Birmingham City Commission Minutes
January 27, 2025
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: https://vimeo.com/1050943536

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
MPT Baller
Commissioner Emerine
Commissioner Haig
Commissioner Host
Commissioner Long
Commissioner Schafer

Absent: None

Staff: City Manager Ecker; City Clerk Bingham, Assistant City Engineer Borton, Finance Director Designee Chavez, Planning Director Dupuis, Assistant City Manager Fairbairn, Parking Systems Manager Ford, Police Chief Grewe, Deputy Treasurer Katz, City Attorney Kucharek

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

Announcements

The Mayor noted that the City had a productive long range planning meeting on January 25, 2025 and thanked staff for their preparation and support.

Appointments

It was noted that the City was still accepting applications for an engineer to serve on the Ad Hoc Senior/Recreation Center Committee.

01-014-25 Environmental Sustainability Committee

Trenton Chapman was interviewed for the appointment.

MOTION: Motion by Baller:
To appoint Trenton Chapman as a regular member to the Environmental Sustainability Committee (ESC) to serve a one-year term to expire February 1, 2026.

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

Nays, None

CC Bingham swore in Mr. Chapman.

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

Paul Reagan opposed the present plans for the 400 E. Lincoln project.

V. CONSENT AGENDA

01-015-25 Consent Agenda

MOTION: Motion by Haig, seconded by Long:
To approve the Consent Agenda as written with the exception of Item E.

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

Nays, None

A. Resolution to approve the City Commission meeting minutes of January 13, 2025.

B. Resolution to approve the warrant list, including Automated Clearing House payments, dated January 16, 2025 in the amount of $998,076.04.

C. Resolution to approve the warrant list, including Automated Clearing House payments, dated January 23, 2025 in the amount of $2,825,446.13.

D. Resolution to set a public hearing date of February 24, 2025 to consider the Special Land Use Permit Amendment for 111 Henrietta to transfer ownership and update the Special Land Use Permit to the proposed new owner, 111 Brooklyn Bham, LLC.

F. Resolution to approve the recognition of Pediatric Retinal Research Foundation, 1221 Bowers St. Unit 1926, Birmingham, MI 48012, as a 501(c)(3) non-profit organization for the purpose of obtaining a State of Michigan Raffle License with the State of Michigan Charitable Gaming Division. Furthermore, to authorize the City Clerk to complete the Qualification Information Form and forward it to the Charitable Gaming Division in Lansing, MI.

G. Resolution to amend the previous poverty exemption resolution to incorporate a new provision, adding a 75% reduction in taxable value to the form, along with an explanation of how the requested percentage reduction(s) will be calculated and applied when granting a poverty exemption. In addition, to authorize the Mayor and City Clerk to sign the resolution on behalf of the City.

01-016-25 Special Event: Common Ground's 51st Birmingham Street Art Fair (Item E)

MPT Baller pulled Item E and made a motion to table this until the Commission could discuss how the City charges long-running charitable events in town. The motion died for lack of a second.

Commissioners raised the following points in the course of discussion:

- Costs of putting on special events are considered and planned for by charitable organizations. If Birmingham hosted special events for free, the City would be inundated with requests.

MOTION: Motion by Host, seconded by Long:
To approve a Special Event Permit as requested by Common Ground to hold the Birmingham Street Art Fair on September 13 and 14, 2025 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, MPT Baller
Commissioner Emerine
Commissioner Host
Commissioner Haig
Commissioner Schafer
Mayor Longe
Commissioner Long

Nays, None

VI. CITY MANAGER'S REPORT

CM Ecker presented the report and answered an informational question from the Commission.

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

01-017-25 Confirmation of SAD Roll 913 2025 Cape Seal Program (SAD)

Mayor Longe recused herself from this item citing a conflict-of-interest stemming from her residence within the special assessment district and left the room. MPT Baller assumed facilitation of the meeting.

MPT Baller opened the public hearing at 8:04 p.m.

DT Katz presented the item.

Seeing no public comment, MPT Baller closed the public hearing at 8:05 p.m.

