Birmingham City Commission Minutes
March 10, 2025
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: https://vimeo.com/1064453365

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 Manager Clemence, Planning Director Dupuis, Assistant City Manager Fairbairn, Parking Systems Manager Ford, Police Chief Grewe, City Attorney Kucharek, Fire Marshall Scaife

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

Announcements

Happy Birthday MPT Baller
Matrimonial congratulations for Commissioner Long

Appointments

03-035-25 Board of Review

Philip Neville was interviewed for the appointment.

MOTION: Motion by Long:
To appoint Philip Neville to the Board of Review as an alternate member to serve the remainder of a three-year term expiring December 31, 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. Neville.

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

V. CONSENT AGENDA

03-036-25 Consent Agenda

Commissioner Emerine noted his recusal from voting on Items J, K, L, and M, citing a conflict of interest stemming from a professional relationship.

MOTION: Motion by Long, seconded by Host:
To move the consent agenda with the exclusion of Items B, E, G, and H, and the recusal.

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

Nays, None

A. Resolution to APPROVE 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 with the following condition:
    1) The applicant must submit an executed Special Land Use Permit Contract to the City.

C. Resolution to approve the warrant list, including Automated Clearing House payments, dated February 27, 2025 in the amount of $7,115,502.28.

D. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 6, 2025 in the amount of $590,544.97.

F. Resolution to approve the Program Year 2025 High Intensity Drug Trafficking Area (HIDTA) sub recipient agreement between the County of Oakland and the City of Birmingham. Further, to authorize the Mayor to sign the agreement on behalf of the City.

I. Resolution to approve the purchase of root control service, as quoted by Duke's Root Control, Inc. for the 2025 Sewer Root Control Program, in the amount not to exceed $131,753.37. Funding for this project has been budgeted in the following account:

Fund Account	Fund ID Number	Project Award
Sewer Fund	590.0-538.000-811.0000	$131,753.37

AND

To approve the appropriation and amendment of the fiscal year 2024/2025 budget as follows:

Sewer Fund:

Revenues:		
590.0-000.000-400.0000	Draw from Net Position	$26,760
Total Revenue		$26,760
Expenditures:		
590.0-537.000-811.0000	Other Contractual Services	$26,760
Total Expenses $26,760		

J. Resolution to approve an agreement for G2 Consulting to provide as-requested professional services including, but not limited to, geotechnical engineering and construction material testing, until June 24, 2027. 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 requirements.

K. Resolution to approve an agreement for Nowak and Fraus Engineers to provide as-requested professional services including, but not limited to, surveying, utility, and paving projects, until June 24, 2027. 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 requirements.

L. Resolution to approve an agreement for Hubbell, Roth & Clark to provide as-requested professional services including, but not limited to, various engineering studies, design, and environmental engineering until June 24, 2027. 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 requirements.

M. Resolution to approve an agreement for Anderson, Eckstein & Westrick to provide as-requested professional services including, but not limited to, structural engineering and construction projects including bridges and culverts, until June 24, 2027. 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 requirements.

N. Resolution to accept the resignation of Tim Kennedy 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.

03-037-25 Meeting Minutes – February 24, 2025 (Item B)

Commissioner Emerine pulled Item B and asked that a vote be verified.

MOTION: Motion by Emerine, seconded by Host:
To move this forward, subject to a review.

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

Nays, None

03-038-25 Set Public Hearing to amend Article 4, Accessory Structure Standards, Section 4.03, to add provisions for standby generators (Item E)

MPT Baller pulled Item E in order to highlight the item for the public.

MOTION: Motion by Baller, seconded by Long:
To set a public hearing date of March 24, 2025 to consider ordinance amendments to Article 4, Accessory Structure Standards, Section 4.03, to add provisions for standby generators.

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

Nays, None

**03-039-25 Wimbleton Phase 1 Project, Contract #6-25(W)
Set Public Hearing Dates for Notice of Necessity and Confirmation of Roll for Sewer and Water Lateral Special Assessment District (SAD) (Item G)**

MPT Baller pulled Item G in order to highlight the item for the public.

MOTION: Motion by Baller, seconded by Host:
To set the Public Hearing of Necessity for the replacement and improvements of sewer and water laterals meeting the requirements of assessments, for all properties within the project area on Wimbleton Drive from Woodward Ave. to Oxford Road, Abbey Street from Wimbleton south to the dead end, and Twin Oaks Lane from Wimbleton north to the dead end on Monday, April 7, 2025, at 7:30 P.M.; and,

If necessity is determined on April 7, 2025, to meet on April 21, 2025, at 7:30 P.M., for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the replacement and improvements of sewer and water laterals meeting the requirements for the assessments, for all properties within the project area on Wimbleton Drive from Woodward Ave. to Oxford Road, Abbey Street from Wimbleton south to the dead end, and Twin Oaks Lane from Wimbleton north to the dead end.

