Birmingham City Commission Minutes
September 9, 2024
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: https://vimeo.com/1007821549

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Katie Schafer, temporary Mayor, opened the meeting with the Pledge of Allegiance.

II. ROLL CALL

City Clerk Bingham called the roll.

Present: tMayor Schafer
Commissioner Baller
Commissioner Haig
Commissioner Host
Commissioner Long
Commissioner Longe

Absent: Mayor McLain

Staff: City Manager Ecker; City Clerk Bingham, Assistant City Manager Clemence, Assistant City Manager Fairbairn, Building Maintenance Superintendent Galik, Building Official Johnson, Police Captain Kearney, City Attorney Kucharek, Fire Marshal Scaife, Fire Chief Wells, Human Resources Manager Woods

08-534-24 Nomination of Temporary Mayor Pro Tem

MOTION: Motion by Commissioner Haig:
To nominate Commissioner T. Longe to step in as Mayor Pro Tem.

VOICE VOTE: Ayes, tMayor Schafer
Commissioner Haig
Commissioner Baller
Commissioner Longe
Commissioner Host
Commissioner Long

Nays, None

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

Announcements
Welcome the City of Rito, Japan delegate Shion Moritani to the City of Birmingham.

Happy Birthday Commissioner Host.

The Department of Public Services, Parks Division, is requesting grant funding from the Michigan Department of Natural Resources Trust Fund for the maximum amount of $400,000 for the Booth Park Entry Plaza and Trail Improvements project. The public is invited to attend either the Parks and Recreation Board meeting on September 10th at 6:30 pm at the Department of Public Services, or the City Commission Meeting on September 23rd at 7:30 pm to share comments and feedback about this resolution requesting funding from the MDNR.

National Recovery Month Proclamation.

National Suicide Prevention Month.

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

Tim Bradley commented regarding a potential special assessment project on Wimbleton.

David Henning commented regarding the drinking water at his home on Arlington.

Brad Coulter commented on the timing of public comment.

Danny Hill commented on the timing of public comment and on email submissions to the Commission.

08-535-24 To Move Agenda Section X - Communications to be Heard Presently

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To move Communications up and hear what these people have to say, and there should be permitted some response if necessary.

VOICE VOTE: Ayes, tMayor Schafer
Commissioner Haig
Commissioner Baller
tMPT Longe
Commissioner Host
Commissioner Long

Nays, None

It was noted that there were eight communications regarding Wimbleton in the evening's agenda packet.

Mr. Hill commented regarding a potential special assessment project on Wimbleton.

Rita Rossi and Kathleen McInerney commented regarding a potential special assessment project on Abbey.

Jeffrey Heichel commented regarding the financing of special assessments.

Jordan Ingram commented regarding the City's emergency response time and regarding a potential special assessment project on Wimbleton.

Mr. Coulter commented regarding a potential special assessment project on Wimbleton.

Commissioners raised the following points during discussion:
- Potential special assessments on Wimbleton and Abbey have not been decided on yet. Residents should continue participating in meetings regarding potential projects.
- Since each special assessment project has varying circumstances, it may or may not be possible to estimate the cost of an upcoming special assessment based on a recently implemented special assessment.
- These special assessments are conducted in order to improve the community's health, safety, and welfare. Often water mains need to be replaced in order to provide the Fire Department with enough water pressure to fight fires on the street.
- The City negotiates with contractors in order to achieve the lowest costs possible.
- A number of Commissioners noted that they have personally gone through the special assessment process.
- Commissioners understood residents' concerns regarding special assessments.
- The Commission has discretion regarding a number of aspects of special assessment projects, and in addition to health, safety, and welfare considerations, public feedback helps inform those decisions.

V. CONSENT AGENDA

08-536-24 Consent Agenda

MOTION: Motion by tMPT Longe, seconded by Commissioner Host:
To move the Consent Agenda excluding Items F, G, and H.

ROLL CALL VOTE: Ayes, tMPT Longe
tMayor Schafer
Commissioner Host
Commissioner Long
Commissioner Haig
Commissioner Baller

Nays, None

A. Resolution to approve the regular City Commission meeting minutes of the meeting held on August 26, 2024.

B. Resolution to approve the warrant list, including Automated Clearing House payments, dated August 29, 2024 in the amount of $9,107,100.72.

