

Birmingham City Commission Minutes
September 11, 2023
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: <https://vimeo.com/858838068>

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, Assistant Director of Engineering Borton, Assistant City Manager Clemence, City Engineer Coatta, Planning Director Dupuis, Assistant City Manager Fairbairn, Police Chief Grewe, Dispatcher Harmon, Police Lieutenant Kearney, City Attorney Kucharek, Parks and Recreation Manager Laird, Police Officer Lease, Parking Enforcement Assistant Martin, Auxiliary Police Officer Van Acker, Police Officer Walker, Department of Public Services Director Zielinski

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

Announcements

- Moment of silence for September 11th
- Happy Birthday Commissioner Host
- National Recovery Month Proclamation
- National Suicide Prevention Month Proclamation

Employee Recognition

- Police Department
 - Chyna Harmon – Part-Time Dispatcher, hired on July 31, 2023
 - Ashley Martin – Part-Time Parking Enforcement Assistant, hired on July 31, 2023
 - Cameron Lease – Police Officer, hired on August 14, 2023
 - Matthew Walker – Police Officer, hired on September 5, 2023

- Robert Van Acker – Auxiliary Police Officer, hired on April 15, 2023

CC Bingham swore in the new officers.

State Representative Samantha Steckloff provided updates regarding State legislative matters.

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

David Bloom made a comment in favor of adding a Commission Agenda Item that would allow Staff to offer follow up to public comment.

John Corkery made a comment about stormwater issues as experienced by residents on Bird and Smith Avenues.

Commissioner Boutros assured the resident that the Commission was taking the stormwater concerns very seriously.

Patty Pachy made a comment about her experience with stormwater issues on Bird.

The Mayor and City Manager provided information regarding stormwater issues.

V. CONSENT AGENDA

09-209-23 Consent Agenda

The following items were pulled from the Consent Agenda:

- Public: Item A – City Commission Minutes of August 28, 2023
- Commr Haig: Item E – 707 S. Worth – Air Lease Agreement

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Host:
To move the Consent Agenda excluding Items A and E.

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

Nays, None

- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated August 31, 2023, in the amount of \$1,269,029.63.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated September 7, 2023, in the amount of \$405,946.67.

- D. Resolution to add an alternate position to the Ad Hoc Aging in Place Committee for a term consistent with all regular members of the committee ending in January 2025 and to further direct the City Clerk to notice the available alternate Ad Hoc Aging in Place Committee member position and begin the process of filling this vacancy.

- F. Resolution to approve the addendum to extend the contract for 2022-23 handwork pavement markings plus additional cost with Hart Pavement Striping Corporation in the amount of \$252,270.00 annually to May 26, 2025; further to approve the addendum to extend the contract for spring 2023 long/center lines with PK Contracting, Inc. for \$12,697.00 annually to June 1, 2025; and further to fund both contracts from account 202.0-316.000-937.0200. In addition, to authorize the Mayor and City Clerk to sign the agreements on behalf of the City.

- G. Resolution to approve the 5 Year METRO Act Permit Extension of Michigan Bell Telephone Company d/b/a AT&T Michigan, and to authorize the Mayor to sign the Extension Form on behalf of the City.

09-210-23 City Commission Minutes of August 28, 2023 (Item A)

It was noted that the minutes required an amendment.

Public Comment

David Bloom made a comment requesting increased detail in the minutes.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Schafer:
To approve the City Commission meeting minutes of August 28, 2023 as amended.

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

Nays, None

09-211-23 707 S. Worth – Air Lease Agreement (Item E)

Mayor Longe recused herself from the item citing a business relationship between her spouse and applicant.

Mayor Longe exited the room for the duration of the item’s discussion.

MPT McLain assumed facilitation of the meeting for the duration of the item’s discussion.

CA Kucharek answered an informational question from Commissioner Haig.

MOTION: Motion by Commissioner Haig, seconded by Commissioner Host:
To adopt a resolution to enter into a lease agreement with F.H.S Birmingham, LLC in the amount of \$200.00 per year for an encroachment of 160 sq. ft. of right-of-way for private residential balconies at 707 S. Worth. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

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

Nays, None

VI. UNFINISHED BUSINESS

09-212-23 Leaf Blowers Resolution

PD Dupuis presented the item. Staff answered informational questions from the Commission.

Individual Commissioners commented:

- The City should consider phasing out its own use of two-stroke gas powered leaf blowers prior to considering whether other users should be mandated to do so as well; and,
- The Commission previously decided to phase out the use of two-stroke gas powered leaf blowers by anyone. Enforcement would be discussed when drafting the ordinance.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To adopt a resolution to declare the intent of the City Commission in regards to two-stroke, gas powered leaf blowers and to set goals in regards to the phasing out of such.

Public Comment

Mr. Long made a comment noting that there are four-stroke gas powered leaf blowers as well, and that the resolution did not address those.

The Mayor clarified that the Commission decided to begin with two-stroke gas powered leaf blowers since they are more polluting.

Staff answered an informational question from Commissioner Baller.

MPT McLain noted that the implementation of this process would be done with consideration of the relevant variables.

