

Birmingham City Commission Minutes
November 8, 2021
7:30 p.m.
Municipal Building, 151 Martin
Vimeo Link: <https://vimeo.com/638919728>

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Pierre Boutros, Mayor, opened the meeting with the Pledge of Allegiance.

II. ROLL CALL

Alexandria Bingham, City Clerk, called the roll.

Present: Mayor Boutros
Mayor Pro Tem Longe
Commissioner Baller
Commissioner Hoff
Commissioner Host
Commissioner Nickita
Commissioner Sherman

Absent: None

Administration: City Manager Markus, City Clerk Bingham, Assistant City Manager Ecker, Parks and Recreation Manager Laird, Human Resources Manager Lambert, City Attorney Kucharek, Department of Public Services Director Wood, Assistant City Engineer Zielinski

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

- COVID-19 cases remain high in Michigan, and Oakland County continues to be at a high level of community transmission. As a result, the CDC recommends vaccinated and unvaccinated individuals wear a facemask indoors while in public. The City requires masks in City Hall for all employees, board and commission members, and the public.
- The Clerk's Office would like to thank all of the Election Inspectors and City Staff that helped with conducting a successful November 2nd Election. We appreciate all of the voters who participated safely, turnout for this election was 27.28%, which was above the 22.27% average for Oakland County.
- The Piety Hill Chapter of the National Society Daughters of the American Revolution invites the public to Birmingham's annual Veterans Day Ceremony in Shain Park on Thursday, Nov. 11 at 11 a.m. The program features guest speaker and veteran advocate Mike Schloff, a Vietnam veteran and Birmingham resident, and will recognize state and city officials.

CA Kucharek stated that the Oakland County Board of Canvassers certified the ballot and the results of the November 2, 2021 election.

Mayor Boutros recognized Commissioners Hoff, Sherman, and Nickita.

Commissioners Hoff, Sherman, and Nickita made statements regarding their time as Commissioners.

Commissioners-elect Haig, McClain, and Schafer were sworn in by City Clerk Bingham.

Library Board Members-elect Mark, Pisano, Rock, and Rumble were sworn in by City Clerk Bingham.

11-280-21 Nomination of Temporary Chair for Purposes of Conducting the Election of Mayor and Mayor Pro Tem

MOTION: Nomination by Mayor Pro Tem Longe, seconded by Commissioner Baller:
To nominate Mayor Boutros as Temporary Chair of the City Commission for purposes of conducting the election of the Mayor and Mayor Pro Tem.

VOICE VOTE: Ayes, Mayor Pro Tem Longe
Commissioner Baller
Commissioner Haig
Mayor Boutros
Commissioner McClain
Commissioner Schafer
Commissioner Host

Nays, None

11-281-21 Election of Mayor

Commissioner Baller nominated Mayor Pro Tem Longe to serve as Mayor.

MOTION: Nomination by Commissioner Baller:
To elect Mayor Pro Tem Longe to serve as Mayor.

VOICE VOTE: Ayes, Mayor Pro-Tem Longe
Commissioner Baller
Commissioner Haig
Mayor Boutros
Commissioner McClain
Commissioner Schafer
Commissioner Host

Nays, None

11-282-21 Election of Mayor Pro Tem

Commissioner Host nominated Commissioner Boutros to serve as Mayor Pro Tem. Commissioner Baller spoke in concurrence with Commissioner Host's nomination.

MOTION: Nomination by Commissioner Host:
To elect Commissioner Boutros to serve as Mayor Pro Tem.

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

Nays, None

Mayor Longe and Mayor Pro Tem Boutros each briefly spoke and thanked their fellow Commissioners for electing them to the Mayor and Mayor Pro Tem positions.

Mayor Longe and Mayor Pro Tem Boutros were sworn in as Mayor and Mayor Pro Tem by City Clerk Bingham.

Mayor Longe presented Mayor Pro Tem Boutros with a gavel in appreciation of his two consecutive terms as Birmingham Mayor.

Mayor Pro Tem Boutros briefly reflected on his service as Mayor.

The Commission paused its proceedings for an intermission at 8:15 p.m.

The Commission returned from intermission at 8:29 p.m.

