

Birmingham City Commission Minutes
January 22, 2024
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: <https://vimeo.com/905373297>

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 Haig
Commissioner Host
Commissioner Long
Commissioner Longe

Absent: Commissioner Baller

Staff: City Manager Ecker; City Clerk Bingham, Assistant City Engineer Borton, Assistant City Manager Clemence, City Engineer Coatta, Senior Planner Cowan, Planning Director Dupuis, Assistant City Manager Fairbairn, Police Chief Grewe, Deputy Treasurer Katz, Police Captain Kearney, City Attorney Kucharek

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

APPOINTMENTS

01-015-24 Public Arts Board

The Commission interviewed Barbara Heller for the appointment.

MOTION: Nomination by Commissioner Longe:
To appoint Barbara Heller to the Public Arts Board as a regular member for a three-year term to expire January 28, 2027.

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

01-016-24 Martha Baldwin Park Board

The Commission interviewed Nicole Cillette for the appointment.

MOTION: Nomination by Commissioner Host:
To appoint Nicole Cillette as a regular member to the Martha Baldwin Park Board to serve a four-year term to expire May 1, 2027.

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

Nays, None

01-017-24 Board of Zoning Appeals

The Commission interviewed Jason Canvasser for the appointment.

MOTION: Nomination by Commissioner Host:
To appoint Jason Canvasser as a regular member of the Board of Zoning Appeals to serve the remainder of a three-year term to expire October 10, 2026.

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

Nays, None

01-018-24 Board of Zoning Appeals

The Commission proceeded to reappoint Carl Kona in his absence since he was interviewed for reappointment at a recent, prior meeting.

MOTION: Nomination by Commissioner Longe:
To appoint Carl Kona as an alternate member of the Board of Zoning Appeals to serve the remainder of a three-year term to expire February 18, 2026.

VOICE VOTE: Ayes, MPT Schafer
Commissioner Longe
Commissioner Long
Commissioner Haig

CC Bingham swore in the present applicants.

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

V. CONSENT AGENDA

01-019-24 Consent Agenda

MOTION: Motion by Commissioner Longe, seconded by Commissioner Long:
To move the Consent Agenda with the exception of Items B and C.

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

Nays, None

- A. Resolution to approve the City Commission regular meeting minutes of January 8, 2024.
- D. Resolution to approve a Special Event permit as requested by Common Ground to hold the Birmingham Street Art Fair on September 28 and 29, 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.
- E. Resolution to approve a special event permit as requested by the HDSA Michigan Chapter to hold Yoga in the Park on 06/15/24 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.
- F. Resolution to hold a 2023 review of establishments who have liquor licenses for consumption on premises and to consider same establishments for 2024 renewal at the regular City Commission meeting on Monday, February 12, 2024 at 7:30 p.m.
- G. Resolution to delegate to the Birmingham City Clerk and her authorized assistants, those being the members of her staff, the following duties of the Election Commission for the February 27, 2024, August 6, 2024 and November 5, 2024 elections:
 - Preparing meeting materials for the Election Commission (ballots proof for approval, list of election inspectors for appointment, etc.)
 - Preparing, printing and delivering ballots

- Providing candidates and the Secretary of State with proof copies of ballots
 - Providing notice to voters in the case of precinct changes/consolidations
 - Providing election supplies and ballot containers
 - Preliminary logic and accuracy testing
 - Notifying major political parties of certified precinct Inspector appointments (federal and state elections only)
- H. Resolution designating 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 Elaine McLain, Mayor Pro Tem Katie Schafer, Commissioner Clinton Baller, Commissioner Brad Host, Commissioner Andrew Haig, Commissioner Anthony Long, and Commissioner Therese Longe, to conduct the Public Accuracy Test on Tuesday, February 6, 2024 at 9:00 a.m. in room 205 to test the electronic tabulating equipment which will be used to count votes at Birmingham precincts during the February 27, 2024 presidential primary election.
- I. Resolution appointing election inspectors, absentee voter counting board inspectors, receiving board inspectors and other election officials as recommended by the City Clerk for the February 27, 2024 presidential primary 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

To authorize the use of the Oakland County Absent Voter Counting Board for the purpose of processing and tabulating absent voter ballots on February 27, 2024, as prescribed in the terms and responsibilities previously agreed upon at the July 12, 2020 meeting by Commission resolution 07-120-20.