C. Resolution to approve the warrant list, including Automated Clearing House payments, dated September 4, 2024 in the amount of $1,925,457.77.

D. Resolution to approve a special event permit as requested by the Birmingham Bloomfield Art Center to hold the 44th Art Birmingham art fair on May 10 and 11, 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.

E. Resolution to implement all-way stop control at the intersection of Frank and Pierce Streets, including adding all-way supplemental signs to the existing east and west stop signs and enhanced crosswalk and stop bar markings on all approaches.

08-537-24 Emergency Standby Generators in Single-Family Zoned Districts (Item F)

Commissioner Haig pulled Item F. Staff answered informational questions from the Commission.

Commissioners raised the following points during discussion:
- The City's fire safety efforts and these changes need to be extensively publicized.
- This item would be more appropriately addressed as a regular agenda item, rather than a consent agenda item. A full presentation from staff on the topic would be beneficial as well.

Commissioner Haig made a motion to approve Item V(F) as written. The motion died for lack of a second.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
Move that we have them come back with a full presentation on the normal agenda at the next meeting.

Commissioner comment on the motion was as follows:
- This is a health and safety issue and the Commission supports the Fire Department in their efforts to address it.
- Because questions and topics for further discussion were raised, it would be appropriate to bring the item back at the next meeting.

VOICE VOTE: Ayes, tMPT Longe
tMayor Schafer
Commissioner Host
Commissioner Long
Commissioner Haig
Commissioner Baller

Nays, None

08-538-24 Set a Public Hearing for 200 S. Chester Street – Baldwin House Senior Living – Special Land Use Permit Amendment (Item G) (Part I)

Commissioner Long pulled Item G and clarified the item for the public. Staff answered informational questions from the Commission.

MOTION: Motion by Commissioner Long, seconded by Commissioner Host:
To rescind the City Commission's action on August 26, 2024 of setting a public hearing date of October 6, 2024 to consider the Special Land Use Permit Amendments for the Baldwin House Senior Living Center at 200 S. Chester Street.

VOICE VOTE: Ayes, tMPT Longe
tMayor Schafer
Commissioner Host
Commissioner Long
Commissioner Haig
Commissioner Baller

Nays, None

08-539-24 Set a Public Hearing for 200 S. Chester Street – Baldwin House Senior Living – Special Land Use Permit Amendment (Item G) (Part II)

MOTION: Motion by Commissioner Long, seconded by tMPT Longe:
To set a public hearing date of October 7, 2024 to consider the Special Land Use Permit Amendments for the Baldwin House Senior Living Center at 200 S. Chester Street.

VOICE VOTE: Ayes, tMPT Longe
tMayor Schafer
Commissioner Host
Commissioner Long
Commissioner Haig
Commissioner Baller

Nays, None

08-540-24 MDOT Contract (Item H)

Commissioner Haig pulled Item H. Staff answered informational questions from the Commission.

MOTION: Motion by Commissioner Haig, seconded by Commissioner Host:
To approve as written.

ROLL CALL VOTE: Ayes, tMPT Longe
tMayor Schafer
Commissioner Host
Commissioner Long
Commissioner Haig
Commissioner Baller

Nays, None

VI. CITY MANAGER'S REPORT

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

Senior/Recreation Center Project

CM Ecker and tMayor Schafer introduced the item, which continued from the evening's workshop. Staff and the City's owner's representative, Brian Deming of KMG, answered informational questions from the Commission.

Cris Braun, Executive Director of Next, and Parrish Underwood, President and CEO of the YMCA of Metropolitan Detroit, also spoke regarding the item.

Commissioners raised the following points during discussion:

- This project has been in flux, and it made sense that staff brought the two options presented at the evening's workshop.
- It might be premature to design this building before determining what amenities may already be available to residents in the community.
- Many residents have spoken in support of maintaining the YMCA and pool use, and foregoing a pool on-site may prevent the YMCA from remaining a participant in this process.
- This project will need to be beneficial to the entire community in order to garner community support.
- It would likely be more appropriate for the City to build and then own the entirety of the building in order to avoid any potential complications regarding ownership in the future. This would also have the advantages of causing less uncertainty and fewer delays. The additional expense would likely be minimal when divided over thirty years and all of Birmingham's taxpayers.
- The City could then lease part of the building to the YMCA, and part of the building to Next, with different agreements in place for each tenant.
- The City would need clarification as to whether the YMCA could have operating and build-out costs available on a faster timeline, if the City covered the construction costs.
- Many residents want the YMCA and its programming and amenities to remain in the City. Finding a way to allow the YMCA to remain in the community could amount to a community/recreational service the City helps offer, as it does with Next.
- If the City builds a building with a pool and locker rooms first, the YMCA might have an easier time fundraising for its own addition to the building. If the YMCA would be unable to do that, the City would have an opportunity to partner with another organization.
- The City should determine how it might move forward in collaboration with the YMCA, with a second option developed in case that collaboration is not possible.
- <u>If the YMCA were not able to occupy the space, the City would also have other uses for which the space could be repurposed.</u>[1]
- There would need to be more clarity on how a pool might be operated if a collaboration with the YMCA were not possible.
- It might be possible for the City, Next, and the YMCA to share some spaces, which could reduce costs.
- The Commission and staff will need to determine the potential costs to each partner and the possible ballot language.
- If the City and the YMCA come to an agreement where the City pays the construction costs for the building and the YMCA pays the operating costs for the building, the City would need some financial demonstration that the YMCA could pay the operating costs on an ongoing basis.
- If the City assumes the construction costs and the YMCA assumes the operating costs, Next may be able to provide additional services since it would no longer be responsible for its operating costs. Scheduling the use of the building's facilities might be one service Next could offer.
- The City would need to ensure that any agreement would entail the appropriate use of public funds. Such an agreement should take into account the benefits the YMCA offers to the community, and should also avoid subsidizing the YMCA's business.
- Having a clear timeline for the project would likely help minimize attrition from the Birmingham YMCA location.
- There could be discussions of subsidizing Birmingham residents' use of the Royal Oak YMCA's pool during the construction period.
- The Commission would like the upper square footage limit to be 53,000, and the upper bond amount to be $32 million. The Commission would like all involved to pursue efficiencies, however, to reduce those figures where possible.
- The RFP for an architect should not be issued before cost optimization has been done.

---

[1]As amended at the September 23, 2024 Commission meeting.

Public Comment
George Dilgard commented regarding the project's estimated cost per partner, the timing of a possible bond vote, and the timing of the construction process.

Terry Parks commented regarding the benefits the YMCA offers to the community.

Dan Share commented regarding the Commission's upper limit for the bond amount.

Commission Items for Future Discussion

The Commission briefly discussed how workshops might be made more efficient.

Commission Discussion On Items From A Prior Meeting

IV. REMOVED FROM CONSENT AGENDA

X. COMMUNICATIONS (Heard during IV. Open To The Public For Matters Not On The Agenda)

A. Oakland County Circuit Court – Order of Dismissal with Prejudice
B. Letter regarding Baldwin House
C. Letters regarding Wimbleton

Mr. Bradley commented on tMayor Schafer's and Commissioner Baller's Commissioner comments regarding the Wimbleton discussion.

D. Letter regarding Noise

XI. REPORTS

A. Commissioner Reports
    1. Notice of intention to appoint to the Board of Zoning Appeals
B. Commissioner Comments

Commissioner Host stated that Oakland County Water Resources Commissioner Jim Nash offered to do a presentation for the Commission on ways of reducing basement flooding within the City.

Commissioner Host said he was glad that the Commission moved all public comment during the evening's meeting to earlier in the meeting. He recommended the Commission consider making a similar change for future meetings.

Commissioner Host said that when properties are specially assessed, the lien should be against the property and not against the property owner.

Commissioner Baller clarified that liens for special assessments already operate that way.

Regarding the Ad Hoc Unimproved Street Study Committee's final report, Commissioner Host noted that the Commission accepted the report, but did not endorse it.

Commissioner Baller opined that residents' concerns around special assessments stems largely from misinformation circulating within the community. He recommended that misinformation be countered during meetings whenever it arises.

tMayor Schafer requested that Commissioners be copied on any significant notices sent out to residents.

tMayor Schafer recommended that residents with concerns about special assessments watch the Commission meeting recordings for the Arlington/Shirley and Westwood projects. She said doing so would allow residents to become more informed, and would also allow residents to see that the Commission and residents are not at cross-purposes.

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

INFORMATION ONLY

XII. ADJOURN

The Commission motioned to adjourn at 10:55 p.m.

Alexandria Bingham, City Clerk

Laura Eichenhorn, City Transcriptionist