APPOINTMENTS

11-283-21 Appointment of Therese Longe, Mayor, to the Retirement Board

MOTION: Nomination by Mayor Longe:
To appoint Therese Longe, Mayor, to the Retirement Board.

VOICE VOTE: Ayes, Mayor Longe
Commissioner Baller
Commissioner Haig
Mayor Pro Tem Boutros
Commissioner McClain
Commissioner Schafer
Commissioner Host

Nays, None

11-284-21 Appointment of Pierre Boutros, Mayor Pro Tem, to the Retirement Board

MOTION: Nomination by Mayor Longe:
To appoint Pierre Boutros, Mayor Pro Tem, to the Retirement Board.

VOICE VOTE: Ayes, Mayor Longe
Commissioner Baller
Commissioner Haig
Mayor Pro Tem Boutros
Commissioner McClain
Commissioner Schafer
Commissioner Host

Nays, None

11-285-21 Appointment of Therese Longe, Mayor, to the Retirees Health Care Fund Committee

MOTION: Nomination by Mayor Longe:
To appoint Therese Longe, Mayor, to the Retirees Health Care Fund Committee.

VOICE VOTE: Ayes, Mayor Longe
Commissioner Baller
Commissioner Haig
Mayor Pro Tem Boutros
Commissioner McClain
Commissioner Schafer
Commissioner Host

Nays, None

11-286-21 Appointment of Clinton Baller, Commissioner, to the to the Triangle District Corridor Improvement Authority

MOTION: Nomination by Mayor Longe:
To appoint Clinton Baller, Commissioner, to the Triangle District Corridor Improvement Authority.

VOICE VOTE: Ayes, Mayor Longe
Commissioner Baller
Commissioner Haig
Mayor Pro Tem Boutros
Commissioner McClain
Commissioner Schafer
Commissioner Host

Nays, None

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

Brad Coulter characterized the discourse leading up to the November 2, 2021 election as 'hateful' and asked the Commission to weigh in on whether that type of rhetoric should be acceptable for future campaigns.

V. CONSENT AGENDA

All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a roll call vote. There will be no separate discussion of the items unless a commissioner or citizen so requests, in which event the item will be removed from the general order of business and considered under the last item of new business.

11-287-21 Consent Agenda

The following items were pulled from the Consent Agenda:

Commissioner Baller: Item G – Tree Inventory Update

CM Markus: Item I – City Recognition of Martin Luther King Jr. Day

MOTION: Motion by Commissioner Baller, seconded by Commissioner Schafer:
To approve the Consent Agenda with the exception of Items G and I.

ROLL CALL VOTE: Ayes, Commissioner Baller
Commissioner Schafer
Commissioner Host
Mayor Longe
Commissioner Haig
Mayor Pro Tem Boutros
Commissioner McClain

Nays, None

- A. Approval of City Commission minutes from October 25, 2021.
- B. Approval of warrant list, including Automated Clearing House payments, of October 27, 2021 in the amount of \$958,541.82.
- C. Approval of warrant list, including Automated Clearing House payments, of November 3, 2021 in the amount of \$2,181,472.39.
- D. Resolution to set December 6, 2021 as the public hearing date for the Program Year 2022 Community Development Block Grant Program.
- E. Resolution to set a public hearing date of December 6th, 2021 to consider the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 203 Pierce Street – Toast – to amend their hours of operation. Set PH
- F. Resolution to set a public hearing for December 6th, 2021 to consider the following amendments:

To amend Chapter 126, Article 7, Section 7.41-7.46 – Processes, Permits, and Fees to create a review process for wall art;

AND

To amend Chapter 126, Article 9, Section 9.02 Definitions to create a definition for wall art.

- H. Resolution providing direction to approve an agreement with Anderson, Eckstein, & Westrick for professional engineering design services for barrier-free enhancements in the Birmingham Museum

Pond Zone, and authorizing an expenditure in the amount of \$17,460; to be charged to the Allen House Other Contractual Services account, #101-804.002- 811.0000; and further authorizing the Mayor and City Clerk to sign the Agreement on behalf of the City.

11-288-21 (Item G) Tree Inventory Update

Commissioner Baller stated he pulled this item to highlight the tree inventory process for the public.

