BIRMINGHAM CITY COMMISSION AGENDA
REGULAR MEETING
AUGUST 12, 2024
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.
AMENDED

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

- The Clerk's Office would like to thank all of the Election Inspectors and City Staff that helped conduct a safe and successful 2024 August State Primary Election. We appreciate all of the voters who participated by voting early, absentee, or in-person voting. 23.8% of registered Birmingham voters participated, un-official results are available at oakgov.com/elections under the 2024 elections tab. Official results will be available after the Oakland County Board of Canvassers certifies the election results.
- Happy Birthday Commissioner Long[1]

APPOINTMENTS

A. Museum Board
   1. Michael Ableson

To appoint ___________ to the Museum Board as a regular member to serve the remainder of a three-year term to expire July 5, 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 regular City Commission meeting minutes of the meeting held on July 22, 2024.

[1] Amended to add announcement on 8/12/24 at 11:45 a.m.

B. Resolution to approve the special City Commission meeting minutes of the meeting held on July 29, 2024.

C. Resolution to approve the warrant list, including Automated Clearing House payments, dated July 25, 2024 in the amount of $6,669,026.11.

D. Resolution to approve the warrant list, including Automated Clearing House payments, dated August 1, 2024 in the amount of $1,319,516.99.

E. Resolution to approve the warrant list, including Automated Clearing House payments, dated August 8, 2024 in the amount of $824,021.09.

F. Resolution to name Mayor Elaine McLain as the person authorized on behalf of the City to sign an agreement between the Michigan Department of transportation (MDOT) and the City of Birmingham once the agreement is finalized.

G. Resolution to approve a special event permit as requested by the Piety Hill Chapter, NSDAR to hold the Veterans Day 2024 Annual Wreath-Laying Ceremony on November 11, 2024 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.

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.

None.

VII. UNFINISHED BUSINESS

A. Public Hearing for 219 Elm St. – All Seasons 2 – Special Land Use Permit Amendment

1. Make a motion adopting a resolution to DENY the Special Land Use Permit Amendment and Final Site Plan and Design Review application for 219 Elm St. to revise the first-floor layout to include one commercial tenant space with associated interior and exterior renovations and to reconsider the conditions for additional building height and require the applicant to maintain the previously agreed upon conditions for additional building height.

OR

2. Make a motion adopting a resolution to APPROVE the Special Land Use Permit Amendment and Final Site Plan and Design Review application for 219 Elm St. to revise the first-floor layout to include one commercial tenant space with associated interior and exterior renovations and to reconsider the conditions for additional building height. In addition, to grant flexibility from the commercial/mixed use architectural requirements of the Triangle Overlay District pursuant to Article 3, Section 3.11 of the Zoning

Ordinance for the design of the storefront as proposed. In addition, to return the $1,418,197 held in escrow.

B. Public Hearing for Combination of Land Parcels 1110 & 1114 Lakeside Road (Withdrawn)

1. No action necessary due to withdrawn application.

VIII. NEW BUSINESS

A. Public Hearing - Oakland Avenue and Haynes Street Project – Sewer and Water Laterals – Confirmation of the Roll

1. Resolution confirming Special Assessment Roll 912 as follows:

WHEREAS, Special Assessment Roll, designated Roll No. 912, 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 07-503-24 provided it would meet this 12th day of August, 2024 for the sole purpose of reviewing the assessment roll; and

WHEREAS, at said hearing held this August 12, 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. 912 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	Sewer Lateral SAD	Water Lateral SAD
19-25-451-034	400 Park	$ 1,125.00	$
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	$
		$ 9,000.00	$ 16,170.00

B. Public Hearing – Public Hearing for 260 N. Old Woodward – TERRA (formerly "The Morrie") – Special Land Use Permit Amendment (Ownership Change)

1. Resolution to APPROVE the Special Land Use Permit Amendment for 260 N. Old Woodward to transfer ownership and update the Special Land Use Permit with the new owner, Old Woodward STA, LLC (Terra) with the following condition:

   The applicant, Old Woodward STA, LLC, must assume the costs of re-noticing the public hearing and must pay the invoice within 30 days of receipt from the City.

   AND

   Resolution to authorize the City Clerk to complete the Local Approval Notice at the request of Old Woodward STA, LLC. And to approve the request for a transfer of ownership of the Class C liquor license, with Sunday sales, outdoor seating area, dance and entertainment permit from The Morrie Birmingham, LLC located at 260 N. Old Woodward, MI to Old Woodward STA, LLC that will be located at the same address.

