

Birmingham City Commission Minutes
November 27, 2023
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: <https://vimeo.com/884249363>

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Elaine McLain, Mayor, opened the meeting with the Pledge of Allegiance.

II. ROLL CALL

City Clerk Bingham called the roll.

Present: Mayor McLain
MPT Schafer
Commissioner Baller
Commissioner Host
Commissioner Long
Commissioner Longe

Absent: Commissioner Haig

Staff: City Manager Ecker; Planning Intern Summer Aldred, City Clerk Bingham, Deputy Clerk Brown, Information Technology Manager Brunk, Assistant City Manager Clemence, City Engineer Coatta, Garage Foreman Check, Planning Director Dupuis, Assistant City Manager Fairbairn, Ice Arena and Facilities Superintendent Folk, Information Technology Assistant Hilla, Finance Director Gerber, Police Chief Grewe, City Attorney Kucharek, Planning/Engineering Assistant Ricketts, Clerk – Clerical Spangler, Department of Public Services Director Zielinski

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

Announcements

- The City's Ad Hoc Aging in Place Committee completed an Aging in Place Community Survey. The survey is for residents of all ages and available in both print form as well as online at engage.bhamgov.org/aginginplace. In an effort to reach as many residents as possible, the City will be mailing a print copy of the Community Survey in every resident's water bill. Respondents may complete the survey in print form and mail it back to the City or drop it off at City Hall, the Baldwin Public Library, The Birmingham Museum or Next. Printed copies of the Community Survey are also available at all of these locations. On December 13, 2023, the Ad Hoc Aging in Place Committee will hold their regular meeting at 6:00 p.m. at the Baldwin Public Library to receive public input from residents as it relates to aging in place. The committee welcomes anyone who wishes to have input into developing a Citywide Aging in Place Action Plan to attend and be heard.

Appointments

The City Manager briefly spoke regarding the NEXT Board. The Mayor noted that she resigned her position on the NEXT Board.

MPT Schafer was appointed as a Board Member for Birmingham Youth Assistance.

11-267-23 Pend – Board of Zoning Appeals

The City Manager reminded the Commission of their previous action regarding this position and Mr. Canvasser.

MOTION: Motion by Commissioner Longe, seconded by MPT Schafer:
To pend the appointment for the regular member position until the Board of Ethics comes back with a decision as to whether there is a conflict.

Commissioner Longe noted that Carl Kona would continue as an alternate member of the Board of Zoning Appeals until the matter was resolved.

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

Nays, None

RECOGNITION OF STAFF

- A. City Clerk's Office
 - 1. Mya Brown, Deputy Clerk
 - 2. Savannah Spangler, Clerical Assistant

- B. Planning Department
 - 3. Summer Aldred
 - 4. Ed Ricketts

- C. DPS
 - 5. Connie Folk
 - 6. Chad Check

- D. IT
 - 7. Brent Hilla

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

David Bloom made a comment regarding recent pieces in the Downtown Newsmagazine.

Katie Barda and Ashley Parkinson made comments regarding historic home preservation.

V. CONSENT AGENDA

11-268-23 Consent Agenda

The following items were pulled from the Consent Agenda:

- | | |
|----------------|--|
| Commr. Host: | Item D – Warrant List – November 23, 2023 |
| Commr. Baller: | Item I – Set Public Hearing to amend Chapter 126 (Zoning), Article 4, Section 4.54 of the Zoning Ordinance to add flexibility to screening requirements for waste receptacles and ground-mounted mechanical/electrical equipment |
| | Item J – Set Public Hearing for 377 Hamilton Row – Birmingham Sushi Cafe – Special Land Use Permit, Final Site Plan & Design Review |
| Commr. Longe: | Item E – Special Event Application: 59th Annual Village Fair |
| Commr. Long: | Item G – Multi-Modal Transportation Board Member Resignation |
| Mayor McLain: | Item B – Commission Minutes – November 13, 2023 |

MOTION: Motion by Commissioner Longe, seconded by Commissioner Host:
To move the Consent Agenda excluding Items B, D, E, G, I, and J.

Commissioner Baller noted his recusal from voting on Item E due to a business relationship with the Birmingham Bloomfield Chamber of Commerce.

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

Nays, None

- A. Resolution to approve the City Commission Workshop meeting minutes of November 13, 2023.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated November 16, 2023 in the amount of \$1,993,222.77.
- F. Resolution to approve a special event permit as requested by the Birmingham Bloomfield Art Center to hold the 43rd Art Birmingham art fair on May 11 and 12, 2024 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.