PRM Laird confirmed that the City does use software to maintain a database of City-owned trees to track maintenance issues and requests, and tree locations, sizes, and conditions.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Schafer: To provide direction to approve an agreement through December 31, 2024 with Davey Resource Group, Inc. to update the City's Tree Inventory Program in an amount not to exceed a total of \$69,850, which amount includes a maximum amount of \$10,000 to add new inventory. Funding for this project has been budgeted in the Local Streets Fund-Forestry Services account #203-449.005-819.0000, the Major Streets Fund-Forestry Services Contract account #202-449.005-819.0000, and the Parks-Forestry Services account #101-751.000-819.0000. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

ROLL CALL VOTE: Ayes, Commissioner Baller
Commissioner Schafer
Commissioner Host
Mayor Longe
Commissioner Haig
Mayor Pro Tem Boutros
Commissioner McClain

Nays, None

11-289-21 (Item I) City Recognition of Martin Luther King Jr. Day

CM Markus clarified that there would be a cost for adding the holiday, though it would be difficult to say precisely what the cost would be. He noted that some of the cost is already taken into account because the contracts of the Police, Public Works Department, and Teamsters provide that they be paid for Martin Luther King Jr. Day. He noted others are in the process of negotiating to be paid on Martin Luther King Jr. Day. He noted that productivity, hours worked and possible overtime would effect the costs.

CM Markus stated that Martin Luther King Jr. Day is a significant day in the United States and merits recognition by the City.

MOTION: Motion by Commissioner Baller, seconded by Mayor Pro Tem Boutros: To recognize Martin Luther King Jr. Day as one of the City's observed holidays, starting in 2022.

Commissioner Baller thanked CM Markus for making the recommendation.

ROLL CALL VOTE: Ayes, Commissioner Baller
Mayor Pro Tem Boutros
Commissioner Schafer
Commissioner Host

Mayor Longe
Commissioner Haig
Commissioner McClain

Nays, None

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

11-290-21 Initial Screening for Bistro Applicants – The French Lady – 2022

PD Dupuis presented the item.

Claude Bouly-Pellerin spoke regarding the bistro application for The French Lady.

MOTION: Motion by Commissioner Baller, seconded by Mayor Pro Tem Boutros:
To direct The French Lady's bistro application to the Planning Board for the process of Special Land Use Permit, Final Site Plan and Design Review.

In reply to Commissioner Schafer, Ms. Bouly-Pellerin stated she had wanted to apply for a bistro license simultaneously to opening but was advised by Planning Department Staff at the time that she had to procure a certificate of occupancy first.

PD Dupuis noted that Ms. Bouly-Pellerin had also applied for a bistro license in April 2021 but the Commission had not chosen to move forward with her application at that time.

CM Markus noted that the relevant ordinance recommends that two new businesses be reviewed for bistro licenses and two extant businesses be reviewed for bistro licenses. He explained that this is because businesses could begin in Birmingham without the intent to sell alcohol but may become interested in being licensed to do so at a later date.

Commissioner Baller and Mayor Pro Tem Boutros spoke in favor of the application.

In reply to Mayor Pro Tem Boutros, Ms. Bouly-Pellerin confirmed she would be continuing outdoor dining in the rear of her establishment and would consider outdoor dining for the front as well if it proves appropriate.

VOICE VOTE: Ayes, Commissioner Baller
Mayor Pro Tem Boutros
Commissioner Schafer
Commissioner Host
Mayor Longe
Commissioner Haig
Commissioner McClain

Nays, None

11-291-21 Initial Screening for Bistro Applicants – Wilder's Supper Club – 2022

PD Dupuis presented the item.

Samy Eid and Victor Saroki spoke regarding the bistro application for Wilder's Supper Club. It was stated that they hoped to be open by the end of 2022 or the beginning of 2023.

Mr. Saroki stated that the grade in the front and the rear of the restaurant would be kept as is. He confirmed the outdoor dining in the front would be subtly sloping. He confirmed that the plans would add one on-street parking space. He stated that the second floor of the building would be an office, and the third floor would be two small apartments.

