

**BIRMINGHAM CITY COMMISSION AGENDA
DECEMBER 18, 2023
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.

INTRODUCTION OF GUESTS AND ANNOUNCEMENTS

- Sharon MacDonnell, State Representative – District 56
- Natalie Price, State Representative – District 5
- Charlie Cavell, County Commissioner – District 12

APPOINTMENTS

- A. Board of Review
1. Guy DiPlacido

To appoint _____ to the Board of Review as a regular member to serve a three-year term to expire December 31, 2026.

To appoint _____ to the Board of Review as an alternate member to serve the remainder of a three-year term to expire December 31, 2025.

To appoint _____ to the Board of Review as an alternate member to serve a three-year term to expire December 31, 2026.

- B. Board of Ethics
1. Judy Doyle

To appoint _____ as an alternate regular member to the Board of Ethics to serve a three-year term to expire June 30, 2026.

- C. Multi-Modal Transportation Board
1. Z. Rosie Koul

To appoint _____ as a regular member to the Multi-Modal Transportation Board to serve the remainder of a three-year term to expire March 24, 2025.

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 November 27, 2023.
 - B. Resolution to approve the City Commission Workshop meeting minutes of December 4, 2023.
 - C. Resolution to approve the City Commission meeting minutes of December 4, 2023.
 - D. Resolution to approve the warrant list, including Automated Clearing House payments, dated December 7, 2023 in the amount of \$1,661,581.50.
 - E. Resolution to approve the warrant list, including Automated Clearing House payments, dated December 14, 2023 in the amount of \$1,662,667.77.
 - F. Resolution to amend the Schedule of Fees, Charges, Bonds and Insurance as presented and to adopt the revised Public Records Policy, effective January 1, 2024.
 - G. Resolution to set a public hearing date of January 22, 2024 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 34350 Woodward Ave & 909-911 Haynes Street – Fred Lavery Porsche.
 - H. Resolution to set a public hearing date of January 22, 2024 to consider the lot combination of 34350 Woodward Ave and 909-911 Haynes Street, Fred Lavery Porsche, parcel # 19-36-281-022 and parcel # 19-36-281-030.
 - I. Resolution to set the Public Hearing of Necessity for the replacement and improvement of water and sewer laterals meeting the requirements for assessment for all properties within the project area on Edgewood Road between Lincoln and E. Southlawn on Monday, January 8, 2024, at 7:30 P.M.;
- If necessity is determined on January 8, 2024, to meet on Monday, January 22, 2024, at 7:30 P.M., for the purpose of conducting the public hearing to confirm the Assessment of the Roll for the replacement and improvement of water and sewer laterals meeting the requirements for assessment, for all properties within the project area on Edgewood Road between Lincoln and E. Southlawn.
- J. Motion to adopt an ordinance amendment to Chapter 114, Utilities, Article II.-Water Supply Systems, Division 3.-Fire Protection, Sec. 114-93 to prohibit the obstruction of fire lanes and fire hydrants and add that a violation of this section will result in a civil infraction with a \$500 fine.

VI. CITY MANAGER'S REPORT

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

- A. Public Hearing for 377 Hamilton Row – Birmingham Sushi Cafe – Special Land Use Permit, Final Site Plan & Design Review PH - 377 Hamilton Row - Bham Sushi SLUP (N. Dupuis)
 - 1. Resolution to approve the Special Land Use Permit, Final Site Plan and Design Review application for 377 Hamilton Row – Birmingham Sushi Cafe.

AND

To authorize the City Clerk to complete the Local Approval Notice at the request of Kim Fam Birmingham Sushi, Inc., and to approve the transfer of the Class C Liquor License from D&D Hospitality, LLC. to Kim Fam Birmingham Sushi, Inc. with a new SDM Liquor License, Sunday Sales permit (AM and PM) and Outdoor Service area on public property to Kim Fam Birmingham Sushi, Inc. that will be located at 377 Hamilton Row, Birmingham, Oakland County, MI.

- B. Public Hearing to amend Article 4, Section 4.54 of the Zoning Ordinance to add flexibility to screening requirements for waste receptacles and ground-mounted mechanical/electrical equipment.
 - 1. Motion adopting an ordinance to amend Article 4, Section 4.54 of the Zoning Ordinance to add flexibility to screening requirements for waste receptacles and ground-mounted mechanical/electrical equipment.
- C. Public Hearing – Parks and Recreation Master Plan
- D. Resolution to approve the 2024-2028 Parks and Recreation Master Plan, and further to direct the City Clerk to certify the resolution with signature.
- E. Resolution to adopt the Citywide Wayfinding and Signage Plan for the City of Birmingham.
- F. Fiscal Year 2022-2023 Audit Presentation
- G. Resolution to continue to participate in the current funding agreement with Bloomfield Township and West Bloomfield Township;

OR

Resolution to approve an Addendum to the existing funding agreement with Bloomfield Township and W. Bloomfield Township and to authorize the Mayor and City Clerk to sign the agreement on behalf of the City, subject to the approval of the Political Subdivision Distribution / Funding Agreement by all four political subdivisions;

OR

Resolution to provide notice in January 2024 that Birmingham intends to opt out of the current funding agreement with Bloomfield Township and W. Bloomfield Township.

- 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.
 - 1. Staff report on Bistro Compliance
 - 2. Staff Report on Sports Court
- J. Resolution to meet in closed session to discuss pending litigation pursuant to MCL § 15.268 Sec. 8(e) of the Open Meetings Act regarding John Reinhart, et al v City of Birmingham; U.S. District Court Case No.: 2:22-cv-11074-MAG-DRG, and The New 555 Commercial, LLC, The New 555 Residential, LLC, Manorwood Properties, LLC and Associates of 555, LP v City of Birmingham, State of Michigan Department of Licensing & Regulatory Affairs, Michigan Administrative Hearing System, Michigan Tax Tribunal Docket No.: 22-000772-TT, Property Nos.: 08-19-36-210-001, 08-19-36-210-003, and 08-19-36-210-005, which was appealed to the Michigan Court of Appeals bearing Docket 364563, and currently appealed to the Michigan Supreme Court bearing Docket No.: 165973.

AND

Resolution to meet in closed session to discuss pending litigation pursuant to MCL § 15.268 Sec. 8(e) of the Open Meetings Act regarding Caroline Ashleigh, et al v City of Birmingham, Oakland County Circuit Court Case No.: 23-202347-NZ.

(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. Letter from Jim Mirro dated November 15, 2023

XI. REPORTS

- A. Commissioner Reports
- 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).