- J. Resolution to allocate \$20,416 in Municipal Credits and \$33,579 in Community Credits from SMART for fiscal year 2024 to Next in support of their specialized transportation program; and further to direct the Finance Director to sign the Municipal Credit and Community Credit contract for fiscal year 2024 on behalf of the City.
- K. Motion adopting an amendment to Chapter 58, Article IV., Sec. 58-111(a) of the Birmingham City Code of Ordinances stating that applicants for child care centers, day care centers and family day care group homes must provide their most recent driver's license and the Police Department shall perform a background and criminal check of applicants.

01-020-24 Warrant List – January 11, 2024 (Item B)

Mayor McLain pulled Item B, explaining that she pulls warrant lists with payments to the 48th

MOTION: Motion by Commissioner Longe, seconded by Commissioner Haig:

To approve the warrant list, including Automated Clearing House payments, dated January 11, 2024 in the amount of \$7,342,564.60.

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

Nays, None

01-021-24 Warrant List – January 18, 2024 (Item C)

Mayor McLain pulled Item B, explaining that she pulls warrant lists with payments to the 48th District Court.

MOTION: Motion by Commissioner Longe, seconded by Commissioner Haig:
To approve the warrant list, including Automated Clearing House payments, dated January 18, 2024 in the amount of \$1,460,660.63.

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

Nays, None

VI. CITY MANAGER’S REPORT

A. January 22, 2024 City Manager’s Report

VII. UNFINISHED BUSINESS

01-022-24 Staff Update – Shirley Rd. & Arlington St. Interim Report for City-Initiated Unimproved Street Project

Mayor McLain introduced the item. CA Kucharek and CM Ecker presented the item and answered informational questions from the Commission.

Commissioners made the following comments in the course of discussion:

- The walk should be scheduled so as to be convenient for residents of the neighborhood; and,
- The walk should not be scheduled during inclement weather.

There was Commission consensus to schedule the walk for January 30, 2024 at 9 a.m. with a rain date of February 2, 2024 at 9 a.m.

Public Comment

Jim Mirro thanked City Staff for their assistance with a map and supported a stop during the walk on Brandon.

MOTION: Motion by Commissioner Longe, seconded by Commissioner Host:
To reschedule the previously scheduled walking tour of the Shirley and Arlington Streets as it was originally proposed to a new primary date of Tuesday, January 30 at 9 a.m., with a secondary weather date of Friday, February 2 at 9 a.m.

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

Nays, None

VIII. NEW BUSINESS

01-023-24 Confirmation of SAD Roll 907 Edgewood Road Project – Water and Sewer Laterals

The Mayor opened the public hearing at 8:22 p.m.

DT Katz and FD Gerber presented the item.

Public Comment

Mr. Mirro asked for information on the costs, asked whether the SAD could be optional for streets, and requested increased clarity of communication regarding these types of projects.

Sue Gallagher raised questions about the costs of the SAD.

Staff answered informational questions from the public.

Seeing no further public comment, the Mayor closed the public hearing at 8:38 p.m.

Staff answered informational questions from the Commission.

Commissioners made the following comments in the course of discussion:

- The agenda packet included some of the information requested by members of the public.

MOTION: Motion by Commissioner Longe, seconded by Commissioner Long:
To confirm special assessment roll 907 as follows:

WHEREAS, Special Assessment Roll, designated Roll No. 907, has been heretofore prepared for collection, and

WHEREAS, notice was given pursuant to Section 94-7 of the City Code, to each owner or party in-interest of property to be assessed, and

WHEREAS, the Commission has deemed it practicable to cause payment of the cost thereof to be made after the time of construction and

WHEREAS, Commission Resolution 01-005-24 provided it would meet this 22nd day of January, 2024 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this January 22, 2024, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 907 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that the special assessment shall be payable in five (5) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of nine and one half percent (9.50%) on all unpaid installments.

The chart is available on page three of Item 8A in the agenda packet for January 22, 2024.

Street Address
280 E. Lincoln
280 E. Lincoln
400 E. Lincoln
400 E. Lincoln
1204 Edgewood
1212 Edgewood
1236 Edgewood
1260 Edgewood
1272 Edgewood
1300 Edgewood
1332 Edgewood
1348 Edgewood
1416 Edgewood

1450 Edgewood
1486 Edgewood
1498 Edgewood

\$ 89,590.00

Street Address
1204 Edgewood
1260 Edgewood
1288 Edgewood
1300 Edgewood
1332 Edgewood
1416 Edgewood
1450 Edgewood
1472 Edgewood
1498 Edgewood

\$ 20,424.00

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

Nays, None

01-024-24 Public Hearing – Lot Combination of 34350 Woodward Avenue and 909-911 Haynes Street, Fred Lavery Porsche, Parcel # 19-36-281-022 and Parcel # 19-36-281-030

The Mayor opened the public hearing at 8:45 p.m.

