

**BIRMINGHAM CITY COMMISSION AGENDA**  
**APRIL 8, 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**

- Happy Birthday Mayor Pro Tem Schafer

**APPOINTMENTS**

A. Board of Ethics

1. Melissa Demorest LeDuc, Esq.

To appoint \_\_\_\_\_ as a regular member to the Board of Ethics to serve a three-year term to expire June 30, 2024.

B. Cablecasting Board

1. George Abraham
2. R. David Eick

To appoint \_\_\_\_\_ to the Cablecasting Board as a regular member to serve a three-year term expiring March 30, 2027.

To appoint \_\_\_\_\_ to the Cablecasting Board as a regular member to serve a three-year term expiring March 30, 2027.

C. Ad Hoc Senior/Recreation Center Committee

1. To appoint \_\_\_\_\_ as a regular member from the City Commission to the Ad Hoc Senior/Recreation Center Committee to a serve three-year term to expire March 4, 2027.

**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 City Commission meeting minutes of March 4, 2024.
- B. Resolution to approve the City Commission meeting minutes of March 18, 2024.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 21, 2024 in the amount of \$1,430,987.28.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 28, 2024 in the amount of \$942,661.05.
- E. Resolution to approve the warrant list, including Automated Clearing House payments, dated April 4, 2024 in the amount of \$240,511.42.
- F. Resolution to approve the Program Year 2024 High Intensity Drug Trafficking Area (HIDTA) sub recipient agreement between the County of Oakland and the City of Birmingham. Further, to authorize the Mayor to sign the agreement on behalf of the City.
- G. Resolution to set a public hearing on May 6, 2024 to determine whether Ms. Caroline Ashleigh, a Museum Board member, ought to be removed from her position as a Museum Board member as she is a Plaintiff in a lawsuit against the City and acting in a way that is adverse to the City as previously opined by the Ethics Board.

-OR-

Resolution to request an Advisory opinion from the Ethics Board to determine whether or not Ms. Ashleigh is creating an irreconcilable conflict of interest and unable to serve on a voluntary board when she is in the position of being a Plaintiff in a multi-Plaintiff cited lawsuit against the City and potentially acting in a position which is adverse and in conflict to the City's best interest.

- H. Resolution to direct the Director of Public Services to apply for West Nile Virus Fund Expense Reimbursement.
- I. Resolution to approve the Amended OAKWAY Interlocal Agreement between Participating Political Subdivisions, in addition, to authorize the Mayor and City Manager to sign the agreement on behalf of the City.
- J. Resolution to approve an agreement for Parking Lot No. 6 Floodwall Phase 1 Professional Design Engineering Services with Anderson Eckstein & Westrick, Inc. addition, to authorize the Mayor and the City Clerk to sign the agreement on behalf of the City contingent upon execution of the agreement and meeting all insurance requirements;

AND

To approve the appropriation and amendment to the Capital Project Funds – Streambank Improvement as follows:

Revenues:		
Appropriation from Fund Balance	403.0-000.000-400.0000	<u>\$4,340</u>

Expenses:

Capital Projects Fund – Capital Outlay            403.0-901.018-981.0100            \$4,340

- K. Resolution to approve an agreement for Lead and Copper Monitoring Services with Hydrocorp, LLC. In addition, to authorize the Mayor and the City Clerk to sign the agreement on behalf of the City contingent upon execution of the agreement and meeting all insurance requirements. Funding for this program has been budgeted in the Water and Service Maintenance Fund, account #591.0-545.000-811.000;

AND

To approve the appropriation and amendment of the fiscal year 2023-2024 budget as follows:

Water Service and Maintenance Fund:

Revenues:

591.0-000.000-400.0000	Draw from Net Position	<u>\$10,500</u>
Total Revenue		<u>\$10,500</u>

Expenditures:

591.0-545.000-811.0000	Other Contractual Service	<u>\$10,500</u>
Total Expenses		<u>\$10,500</u>

**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://bhamgov.org/manager).

None

**VII. UNFINISHED BUSINESS**

- A. Motion from February 5, 2024 to discuss amending the Ethics Ordinance.

**VIII. NEW BUSINESS**

- A. Resolution to approve the bond authorizing resolution for the 2024 unlimited tax general obligation bonds as submitted by bond counsel.
- B. Resolution to approve the vision statement, goals and objectives, and the project timeline for the senior/recreation center as recommended by the Ad Hoc Senior/Recreation Center Committee for the planning and development of a senior/recreation center at 400 E. Lincoln.
- C. Advisory Parking Committee Letter of Concerns
- D. Cameras for City Vehicles

- E. 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.
- F. Commission discussion on items from a prior meeting.
  - 1. City Commission Room Cameras
  - 2. Ad Hoc Environmental Sustainability Committee Report
- G. Resolution to meet in closed session to discuss the periodic personnel evaluation of City Manager Ecker and to discuss pending litigation regarding Yasamin Aziz, et al v City of Birmingham, Oakland County Circuit Court Case No. 2024-206496-NZ, Honorable Phyllis C. McMillen pursuant to MCL § 15.268 Sec. 8(1)(a) and (e) of the Open Meetings Acts respectively.

**(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.)**

**IX. REMOVED FROM CONSENT AGENDA**

**X. COMMUNICATIONS**

- A. Shirley & Arlington Letters

**XI. REPORTS**

- A. Commissioner Reports
  - 1. Notice of intention to appoint to the Parks and Recreation Board
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
  - 1. Cable Board Report Update
- D. Legislation
- E. City Staff
  - 1. Police Department Annual 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).*