

BIRMINGHAM CITY COMMISSION AGENDA
JULY 22, 2024
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Elaine McLain, 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 designating July as Parks and Recreation Month

APPOINTMENTS

- A. Multi Modal Transportation Board
1. Laura Engelland

To appoint _____ as a regular member to the Multi-Modal Transportation Board to serve the remainder of a three-year term to expire October 27, 2025.

- B. Board of Zoning Appeals
1. Donald Rogers

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

- C. Principal Shopping District
1. Lia Jamerson

To concur in the City Manager's appointment of _____ to the Birmingham Shopping District Board to serve the remainder of a four-year term to expire November 16, 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 amended regular City Commission meeting minutes of the meeting held on June 24, 2024.

- B. Resolution to approve the regular City Commission meeting minutes of the meeting held on July 8, 2024.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated July 4, 2024 in the amount of \$1,145,317.67.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated July 11, 2024 in the amount of \$3,013,416.95.
- E. Resolution to approve the warrant list, including Automated Clearing House payments, dated July 17, 2024 in the amount of \$1,699,761.35.
- F. Resolution to approve an Amendment and Extension to the 2020-2021 Public Service Contract with Next extending the contract expiration date to December 21, 2025, and to authorize the Mayor and the City Clerk to sign the Amendment and Extension on behalf of the City.
- G. Resolution to approve an Amendment and Extension to the 2022-2023 Public Service Contract with Next extending the contract expiration date to December 21, 2025, and to authorize the Mayor and the City Clerk to sign the Amendment on behalf of the City.
- H. Resolution to award the 2023-2024 Public Services contract totaling \$10,388.00 for Yard Services and Senior Outreach Services to NEXT under the Community Development Block Grant Program; and further, to authorize the Mayor to sign the contract on behalf of the City.
- I. Resolution to claim an exemption from the Publicly Funded Health Insurance Contribution Act 2011 PA 152. Further, to direct the City Engineer and Finance Director to sign the Annual Certification for Employee-related Conditions for the year 2024 and submit the required form to the Michigan Department of Transportation as required by Public Act 51.
- J. Resolution to approve an agreement with Delta Temp for the replacement of the air conditioning unit for the foreman's office, in the amount of \$27,750.00 to be funded from account number 101.0-441.000-977.0000, Public Services – General; further, to approve the appropriation and amendment to the fiscal year 2024-2025 General Fund budget as follows:

General Fund

Revenues:

101.0-000.000-400.0000	Draw from Fund Balance	\$27,750.00
Total Revenue		\$27,750.00

Expenses:

101.0-441.000-977.0000	Public Services – General	\$27,750.00
Total Expenditures		\$27,750.00

And further, to authorize the City Manager to sign the agreement on behalf of the City.

VI. CITY MANAGER'S REPORT

The City Manager's Report regularly occurs on the second City Commission meeting of the month. Additionally, reports from prior months can be viewed on the City's [website bhamgov.org/manager](http://website.bhamgov.org/manager).

- A. July 22, 2024 City Manager's Report

VII. UNFINISHED BUSINESS

None.

VIII. NEW BUSINESS

- A. Public Hearing – Confirmation of SAD Roll 911 N. Adams Road Resurfacing – Sewer and Water Laterals

1. Resolution confirming Special Assessment Roll 911 as follows:

WHEREAS, Special Assessment Roll, designated Roll No. 911, 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

WHEREAS, the Commission Resolution 07-483-24 provided it would meet this 22nd day of July, 2024 for the sole purpose of reviewing the assessment roll; and

WHEREAS, at said hearing held this July 22, 2024, 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. 911 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 the special assessment shall be payable in five (5) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of nine and one half percent (9.50%) on all unpaid installments.