C. Booth Park Entry Plaza & Trail Improvements

1. Resolution to direct staff to proceed with the finalization of drawings for construction for final review and approval by the City Commission as designed, incorporating ALL elements of the landscape plan, and selecting the (choose one: prefabricated, custom prefabricated, custom "bespoke") option for the restroom facility and (choose one: eliminating/keeping) the 4 spaces for parking.

   OR,

   To direct staff to complete the design of construction drawings for the project for final review and approval by the City Commission, with the following budget restrictions: (list items to remove, or adjusting target budget) and selecting the (choose one: prefabricated, custom prefabricated, custom "bespoke") option for the restroom facility and (choose one: eliminating/keeping) the 4 spaces for parking.

D. Resolution to award the Oakland Avenue and Haynes Street Project Contract #7-24 (P) to

Eminent Excavating LLC. in the amount of $1,136,948.25 plus a 10% construction contingency for a total of $1,250,643.08. In addition, to authorize the Mayor and Clerk to sign the agreement on behalf of the City contingent upon execution of the agreement and meeting all insurance and bond requirements by Eminent Excavating LLC. Funding for this project has been budgeted in the following in the following years:

FY 2023/2024

Fund Account	Fund ID Number	Project Award	10% Contingencies	Total
Major Street Fund	202.0-449.001-981.0100	$552,050.22	$62,430.13	$686,731.38
Local Street Fund	203.0-449.001-981.0100	$71,970.00	$7,197.00	$79,167.00
Sewer Fund	590.0-537.000-981.0100	$112,960.00	$11,296.00	$124,256.00
Water Fund	591.0-544.000-981.0100	$325,805.00	$32,580.50	$358,385.50

AND

To approve the appropriation and amendment of the fiscal year 2024/2025 budget as follows:

Major Street Fund:

Revenues:		
202.0-000.000-400.0000	Draw from Fund Balance	$614,490
202.0-000.000-583.0005	Local Contributions	$ 72,250
Total Revenue		$686,740
Expenditures:		
202.0-449.001-981.0100	Public Improvement	$686,740
Total Expenses		$686,740

Local Street Fund:

Revenues:		
203.0-000.000-400.0000	Draw from Fund Balance	$79,170
Total Revenue		$79,170
Expenditures:		
203.0-449.001-981.0100	Public Improvement	$79,170
Total Expenses		$79,170

Sewer Fund:

Revenues:		
590.0-000.000-400.0000	Draw from Net Position	$124,260
Total Revenue		$124,260
Expenditures:		
590.0-537.000-981.0100	Public Improvements	$124,260
Total Expenses		$124,260

Water Fund

Revenues:		
591.0-000.000-400.0000	Draw from Net Position	$358,390
Total Revenue		$358,390
Expenditures:		
591.0-544.000-981.0100	Public Improvement	$358,390
Total Expenses		$358,390

E. Resolution adopting an ordinance to amend Article III – Sidewalks, Section 98-63 – Original Construction; allocation of costs to, Subsection B, second sentence to The City Engineer may, at his/her discretion have sidewalks be constructed along the frontage of a property which borders a right-of-way in the following instances.

AND

Resolution to end the temporary pause regarding the installation of new sidewalks.

F. Resolution to approve the tentative agreement dated August 7, 2024 between the City and Teamsters Local 214. Further, to ratify the renewal of the collective bargaining agreement with the inclusion of the changes referenced in this tentative agreement, through June 30, 2027. Additionally, authorize the transfer of funds from the wage adjustment account 101.0-272.000-709.0000 to appropriate departments.

G. Resolution to meet in closed session to evaluate the City Manager's Performance, pursuant to MCL § 15.268 Sec. 8(1)(a).

(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.)

H. 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.

I. Commission discussion on items from a prior meeting.
None

IX. REMOVED FROM CONSENT AGENDA

X. COMMUNICATIONS

A. Communication regarding Glenhurst and Oak
B. Communications regarding the YMCA/Senior Recreation Center Letters
C. Communication regarding Shirley and Arlington
D. Order to Deny Plaintiff's Motion for Preliminary Injunction – Case No.: 2024-208305-CZ[2]

XI. REPORTS

[2] Amended to add information on 8/9/24 at 2:12 p.m.

A. Commissioner Reports
   1. Notice of Intention to Appoint to the Design Review Board
   2. Notice of Intention to Appoint to the Historic District Commission

B. Commissioner Comments

C. Advisory Boards, Committees, Commissions' Reports and Agendas

D. Legislation

E. City Staff
   1. Parking Fines Review

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).