

**Birmingham City Commission Minutes**  
**August 14, 2023**  
**Municipal Building, 151 Martin**  
**7:30 p.m.**  
Vimeo Link: <https://vimeo.com/854712036>

**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: City Manager Ecker; City Clerk Bingham, Planning Director Dupuis, Police Chief Grewe, Building Official Johnson, City Attorney Kucharek

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

**Announcements**

- The Woodward Dream Cruise will roll into town on Saturday, August 19, 2023, bringing thousands of classic cars and more than one million people from all over the world. Adding to the festivities, the Birmingham Cruise Event from 9 a.m. - 5 p.m. on South Old Woodward will feature 200 classic cars of all makes and models, sponsor exhibits, food and more.

**Appointments**

**08-188-23 Board of Ethics**

Michael P. Coakley was interviewed by the Commission.

**MOTION:** Nomination by Commissioner Boutros:

To appoint Michael P. Coakley as a regular member to the Board of Ethics to serve a three-year term to expire June 30, 2026.

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

Nays, None

The Clerk swore in Mr. Coakley.

**Employee Recognition**

1. Anthony Altovilla – Deputy City Clerk

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

A resident spoke regarding parking at the Baldwin House. City Staff briefly responded.

David Bloom spoke regarding zoning.

**V. CONSENT AGENDA**

**08-189-23 Consent Agenda**

The following items were pulled from the Consent Agenda:

- Commr. Host:           Item A – City Commission Minutes of July 24, 2023
- Commr. Baller:        Item E – Office of Highway Safety Planning Grant Award
- Commr. Baller and Staff:  
                                  Item F – Agreement with Windcave, Inc.

**MOTION:**                Motion by Commissioner Boutros, seconded by Commissioner Baller:  
To approve the Consent Agenda excluding Items A, E, and F.

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

Nays, None

- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated July 27, 2023, in the amount of \$6,006,969.24.

- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated August 3, 2023, in the amount of \$578,824.14.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated August 9, 2023, in the amount of \$8,177,701.38.
- G. Resolution to amend the interlocal agreement between the City and Oakland County for the \$100,000 Local Government Critical Infrastructure Planning grant award. In addition, to authorize the City Engineer to sign Amendment 1 on behalf of the City, and to direct the City Clerk to witness the amendment.
- H. Resolution adopting an amendment to Part II of the City Code, Chapter 114 – Utilities, Article VI – Storm Water Utility Fee.

**08-190-23 City Commission Minutes of July 24, 2023 (Item A)**

Commissioner Host made a comment regarding the motion language for Item 07-186-23.

CC Bingham verified that the motion language was correct.

Public Comment

Mr. Bloom requested more detail be included in the Open to the Public for Matters Not on the Agenda section of the minutes.

**MOTION:** Motion by Commissioner Host, seconded by Commissioner Boutros:  
To approve the City Commission meeting minutes of July 24, 2023.

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

Nays, None

**08-191-23 Office of Highway Safety Planning Grant Award (Item E)**

Commissioner Baller noted for the public that the Police Department received a grant providing \$28,548.73 for personnel overtime and fringe benefits and \$51,638.40 for equipment used for traffic safety and enforcement, including a radar device and messaging sign.

The Mayor noted the overtime would be used on Woodward in an effort to reduce erratic driving and noise concerns.

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

To approve the Office of Highway Safety Planning grant award and to authorize the Chief of Police to sign the grant award on behalf of the City.

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

Nays,   None

**Agreement with Windcave, Inc. (Item F)**

Item F was removed from the agenda since it no longer met the required cost threshold for Commission review.

<b>VI.   UNFINISHED BUSINESS</b>
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**08-192-23   Tenants’ Rights**

CA Kucharek presented the item and answered informational questions from the Commission.

Public Comment

Steve Tomkowiak explained the function of the Fair Housing Center of Metropolitan Detroit (FHCMD), offered FHCMD assistance to Birmingham, and noted that FHCMD services would be free to access.

Mr. Tomkowiak also answered informational questions from the Commission.

The Mayor asked Mr. Tomkowiak to provide the City Manager with information on FHCMD’s webinar and trainings so the Commission could look into those.

Dorothy Conrad advocated for an ordinance that would require a clause in leases mandating that landlords explain their reasons for non-renewal of a tenancy.

Mary Ryan Terrace made comment regarding the potential landlord Code of Conduct and advocated for protections of tenants’ first amendment rights.

Commission discussion was as follows:

- The Code of Conduct would set forth landlords’ commitments to tenants, and not vice-versa;
- The City should find ways to creatively address the concerns of tenants. Commissioners are residents first, and some have had experiences as tenants and are aware of the attendant challenges. The City is not ignoring the concerns of tenants within the City. City officials should advocate for the State to pass tenant protections;
- City Staff can make a draft letter available for residents to send advocating for House Bill

Nos. 6565 and 4063. City officials have also spoken to State Representative Steckloff regarding the income discrimination bill, noting how important the matter was to the City; and,

- Since it seemed that some action on these items was likely to occur within the next half-year at the State level, it would be appropriate to wait for that State action before proceeding with any municipal action.

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner Schafer: To table discussions of amending the City Code of Ordinances, Part II. Chapter 66 – Human Relations, Article II. – Discrimination, Division to Fair Housing at this time and to further direct the City Clerk’s office to disseminate the letter included with this packet to advocate to the House and Senate of Michigan to pass House Bill Nos. 6565 and 4063 and Senate Bill Nos. 205, 206, and 207 and to encourage landlords to sign a voluntary Code of Conduct.

Commissioner Host said he would support the motion, offered concurrence with Ms. Conrad’s advocacy, and said he hoped her recommendation would be enacted.

