

**BIRMINGHAM CITY COMMISSION AGENDA**

**July 10, 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**

- Happy Birthday Mayor Longe!

**APPOINTMENTS**

A. Museum Board

1. Kristy Hull Barrett

To appoint \_\_\_\_\_ to the Museum Board as an alternate member to serve a three-year term to expire July 6, 2026.

B. Employee Recognition

1. Building Department – Permit Technicians
  - Teri Walker
  - Lauren Gieraltowski

**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 City Commission meeting minutes of June 26, 2023.
- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated June 29, 2023, in the amount of \$1,875,028.80.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated July 6, 2023, in the amount of \$429,498.47.
- D. Resolution to approve a special event permit as requested by Quarton Elementary to hold the Slow Roll on September 30, 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.

- E. Resolution to appropriate and amend the 2023-2024 Capital Projects Fund budget as follows:

Revenues:

403.0-000.000-400.0000	Contribution from Fund Balance	\$1,000,000
403.0-901.757-674.0100	Contribution from NEXT	<u>\$ 500,000</u>
	Total Revenues	\$1,500,000

Expenditures:

403.0-901.757-977.0000	Buildings	\$1,500,000
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- F. Resolution to award the Phase 1 and 2 ADA Parking and Path project to Dave’s Contracting, Inc. in the amount of \$72,460 and to appropriate and amend the 2023-2024 CDBG Fund budget as follows:

Revenues:

285.0-000.000-522.0000	CDBG Grant	\$28,730
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Expenditures:

285.0-694.000-836.0100	Barrier Free Improvements	\$28,730
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- G. Resolution to approve the Settlement Agreement of May 31, 2023 between the City of Birmingham and AFSCME Local 998 for the term of July 1, 2023 through June 30, 2026, and to authorize staff to execute a collective bargaining agreement consistent with its terms and conditions. Further, to authorize the transfer of the appropriate funds by the Finance Department from the wage adjustment account to the respective department budgets for these expenditures.

- H. Resolution to authorize the City Clerk to complete the Local Approval Notice at the request of S-Three Restaurant, LLC to transfer the membership of S-Three Restaurant, LLC which is owned 100% by Stephen Simon, which holds the Class C and SDM License with Sunday Sales (PM) and Outdoor Service Area located at 117 Willits St., Birmingham, Oakland County, MI to 82% Stephen Simon, 9% Karen Crabill and 9% Wayne Rusnell.

- I. Resolution to award the Pierce Street Paving Project Contract #3-23(W) to Angelo Iafate Construction Company in the amount of \$2,753,777.50 and a 5% construction contingency for a total of \$2,891,466.37. In addition, authorize the Mayor and City Clerk to sign the agreement on behalf of the City after the review of Angelo Iafate Construction Company’s insurance, and bonds contingent upon execution of the agreement and meeting all insurance and bonding requirements. Funding for this project has been budgeted in the following accounts:

Fund Account	Fund ID Number	Project Award	5% Contingencies	Total
Major Street Fund	202.0-449.001-981.0100	\$1,101,751.85	\$55,087.59	\$1,156,839.44

Sewer Fund	590.0-537.000-981.0100	\$137,573.64	\$6,878.68	\$144,452.32
Water Fund	591.0-544.000-981.0100	\$1,514,452.01	\$75,722.60	\$1,590,174.61

AND

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

Major Street Fund:

Revenues:

202.0-000.000-400.0000	Draw from Fund Balance	\$1,156,840
Total Revenue		<u>\$1,156,840</u>

Expenditures:

202.0-449.001-981.0100	Public Improvement	\$1,156,840
Total Expenses		<u>\$1,156,840</u>

Sewer Fund:

Revenues:

590.0-000.000-400.0000	Draw from Net Position	\$144,460
Total Revenue		<u>\$144,460</u>

Expenditures:

590.0-537.000-981.0100	Public Improvement	\$144,460
Total Expenses		<u>\$144,460</u>

Water Fund:

Revenues:

591.0-000.000-400.0000	Draw from Net Position	\$1,590,180
Total Revenue		<u>\$1,590,180</u>

Expenditures:

591.0-544.000-981.0100	Public Improvement	\$1,590,180
Total Expenses		<u>\$1,590,180</u>

**VI. UNFINISHED BUSINESS**

**VII. NEW BUSINESS**

- A. Public Hearing - Confirmation of SAD Roll 905 Pierce Street Paving – Water Laterals
  - 1. Resolution confirming Special Assessment Roll 905 as follows:
    - WHEREAS, Special Assessment Roll, designated Roll No. 905, 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 the Commission Resolution 06-128-23 provided it would meet this 10th day of July, 2023 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this July 10, 2023, 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, and

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 905 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 quarter percent (9.25%) on all unpaid installments.

