

Birmingham City Commission Minutes
August 28, 2023
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: <https://vimeo.com/858765340>

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 Haig
Commissioner Host
Commissioner Schafer

Absent: Commissioner Baller
Commissioner Boutros

Staff: City Manager Ecker; City Clerk Bingham, Planning Director Dupuis, Assistant City Manager Fairbairn, Finance Director Gerber, City Attorney Kucharek

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

Announcements

- The City Commission proudly declares August as Civility Month. Our City government stresses the importance of respectful dialogue and behavior in our community. To recognize Civility Month, we shall aim to create a place of understanding, empathy, and clear communication. Encouraging civility strengthens the bond between citizens and government, making our City more welcoming and inclusive.

Appointments

08-196-23 Ad Hoc Aging in Place

Jay Reynolds was interviewed by the Commission.

MOTION: Nomination by Commissioner Host:

To appoint Jay Reynolds to the Ad Hoc Aging in Place Committee as a regular member who is a senior resident and Birmingham voter to serve an 18-month term to expire January 31, 2025.

V. CONSENT AGENDA

08-199-23 Consent Agenda

The following items were pulled from the Consent Agenda:

MPT McLain, Staff, Public:

Item A – City Commission Minutes of August 14, 2023

MPT McLain:

Item C – Warrant List – August 23, 2023

Item D – Election Commission Designation of Representatives –
Public Accuracy Tests for the November 7, 2023 Election

Item F – ExteNet Systems, LLC Metropolitan Extension
Telecommunications Rights-of-Way Oversight (METRO) Act Permit
Application

MOTION:

Motion by Commissioner Haig, seconded by Commissioner Host:

To approve the Consent Agenda minus Items A, C, D, and F.

ROLL CALL VOTE:

Ayes, MPT McLain
Commissioner Host
Mayor Longe
Commissioner Haig
Commissioner Schafer

Nays, None

- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated August 16, 2023, in the amount of \$2,818,117.02.
- E. Resolution to claim an exemption from the Publicly-funded Health Insurance Contribution Act 2011 PA 152. Further, to direct the City Engineer and Finance Director to sign the Annual Certification of Employee-related Conditions for the year 2023 and submit the required form to the Michigan Department of Transportation as required by Public Act 51.
- G. Resolution approving a two-year contract between the City and Oakland County for assessing services for the period of July 1, 2023 through June 30, 2025 and to authorize the Mayor and the City Clerk to sign the agreement on behalf of the City.
- H. Resolution approving the Addendum to the contract to RAM Construction, Inc. for the proposed 2023 North Old Woodward Parking Structure Repair Project in the amount of \$44,876.000; further, to charge the contract to the structures capital outlay (514.1-594.005-977.0000) account as costs are incurred. Furthermore, to authorize the Mayor and City Clerk to sign the contract on behalf of the City.

08-200-23 City Commission Minutes of August 14, 2023 (Item A)

It was noted that the minutes required a spelling correction.

Public Comment

David Bloom made a comment regarding detail in the minutes.

MOTION: Motion by MPT McLain, seconded by Commissioner Host:
To approve the City Commission meeting minutes of August 14, 2023 as amended.

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

Nays, None

08-201-23 Warrant List – August 23, 2023 (Item C)

MPT McLain noted for the public that two payments were made to the 48th District Court as part of this warrant list.

MOTION: Motion by MPT McLain, seconded by Commissioner Host:
To approve the warrant list, including Automated Clearing House payments, dated August 23, 2023, in the amount of \$13,793,838.49.

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

Nays, None

08-202-23 Election Commission Designation of Representatives – Public Accuracy Tests for the November 7, 2023 Election (Item D)

In reply to MPT McLain, CC Bingham summarized the item. She noted that the Public Accuracy Test for the November 7, 2023 General Election is scheduled for Tuesday, October 3, 2023 at 1:00 p.m. in room 205 of the Birmingham Municipal Building, 151 Martin, Birmingham.

