

**Birmingham City Commission Minutes**  
**October 2, 2023**  
**Municipal Building, 151 Martin**  
**7:30 p.m.**  
Vimeo Link: <https://vimeo.com/870466920>

**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 Baller  
Commissioner Boutros  
Commissioner Haig  
Commissioner Host  
Commissioner Schafer

Absent: None

Staff: Assistant City Manager Fairbairn; Assistant City Manager Mark Clemence, City Clerk Bingham, City Engineer Coatta, Planning Director Dupuis, Parking Services Manager Ford, City Attorney Gojcaj

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

**Announcements**

- Happy Birthday Commissioner Haig
- The second annual Birmingham Art Walk is October 12, 2023, from 5-8 p.m. This free strolling event will feature local artists and shops, entertainment and more throughout downtown Birmingham! Stop by participating merchants to meet local artists and enjoy special promotions. For more information visit [allinbrimingham.com](http://allinbrimingham.com).
- Next Saturday, October 14, from 1-4 p.m., the Birmingham Fire Department will be hosting their annual open house. The day will be filled with many fire education opportunities, including a live vehicle extrication demonstration. This kid-friendly event will have face painting, popcorn, hot dogs, firehouse chili, and much more. The open house will take place at Station 1, located at 572 S. Adams Rd.
- Proclamation in recognition of Robert S. Kenning's 100th birthday on September 20, 2023

**Appointments**

**10-227-23 Board of Zoning Appeals**

Kevin D. Hart was interviewed by the Commission.

**MOTION:** Nomination by MPT McLain:

To appoint Kevin D. Hart as a regular member to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2026.

VOICE VOTE: Ayes, MPT McLain  
Commissioner Host  
Mayor Longe  
Commissioner Haig  
Commissioner Boutros  
Commissioner Schafer  
Commissioner Baller  
Nays, None

## Board of Zoning Appeals

Jason Canvasser was interviewed by the Commission.

Given that Mr. Canvasser serves as an equity partner in a firm presently in a legal dispute with the City, his reappointment was postponed pending an advisory opinion from the Board of Ethics.

It was stated that the City Manager's Office would file a request for an advisory opinion with the City Clerk.

Commissioner Haig clarified that the advisory opinion would be regarding the situation, and not regarding Mr. Canvasser himself.

The Commission and CA Gojcaj confirmed.

Commissioner Baller asked that the Board of Ethics clarify whether Mr. Canvasser would be permitted to serve after the resolution of the present legal dispute.

The Mayor noted that Mr. Hart would be sworn in in-person at a later date.

### EMPLOYEE RECOGNITION

- City Clerk's Office
  - Megan Trapp (postponed)

## IV. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

David Bloom made a comment supporting more detail in the minutes.

## V. CONSENT AGENDA

### 10-228-23 Consent Agenda

The following items were pulled from the Consent Agenda:

Commr. Haig:	Item L – Set a Public Hearing to amend Chapter 126 (Zoning), Article 2, Section 2.37 and Article 5, Section 5.12 to allow health club/studio uses in the B4 Business Residential District in the basement levels and floors two and above
MPT McLain:	Item D – Warrant List – September 21, 2023
Public:	Item B – City Commission Minutes of September 11, 2023
Commr. Baller:	Item K – Reduction of Advisory Parking Committee

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner Host:  
To move the Consent Agenda excluding Items B, D, K, and L.

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

Nays, None

- A. Resolution to approve the City Commission Workshop meeting minutes of September 11, 2023.
- C. Resolution to approve the City Commission meeting minutes of September 18, 2023.
- E. Resolution to approve the warrant list, including Automated Clearing House payments, dated September 28, 2023, in the amount of \$1,340,637.27.

- F. Resolution appointing election inspectors, absentee voter counting board inspectors, receiving board inspectors and other election officials as recommended by the City Clerk for the November 7, 2023 General Election pursuant to MCL 168.674, and further grant the City Clerk the authority to make emergency appointments of qualified candidates should circumstances warrant in order to maintain adequate staffing in the various precincts, counting boards and receiving boards.