Mr. Eid stated he wanted to avoid using an outdoor dining platform, and so would take measures to make the outdoor dining workable in front of the restaurant. He said he was not interested in pursuing year-round outdoor dining for this location.

Mayor Pro Tem Boutros noted that much of this discussion would occur at the Planning Board level, and that the Commission could ask further questions when it returns for review. He recommended that the Commission direct the Planning Board to review this bistro proposal.

MOTION: Motion by Mayor Pro Tem Boutros, seconded by Commissioner Schafer:
To direct Wilder's Supper Club's bistro application to the Planning Board for the process of Special Land Use Permit, Final Site Plan and Design Review.

Mayor Longe said she was concerned about the potential parking impact and the later opening hours, which would mean less activation during the day. She also noted that the hours may mean that the parking needs may not compete as much with other parking demand in the area, which could be a benefit.

VOICE VOTE: Ayes, Mayor Pro Tem Boutros
Commissioner Schafer
Commissioner Host
Mayor Longe
Commissioner Haig
Commissioner McClain
Commissioner Baller

Nays, None

CM Markus stated that a tenant mix analysis would be conducted in the near future to determine the current mix of commercial uses in Birmingham. He said the information would then be provided to the Planning Department to present to the Commission.

11-292-21 Oak St. Bridge Repair Project #9-21(B)

ACE Zielinski presented the item. He confirmed that the contractor would use cold weather practices to ensure that the work is not negatively affected by the colder weather. He stated the work would take seven to nine days with some limited follow-up work being possible.

CM Markus and Mayor Pro Tem Boutros noted the area's popularity with walkers and recommended that the project proceed as soon as possible.

CM Markus also noted that there will be an increased demand for construction once the federal infrastructure funding becomes available, which would mean that completing the project now before that occurs would be beneficial to the City.

MOTION: Motion by Mayor Pro Tem Boutros, seconded by Commissioner Host:
To award the Oak Street Bridge Project #9-21(B) to Z Contractors, Inc. contingent upon execution of the agreement and meeting all insurance and bonding requirements, in the amount of \$ 155,019.00, to be charged to account 202-449.002-981.0100; to authorize the Mayor to sign the contract on behalf of the City; and to approve the appropriation and amendment to the 2021/2022 budget as follows:

Major Street Fund:

Revenues:

Draw from Fund Balance	202-000.000-400.0000 \$130,000
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Expenditures:

Construction of Roads and Bridges	202-449.002-981.0100 \$130,000
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Commissioner Host stated that this item was a priority since it posed a safety issue.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros
Commissioner Schafer
Commissioner Host
Mayor Longe
Commissioner Haig
Commissioner McClain
Commissioner Baller

Nays, None

11-293-21 2021 Adams Park Concept Plan & Landscape Architectural Services

DPSD Wood, PRM Laird, and Michael J. Dul, landscape architect, presented the item.

Staff stated that:

- The public provided significant input regarding the plans via the nearby neighborhood associations, Engage Birmingham, and discussions at the Parks and Recreation Board;
- Roeper has no ongoing financial commitment in terms of maintenance as specified in the purchase agreement;
- The equipment at Adams will most likely be recycled since it is not up to the City's standards and should not be moved to another park as equipment is very difficult to move and reinstall; and,
- They were unsure how the park would be used by Roeper.

Mr. Dul stated the figures provided as part of this item were an estimate and that the bids would have more precise cost breakdowns for the project.

CM Markus asked if artificial turf might be considered for the sports field since it can be made from recycled material, is less susceptible to damage, and is more permeable than it used to be.

Mr. Dul stated that the City could consider artificial turf for the sports field but cautioned that artificial turf often costs more upfront.

Commissioner Haig asked for a comparison of the net cost over a lifespan for artificial and regular turf.

Mayor Longe recommended the Parks and Recreation be tasked with gathering that information and returning it to Commission.

Commissioner Baller and Mayor Pro Tem Boutros spoke in favor of the Plan.