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

Nays, None

03-040-25 Wimbleton Phase 1 Project, Contract #6-25(W)
Set Public Hearing Dates for Notice of Necessity and Confirmation of Roll for Paving Special Assessment District (SAD) (Item H)

MPT Baller pulled Item H in order to highlight the item for the public.

MOTION: Motion by Baller, seconded by Long:
To set the Public Hearing of Necessity for the installation of concrete curbs, cape seal treatment, and concrete approaches for all properties within the project area on Wimbleton Drive from Woodward Ave. to Oxford Road, Abbey Street from Wimbleton south to the dead end, and Twin Oaks Lane from Wimbleton north to the dead end on Monday, April 7, 2025, at 7:30 P.M.; and,

If necessity is determined on April 7, 2025, to meet on April 21, 2025, at 7:30 P.M., for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the installation of concrete curbs, cape seal treatment, and concrete approaches, for all properties within the project area on Wimbleton Drive from Woodward Ave. to Oxford Road, Abbey Street from Wimbleton south to the dead end, and Twin Oaks from Wimbleton north to the dead end.

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

Nays, None

VII. UNFINISHED BUSINESS

03-041-25 Birmingham Community and Recreation Center - Draft Agreements

The Mayor and CM Ecker introduced the item and CA Kucharek presented the item. Informational questions from the Commission were answered.

Revisions in language and grammar to the draft agreements were recommended by Commissioners and integrated by consensus during discussion. Thematic changes beyond the redlined copy provided by staff and integrated without objection from the Commission were as follows:

- The agreement should specify who would be establishing and publishing the schedule of space usage.
- References to pickleball courts should be removed.
- An interlocal agreement must be signed before this contract is signed.
- Non-resident non-members should pay an entrance fee, like buying a day pass, to access any of the spaces or services available for general community use.
- Next and YMCA obligations should be added to the timeline.
- There should be both a time and cost limit on the City's contributions and potential alternate locations for Next.
- Next should be required to at least maintain its programming hours year to year. It should not be obligated to offer the exact same programs year to year.
- There should be an attempt to increase the required insurance.
- Both drafts should agree on whether there 'will' or 'may' be separate entrances.

Commissioner discussion beyond immediate changes to the drafts was as follows:

- Kristy Barrett submitted written comments on this item via Commissioner Host. Those comments would be included in the next meeting's agenda packet.
- While Next can help negotiate the interlocal agreement, the City must participate in its execution.
- Next could be expected to contribute in one or a combination of the following ways, in addition to its contribution to the purchase price:
    - Fundraising to offset construction costs;
    - Demonstration of satisfactory progress towards increasing funding for its operating costs; and/or,
    - Contributing in some additional way(s) to the facility in lieu of rent. This could include reimbursing the City for the additional staff person that will be required for the management of the building.
- Next contributed $500,000 towards the purchase of the building, which will be wholly owned by the City. Next also contributed approximately $250,000 in grant money for professional services. Those contributions combined amount to rent of approximately $3,125 a month if divided over a 20-year lease.
- The City could refund Next its $500,000 with appropriate interest, in order to simplify this process and so Next can use it for their long-term funding strategy. If this occurs, it may be appropriate to nullify the Memorandum of Understanding (MOU).
- The $250,000 grant would not have been received by Next if not for this project.
- It will be necessary to determine how the furniture, fixtures, and equipment costs will be split.
- Future discussions regarding the MOU and a potential contingency plan should occur.
- It was unclear why Next should receive the millage money for senior services if Next does not move into the building at 400 E. Lincoln.
- Alternatively, it was entirely appropriate for Next to receive the millage money for senior services, since it is Birmingham's senior services provider, and those funds must be used for the intended purpose.
- Next is required to demonstrate efforts and satisfactory results for remaining financially solvent. The Commission should define 'satisfactory' with metrics.
- Both Next and the YCMA will continue to try and increase their membership, which should also increase their revenue and thus their financial stability.
- Next must determine some way to improve its financial models in order to support the new financial circumstances it would face in this new building.
- Next should have more responsibility within the timeline than the City does.
- The 'bad faith' clause may put an excess burden on the City.
- The Memorandum of Understanding should either be modified to reflect the YMCA's increased participation or should be modified in its entirety.
- Options for defining 'satisfactory' efforts on the part of Next to remain financially solvent should be further explored.
- Next's bylaws should be included in the Commission's next agenda packet.
- It would be worth addressing the offers made by the Community House at a later date.