And

Authorize the use of the Oakland County Absent Voter Counting Board for the purpose of processing and tabulating absent voter ballots on November 7, 2023, as prescribed in the terms and responsibilities previously agreed upon at the July 12, 2020 meeting by Commission resolution 07-120-20.

- G. Resolution to approve a special event permit as requested by the Lutheran Church of the Redeemer to hold the 2023 Christmas Nativity Display daily, beginning on November 22, 2023 and ending December 29, 2023, contingent upon compliance with all permit and insurance requirements and payment of all fees, and further pursuant to any minor modifications or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event.
- H. Resolution authorizing the City Manager to cast a vote, on the City's behalf, for the three (3) candidates for the Michigan Municipal League Liability and Property Pool Board of Directors for three-year terms, beginning January 1, 2024.
- I. Resolution to authorize the City Clerk to complete the Local Approval Notice at the request of Churchill's Cigar Shop, Inc. approving the request for a transfer of shares for a business which holds the Class C and SDM License with Sunday Sales (PM) and Outdoor Service Area located at 116-118 S. Old Woodward Ave., Birmingham, Oakland County, MI to now include Mazin Samona Living Trust, 306 Shares, and John Samona Living Trust, 102 Shares.
- J. Resolution to approve the Memorandum of Understanding with Oakland Community Health Network and to authorize the Chief of Police to sign the agreement on behalf of the City.

**10-229-23 Set a Public Hearing to amend Chapter 126 (Zoning), Article 2, Section 2.37 and Article 5, Section 5.12 to allow health club/studio uses in the B4 Business Residential District in the basement levels and floors two and above (Item L)**

It was confirmed that staff would clarify the potential structural needs of a health club or studio on the second floor.

**MOTION:** Motion by Commissioner Haig, seconded by Commissioner Host:  
To set a public hearing date of November 13, 2023 to consider the proposed ordinance amendments to Chapter 126 (Zoning), Article 2, Section 2.37 and Article 5, Section 5.12 to allow health club/studio uses in the B4 Business Residential District in the basement levels and floors two and above.

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

Nays, None

**10-230-23 Warrant List – September 21, 2023 (Item D)**

MPT McLain noted for the public that payments were made to the 48th District Court as part of this warrant list and that she was keeping track of the running total of payments made to the 48th District Court.

**MOTION:** Motion by MPT McLain, seconded by Commissioner Boutros:  
To approve the warrant list, including Automated Clearing House payments, dated September 21, 2023, in the amount of \$2,666,040.44.

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

Nays, None

**10-231-23 City Commission Minutes of September 11, 2023 (Item B)**

The Mayor clarified for Mr. Bloom that the comments he made at the September 11, 2023 meeting were referenced in the meeting minutes.

**MOTION:** Motion by Commissioner Haig, seconded by MPT McLain:  
To approve the City Commission meeting minutes of September 11, 2023.

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

Nays, None

**10-232-23 Reduction of Advisory Parking Committee (Item K)**

Commissioner Baller stated that the operations of the Advisory Parking Committee should be reviewed as part of the Commission’s upcoming parking operations workshop.

The Mayor requested that staff schedule the parking operations workshop.

**MOTION:** Motion by Commissioner Baller, seconded by Commissioner Boutros:  
To approve reducing the Advisory Parking Committee from eleven (11) members to nine (9) members by removing one downtown employee position and one restaurant owner position.

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

Nays, None

**VI. UNFINISHED BUSINESS**

**VII. NEW BUSINESS**

**10-233-23 Michigan Hazard Mitigation Grant Agreement – Parking Lot #6 Floodwall**

CE Coatta presented the item and answered informational questions from the Commission.