MOTION: Motion by Mayor Pro Tem Boutros, seconded by Commissioner Host:
To accept the Adams Park Concept Plan dated August 30, 2021, and providing direction to approve an agreement with Michael J. Dul & Associates, Inc. for professional landscape architectural services in an amount not to exceed 8% Cost of Construction for the Construction Drawing Phase, and 5% Cost of Construction for the Implementation Phase based on a minimum construction budget of \$725,000. Funding for this project has been budgeted in Land Improvements account #408-751.000-979.0000. Further to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

Public Comment

John Rusche, Pam Graham, and Ann Lipp, members of the Parks and Recreation Board, spoke in support of the Plan.

Greg Appell, President of the Birmingham Estates Homeowners Association, spoke in support of the Plan.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros
Commissioner Host
Mayor Longe
Commissioner Haig
Commissioner McClain
Commissioner Baller
Commissioner Schafer

Nays, None

11-294-21 Settlement Agreement and Contract Renewal with Teamsters Local 214

HRM Lambert presented the item.

MOTION: Motion by Mayor Pro Tem Boutros, seconded by Commissioner Haig:
To approve the settlement agreement dated October 6, 2021 between the City and Teamsters Local 214 for a renewal of the collective bargaining agreement through June 30, 2023, and authorizing staff to execute a collective bargaining agreement consistent with its terms and conditions. Further, to authorize the transfer of funds in the wage adjustment account 101-299.000-709.0000 to the appropriate departments.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros
Commissioner Haig
Commissioner McClain
Commissioner Baller

Commissioner Schafer
Commissioner Host
Mayor Longe

Nays, None

11-295-21 2021-22 Compensation Recommendations for Department Heads and Administrative/Management Employees

HRM Lambert presented the item.

MOTION: Motion by Mayor Pro Tem Boutros, seconded by Commissioner Host:
To approve a 2.5% salary range adjustment and in-range adjustments based upon performance for full-time and part-time employees in the Department Head and Administrative/Management classifications effective July 1, 2021 and approving a 2.5% performance increment through June 30, 2022 with individual eligibility to be in accordance with the attached merit increase guidelines. Further, to authorize the budget amendments from the wage adjustment account 101-299.000-709.0000 to the appropriate departments.

Commissioner Schafer said she supported the motion given the general difficulties employers are currently facing in recruiting and retaining employees.

CM Markus said recruitment continues to become more challenging. He said this recommendation from Staff is an effort towards remaining competitive while also continuing to be fiscally responsible.

Public Comment

Paul Reagan cautioned that adding .5% to the more routine 2% salary range adjustment would do little to attract and retain City employees. He spoke in favor of dramatically increasing remote work opportunities in order to attract and retain employees, as well as a pursuit of a 'total rewards model' to make employment with the City more competitive.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros
Commissioner Schafer
Commissioner Host
Mayor Longe
Commissioner Haig
Commissioner McClain
Commissioner Baller

Nays, None

Commission discussion on items from prior meeting

Commission Items for Future Discussion. A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

A. Communication from Charles E. Tholen in regards to the 2nd Draft of The Birmingham Plan

X. REPORTS

- A. Commissioner Reports
- B. Commissioner Comments

Commissioner Host announced that discussion of the second draft of the Master Plan would begin at the Planning Board's meeting on November 10, 2021. He recommended that interested members of the public attend.

Commissioner Host also recommended Commissioners seek out opportunities to experience the work the Fire and Police Departments do. He commended both Departments.

Commissioner McClain implored the public and the Commission to move forward from the November 2, 2021 with the intent to be respectful of all voices.

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

CM Markus explained that more voice votes were being used since the Commissioners were no longer participating virtually. He noted that any person still had the right to request a roll call vote. CA Kucharek added that she recommended that roll call votes continue to be used for any expenditures.

CM Markus stated that he was interested in finding a way to randomize the roll call for roll call votes.

He explained he provides Bloomfield Township Zoning Board of Appeals items in the Commission's agenda packet when those specific items occur on the border with Birmingham.

1. House Bill 4722 on Short-Term Rentals

CA Kucharek summarized the item.

Commissioner Baller stated HB 4722 would allow short-term rentals in Birmingham neighborhoods. He stated that any who opposed that outcome should write the governor, their state senators, and their state representatives.

INFORMATION ONLY

XI. ADJOURN

Mayor Longe adjourned the meeting at 10:26 p.m.

Alexandria D. Bingham

Alexandria Bingham, City Clerk
/le