VOICE VOTE: Ayes, MPT McLain
Commissioner Host
Commissioner Haig
Commissioner Schafer

Commissioner Boutros
Commissioner Baller
Mayor Longe

Nays, None

VII. NEW BUSINESS

09-213-23 Trail Improvements Concept Plan

PRM Laird and Tiffany Smith of MCSA presented the item. Staff answered informational questions from the Commission.

Commission discussion was as follows:

- Little of the 2006 Trail Plan was implemented, and so it was nice that trail improvements were being revisited;
- The Booth Park restroom was previously going to be located within the tree line along the trail, and it was determined that would not be possible due to the number of underground utilities that would be required. The proposed location of the Booth Park restroom would still be up for further discussion;
- This proposal is a plan like the 2040 Plan, and each part of the plan would require review before implementation;
- The Booth Park plaza would likely be a very popular destination for people getting carryout from nearby food establishments. Accordingly, maximizing the size of the plaza should be considered;
- The Booth Park plans from the early 2000s contemplated an area for skating in the winter;
- It seemed contradictory that the City would install a crushed stone trail and describe it as pervious when City ordinance limits the use of stone for residential lots because it is considered impervious. It would be appropriate for the ordinance to agree with the Engineering Department;
- One Commissioner spoke in support of the structure of the proposed restroom, and one Commissioner voiced concerns about the aesthetics of the proposed restroom; and,
- Adequate signage will be necessary.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Host:
To accept the Trail Improvement Concept Plan,

AND

To direct staff to move forward with the preparation of a Request for Proposal to prepare construction drawings for the Booth Park Section of the Trail Improvements Concept Plan.

Staff answered informational questions from Commissioners Baller, Haig and the Mayor.

Commissioner Baller said he was concerned about there being sufficient funding for each phase of the plan. He noted there is no sidewalk being added to the west side of Baldwin, and recommended that a crosswalk be added to Baldwin near Maple. He recommended the unimproved trail extend through the triangle near Baldwin and Maple and then connect to the

other bridge. He said he was not supportive of the proposed new sidewalk on Maple since there was no desired path along that area.

Commissioner Boutros voiced his support for the plan. He said that since this plan represents a very broad starting point, cost and design concerns would be more appropriately discussed during future implementation discussions.

Commissioner Baller voiced concern that the Commission would not have opportunity after this discussion to provide input until the final design, at which point there would be some resistance towards making modifications. He said he would like to help interview the design professionals that will be hired for the project.

Commissioner Haig and the Mayor recommended that participating in the interview process should be brought up as a topic for future discussion.

The Mayor noted that the Commission could not participate in every aspect of the design and planning process, and that there was a difference between sitting on a board tasked with those activities and sitting on the Commission. She added that the City would be seeking donations and applying for grants in order to fund the proposed improvements.

MPT McLain noted that Commissioners are permitted to do research, collect information, and review board meetings in the process of informing themselves on the topics that will be brought before them. She noted that Commissioners should balance that with understanding the processes undertaken by other boards, and should provide their informed input when the proposals come before the Commission for review.

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

Nays, None

The Mayor thanked everyone who participated in the discussion and commended the presenters.

Commission Items for Future Discussion
Commission Discussion On Items From A Prior Meeting

09-214-23 Increasing Biodiversity

Commissioner Haig summarized the topic.

Commissioner discussion was as follows:

- There would be additional sustainability actions that could be achieved relatively easily;

- Informing residents about how they could make sustainability improvements to their properties would be valuable; and,
- Replacing grass with native Michigan perennials on public property wherever possible would be beneficial for biodiversity.

MOTION: Motion by Commissioner Haig, seconded by Commissioner Baller:
To look at increasing biodiversity in public spaces as soon as possible.

Commissioner Baller said that while drainage and bioswales could be part of the future item, it was not the focus of the future item.

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

Nays, None

09-215-23 Closed Session Pursuant to MCL § 15.268 Sec. 8(e) of the Open Meetings Act

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

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

Nays, None

It was noted that the closed session would be entered into after all other agenda items were completed, and that no action would be taken after the closed session.

The Commission went into closed session at 9:49 p.m.

The Commission returned from closed session at 10:08 p.m.

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

- A. Letter regarding the YMCA Pool from Catherine Stoll

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of Intention to appoint to the Board of Zoning Appeals
 - 2. Notice of Intention to appoint to the Birmingham Shopping District Board
- B. Commissioner Comments

MPT McLain explained to residents how they could get their broken-out water and sewer bill amounts.

Commissioner Host noted that the tribute to Pat Andrews would be moving forward and seeking donations for funding the project.

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
 - 1. 2022-2023 Greenwood Cemetery Advisory Board Annual Report

The Mayor commented that the GCAB report was very thorough.

- D. Legislation
- E. City Staff
 - 1. Local Regulation of Short-Term Rentals – Mary M. Kucharek

CA Kucharek summarized the report.

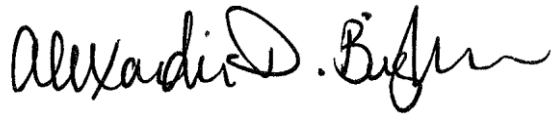
Commissioner Host asked that the topic be added to the next agenda.

The Mayor advised the Commissioner that he could motion at the next meeting to have the topic added to a future agenda.

INFORMATION ONLY

XI. ADJOURN

Mayor Longe adjourned the meeting at 10:08 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