Commission comments were as follows:

- The floodwall would protect private property, but would not protect nearby public property;
- The floodwall would be installed very close to where the Tiger Dam is located when it is deployed; and,
- Some of the buildings adjacent to where the floodwall would be located flood frequently when it rains. This floodwall would benefit the businesses located in those buildings.

**MOTION:** Motion by Commissioner Host, seconded by Commissioner Boutros:  
To approve the State of Michigan Hazard Mitigation Assistance Grant Agreement for DR-4607-MI Hazard Mitigation Grant Program between the Michigan Department of State Police, Emergency Management and Homeland Security Division, and the City of Birmingham. In addition, authorize the Mayor to sign the agreement on behalf of the City.

AND

To adopt a resolution to charge the cost of this project to account #403.0-901.018-981.0100, and further to approve the appropriations and amendment to the Capital Project Funds – Streambank Improvement as follows:

Revenues:		
Appropriation from Fund Balance	403.0-000.000-400.0000	\$ 44,020
Federal Grants	403.0-901.018-503.0000	<u>264,120</u>
Total Revenues		\$308,140
Expenses:		
Capital Projects Fund – Capital Outlay	403.0-901.018-981.0100	\$308,140

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

Nays, None

### Commission Items for Future Discussion

#### 10-234-23 Discussion of Crosswalk Standards

**MOTION:** Motion by Commissioner Baller, seconded by Commissioner Boutros:  
To put the implementation of crosswalk standards on the next reasonable agenda, with a report from staff.

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

Nays, None

### Commission Discussion On Items From A Prior Meeting

#### 10-235-23 Infrastructure & Flooding Abatement

Commissioner Host presented the item.

**MOTION:** Motion by Commissioner Host, seconded by Commissioner Haig:

To discuss infrastructure and flooding abatement and to receive a report from the City about citizen reports and patterns of flooding.

The Mayor requested that Staff present the data collected from residents about flooding issues.

MPT McLain recommended that someone from the City go door-to-door in the areas with issues to solicit reports.

Commissioner Host noted that there were a number of areas in the City experiencing issues with flooding.

The Commission was asked to encourage residents to call in their reports or to use the GovAlert app to submit their reports.

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

Nays, None

**10-236-23 Remediation Strategies for Rodents and Vermin**

Commissioner Haig presented the item.

**MOTION:**                Motion by Commissioner Haig, seconded by MPT McLain:  
To discuss our current rat mitigation policies, future policies, and alternatives to poison as a strategy.

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

Nays, None

**VIII. REMOVED FROM CONSENT AGENDA**

**IX. COMMUNICATIONS**

**X. REPORTS**

- A. Commissioner Reports
  - 1. Notice of Intention to appoint to the Ad Hoc Aging in Place Committee
  - 2. Notice of Intention to appoint to the Triangle District
- B. Commissioner Comments

MPT McLain recommended that the Commission have a discussion regarding Robert’s Rules, the Open Meetings Act, and an opinion from the Parliamentarian regarding how the meeting minutes were being prepared.

MPT McLain was informed that the Board of Ethics and City Administration were in discussion to schedule training on those topics for after the November election.

- C. Advisory Boards, Committees, Commissions’ Reports and Agendas

1. Ethics Opinion 2023-02 Requested by Commissioner Clinton Baller regarding the potential establishment and management of a private, non-profit community foundation in Birmingham

Commissioner Baller summarized the advisory opinion. He informed the Commission that he intended to move forward with the establishment of a community foundation.

- D. Legislation
- E. City Staff
  1. EGLE Water Violation Report
  2. Policy Regarding Email Distribution Lists

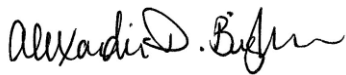
ACM Fairbairn summarized the two items.

The Commission thanked the staff for their work on sending out the EGLE Water Violation Report letters.

INFORMATION ONLY

<b>XI. ADJOURN</b>
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Mayor Longe adjourned the meeting at 8:54 p.m.



Alexandria Bingham, City Clerk



Laura Eichenhorn, City Transcriptionist