- H. Motion to adopt an ordinance amendment to Chapter 114, Utilities, Article II, Water Supply Systems, Division 3 - Fire Protection, section 93, to prohibit the obstruction of fire lanes and fire hydrants.

11-269-23 Commission Minutes – November 13, 2023 (Item B)

MOTION: Motion by Mayor McLain, seconded by Commissioner Long:
To approve the City Commission meeting minutes of November 13, 2023 as amended.

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

Nays, None

11-270-23 Warrant List – November 23, 2023 (Item D)

Commissioner Host noted his recusal from voting on the item due to a check addressed to him on the warrant list.

MOTION: Motion by Commissioner Longe, seconded by Commissioner Baller:
To approve the warrant list, including Automated Clearing House payments, dated November 23, 2023 in the amount of \$1,005,656.02.

ROLL CALL VOTE: Ayes, Mayor McLain
Commissioner Longe
MPT Schafer
Commissioner Long
Commissioner Baller

Nays, None

11-271-23 Special Event Application: 59th Annual Village Fair (Item E)

Joe Bauman, President of the Birmingham Bloomfield Chamber of Commerce (BBCC), answered two informational questions from Commissioner Longe.

The Mayor explained that she always has a concern when a civic asset is used to generate revenue for a private entity. She said 30% was a reasonable amount to be distributed to the BBCC's charitable partners.

MOTION: Motion by Commissioner Longe, seconded by Commissioner Long:
To approve a special event permit as requested by the Birmingham Bloomfield Chamber of Commerce to hold the 59th Annual Village Fair on May 29, 2024 - June 2, 2024 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.

VOICE VOTE: Ayes, Mayor McLain
 Commissioner Host
 Commissioner Longe
 MPT Schafer
 Commissioner Long

Nays, None

11-272-23 Multi-Modal Transportation Board Member Resignation (Item G)

Commissioner Long commented on his service on the MMTB and commended Senior Planner Cowan for his work as MMTB Board Liaison.

MOTION: Motion by Commissioner Long, seconded by Commissioner Longe:
To accept the resignation of Anthony Long from the Multi-Modal Transportation Board, to thank him for his service and to direct the City Clerk to begin the process of filling the vacancy.

Commissioner Long encouraged interested members of the public to apply for the vacancy on the MMTB.

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

Nays, None

11-273-23 Set Public Hearing to amend Chapter 126 (Zoning), Article 4, Section 4.54 of the Zoning Ordinance to add flexibility to screening requirements for waste receptacles and ground-mounted mechanical/electrical equipment (Item I)

Commissioner Baller noted the item for the public.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Longe:
To set a public hearing date of December 18, 2023 to consider amendments to Chapter 126 (Zoning), Article 4, Section 4.54 of the Zoning Ordinance to add flexibility to screening requirements for waste receptacles and ground-mounted mechanical/electrical equipment.

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

Commissioner Long
Commissioner Baller

Nays, None

11-274-23 Set Public Hearing for 377 Hamilton Row – Birmingham Sushi Cafe – Special Land Use Permit, Final Site Plan & Design Review (Item J)

Commissioner Baller noted the item for the public.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Long:
To set a public hearing date of December 18, 2023 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 377 Hamilton Row – Birmingham Sushi Cafe.

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

Nays, None

VI. UNFINISHED BUSINESS

11-275-23 Police / City Hall Assessment Review

CM Ecker and PC Grewe introduced the review. Staff answered informational questions from the Commission.

Aaron Olko of Telluris presented the review.

Commissioners made the following comments in the course of discussion:

- The security and space concerns are significant;
- While it was presumed that Police services and City Hall services would be located adjacent to one another, there was no indication that would be necessary. It may be worthwhile to consider locating some of these services elsewhere in the City and/or brainstorming other solutions;
- The community values the City Hall building and it should be modernized;
- The City Hall building needs to be ADA compliant, to be secured, and to have updated mechanicals;
- This project should be limited to necessary improvements;
- The safety and security of building would likely be one of the top priorities;
- The RFP and the contract requested conceptual designs and price points, both in the plural. Instead, this presentation was significantly more detailed, and presented one design with one price;
- The proposal is overly dense for the site, and creates something of a wall opposite the Townsend Hotel and does not enhance the walkability of the community;