<b>Parcel ID / Sidwell Number</b>	<b>Street Address</b>	<b>SAD Assessment</b>
19-36-401-006	1105 Pierce Street	\$ 3,277.50
19-36-329-011	1234 Pierce Street	\$ 4,312.50
19-36-401-009	1245 Pierce Street	\$ 3,450.00
19-36-329-012	1252 Pierce Street	\$ 4,197.50
19-36-329-013	1270 Pierce Street	\$ 4,197.50
19-36-329-014	1290 Pierce Street	\$ 4,485.00
19-36-401-046	1321 Pierce Street	\$ 3,220.00
19-36-329-015	1340 Pierce Street	\$ 4,830.00
19-36-401-013	1355 Pierce Street	\$ 3,220.00
19-36-329-017	1380 Pierce Street	\$ 4,485.00
19-36-401-017	1415 Pierce Street	\$ 2,990.00
19-36-333-020	1418 Pierce Street	\$ 4,600.00
19-36-401-018	1421 Pierce Street	\$ 2,990.00
19-36-333-021	1424 Pierce Street	\$ 4,600.00
19-36-333-022	1436 Pierce Street	\$ 4,600.00
19-36-401-019	1437 Pierce Street	\$ 2,990.00
19-36-333-023	1450 Pierce Street	\$ 4,830.00
19-36-401-021	1469 Pierce Street	\$ 2,990.00
19-36-333-025	1474 Pierce Street	\$ 4,600.00
19-36-333-027	1492 Pierce Street	\$ 4,600.00
19-36-333-028	1510 Pierce Street	\$ 4,600.00

19-36-333-032	1570 Pierce Street	\$ 5,980.00
19-36-333-033	1584 Pierce Street	\$ 5,980.00
19-36-333-035	1638 Pierce Street	\$ 6,440.00
19-36-333-036	1682 Pierce Street	\$ 5,750.00
19-36-379-025	100 W. 14 Mile Road	\$ 5,635.00

\$ 113,850.00

- B. Resolution to approve a three year agreement ending July 1, 2026 with the Birmingham School District for the provision of a full-time School Resource Officer, with all salary and benefits for this officer to be paid by the Birmingham School District. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.
- C. Resolution to designate the following dates as City recognized legal Holidays pursuant to Section 2-26 of the Birmingham City Code:

New Year's Day	Pasca/ Easter (Eastern Orthodox Christian)	Simchat Torah *
Martin Luther King, Jr. Day	Memorial Day	General Election Day
Chinese New Year	Shavuot *	Diwali
Ash Wednesday	Eid al-Adha *	Veterans Day
President's Day	Juneteenth	Thanksgiving Day
Purim *	Independence Day	Day after Thanksgiving
Holi	Ashura *	Christmas Eve
Maundy Thursday	Labor Day	Christmas Day
Good Friday	Rosh Hashana *	Hanukkah *
Easter Sunday	Yom Kippur *	Kwanzaa
Eid al-Fitr	Columbus Day/Indigenous Peoples Day	Bodhi Day
Passover *	Sukkot*	New Year's Eve
Holy Friday (Eastern Orthodox Church)	Shemini Atzeret *	*Holiday begins sundown the previous day

And further, to designate Juneteenth as an annual day of closure for City Hall offices and instructing the administration to include this day as a paid holiday for eligible employees, identified in the collective bargaining agreements and employee handbooks for 2024 and beyond.

- D. Resolution to meet in closed session to discuss a written attorney/client privilege communication pursuant to MCL § 15.268 Sec. 8(h) 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.)**

- 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.

**VIII. REMOVED FROM CONSENT AGENDA**

**IX. COMMUNICATIONS**

**X. REPORTS**

- A. Commissioner Reports
  - 1. Notice of Intention to Appoint to the Advisory Parking Committee
  - 2. Notice of Intention to Appoint to the Public Arts Board
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff

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).*