Sidwell Number	Street Address	Water Lateral SAD Assessment	Sewer Lateral SAD Assessment
19-25-279-017	1001 N ADAMS RD	\$ 857.50	\$ -
19-25-279-018	1013 N ADAMS RD	\$ 857.50	\$ -
19-25-279-019	1025 N ADAMS RD	\$ 857.50	\$ -
19-25-279-020	1037 N ADAMS RD	\$ 857.50	\$ -
19-25-279-021	1049 N ADAMS RD	\$ 857.50	\$ -
19-25-279-022	1051 N ADAMS RD	\$ 857.50	\$ -
19-25-279-023	1063 N ADAMS RD	\$ 857.50	\$ -
19-25-279-024	1075 N ADAMS RD	\$ 857.50	\$ -
19-25-279-025	1087 N ADAMS RD	\$ 857.50	\$ -
19-25-279-026	1099 N ADAMS RD	\$ 857.50	\$ -
20-30-151-001	1100 N ADAMS RD	\$ -	\$ 7,375.00
20-30-151-002	1050 N ADAMS RD	\$ 12,765.00	\$ 7,375.00
20-30-151-007	1109 DERBY RD APT 4	\$ 49.66	\$ -
20-30-151-008	1109 DERBY RD APT 8	\$ 49.66	\$ -
20-30-151-009	1109 DERBY RD APT 3	\$ 49.66	\$ -
20-30-151-010	1109 DERBY RD APT 7	\$ 49.66	\$ -
20-30-151-011	1109 DERBY RD APT 1	\$ 49.66	\$ -
20-30-151-012	1109 DERBY RD APT 5	\$ 49.66	\$ -
20-30-151-013	1109 DERBY RD APT 2	\$ 49.66	\$ -
20-30-151-014	1109 DERBY RD APT 6	\$ 49.66	\$ -
20-30-151-015	1127 DERBY RD APT 4	\$ 49.66	\$ -
20-30-151-016	1127 DERBY RD APT 8	\$ 49.66	\$ -
20-30-151-017	1127 DERBY RD APT 3	\$ 49.66	\$ -
20-30-151-018	1127 DERBY RD APT 7	\$ 49.66	\$ -
20-30-151-019	1127 DERBY RD APT 1	\$ 49.66	\$ -
20-30-151-020	1127 DERBY RD APT 5	\$ 49.66	\$ -
20-30-151-021	1127 DERBY RD APT 2	\$ 49.66	\$ -
20-30-151-022	1127 DERBY RD APT 6	\$ 49.66	\$ -
20-30-151-023	1155 DERBY RD APT 4	\$ 49.66	\$ -
20-30-151-024	1155 DERBY RD APT 8	\$ 49.66	\$ -
20-30-151-025	1155 DERBY RD APT 3	\$ 49.66	\$ -
20-30-151-026	1155 DERBY RD APT 7	\$ 49.66	\$ -
20-30-151-027	1155 DERBY RD APT 1	\$ 49.66	\$ -
20-30-151-028	1155 DERBY RD APT 5	\$ 49.66	\$ -
20-30-151-029	1155 DERBY RD APT 2	\$ 49.66	\$ -
20-30-151-030	1155 DERBY RD APT 6	\$ 49.66	\$ -
20-30-151-031	850 N ADAMS RD APT 1	\$ 49.66	\$ -
20-30-151-032	850 N ADAMS RD APT 5	\$ 49.66	\$ -