- An alternate design that addresses the necessities as well as whether some of the present Police and/or City Hall services could be located elsewhere would be useful. This would also allow any potential addition to City Hall to be greatly reduced in size, scope, and cost;
- It would be helpful to know whether any City departments could be moved elsewhere, and the associated costs;
- It would be important to hear feedback from the Police Department regarding the most functional location for the department;
- If aspects of the Police Department should remain in City Hall, the argument should be made for the colocation of each function;
- It would be helpful to know where other communities locate their Police in relation to their downtowns;
- It could be useful to have a Police desk with some functions in City Hall;
- Locating the Police Department off site could be acceptable if it would not impair safety in any way;
- It would be helpful to hear how improving the City Hall building's ADA compliance and the Police Department's security might impact other aspects of the project;
- This project needs to serve the residents, City Hall employees, the Police Department, and people who visit Birmingham; and,
- It will be necessary to know the most pressing needs, including for maintaining Police Department accreditation, and how a phased project might play out.

VII. NEW BUSINESS

11-276-23 2024-2025 Community Development Block Grant Application Public Hearing

The Mayor opened the public hearing at 9:26 p.m.

FD Gerber summarized the item.

Seeing no public comment, the Mayor closed the public hearing at 9:27 p.m.

Staff answered questions from the Commission.

Members of the public were encouraged to notify the City if they knew of an elderly resident who could benefit from available funds for senior and yard services.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Long:
To adopt a resolution to approve the Program Year 2024 Community Development Block Grant application with the following projects and respective allocations: APPROVED 2024-2025** 1. Public Services – Yard Services \$ 1,694 2. Public Services – Senior Services 3,500 3. Remove Architectural Barriers – Museum Park 29,435 TOTAL \$ 34,629 AND, To authorize the Mayor to sign the application, conflict of interest certification, subrecipient agreement (when available), and other documents resulting from this application on behalf of the City and submit the documents to Oakland County

ROLL CALL VOTE: Ayes, Mayor McLain

Commissioner Host
Commissioner Longe
MPT Schafer
Commissioner Long
Commissioner Baller

Nays, None

**11-277-23 Redding Road Project #9-23 (S)
Hearing of Necessity for Sidewalk Special Assessment District (SAD)**

The Mayor opened the public hearing at 9:33 p.m.

CE Coatta and CA Kucharek presented the item. CA Kucharek noted that a letter from Catherine and Rick Beer, regarding the special assessment, was provided to the Mayor on November 27, 2023. CA Kucharek said she did not know whether it was a letter of protest or merely of displeasure.

Public Comment

Catherine Beer clarified that her letter was meant to indicate both protest and displeasure. Ms. Beer then read the letter to the Commission.

The Mayor closed the public hearing at 9:43 p.m.

Staff answered questions from the Commission.

Commissioners made the following comments in the course of discussion:

- Birmingham's 'A Walkable City' tagline refers back to its decision to implement a complete streets policy, which includes the safety and security of pedestrians and includes sidewalks;
- While an individual homeowner may or may not derive benefit from a sidewalk in front of their home, it does represent a safety improvement for any pedestrians who pass in front of that home;
- While a resident may not be enthusiastic about an assessment to add or repair a sidewalk in front of their home, it is something that nearly every single family residence will experience and means that the costs of adding sidewalks across the City are shared among the residents;
- The City does assume a portion of the financial responsibility for these projects; and,
- City Staff works diligently to analyze and present different options, and those are considered thoroughly.

MOTION: Motion by Commissioner Longe, seconded by MPT Schafer:
WHEREAS, Notice was given pursuant to Section 94-7 of the City Code, to each owner or party-in-interest of property and lots to be assessed, by first class mail, and by publication in a newspaper generally circulated in the City; and

WHEREAS, The City Commission has conducted a public hearing and has determined to proceed with the project of installing a new sidewalk where no sidewalk exists on Redding Road between Lake Park Drive and the Rouge River; and

WHEREAS, The City has previously established a policy of addressing sidewalk gap closure by installing a new sidewalk where none exists when the City street is open for repairs or reconstruction; and

WHEREAS, The City Commission, after the public hearing, has determined that the Redding Road Project, and installing a new sidewalk where none exists, is a necessity and is in the best interest of the City; and

WHEREAS, The Commission has approved the detailed plans and estimates of cost prepared by the City Engineer; and

WHEREAS, Formal bids have been received and the actual cost of the sidewalk has been determined; and

WHEREAS, The City Engineer has determined the boundaries of new sidewalk located within the limits of the following streets shall be installed as part of the Redding Road Project (Contract #9-23(S)):

Redding Road – Lake Park Drive to Woodward Ave.; and

WHEREAS, The formula used in making the assessment is 85% of the front-foot costs for sidewalk improvement are assessed on all properties fronting on the improvement and 25% of the side-foot costs for improvement are assessed on all residential properties siding on the improvement (estimated at the rate of \$45.00 per foot of sidewalk).