MOTION: Motion by Longe, seconded by Haig:
To ask the City Attorney to investigate implementation of a usage or entrance fee as an alternative to the originally proposed facility fee.

Commissioners made the following comments on the motion:

- This fee should go to the facility's debt service.

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

Nays, None

Public Comment
Rosie Koul commented on behalf of the Community House.

George Miller commented regarding the potential name of the facility at 400 E. Lincoln.

Cris Braun, President and Executive Director of Next, commented that the Next Board would review the draft agreement once the Commission's recommended updates were completed.

Kristy Barrett commented regarding validation of programming, usage of space in the new facility, and Birmingham taxpayers' attention to the project.

VIII. NEW BUSINESS

03-042-25 Public Hearing for Outstanding Liquor Licenses for the 2024 Review Period – 220 Restaurant

Mayor Longe opened the public hearing at 10:04 p.m.

CC Bingham presented the item. Zaid Elia, owner, spoke on behalf of 220.

Rackeline Hoff commented regarding illegal parking outside of 220 on Friday and Saturday nights.

The Mayor asked 220 staff to report illegal parking via the Police Department's non-emergency number when it occurs.

The Mayor closed the public hearing at 10:13 p.m.

Informational questions from the Commission were answered.

Commissioner comments were as follows:
- 220 is one of the longest-operating restaurants in the City, and the Commission hopes for its continued success.

MOTION: Motion by Long, seconded by Haig:
To approve the renewal of liquor licenses for the 2025 licensing period for the following restaurants which hold a Class C Liquor License and are in compliance with Chapter 10, Alcoholic Liquors of the City Code: 220 Restaurant.

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

Nays, None

03-043-25 Public Hearing for Outstanding Liquor Licenses for the 2024 Review Period – Zana

Mayor Longe opened the public hearing at 10:18 p.m.

CC Bingham presented the item. Zana's team spoke on behalf of the renewal request.

Derek Dickow spoke in support of Zana.

The Mayor closed the public hearing at 10:26 p.m.

Informational questions from the Commission were answered.

Commissioners raised the following points during discussion:
- Zana is a nightclub, despite its owner's assertion that there is no designated dancing area.
- Zana is 10,000 square feet, Birmingham has to have a regular police presence outside of Zana, there is bottle service, and the proprietor of Zana thinks occasional fights are a normal part of operating with large crowds.
- It is inappropriate to assert that large crowds will occasionally result in physical altercations.
- Prior businesses have struggled to exist at this location, and the present owners have made significant investments towards Zana's success. Larger crowds are more likely to lead to physical altercations than smaller crowds.
- It is commendable that Zana has doubled its security staff. Since Zana increased its security staff, there has not been another physical altercation.
- Birmingham prioritizes safety, and it is essential that businesses within the City prioritize safety as well in order to continue operating within the City.
- Zana's security improvements were necessary, and the Commission has an annual opportunity to review liquor-serving establishments.

MOTION: Motion by Long, seconded by Haig:
To approve the renewal of liquor licenses for the 2025 licensing period for the following restaurants which hold a Class C Liquor License and are in compliance with Chapter 10, Alcoholic Liquors of the City Code: Zana.

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

03-044-25 Parking Garage Concept Design Review

PSM Ford introduced the item. Brian Hearn of BCT Design Group and Darko Banfic of Illuminart presented the item.

Commissioners raised the following points during discussion:
- Brighter colors and creative lighting were appropriate. Designs on the floors would likely not last long-term. Busier designs and floodlighting in the stairwells should be avoided. Efforts should be made to avoid designs that would look dated quickly. Landscaping would be welcome, and may also face challenges within narrower and shadier areas. Whether adding benches would be beneficial could be further discussed. Greenery along a trellis along the facade would be welcome.
- Pages 194 and 195 were more appealing, page 197 was too busy and the bottom left graphic on page 199 should not occur. The painted walls on 199 in the stairwell would be more user friendly. On page 200, the left option was better than the right option. On page 201, the bottom right graphic was too busy. On page 203, the top two left options were better than the top two right ones. It would be useful to have more information on the maintenance required for the ivy. None of the designs on page 205 or 206 were appropriate. The cantilevered canopy on the top left of page 208 was welcome. The green spaces shown on page 211 could be useful, especially if something like the top left option were introduced into the bottom right circumstances. Page 212 was too busy.
- This presentation was excellent.
- Cranbrook should be used as inspiration for possible improvements to the parking decks. Birmingham has an understated, sophisticated sensibility. Renderings that show how the City might announce City events via the parking decks would be helpful. Trialling a