Sidwell Number	Street Address	Water Lateral SAD Assessment	Sewer Lateral SAD Assessment
20-30-151-033	850 N ADAMS RD APT 2	\$ 49.66	\$ -
20-30-151-034	850 N ADAMS RD APT 6	\$ 49.66	\$ -
20-30-151-035	850 N ADAMS RD APT 4	\$ 49.66	\$ -
20-30-151-036	850 N ADAMS RD APT 8	\$ 49.66	\$ -
20-30-151-037	850 N ADAMS RD APT 3	\$ 49.66	\$ -
20-30-151-038	850 N ADAMS RD APT 7	\$ 49.66	\$ -
20-30-151-039	868 N ADAMS RD APT 1	\$ 49.66	\$ -
20-30-151-040	868 N ADAMS RD APT 5	\$ 49.66	\$ -
20-30-151-041	868 N ADAMS RD APT 2	\$ 49.66	\$ -
20-30-151-042	868 N ADAMS RD APT 6	\$ 49.66	\$ -
20-30-151-043	868 N ADAMS RD APT 4	\$ 49.66	\$ -
20-30-151-044	868 N ADAMS RD APT 8	\$ 49.66	\$ -
20-30-151-045	868 N ADAMS RD APT 3	\$ 49.66	\$ -
20-30-151-046	868 N ADAMS RD APT 7	\$ 49.66	\$ -
20-30-151-047	1195 DERBY RD APT 4	\$ 49.66	\$ -
20-30-151-048	1195 DERBY RD APT 8	\$ 49.66	\$ -
20-30-151-049	1195 DERBY RD APT 3	\$ 49.66	\$ -
20-30-151-050	1195 DERBY RD APT 7	\$ 49.66	\$ -
20-30-151-051	1195 DERBY RD APT 1	\$ 49.66	\$ -
20-30-151-052	1195 DERBY RD APT 5	\$ 49.66	\$ -
20-30-151-053	1195 DERBY RD APT 2	\$ 49.66	\$ -
20-30-151-054	1195 DERBY RD APT 6	\$ 49.66	\$ -
20-30-151-055	1225 DERBY RD APT 4	\$ 49.66	\$ -
20-30-151-056	1225 DERBY RD APT 8	\$ 49.66	\$ -
20-30-151-057	1225 DERBY RD APT 3	\$ 49.66	\$ -
20-30-151-058	1225 DERBY RD APT 7	\$ 49.66	\$ -
20-30-151-059	1225 DERBY RD APT 1	\$ 49.66	\$ -
20-30-151-060	1225 DERBY RD APT 5	\$ 49.66	\$ -
20-30-151-061	1225 DERBY RD APT 2	\$ 49.66	\$ -
20-30-151-062	1225 DERBY RD APT 6	\$ 49.66	\$ -
20-30-151-063	1245 DERBY RD APT 1	\$ 49.66	\$ -
20-30-151-064	1245 DERBY RD APT 5	\$ 49.66	\$ -
20-30-151-065	1245 DERBY RD APT 2	\$ 49.66	\$ -
20-30-151-066	1245 DERBY RD APT 6	\$ 49.66	\$ -
20-30-151-067	1245 DERBY RD APT 4	\$ 49.66	\$ -
20-30-151-068	1245 DERBY RD APT 8	\$ 49.66	\$ -
20-30-151-069	1245 DERBY RD APT 3	\$ 49.66	\$ -
20-30-151-070	1245 DERBY RD APT 7	\$ 49.66	\$ -

Sidwell Number	Street Address	Water Lateral SAD Assessment	Sewer Lateral SAD Assessment
20-30-151-071	880 N ADAMS RD APT 1	\$ 49.66	\$ -
20-30-151-072	880 N ADAMS RD APT 5	\$ 49.66	\$ -
20-30-151-073	880 N ADAMS RD APT 2	\$ 49.66	\$ -
20-30-151-074	880 N ADAMS RD APT 6	\$ 49.66	\$ -
20-30-151-075	880 N ADAMS RD APT 4	\$ 49.66	\$ -
20-30-151-076	880 N ADAMS RD APT 8	\$ 49.66	\$ -
20-30-151-077	880 N ADAMS RD APT 3	\$ 49.66	\$ -
20-30-151-078	880 N ADAMS RD APT 7	\$ 49.66	\$ -
20-30-151-079	898 N ADAMS RD APT 1	\$ 49.66	\$ -
20-30-151-080	898 N ADAMS RD APT 5	\$ 49.66	\$ -
20-30-151-081	898 N ADAMS RD APT 2	\$ 49.66	\$ -
20-30-151-082	898 N ADAMS RD APT 6	\$ 49.66	\$ -
20-30-151-083	898 N ADAMS RD APT 4	\$ 49.66	\$ -
20-30-151-084	898 N ADAMS RD APT 8	\$ 49.66	\$ -
20-30-151-085	898 N ADAMS RD APT 3	\$ 49.66	\$ -
20-30-151-086	898 N ADAMS RD APT 7	\$ 49.66	\$ -
20-30-151-087	946 N ADAMS RD APT 4	\$ 782.38	\$ -
20-30-151-088	946 N ADAMS RD APT 8	\$ 782.38	\$ -
20-30-151-089	946 N ADAMS RD APT 3	\$ 782.38	\$ -
20-30-151-090	946 N ADAMS RD APT 7	\$ 782.38	\$ -
20-30-151-091	946 N ADAMS RD APT 1	\$ 782.38	\$ -
20-30-151-092	946 N ADAMS RD APT 5	\$ 782.38	\$ -
20-30-151-093	946 N ADAMS RD APT 2	\$ 782.38	\$ -
20-30-151-094	946 N ADAMS RD APT 6	\$ 782.38	\$ -
20-30-151-095	928 N ADAMS RD APT 4	\$ 782.38	\$ -
20-30-151-096	928 N ADAMS RD APT 8	\$ 782.38	\$ -
20-30-151-097	928 N ADAMS RD APT 3	\$ 782.38	\$ -
20-30-151-098	928 N ADAMS RD APT 7	\$ 782.38	\$ -
20-30-151-099	928 N ADAMS RD APT 1	\$ 782.38	\$ -
20-30-151-100	928 N ADAMS RD APT 5	\$ 782.38	\$ -
20-30-151-101	928 N ADAMS RD APT 2	\$ 782.38	\$ -
20-30-151-102	928 N ADAMS RD APT 6	\$ 782.38	\$ -
20-30-151-103	910 N ADAMS RD APT 4	\$ 782.38	\$ -
20-30-151-104	910 N ADAMS RD APT 8	\$ 782.38	\$ -
20-30-151-105	910 N ADAMS RD APT 3	\$ 782.38	\$ -
20-30-151-106	910 N ADAMS RD APT 7	\$ 782.38	\$ -
20-30-151-107	910 N ADAMS RD APT 1	\$ 782.38	\$ -
20-30-151-108	910 N ADAMS RD APT 5	\$ 782.38	\$ -