MOTION: Motion by Schafer, seconded by Long:
To make a motion adopting a resolution confirming Special Assessment Roll 913 as depicted on pages two, three, four, five, six, seven, and eight of the agenda statement.

ROLL CALL VOTE: Ayes, MPT Baller
Commissioner Emerine
Commissioner Host
Commissioner Haig
Commissioner Schafer
Commissioner Long

Nays, None

Mayor Longe rejoined the meeting, thanked MPT Baller, and resumed facilitation of the meeting.

1-018-25 2025 Cape Seal Program Contract #5-25 (P) Award (SAD)

ACE Borton presented the item and answered an informational question from the Commission.

MOTION: Motion by Long, seconded by Host:
To award the 2025 Cape Seal Program #5-25 (P) to Highway Maintenance & Construction Co. in the amount of $500,477.75 and a 10% construction contingency for a total of $550,525.53. In addition, to authorize the Mayor and the City Clerk to sign the agreement on behalf of the City contingent upon execution of the agreement and meeting all insurance and bond requirements by Highway Maintenance & Construction Co.. Funding for this project has been budgeted in the following account, and that is the fund number, fund ID, project award, 10% contingencies, and total amount indicated on page two of 8B of the packet;

AND

To approve the appropriation and amendment of the fiscal year 2024/2025 Local Streets Fund budget as set forth on page three of 8B of the packet.

ROLL CALL VOTE: Ayes, Mayor Longe

MPT Baller
Commissioner Emerine
Commissioner Host
Commissioner Haig
Commissioner Schafer
Commissioner Long

Nays, None

01-019-25 Interior / Exterior Parking Garage Designer

PSM Ford introduced the item. Brian Hearn of BCT and Darko Banfic of Illuminart presented the item and answered informational questions from the Commission.

Commissioners raised the following points during discussion:

- The report was comprehensive and described the strengths and weaknesses of the City's parking decks well.
- The recommended change in lighting would result in reduced energy consumption.
- Some parking decks have motion sensors where the lights do not turn on until someone enters the deck.
- Messrs. Hearn and Banfic should meet with the Public Arts Board and the City's arborist to discuss potential opportunities for collaboration.
- The N. Old Woodward deck received emergency repairs, and the BCT team should feel empowered to recommend changes to the aesthetics.
- The N. Old Woodward deck and lot represent an opportunity for redevelopment.
- There is some desire to install banners on parking decks in order to advertise City attractions. The BCT team should provide recommendations for banner design and placement.
- Enlarged parking spaces and the recommendations in this report would likely draw many more people into the decks who were previously reluctant to use them.
- Better deck wayfinding within the City would hugely improve user experience.

MOTION: Motion by Schafer, seconded by Long:
To approve BCT Design Group to proceed to the "concept design phase" of the Interior/Exterior Design Services project.

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

Nays, None

01-020-25 400 E. Lincoln – Building Nomenclature

CM Ecker presented the item. and answered informational questions from the Commission.

Commissioners raised the following points during discussion:

- The SCC recommended the 'Birmingham Community and Senior Center;, while some individuals affiliated with Next preferred the 'Birmingham Senior and Community Center'.
- The name change would reflect the new vision for the project, as opposed to the original vision. Putting 'community' first better encapsulates the project's community orientation.
- It may be more appropriate to call it the 'Birmingham Community Center', since that will be the building itself, while Next and the YMCA would be tenants.
- Calling it the 'Birmingham Community Center' may not be looked upon favorably by the Community House.
- Other communities often do use both 'community' and 'senior' in their building titles.

MOTION: Motion by Baller, seconded by Schafer:

To approve the use of the term Birmingham Community and Senior Center in reference to the proposed new building at 400 E. Lincoln, as recommended by the Ad Hoc Senior/Recreation Center Committee.

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

Nays, Commissioner Haig

Senior / Recreation Center Draft Agreements with Future Tenants

CM Ecker and CA Kucharek presented the item. CM Ecker, CA Kucharek, and Brian Deming of KMG answered informational questions from the Commission.