THEREFORE LET IT BE RESOLVED, The City Commission has determined that the scope of the public improvement as described is in the best interest of the City and will benefit the properties listed in the assessment roll, and the City Commission directs the City Manager to prepare a Special Assessment Roll and present the same to the City Commission for confirmation and further set a public hearing for December 4, 2023 and give notice for same.

Parcel ID / Sidewell Number	Street Address
19-26-226-016	1401 Old Salem Ct
19-26-226-024	N/A

Commissioner Host opined that since the benefit of sidewalks would be shared by the community, the cost of sidewalk installation should be borne by the community. He said sidewalks should be added west of Chesterfield on Redding.

Commissioner Baller noted that sidewalks are a great asset to the community and benefit every homeowner since they increase property values. While he acknowledged some residents' dissatisfaction with how sidewalk installation is funded, he said he had not heard an alternative

funding proposal. He noted that changing the funding method could also impact residents who have already paid to have sidewalks added.

The Mayor explained her experience with being assessed for a sidewalk installation. She thanked residents for participating in the conversation.

Commissioner Long thanked the Beers for their participation. He noted that in their case the City was assuming three-fourths of the cost of the project. The Commissioner then explained his experience of being assessed for a sidewalk installation at one of his previous homes. He noted that the addition of sidewalks also expands the pool of potential buyers of a resident's home.

Public Comment

Ms. Beer supported sidewalks being installed through the use of public funds.

ROLL CALL VOTE: Ayes, Mayor McLain
 Commissioner Longe
 MPT Schafer
 Commissioner Long
 Commissioner Baller

Nays, Commissioner Host

Commission Items for Future Discussion

11-278-23 Public Review Process

MOTION: Motion by Commissioner Baller, seconded by Commissioner Longe:
To have a clarification of the civic improvement process, how the Commission is involved going forward, and some direction from the Commission of how those improvements ought to be handled.

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

Nays, None

The Commission recessed briefly, and returned from recess.

Commission Discussion On Items From A Prior Meeting

Short Term Rentals

Commissioner Host spoke regarding the item.

Staff answered informational questions from the Commission.

Commissioner Longe opined that the topic had more than sufficient discussion by the Commission already.

11-279-23 Rodent Control Measures

The Mayor spoke regarding the item.

MOTION: Motion by Mayor McLain, seconded by Commissioner Long:
To have additional information going forward on how to share this with the public, and going forward to talk about sustainability, infrastructure, and not poisoning, and that this becomes an agenda item.

Commissioner Host said he was impressed with the report and suggested the City could possibly also be doing more.

The Mayor requested creative guidelines for public outreach and research into subcontractors that deal with the issue creatively without involving poison.

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

Nays, None

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of intention to appoint to the Multi Modal Transportation Board
- B. Commissioner Comments

The Mayor suggested that the City Manager’s Report be moved to after Announcements and before Appointments on future agendas for the public’s benefit.

Staff answered informational questions from the Mayor.

Commissioner Baller said he wanted the opportunity to ask questions regarding the City Manager’s Report and suggested it be moved to follow New Business on future agendas.

Commissioner Longe said that moving the City Manager's Report before Appointments was too early on the agenda.

Commissioner Long said moving the City Manager's Report up on the agenda would be for the public's benefit. He explained that beyond moving the City Manager's Report up, it should not otherwise be handled any differently.

The Mayor asked the City Manager to consider the Commission's comments regarding the order of future agendas.

The Mayor noted that Michigan has an ongoing Campaign to End Homelessness and told residents they could access more information about the state action plan. She also noted that if residents have questions for their elected officials, residents can visit their officials' websites to access or request more information.

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation

The Mayor noted the State Legislature is recessed until January 2024.

- E. City Staff
 - 1. First Quarter Financial Report
 - 2. First Quarter Investment Report
 - 3. SOCWA Quarterly Report – October 2023
 - 4. Manager's Report

CM Ecker presented the report.

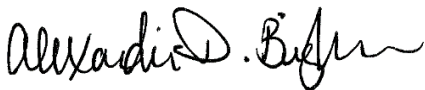
Commissioner Host thanked the City Manager for the information on the Oakland County grant.

Commissioner Baller requested that the Commission receive a copy of the YMCA RFP.

INFORMATION ONLY

XI. ADJOURN

The Mayor adjourned the meeting at 11:14 p.m.



Alexandria Bingham, City Clerk



Laura Eichenhorn, City Transcriptionist