MOTION: Motion by MPT McLain, seconded by Commissioner Haig:
To designate Finance Director Mark Gerber, Assistant Finance Director Kim Wickenheiser, DPS Director Scott Zielinski, Building Official Bruce Johnson, Assistant Building Official Mike Morad, Museum Director Leslie Pielack, and Police Commander Ryan Kearney as proxy representatives of Election Commissioners Mayor Therese Longe, Mayor Pro Tem Elaine McLain, Commissioner Clinton Baller, Commissioner Brad Host, Commissioner Andrew Haig, Commissioner Pierre Boutros, and Commissioner Katie Shafer, to conduct the Public Accuracy Tests of the electronic tabulating equipment which will be used to count votes at Birmingham precincts during the November 7, 2023 election.

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

Nays, None

08-203-23 ExteNet Systems, LLC Metropolitan Extension Telecommunications Rights-of-Way Oversight (METRO) Act Permit Application (Item F)

MPT McLain summarized the item for the public. She noted any residents concerned about their internet or cell service speeds could contact their provider and/or the Birmingham Area Cable Board. She encouraged residents to be aware of public rights of way in terms of potential future state legislation.

MOTION: Motion by MPT McLain, seconded by Commissioner Schafer:
To approve the METRO Act Application of ExteNet Systems, LLC and the METRO Act Permit for the project locations shown on the exhibit. In addition, to authorize the Mayor and City Clerk to sign the Bilateral Form on behalf of the City.

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

Nays, None

VI. UNFINISHED BUSINESS

08-204-23 Principles of Conduct

ACM Fairbairn and CM Ecker presented the item. CA Kucharek answered questions about the item.

Commission discussion was as follows:

- The one-pager prepared by ACM Fairbairn accurately reflected the Commission’s prior request;
- Under Respectful Communication, business owners could be added to the list of ‘Commissioners, residents, and staff’. ‘All’ or ‘each person’ could also be used to convey similar meaning;
- Under Respectful Communication, ‘equally and’ could be added before ‘with respect’;
- Under Respectful Communication, ‘or accusatory statements’ could be added after ‘personal attacks’;
- The Principles could be useful for everyone in the City to sign on to;
- Alternatively, the Principles may not be appropriate for non-Commissioners to sign on to since the language was specific to Commissioners; and,

- Once the Principles were determined, they should be posted on the Commission room door.

Commission consensus was that under Respectful Communication, 'Commissioners, residents, and staff' should be changed to 'all', and that after 'personal attacks' 'and accusatory statements' should be added.

MOTION: Motion by Commissioner Haig, seconded by Commissioner Host ~~no second~~.¹

To adopt the City Commission Principles of Conduct with the two verbiage modifications for Item Number Two as noted by the Mayor.

Commissioner Host thanked ACM Fairbairn for her work.

Commissioner Haig said that 'We shall promote healthy discourse and avoid spreading false information or making personal attacks' should be considered applicable for as long as a Commissioner serves as an elected official. He said he did not consider it an infringement of the First Amendment, and rather saw it as a responsibility every Commissioner assumes in becoming an elected official.

MPT McLain agreed strongly. She said that being a Commissioner is a calling, and that truth is the defense. She thanked ACM Fairbairn for her work on the item.

Public Comment

Mr. Bloom made a comment complementing the work of city staff and then critiqued the fact that the Principles of Conduct only applied in City Commission meetings and he didn't like the prohibition on spreading false information as, "one person's false information can be another person's truth."

CA Kucharek and CM Ecker provided a brief reply to Mr. Bloom's comment.

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

Nays, None

VII. NEW BUSINESS

08-205-23 Public Hearing for 245 S. Eton – Big Rock Italian Chophouse – Special Land Use Permit, Final Site Plan & Design Review

The Mayor opened the public hearing at 8:18 p.m.

¹As amended at the September 11, 2023 meeting.

PD Dupuis presented the item. Mark Knauer spoke on behalf of the project.

Seeing no public comment, the Mayor closed the public hearing at 8:22 p.m.

