

BIRMINGHAM CITY COMMISSION AGENDA
NOVEMBER 8, 2021
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Pierre Boutros, 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

- COVID-19 cases remain high in Michigan, and Oakland County continues to be at a high level of community transmission. As a result, the CDC recommends vaccinated and unvaccinated individuals wear a facemask indoors while in public. The City requires masks in City Hall for all employees, board and commission members, and the public.
- The Clerk's Office would like to thank all of the Election Inspectors and City Staff that helped with conducting a successful November 2nd Election. We appreciate all of the voters who participated safely, turnout for this election was 27.28%, which was above the 22.27% average for Oakland County.
- The Piety Hill Chapter of the National Society Daughters of the American Revolution invites the public to Birmingham's annual Veterans Day Ceremony in Shain Park on Thursday, Nov. 11 at 11 am. The program features guest speaker and veteran advocate Mike Schloff, a Vietnam veteran and Birmingham resident, and will recognize state and city officials. Participating officials should RSVP to Jean Maki at jcmaki@comcast.net or 248-496-9064 by Nov. 1.

Report from City Attorney Regarding Outgoing and Incoming Elected Officials

- Memorandum about the pending certification of election results from the Oakland County Board of Canvassers, and how a potential recount would affect elected officials

Recognition of Outgoing City Commissioners

- Commissioner Rackeline J. Hoff
- Commissioner Stuart Lee Sherman
- Commissioner Mark Nickita

Commissioner Transition

Administration of Oath to Elected Officials

- A. Administration of Oath of Office to City Commissioners
- B. Administration of Oath of Office to Library Board Members

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 Boutros by new Mayor
- F. Comments by Commissioner Boutros

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.*

IV. 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 City Commission minutes from October 25, 2021.
- B. Approval of warrant list, including Automated Clearing House payments, of October 27, 2021 in the amount of \$958,541.82.
- C. Approval of warrant list, including Automated Clearing House payments, of November 3, 2021 in the amount of \$2,181,472.39.
- D. Resolution to set December 6, 2021 as the public hearing date for the Program Year 2022 Community Development Block Grant Program.
- E. Resolution to set a public hearing date of December 6th, 2021 to consider the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 203 Pierce Street – Toast – to amend their hours of operation. Set PH
- F. Resolution to set a public hearing for December 6th, 2021 to consider the following amendments:

To amend Chapter 126, Article 7, Section 7.41-7.46 – Processes, Permits, and Fees to create a review process for wall art;

AND

To amend Chapter 126, Article 9, Section 9.02 Definitions to create a definition for wall art.

- G. Resolution providing direction to approve an agreement through December 31, 2024 with Davey Resource Group, Inc. to update the City's Tree Inventory Program in an amount not to exceed a total of \$69,850, which amount includes a maximum amount of \$10,000 to add new inventory. Funding for this project has been budgeted in the Local Streets Fund-Forestry Services account #203-449.005-819.0000, the Major Streets Fund-Forestry Services Contract account #202-449.005-819.0000, and the Parks- Forestry Services account #101-751.000-819.0000. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.
- H. Resolution providing direction to approve an agreement with Anderson, Eckstein, & Westrick for professional engineering design services for barrier-free enhancements in the Birmingham Museum Pond Zone, and authorizing an expenditure in the amount of \$17,460; to be charged to the Allen House Other Contractual Services account, #101-804.002- 811.0000; and further authorizing the Mayor and City Clerk to sign the Agreement on behalf of the City.
- I. Resolution to recognize Martin Luther King Jr. Day as one of the City's observed holidays, starting in 2022.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

- A. Initial Screening for Bistro Applicants – 2022
 - 1. To direct _____ bistro application(s) to the Planning Board for the process of Special Land Use Permit, Final Site Plan and Design Review.

OR

To take no action on any bistro applications at this time.

- B. Resolution to award the Oak Street Bridge Project #9-21(B) to Z Contractors, Inc. contingent upon execution of the agreement and meeting all insurance and bonding requirements, in the amount of \$ 155,019.00, to be charged to account 202-449.002-981.0100; to authorize the Mayor to sign the contract on behalf of the City; and to approve the appropriation and amendment to the 2021/2022 budget as follows:

Major Street Fund:

Revenues:

Draw from Fund Balance	202-000.000-400.0000 \$130,000
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Expenditures:

Construction of Roads and Bridges	202-449.002-981.0100 \$130,000
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OR

Make a motion providing direction to the staff to reject all bids for the project opened on October 5, 2021; and to incorporate the proposed work as part of a future project being designed for construction in 2022.

- C. Resolution to accept the Adams Park Concept Plan dated August 30, 2021, and providing direction to approve an agreement with Michael J. Dul & Associates, Inc. for professional landscape architectural services in an amount not to exceed 8% Cost of Construction for the Construction Drawing Phase, and 5% Cost of Construction for the Implementation Phase based on a minimum construction budget of \$725,000. Funding for this project has been budgeted in Land Improvements account #408-751.000-979.0000. Further to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.
- D. Resolution approving the settlement agreement dated October 6, 2021 between the City and Teamsters Local 214 for a renewal of the collective bargaining agreement through June 30, 2023, and authorizing staff to execute a collective bargaining agreement consistent with its terms and conditions. Further, to authorize the transfer of funds in the wage adjustment account 101-299.000-709.0000 to the appropriate departments.
- E. Resolution to approve a 2.5% salary range adjustment and in-range adjustments based upon performance for full-time and part-time employees in the Department Head and Administrative/Management classifications effective July 1, 2021 and approving a 2.5% performance increment through June 30, 2022 with individual eligibility to be in accordance with the attached merit increase guidelines. Further, to authorize the budget amendments from the wage adjustment account 101-299.000-709.0000 to the appropriate departments.
- F. Commission discussion on items from prior meeting.
(none)
- G. 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.

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

- A. Communication from Charles E. Tholen in regards to the 2nd Draft of The Birmingham Plan

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

X. REPORTS

- A. Commissioner Reports
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff

1. House Bill 4722 on Short Term Rentals

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).