

**BIRMINGHAM CITY COMMISSION AGENDA **AMENDED****  
**FEBRUARY 13, 2023**  
**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 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 City of Birmingham, along with the nation, recognizes Black History Month in February. We celebrate the legacy of Black Americans whose power to lead, to overcome and to expand the meaning and practice of American democracy has helped our nation become a more fair and just society. The city continues to make significant progress in understanding the important history of Black families in early Birmingham, and remains committed to seeking opportunities to share the whole story of our community in the future.
- The Birmingham Police Department participated in a polar plunge fundraiser for the Special Olympics of Michigan that took place on February 4, 2023. Numerous members of the Police Department, two employees from the Clerk’s Office and Mayor Pro-Tem Elaine McLain jumped into the icy waters of Walled Lake and raised over \$13,000 for the cause. Our Birmingham team was the third-highest grossing agency involved.
- **The public meet and greet event will be this Wednesday, February 15, 2023 from 7:00 p.m. to 8:30 p.m. at Baldwin Public Library downstairs in the Rotary Room. The City Manager Candidates are:**
  - Troy Bell, former City Manager of Muskegon Heights, Michigan**
  - Jana Ecker, Assistant City Manager of Birmingham, Michigan**
  - Blaine Wing, Interim Village Manager of Sparta, Michigan****Following the Meet and Greet we encourage the public to give feedback on our candidates by visiting <http://engage.bhamgov.org>.<sup>1</sup>**

**APPOINTMENTS**

- A. Appointment to the Birmingham Area Cable Board
  - 1. Donovan Shand

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<sup>1</sup> Amended 2/10/2023 10:30 a.m.

To appoint \_\_\_\_\_ to the Cablecasting Board as a regular member to serve a three-year term expiring March 30, 2026.

To appoint \_\_\_\_\_ to the Cablecasting Board as a regular member to serve the remainder of a three-year term expiring March 30, 2024.

To appoint \_\_\_\_\_ to the Cablecasting Board as an alternate member to serve the remainder of a three-year term expiring March 30, 2025.

B. Appointment to the Board of Zoning Appeals

1. Carl Kona

To appoint \_\_\_\_\_ as an alternate member to the Board of Zoning Appeals to serve a three-year term to expire February 18, 2026.

**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 revised City Commission meeting minutes of January 9, 2023.
- B. Resolution to approve the City Commission Long Range Planning meeting minutes of January 21, 2023.
- C. Resolution to approve the City Commission meeting minutes of January 23, 2023.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated January 25, 2023, in the amount of \$2,219,383.97.
- E. Resolution to approve the warrant list, including Automated Clearing House payments, dated February 1, 2023 in the amount of \$459,227.17.
- F. Resolution to approve the warrant list, including Automated Clearing House payments, dated February 8, 2023 in the amount of \$2,940,323.27.
- G. Resolution to approve the construction project budget and award the two (2) 500,000 Gallon Radial Arm Tanks Exterior Overcoat and Miscellaneous Repairs #2-22 (W) to Fedewa Inc. in the amount of \$482,699.00. 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 the following accounts:

Fund Account	Fund ID Number	Project Award	10% Contingencies	Total
Water Fund	591.0-543.000-981.0100- Derby	\$209,699.00	\$20,969.90	\$230,668.90
Water Fund	591.0-543.000-981.0100 - Hunter	\$273,000.00	\$27,300.00	\$300,300.00
	Total Costs	\$482,699.00	\$48,269.90	\$530,968.90

- H. Resolution to set a public hearing date of March 13, 2023 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 34350 Woodward Ave & 909-911 Haynes Street – Fred Lavery Porsche.
- I. Resolution to approve the purchase of a trailer attenuator from Truck & Trailer Specialties, Inc., located at 900 Grand Oaks Drive, Howell, MI 48843, through the MiDeal Cooperative Purchase Agreement #071B7700086, in the amount not to exceed \$32,275, in addition to authorize the Mayor and City Clerk to sign the agreement on behalf on the City. Funding for this purchase has been budgeted in the FY 2022-2023 Auto Equipment Fund account #661.0-441.006.971.0100.
- J. Resolution to approve a special event permit as requested by the Birmingham Shopping District to hold Birmingham Movie Nights on June 9, July 14, August 11, and September 8, 2023, 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, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.
- K. Resolution to accept the resignation of Steven Kalczynski from the Advisory Parking Committee, to thank him for his service and to direct the City Clerk to begin the process of filling the vacancy.
- L. Resolution to accept the resignation of Patrick Rock from the Martha Baldwin Park Board, to thank him for his service and to direct the City Clerk to begin the process of filling the vacancy.

## **VI. UNFINISHED BUSINESS**

- A. Resolution to approve the City of Birmingham Code of Conduct and further direct staff to publish a resolution or ordinance and the Code of Conduct as adopted on the City of Birmingham website along with the Rules of Procedure of the Birmingham City Commission.

## **VII. NEW BUSINESS**

- A. Public Hearing for 300 S. Old Woodward – RH – Special Land Use Permit Amendment, Final Site Plan & Design Review.
  - 1. Motion to postpone the public hearing and consideration of the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 300 S. Old Woodward – RH – to February 27, 2023.
- B. Public Hearing to amend Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide clear and enforceable outdoor dining standards.
  - 1. Motion adopting an ordinance to amend Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide clear and enforceable outdoor dining standards.
- 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
  - 1. Establishment of an Ad Hoc Senior Services Committee

- E. Resolution to meet in closed session to discuss the potential purchase of land pursuant to MCL§ 15.268 Sec. 8 (d) of the Open Meetings Act.

**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.**

**VIII. REMOVED FROM CONSENT AGENDA**

**IX. COMMUNICATIONS**

**X. REPORTS**

- A. Commissioner Reports
  - 1. Notice of intention to appoint to the Architectural Review Committee
  - 2. Notice of intention to appoint to the Planning Board
  - 3. Notice of intention to appoint to the Advisory Parking Committee
  - 4. Notice of intention to appoint to the Martha Baldwin Park Board
  - 5. Notice of intention to appoint to the Ad Hoc Environmental Sustainability Board
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. Ongoing Communication with MDOT
  - 2. BSD 2022 Year in Review
  - 3. Opiate 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).*