MPT McLain offered support for the motion and recommended that concerned residents and experts speaking on the item exchange contact information.

Commissioner Haig said he would encourage the City to promote the resolution as stated.

The Mayor offered her support for the motion and for further training on the topic.

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

Nays, None

### **08-193-23 Leaf Blowers**

PD Dupuis presented the item. PD Dupuis and CA Kucharek answered informational questions from the Commission.

Commission discussion was as follows:

- There was support for the Commission addressing the topic rather than leaving it to the Ad Hoc Environmental Sustainability Committee;
- It is less expensive to use electric leaf blowers on a per-hour basis versus gas leaf blowers. At the same time, the recommended action needed to be evaluated from the perspective of the law of unintended consequences. Using electric leaf blowers at this time would be more likely to have negative ecological, financial, and safety impacts versus gas leaf blowers. It would also be consistent to address other concerns about biodiversity, two stroke engines, and noise reduction if those were the reasons for phasing out gas leaf

- blowers;
- Other biodiversity concerns, including gradual expansion of the types of landscaping permitted, would likely be further addressed in the City’s future. Addressing leaf blowers does not require that all items in similar categories be addressed at once. Snowblowers are used less frequently than gas leafblowers and edgers do not make noise;
- Electric leafblowers are likely to improve in technology and come down in price during a potential phase out period, and so it would be appropriate to phase out the use of gas powered leaf blowers in Birmingham. The majority of two stroke activity is gas leaf blowers. The City can afford the expenditure to purchase and replace electric leaf blowers; and,
- It can take multiple, charged batteries to clear the leaves off one yard one time with an electric leaf blower.

**MOTION:** Motion by Commissioner Baller, seconded by MPT McLain:  
To direct the Planning Division, through the City Manager, to study a phased approach to eliminating the use of two-stroke, gas powered leaf blowers in the City of Birmingham.

The Mayor noted that the operative words in the motion were ‘to study’. She offered her support for the resolution. She recommended that the City start reviewing its landscaping requirements and that Staff use the Birmingham newsletter to educate the public about the damage caused by leafblowers.

Commissioner Schafer noted that there was increasing public discourse about manicured lawns becoming passé. She explained that this item would be a similar step towards increasing awareness around sustainability. She offered her support for the resolution.

Commissioner Haig said the City could increase its enforcement of similar issues for which there were already laws.

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

Nays, None

**VII. NEW BUSINESS**

**08-194-23 Designation of Voting Delegate(s) for the Michigan Municipal League Annual Meeting**

CC Bingham presented the item and answered informational questions from the Commission.

The Mayor recommended the Mayor Pro Tem attend if she was available given her regular attendance at League meetings.

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner Host:  
To appoint ACM Fairbairn as the City of Birmingham’s official voting delegate and MPT McLain as the alternate delegate, for the Michigan Municipal League Annual Meeting to be held in Traverse City, Michigan on October 18, 2023.

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

Nays, None

### **Commission Items for Future Discussion**

#### **08-195-23 Short Term Rentals**

**MOTION:** Motion by Commissioner Host, seconded by MPT McLain:  
To put STRs on the agenda.

VOICE VOTE: Ayes, Commissioner Host  
Commissioner Haig  
MPT McLain

Nays, Commissioner Baller  
Mayor Longe  
Commissioner Boutros  
Commissioner Schafer

The Mayor said the Commission could hear the evening’s report on the issue, and could broach the issue again if the report was insufficient.

### **Commission Discussion On Items From A Prior Meeting**

#### **Speed Humps**

Commissioner Baller recommended the City create a webpage explaining current City speed mitigation efforts, supplying data about speeds within the City, and explaining why certain speed mitigation efforts were selected within the City and others were not.

The Mayor concurred that public education on the topic would be beneficial to assure residents that the City is aware of, and addressing, any speed-related concerns.

Commissioner Haig explained that there are speed mitigation measures being implemented in other countries that cannot legally be implemented in the United States.

Brad Strader of MKSK spoke regarding the topic.

**VIII. REMOVED FROM CONSENT AGENDA**

**IX. COMMUNICATIONS**

**X. REPORTS**

- A. Commissioner Reports
  - 1. Notice of Intention to Appoint to the Design Review Board
  - 2. Notice of Intention to Appoint to the Historic District Commission
- B. Commissioner Comments

Commissioner Baller noted that the City was working on reducing inconsistencies in City zoning and ordinances, per the recommendations of the 2040 Plan.

The Commission briefly discussed the minutes and the Commission Rules of Procedure.

Commissioners offered kind words about Mike Labriola.

MPT McLain requested that Doug Manigold be formally thanked for his work as a Code Enforcement officer. She also shared that she just resigned from the Michigan Community Media Association Board in order to avoid future appearances of potential conflicts of interest. She said she would do a commercial for 'always protect the rights of way'.

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. Short Term Rentals

Public Comment

Russ Vorhees spoke regarding the short term rental report.

CA Kucharek and BO Johnson responded to informational questions from Mr. Vorhees and the Commission.

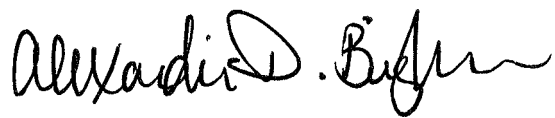
The Commission briefly discussed the report and asked the City Manager to direct the City Attorney to do some research about the City's options vis-a-vis short term rentals.

INFORMATION ONLY

**XI. ADJOURN**

Mayor Longe adjourned the meeting at 10:30 p.m.



Handwritten signature of Alexandria Bingham in black ink.

Alexandria Bingham, City Clerk

Handwritten signature of Laura Eichenhorn in black ink.

Laura Eichenhorn, City Transcriptionist