Staff answered informational questions from the Commission.

Commission discussion was as follows:

- The applicant's and City's negotiations regarding the easement benefitted both parties and should be considered exemplary for future negotiations between the City and private parties; and,
- The applicant should be commended for their commitment to historic preservation.

MOTION: Motion by MPT McLain, seconded by Commissioner Schafer:
To approve the Special Land Use Permit, Final Site Plan and Design Review application for 245 S. Eton – Big Rock Italian Chophouse.

MPT McLain thanked the applicants.

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

Nays, None

08-206-23 Budgeting Software

FD Gerber presented the item and answered informational questions from the Commission.

Two Commissioners stated their support for the item.

MOTION: Motion by Commissioner Haig, seconded by Commissioner Host:
To approve the Master Services Agreement with OpenGov in the amount of \$78,997, charging this cost to account number 101.0-191.000-901.0000, authorizing the Mayor and the City Clerk to sign the master services agreement on behalf of the City, and authorizing the Finance Director to sign the order form. Furthermore, to amend the General Fund appropriations and budget as follows:

Revenues:		
Appropriation from Fund Balance	101.0-000.000-400.0000	\$39,000
Expenditures:		
General Government-Finance	101.0-191.000-901.0000	\$39,000

VOICE VOTE: Ayes, Commissioner Host
Mayor Longe
Commissioner Haig

Commissioner Schafer
MPT McLain

Nays, None

Commission Items for Future Discussion

08-207-23 Stormwater Presentation

MOTION: Motion by MPT McLain, seconded by Commissioner Host:
To have a presentation or workshop on how the City handles stormwater in the City and up and down the Woodward corridor.

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

Nays, None

The Mayor provided information on City services being offered in the aftermath of the recent storms.

Ad Hoc Aging in Place Alternate

MPT McLain asked that adding an alternate to the Ad Hoc Aging in Place Committee be brought as a future item for consideration.

In reply to the Mayor, CM Ecker confirmed that was sufficient direction.

08-208-23 Pollinator Gardens

MOTION: Motion by Commissioner Haig, seconded by Commissioner Host:
To, as soon as possible, discuss changing any median areas and City green spaces that are not used as actual park areas into things like pollinator gardens using native Michigan perennials and wildflowers.

Commissioner Haig noted that having the discussion in the near future might allow for some of the changes in planting to be implemented in the fall.

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

Nays, None

Commissioner Schafer recommended that other potential locations be studied as part of the discussion. Commissioner Haig concurred.

MPT McLain noted that the plantings would need to remain low enough that those in sedans would be able to maintain lines of sight.

Short Term Rentals

In reply to Commissioner Host, CA Kucharek confirmed she was working on a follow-up report based on prior Commission direction regarding short term rentals.

MPT McLain said she would pass along any updates on short term rentals provided by the MML.

Commission Discussion On Items From A Prior Meeting

None

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

- A. Email from Maureen Bell Field regarding the YMCA Pool

X. REPORTS

- A. Commissioner Reports
- B. Commissioner Comments

Commissioner Haig commended the BSD, Police, Fire and additional City staff for their work on the 2023 Dream Cruise.

MPT McLain reported that Birmingham USPS flooded and was still able to deliver all mail. She said the Post Office plans on addressing the roof of the building going forward.

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. City Manager's Report

Commissioner Haig asked when upgrades to City Hall would be discussed again.

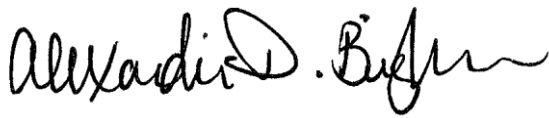
MPT McLain thanked the City administration for the work on W. Brown. She asked about the Wesley Stamps memorial sign being replaced.

CM Ecker replied to both inquiries.

INFORMATION ONLY

XI. ADJOURN

Mayor Longe adjourned the meeting at 9:18 p.m.



Alexandria Bingham, City Clerk



Laura Eichenhorn, City Transcriptionist