

**Birmingham City Commission Minutes**  
**July 10, 2023**  
**Municipal Building, 151 Martin**  
**7:30 p.m.**  
Vimeo Link: <https://vimeo.com/839942093>

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Therese Longe, Mayor, opened the meeting with the Pledge of Allegiance.

**II. ROLL CALL**

City Clerk Bingham called the roll.

Present: Mayor Longe  
Mayor Pro Tem McLain  
Commissioner Boutros  
Commissioner Haig  
Commissioner Host

Absent: Commissioner Baller  
Commissioner Schafer

Staff: City Manager Ecker; City Clerk Bingham, City Engineer Coatta, Police Chief Grewe,  
City Attorney Kucharek, Human Resources Manager Woods

**III. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS, INTRODUCTION OF GUESTS AND ANNOUNCEMENTS**

The Mayor noted this would be CM Ecker's first meeting as full-fledged City Manager and congratulated her.

**07-165-23 Right to Renew Ordinance**

**MOTION:** Motion by Mayor Longe, seconded by MPT McLain:

To amend tonight's agenda under information only to formally receive the statements on the right to renew ordinance with supporting signatures from the residents of Baldwin House, and make them part of tonight's meeting and agenda minutes.

VOICE VOTE: Ayes, MPT McLain  
Commissioner Host  
Mayor Longe  
Commissioner Haig  
Commissioner Boutros

Nays, None

**Announcements**

- Happy Birthday Mayor Longe!

**Appointments**

**07-166-23 Museum Board**

Kristy Hull Barrett was interviewed by the Commission.

**MOTION:** Nomination by Commissioner Boutros:  
To appoint Kristy Hull Barrett to the Museum Board as an alternate member to serve a three-year term to expire July 6, 2026.

VOICE VOTE:           Ayes, MPT McLain  
                                  Commissioner Host  
                                  Mayor Longe  
                                  Commissioner Haig  
                                  Commissioner Boutros

Nays, None

The Clerk swore in Ms. Barrett.

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**

**07-167-23 Consent Agenda**

The following items were pulled from the Consent Agenda:

- Staff:                    Item A – City Commission Minutes of June 26, 2023
- MPT McLain:           Item B – Warrant List - June 29, 2023

**MOTION:**                Motion by Commissioner Boutros, seconded by Commissioner Haig:  
To approve the Consent Agenda excluding Items A and B.

ROLL CALL VOTE:        Ayes, MPT McLain  
                                  Commissioner Host  
                                  Mayor Longe  
                                  Commissioner Haig  
                                  Commissioner Boutros

Nays, None

- 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 Iafrate 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 Iafrate 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>

**07-168-23 City Commission Minutes of June 26, 2023 (Item A)**

CC Bingham noted a correction to the minutes.

Commissioner Haig recommended the City Attorney's email regarding Melissa Mark's appointment to the Ad Hoc Aging in Place Committee be appended to the minutes.

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner Host:  
To approve the revised City Commission meeting minutes of May 22, 2023 with two amendments.

ROLL CALL VOTE: Ayes, MPT McLain  
Commissioner Host  
Mayor Longe  
Commissioner Haig  
Commissioner Boutros

Nays, None

**07-169-23 Warrant List - June 29, 2023 (Item B)**

MPT McLain noted for the public that two payments were made to the 48th District Court as part of this warrant list and noted that the Commission remained aware of ongoing concerns regarding the City's relationship with the Court.

**MOTION:** Motion by MPT McLain, seconded by Commissioner Host:  
To approve the warrant list, including Automated Clearing House payments, dated June 29, 2023, in the amount of \$1,875,028.80.

ROLL CALL VOTE: Ayes, MPT McLain  
Commissioner Host  
Mayor Longe  
Commissioner Haig  
Commissioner Boutros

Nays, None

**VI. UNFINISHED BUSINESS**

**VII. NEW BUSINESS**

**07-170-23 Public Hearing - Confirmation of SAD Roll 905 Pierce Street Paving – Water Laterals**

The Mayor opened the public hearing at 7:41 p.m.

DT Katz presented the item and CA Kucharek explained the SAD process.

CM Ecker and Mayor Longe noted an email from Christine Pikulas disputing the prior hearing regarding the SAD had been received by the City and distributed to the Commission.

In reply to an inquiry from Chet Falk, CA Kucharek said she would confer with the City Manager regarding Ms. Pikulas' email about the SAD charges.

CE Coatta answered a question from Mr. Falk regarding which homes would be included in the SAD.

The Mayor closed the public hearing at 7:50 p.m.

Staff answered informational questions from the Commission.

MPT McLain noted that the City follows specific legal guidelines for noticing SADs, maintains a record of that, provides notification in a publication, and provides direct notifications to the appropriate property owners.

**MOTION:** Motion by MPT McLain, seconded by Commissioner Boutros:  
To adopt the following resolution:

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.

The list on page 7A, number three, is included with parcel number, sidwell number, street address, and SAD assessment.

ROLL CALL VOTE: Ayes, MPT McLain  
Commissioner Host  
Mayor Longe  
Commissioner Haig  
Commissioner Boutros

Nays, None

**07-171-23 School Resource Officer**

PC Grewe and CM Ecker presented the item.

MPT McLain thanked PC Grewe for completing the negotiation and said it was important to send a message of safety.

The Mayor noted that the responsibility to keep children safe at schools rests primarily with the School District, that the City was glad to be able to assist with the schools located within Birmingham, and that she was glad this was negotiated to everyone's benefit.

**MOTION:** Motion by Commissioner Haig, seconded by Commissioner Host:  
To make a motion adopting a 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 with the condition that there are no changes to the contract in front of us tonight.

ROLL CALL VOTE: Ayes, MPT McLain  
Commissioner Host  
Mayor Longe  
Commissioner Haig  
Commissioner Boutros

Nays, None

**07-172-23 2024 State, Federal And Significant Holidays To Avoid Scheduling Public Meetings**

HRM Woods and CM Ecker presented the item.

**MOTION:** Motion by Commissioner Haig, seconded by Commissioner Host:  
To adopt the resolution to designate the following dates as listed in tonight's package 7C page three as City recognized legal holidays pursuant to Section 2-26 of the Birmingham City Code.

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.

ROLL CALL VOTE: Ayes, MPT McLain  
Commissioner Host  
Mayor Longe  
Commissioner Haig  
Commissioner Boutros

Nays, None

**07-173-23 Closed Session Pursuant to MCL § 15.268 Sec. 8(h) of the Open Meetings Act**

CA Kucharek presented the item.

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner Host: 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.

ROLL CALL VOTE: Ayes, MPT McLain  
Commissioner Host  
Mayor Longe  
Commissioner Haig  
Commissioner Boutros

Nays, None

The Commission went into closed session at 8:10 p.m.

The Commission returned from closed session at 8:51 p.m.

**Commission Items for Future Discussion  
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

In reply to Commissioner Host, CM Ecker stated that Staff was working on the right to renew topic.

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

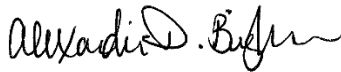
D. Legislation

E. City Staff

INFORMATION ONLY

**XI. ADJOURN**

Mayor Longe adjourned the meeting at 8:52 p.m.



Alexandria Bingham, City Clerk



Laura Eichenhorn, City Transcriptionist