PM) and Outdoor Service area on public property to Wilders, LLC that will be located at 460 N Old Woodward, Birmingham, Oakland County, MI.

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

A. Public Hearing of Confirmation of the Roll for BSD Assessment District

1. Resolution confirming special assessment Roll No. 900 for 2023, 901 for 2024, 902 for 2025, and 903 for 2026 as follows:

WHEREAS, Special Assessment Roll, designated Roll No. 900, has been heretofore prepared for collection and Roll 901 for 2024, Roll 902 for 2025 and Roll 903 for 2026 shall be prepared for collection in the respective years, 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 in 2023 – 2026 and the Commission Resolution 10-247-22 provided it would meet this 14th day of November, 2022 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this November 14, 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. 900 for 2023, Roll No. 901 for 2024, Roll No. 902 for 2025, and Roll No. 903 for 2026 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 the start of each calendar year from 2023 – 2026.

BE IT FURTHER RESOLVED, that for each year of such special assessments, the assessments shall be payable in one (1) installment payments for collection at the start of each calendar year from 2023 – 2026 as provided in Section 94-10 of the Code of the City of Birmingham.

- B. Motion adopting the Charter amendment in Chapter VI. Contracts in accordance with the ballot language of the November 8, 2022 General Election and adopting the amended City ordinance Chapter II. Administration, Article VI. Finance Division, Division II. Purchases, Contracts and Sales, in addition, to authorize the Mayor and City Clerk to sign the proposed ordinance amendments.
- C. Resolution to approve the Ground Lease between the City of Birmingham, the Original Hunter House Hamburgers, Inc., and Select Commercial Assets Hospitality, LLC. for the leasing of City property for the privilege and purpose of utilizing City property for parking cars for patrons of Original Hunter House Hamburgers, Inc. located at 35075 Woodward Avenue, Birmingham, Michigan in the amount of \$5,042.00 per month, and for the immediate transfer of the lease to Select Commercial Assets Hospitality, LLC upon all site plan approvals and the issuance of all necessary permits to begin construction, in the amount of \$60,500.00 per year, in addition, to authorize the Mayor and City Clerk to sign the lease on behalf of the City.

- D. Resolution to sanction Mr. Oh for nonconformity with the Ethics Ordinance and to determine that the appropriate sanction ordered by the City Commission be _____.
- E. Resolution to approve the City’s strategic goals and direct the City Manager to begin implementing the strategic goals.
- F. Resolution approving the settlement agreement dated September 29, 2022 between the City and MAP for a renewal of the collective bargaining agreement through June 30, 2025. Further, to authorize the transfer of funds in the wage adjustment account 101.0-272.000-709.0000 to the Police department.
- G. Resolution to approve the Second Amended Interlocal Agreement for the Mental Health Co-Response Team between the City of Birmingham, the Township of Bloomfield, the City of Auburn Hills, the City of Rochester and the Oakland County Health Network (OCHN). In addition, to authorize the Mayor and the Chief of Police to sign the agreement on behalf of the City.
- H. Commission discussion on items from prior meeting.
(none)
- 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.

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

- A. Leaf Blower Communication from Mr. Alan Rogers

X. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

XI. REPORTS

- A. Commissioner Reports
 - 1. Notice of Intention - Alternate Museum Board Member
 - 2. Notice of Intention - Alternate Board of Zoning Appeals Member
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions’ Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. 1st Quarter Investment Report
 - 2. 1st Quarter Budget Report

INFORMATION ONLY

XII. 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).