SP Cowan presented the item.

The applicant was available on behalf of the project.

Seeing no public comment, the Mayor closed the public hearing at 8:50 p.m.

Staff answered informational questions from the Commission.

Commissioners made the following comments in the course of discussion:

- This project was a long time coming; and,
- Positive aspects of the project included the addition of EV charging stations and safety improvements to the intersection.

MOTION: Motion by Commissioner Long, seconded by Commissioner Host:
To approve the lot combination of 34350 Woodward Ave and 909-911 Haynes Street, Fred Lavery Porsche, parcel # 19-36-281-022 and parcel # 19-36-281-030.

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

Nays, None

01-025-24 Public Hearing for 34350 Woodward Ave & 909-911 Haynes Street – Fred Lavery Porsche Dealership – Special Land Use Permit, Final Site Plan & Design Review

The Mayor opened the public hearing at 8:52 p.m.

SP Cowan presented the item.

The applicant spoke on behalf of the project.

Seeing no public comment, the Mayor closed the public hearing at 8:58 p.m.

Staff and the applicant answered informational questions from the Commission.

Commissioners made the following comments in the course of discussion:

- This change was a result of brand requirements for the franchisee; and,
- This project as a whole will represent a benefit for the area.

MOTION: Motion by Commissioner Host, seconded by Commissioner Longe:
To approve the Special Land Use Permit, Final Site Plan and Design Review application for 34350 Woodward Ave & 909-911 Haynes Street – Fred Lavery Porsche.

Commissioner Host noted that the Laverys live in Birmingham and said it was nice that owners of Birmingham commercial operations lived in the City.

ROLL CALL VOTE: Ayes, MPT Schafer
Commissioner Host
Commissioner Longe

Commissioner Long
Commissioner Haig
Mayor McLain

Nays, None

01-026-24 Wayfinding & Branding Committee

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

MOTION: Motion by Commissioner Haig, seconded by Commissioner Longe:
To establish a permanent Wayfinding and Branding Committee to continue the implementation of the Citywide Wayfinding and Signage Plan and act as a clearing house for all major wayfinding and branding projects in the City.

The Mayor said she looked forward to updates from the Committee.

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

Nays, None

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

01-027-24 Brandon Street

Commissioners made the following comments in the course of discussion:

- Brandon was likely not originally included in the Arlington and Shirley project because it was likely not as urgently an issue; and,
- Projects often include water, sewer, and surface improvements because it is more resource-efficient.

Public Comment

Mr. Mirro commented that Brandon is different from Arlington and Shirley.

Lauren Butazoni received clarification from the Commission regarding when further comment regarding Arlington and Shirley could be provided.

MOTION: Motion by Commissioner Longe, seconded by Commissioner Long:
To move Brandon Street forward as a formal agenda item to consider its inclusion in the Shirley-Arlington Road Project.

ROLL CALL VOTE: Ayes, MPT Schafer
Commissioner Host

Commissioner Longe
Commissioner Long
Commissioner Haig
Mayor McLain

Nays, None

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

A. Commissioner Reports

The Mayor noted that Live with the League is available for watching online from the MML.

Commissioner Host provided an update on the ongoing intermunicipal discourse regarding the Birmingham Country Club's pickleball court.

B. Commissioner Comments

MPT Schafer noted that the Birmingham Bloomfield Youth Assistance was hosting a Kids' Dog Show at Berkshire Middle School on February 4, 2024. She also noted that clearing unimproved roads after inclement weather was difficult for DPS.

Commissioner Host encouraged residents to help their neighbors to clear snow when needed.

Commissioner Long noted that the recent storm was particularly difficult to clear and that the City also aims to be reasonable in its requirements.

The Mayor noted that concerns could be submitted via the GovAlert app.

Commissioner Host commended City Staff for the collaboration and reflection of the Commission's goals demonstrated at the Long Range Planning Meeting. He said he was disappointed in the report regarding parking.

C. Advisory Boards, Committees, Commissions' Reports and Agendas

D. Legislation

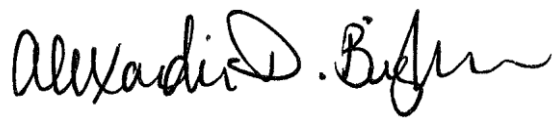
E. City Staff

1. Annual Review of ADA Project Updates Completed in 2023

INFORMATION ONLY

XI. ADJOURN

The Mayor adjourned the meeting at 9:45 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