bathroom in one of the parking decks may be worthwhile. While many of the light options were inspired, it will be important to understand what can actually be installed in the decks. The Commission now must decide how it would like to proceed.
- It might be appropriate to proceed first with schematic drawings for Chester since it is currently undergoing improvements.
- These improvements will increase the usability of the decks. The color wayfinding will also be beneficial. Simpler designs and increased green spaces would be welcome. It might be useful to replace the stairs in the Park Street garage because they generate a lot of noise.
- Bright colors and uplighting would be welcome. Ivy may be less preferable, because if the ivy fails the building's aesthetic is compromised.
- The schematic designs should be shared with the APC, and a hyperlink to the recording of this presentation should be provided as well. This presentation was made to the Commission first because the Commission deemed it an aesthetic consideration as opposed to an operational one.
- Many of the designs would be an improvement. Birmingham decks have a lot of elderly users, and designs that provide good visual contrast and acuity would be necessary. Brighter deck wayfinding would be beneficial than more muted tones. The decks should not have lighting of multiple colors because it would reduce the efficacy of the color-based wayfinding. Using complementary visual and auditory cues could also be helpful. The City is cost conscious, and is especially interested in improvements to the interior, the City would start making these improvements in Chester.

MOTION: Motion by Long, seconded by Haig:
To approve BCT Design Group to proceed to the Schematic Design phase of the Interior/Exterior Parking Garage Design Services Project.

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

Nays, None

Commission Items for Future Discussion

The Commission directed staff to write a letter to all valet and restaurant operators in the City, reminding them that valet operations should not be using metered spaces. It should also note that there are reviews for compliance and potential consequences for non-compliance.

03-045-25 Short Term Rentals

MOTION: Motion by Host, seconded by Haig:
To discuss short term rentals in our neighborhoods.

Commissioner comment on the motion:
- Commissioner Haig would speak with an acquaintance about short term rental law.
- Staff should return with the most recent report to the Commission on short term rentals.
- The City may still be constrained vis-a-vis short term rentals.
- Short term rentals remain a concern.

VOICE VOTE: Ayes, Commissioner Host
Commissioner Haig

Nays, MPT Baller
Commissioner Emerine
Commissioner Schafer
Mayor Longe
Commissioner Long

Commission Discussion On Items From A Prior Meeting

1. Business Recycling Practices

Staff answered informational questions from the Commission.

Commissioners raised the following points during discussion:

- Knowing that it is estimated that all of Michigan's landfills will be full within 21 years is devastating.
- The City must explore requiring all businesses to recycle. It should likely be a very high priority.
- It was difficult to know whether business recycling should be a higher priority than it already is in the Birmingham Green Plan without knowing what other priorities it might displace.
- This item could possibly be referred to the Sustainability Board.
- This item could be explored as part of the upcoming staff report on solid waste management in the Central Business District.
- If there are opportunities for City businesses to recycle via the City's present programs, that should be made clear to businesses.

2. Information Technology Advisory Board

This item can be removed from future agendas until MPT Baller requests its return.

IV. REMOVED FROM CONSENT AGENDA

X. COMMUNICATIONS

A. Communications regarding the 400 E. Lincoln Project

XI. REPORTS

A. Commissioner Reports
    1. Notice of Intention to appoint to the Housing Board of Appeals
    2. Notice of Intention to appoint to the Multi Modal Transportation Board
B. Commissioner Comments

Commissioner Long described his convenient, efficient experience recycling paint cans with SOCRRA.

C. Advisory Boards, Committees, Commissions' Reports and Agendas
D. Legislation
E. City Staff
    1. Birmingham Police Department – 2024 Annual Report

Commissioners made the following comments:

- It was a wonderful, thorough report.
- The report should be featured on the City's social media accounts. Highlights could be useful.
- The report noted that general crime within Birmingham has not increased, and that there is very little crime within Birmingham.
- All but one of the categories of crime within the City are down. The one that increased only increased slightly.
- The Police Department's community services and community policing were valuable.
- The Police Chief and Police Department deserved thanks for their efforts.

INFORMATION ONLY

XII. ADJOURN

The Commission motioned to adjourn at 11:43 p.m.

Alexandria D. Bingham

Alexandria Bingham, City Clerk

Laura Eichenhorn, City Transcriptionist