Commissioners raised the following points during discussion:

- Next would have no capacity to extend its tenancy at Midvale School beyond May 31, 2027, even if the bond were moved to a November 2025 vote.
- The inclusion of the MOU was helpful. There may need to be further discussion about whether Next should contribute more to the improvements based on the language in the MOU.
- The MOU should either be redone or replaced if it is to be included as part of this contract. The prior MOU should be in effect if the circumstances default to the original circumstances.
- It would be necessary to understand how the entrances would be staffed, maintained, and laid out.
- The YMCA should be sure that the terms would not interfere inappropriately with its ability to conduct business.
- Any staffing of the building should not be a City cost.
- It could be said that contributions from Next and the YMCA towards this project amount to at least $610,000 per year for the life of a 20-year bond.
- Alternatively, it might be more appropriate to compare the costs of the annual debt service versus the annual costs of housing Next at Midvale.
- The name of the building will have to be updated in the draft agreements.
- Contingency plans for Next, in the event of significant changes to project delivery, should be expanded to contain much more detail and agreed-upon limits or caps.
- ‘In perpetuity’ in the lease should be changed to ‘20 years’. It could be renewable.
- The number of accessible parking spots should be defined.
- The lease should have figures for Next’s minimum insurance standards.
- Arbitration tends to be significantly more expensive than litigation, which should be considered vis-a-vis these agreements.
- ‘Turnkey’ should be replaced with a list of the specifically provided items.
- This should have been presented as a term sheet, and requires further revision.
- The intent to seek grant funding should either include targets, incentives, and penalties, or should be removed from the contract.
- ‘Sufficient’ as regards to advance notice should be defined.
- The appropriateness of using all of the senior millage funds towards this project should be discussed, and the conditions for using the senior millage funds should be clarified.
- The City should require of Next more financial transparency, minimum standards of governance, and efforts to expand services and membership. There should be a more robust list of breach events.
- It was unclear whether the City would receive adequate benefit from Next under the present terms relative to the costs. The YMCA-City relationship potentially offered more robust benefits relative to the costs.
- There should be clear provisions allowing the City to cease doing business with Next if Next meaningfully changes in mission, operations, or other aspects.
- There may need to be a limit on the number of memberships Next and the YMCA can sell, due to potential space constraints. It is also possible that visitors will self-limit based on finding that the facility is busier at certain times of the day.
- The timetable needs to align in both contracts.

- The proposed community use of the pool and gym should be increased, and the City should be able to define when those times occur.
- Referring to the YMCA as having 'exclusive' use of the pool was not accurate, given community use would be available.
- The City's maintenance responsibilities and the YMCA's maintenance responsibilities need to be better defined.
- The capital reserve fund should have two signers, one from the YMCA and one from the City.
- The equipment to be provided by the YMCA should be defined.
- 'Gatekeeper' could be replaced with 'security', 'receptionist', or another option.
- There should be a termination fee if the YMCA has to leave. One year of operating expenses may be appropriate.
- It may be more appropriate to structure both organization's membership fees with a base fee for all users, and a facility fee paid by non-Birmingham residents that goes into the City's general fund to, in part, reimburse the City for the bond debt.
- Next's Executive Director is responsible for much of the organization's success, and it would be helpful for the City to understand Next's succession plan.
- An August 2025 election may be inappropriate given the number of unresolved details.
- This project has the best chance of success if it is approached as a service offered to the community. In order to do that, the community use needs to be very well defined, and that needs to be one of the first questions to be resolved.
- Ice Arena and Facilities Superintendent Folk would likely be able to provide insight into balancing the swimming pool demands given her experience managing the Ice Arena.
- A graphic representation of the City's likely financial contributions per year versus the Next and the YMCA's financial contributions per year would be valuable. That would help in the calculation of the cost-benefit analysis.
- It may be necessary to treat all tenants equally.
- CM Ecker's presentation was extremely well done, and finding a way to put more of that information in written form would be of benefit.
- The programming and space should have been clear before the review of these legal documents.
- Next membership is likely to increase if it operates out of its own facility and not out of an elementary school.
- This is the first time the Commission is seeing these agreements, and these agreements will inevitably be better for having undergone a thorough review.
- While this process may feel rushed or premature, it is necessary to start the process of improving senior services delivery somewhere.
- It would be helpful for Next and the YMCA to explain the services they offer to members and the additional services available to any community member, whether they pay a membership fee or not. There needs to be more attention paid to the publicizing of these services. Next may be able to collaborate with the City's communications department to figure out ways of doing that.
- Former City Manager Marcus often described Next as 'the best deal in town' for the way it offers community members exceptional services at a low cost.
- Rochester's senior center charges $6 for a membership for residents from three communities, and $175 for a membership for residents from any other community. This could be a useful model to explore.
- Other communities operate their senior centers in a similar manner.