Sidwell Number	Street Address	Water Lateral SAD Assessment	Sewer Lateral SAD Assessment
20-30-151-109	910 N ADAMS RD APT 2	\$ 782.38	\$ -
20-30-151-110	910 N ADAMS RD APT 6	\$ 782.38	\$ -
20-30-151-111	964 N ADAMS RD APT 1	\$ 782.38	\$ -
20-30-151-112	964 N ADAMS RD APT 5	\$ 782.38	\$ -
20-30-151-113	964 N ADAMS RD APT 2	\$ 782.38	\$ -
20-30-151-114	964 N ADAMS RD APT 6	\$ 782.38	\$ -
20-30-151-115	964 N ADAMS RD APT 4	\$ 782.38	\$ -
20-30-151-116	964 N ADAMS RD APT 8	\$ 782.38	\$ -
20-30-151-117	964 N ADAMS RD APT 3	\$ 782.38	\$ -
20-30-151-118	964 N ADAMS RD APT 7	\$ 782.38	\$ -
20-30-151-119	982 N ADAMS RD APT 1	\$ 782.38	\$ -
20-30-151-120	982 N ADAMS RD APT 5	\$ 782.38	\$ -
20-30-151-121	982 N ADAMS RD APT 2	\$ 782.38	\$ -
20-30-151-122	982 N ADAMS RD APT 6	\$ 782.38	\$ -
20-30-151-123	982 N ADAMS RD APT 4	\$ 782.38	\$ -
20-30-151-124	982 N ADAMS RD APT 8	\$ 782.38	\$ -
20-30-151-125	982 N ADAMS RD APT 3	\$ 782.38	\$ -
20-30-151-126	982 N ADAMS RD APT 7	\$ 782.38	\$ -
20-30-151-127	900 N ADAMS RD	\$ 782.38	\$ -

\$57,390.38 \$14,750.00

B. Public Hearing - Oakland Avenue and Haynes Street Project #7-24 (P) Hearing of Necessity for Sewer and Water Lateral Special Assessment District (SAD)

1. WHEREAS, Notice was given pursuant to Section 94-7 of the City Code, to each owner or party-in-interest of property and lots to be assessed, by first class mail, and by publication in a newspaper generally circulated in the City; and

WHEREAS, The City Commission has conducted a public hearing and has determined it is necessary to proceed with the project replacing sewer services 50 years of age or older or constructed of material that is not acceptable for City standards and replacing water services that are 60 years or older or less than 1 inch in diameter on Oakland Avenue from N. Old Woodward to Woodward Avenue; and

WHEREAS, The City has previously established a policy requiring replacement of sewer services 50 years of age or older or constructed of materials that is not acceptable for City standards and water services less than 1 inch in diameter and the City street is open for repairs or reconstruction; and

WHEREAS, The City Commission, after the public hearing, has determined that Oakland Avenue and Haynes Street Project, the replacement of sewer services that are 50 years of age or older or of material that is not acceptable for City standards, the replacement of water services that are 60 years or older or less than 1 inch in diameter, is a necessity and is in the best interest of the City; and