There was Commission consensus on the following statements:

- The Next contract should not be in perpetuity.
- Next should contribute an annual amount in some fashion.
- There needs to be increased and more well-defined community use.
- The City should not have any additional costs for staffing the building.
- In Next's contract, 5E, 5F, and 5G need to be better defined and limited.
- Breach events should be better defined.

There was interest in further study of the following statements:

- Next should provide some kind of financial reporting to the City, and some continued demonstration of sufficient or increasing service provision.
- Memberships may need to be limited to a maximum number given space constraints.
- It may be appropriate to charge a termination fee for either one or both tenants.

- Membership fees could be broken down into base and facility fees, with facility fees going towards Birmingham government operations since residents would be paying for the bond debt.

<u>Public Comment</u>

Parrish Underwood, President and CEO of the YMCA of Metropolitan Detroit, and Cris Braun, Executive Director of Next, commented on the preceding discussion and answered questions from the Commission.

Marcia Wilkinson, President of the Next Board, commented that the Commission should let Next know if it needs clarification on any topic from the organization, and commented on the tone of the Commission's discussion.

Pam Graham supported the project overall while acknowledging further work needs to be done, and commented regarding how value can be provided to the community.

George Dilgard commented regarding the strong support for senior centers across Oakland County.

David Hohendorf commented regarding the bond vote, the value of the project, and the necessity of an early termination fee for the YMCA.

Paul Reagan supported drawing more on the YMCA's expertise in programming, and commented that trying to align the programming needs of Next with an athletic facility was challenging.

Commission Items for Future Discussion

01-021-25 Business Recycling Practices

MOTION: Motion by Schafer, seconded by Long:
To have the Sustainability Board study the recycling practices of the commercial businesses in Birmingham.

Commissioner comments on the motion:
- This may tie in well with the requested report on garbage practices within the central business district.

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

Nays, None

01-022-25 Technology Advisory Board

MOTION: Motion by Baller, seconded by Host:
Consider appointing a technology advisory board.

Commissioner comments on the motion:
- It would be useful to hear whether the City could staff such a board, and whether ITM Brunk thinks such a board would be beneficial.
- It would be useful to hear what City topics the board might advise on.

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

Commissioner Long

Nays, None

Commission Discussion On Items From A Prior Meeting

IV. REMOVED FROM CONSENT AGENDA

X. COMMUNICATIONS

A. Communication from Michael Clift
B. Communication from Zack Sklar

XI. REPORTS

A. Commissioner Reports

Commissioners Baller and Haig reported back from their attendance at the recent Community House event. They noted that Commissioner Host and CM Ecker were also in attendance.

B. Commissioner Comments

Commissioner Host opined that the Commission should not have reviewed the legal agreements for 400 E. Lincoln until the operational aspects were more clear, and that public comment on the item occurred too late in the evening.

C. Advisory Boards, Committees, Commissions' Reports and Agendas
D. Legislation
E. City Staff
   1. Review of ADA Curb Ramp Project – Completion Report

The Mayor noted that this was a coordinated effort to meet the City's legal obligations.

INFORMATION ONLY

XII. ADJOURN

The Commission motioned to adjourn at 12:10 a.m.

Alexandria Bingham, City Clerk

Laura Eichenhorn, City Transcriptionist