WHEREAS, The Commission has approved the detailed plans and estimates of cost prepared by the City Engineer; and

WHEREAS, Formal bids have been received and the actual cost of sewer service and water service replacement has been determined; and

WHEREAS, The City Engineer has determined the boundaries of sewer service laterals and water service laterals located within the limits of the following streets shall be installed as part of the Oakland Avenue and Haynes Street Project (Contract #7-24(P)):

Oakland Avenue – N. Old Woodward to Woodward Avenue

WHEREAS, The formula used in making the assessment is 100% of the contractor's charge for replacing the lateral services that are 50 years of age or older or constructed of materials that are not acceptable and water services that are 60 years of age or older or less than 1 inch in diameter within the public right-of-way between the utility and the property line (calculated at the rate of \$125.00 per foot of 6" diameter sewer service pipe, and \$90.00 per foot of 1-inch water service pipe).

THEREFORE, LET IT BE RESOLVED, The City Commission has determined that the scope of the public improvement as described is in the best interest of the City and will benefit the properties listed in the assessment roll is a necessity, and the City Commission directs the Manager to prepare a Special Assessment Roll and present the same to the City Commission for confirmation and further set a Public Hearing of Confirmation of the Roll on August 12, 2024, and give notice of same.

Water and/or Sewer Lateral

Sidwell Number	Street Address	Water SAD Costs	Sewer SAD Costs
19-25-451-034	400 Park	\$1,125.00	\$0.00
19-25-452-018	247 Oakland	\$2,625.00	\$8,190.00
19-25-452-019	267 Oakland	\$2,625.00	\$7,980.00
19-25-452-026	233 Oakland	\$2,625.00	\$0.00

- C. Public Hearing - to amend Chapter 86 (Signs) to transition the language from "Church" to "Religious Institutions" and to adjust the standards for maximum area, maximum height, illumination and maximum number
1. Motion adopting an ordinance to amend Chapter 86 (Signs), Article 1, Table B, Table D, Section 1.08 and Section 1.09 to transition the language from "Church" to "Religious Institutions" and to adjust the standards for maximum area, maximum height, illumination and maximum number of signs committed.
- D. Public Hearing - for Combination of Land Parcels 1110 & 1114 Lakeside Road - 1114 Lakeside
1. Resolution to DENY the lot combination of 1114 & 1110 Lakeside Drive, parcels 19-25-151-069 & 19-25-151-070.
- E. Resolution to lift the pause on new sidewalk installation that was put in place on June 3, 2024, to ensure compliance with Chapter 98 of the City Code, the Multi-Modal Transportation Plan, the 2040 Plan and the longstanding desire for Birmingham to be a walkable community that prioritizes the comfort and safety of pedestrians.
- F. Resolution accepting the recommendation of the Ad Hoc Senior/Recreation Committee that option 1, as presented by Consultants and Staff, being a renovation of the existing YMCA building located at 400 E Lincoln St, Birmingham, MI 48009, not be considered because it is not financially responsible and does not meet the goals 1 through 4 of the senior/recreation center project and that a new facility is the preferred choice;
- AND
- To adopt a resolution to accept the recommendation of the Ad Hoc Senior/Recreation Committee that a new building according to option 4A as presented by the Staff and City Consultants be built, not to exceed approximately 28 million dollars, as it meets goals 1 through 4 and objectives 1 through 6 of the senior/recreation center project, with an option for consideration of a pool not to exceed 3.6 million dollars in cost;
- AND
- Furthermore, to direct the City Manager to take the necessary steps in order to facilitate the design, funding and construction of a new senior/recreation facility.
- G. City Commission Selection of City Manager Performance Evaluation Structure
- H. Resolution to appoint _____ as the City of Birmingham's official voting delegate and _____ as the alternate delegate, for the Michigan Municipal League Annual Meeting to be held in Traverse City, Michigan on September 11, 2024.
- 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.
- J. Commission discussion on items from a prior meeting.
1. Pesticides

IX. REMOVED FROM CONSENT AGENDA
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X. COMMUNICATIONS

- A. Shirley & Arlington
- B. Eton
- C. Northlawn

XI. REPORTS

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

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) 644-3405 (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).