Birmingham City Commission Minutes
October 7, 2024
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: https://vimeo.com/1017266186

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

City Clerk Bingham called the roll.

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

Absent: Mayor McLain

Staff: City Manager Ecker; City Clerk Bingham, Finance Director Designee Mary Chavez, Senior Planner Cowan, Assistant City Manager Fairbairn, Police Chief Grewe, Finance Director Gerber, City Attorney Kucharek

10-558-24 Nomination of Temporary Mayor

MOTION: Motion by Haig:
To nominate MPT Schafer to be temporary Mayor for tonight.

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

Nays, None

10-559-24 Nomination of Temporary Mayor Pro Tem

MOTION: Motion by Baller:
Nominate Therese Longe.

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

Nays, None

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

Announcements
State Representative Samantha Steckloff, 19th House District

Please join the Fire Department this Saturday at their annual Open House 1pm-4pm at Fire Station 1

Happy Birthday Commissioner Haig

Appointments

Susan Friedlaender was interviewed for potential appointment to the Board of Zoning Appeals. She was not nominated for a position.

10-560-24 Board of Zoning Appeals

The Commission interviewed Eric Morganroth for the appointment.

tMPT Longe noted that she is employed by the Children's Foundation, and that Mr. Morganroth is a member of its Board of Trustees. She explained that Mr. Morganroth had no direct oversight of her position at the Children's Foundation, and that while she was disclosing the association, the City Attorney had determined there was no conflict of interest.

MOTION: Nomination by Long:
To appoint Eric Morganroth as a regular member to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2027.

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

Nays, None

10-561-24 Board of Zoning Appeals

The Commission interviewed John Miller for the appointment.

MOTION: Nomination by Longe:
To appoint John Miller as a regular member to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2027.

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

Nays, None

10-562-24 Historic District Study Committee

The Commission interviewed Sean Moran for the appointment.

MOTION: Nomination by Longe:
To appoint Sean Moran as a regular member to the Historic District Study Committee to serve the remainder of a three-year term to expire June 25, 2027.

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

Nays, None

Recognition Of Staff
Finance Department
Mary Chavez, Finance Director Designee

CC Bingham swore in the appointees.

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

Dave Willis shared concerns about a potential upcoming special assessment district project in the Poppleton Park neighborhood.

V. CONSENT AGENDA

10-563-24 Consent Agenda

MOTION: Motion by Longe, seconded by Host:
To move the Consent Agenda excluding Items E and G.

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

Nays, None

A. Resolution to approve the regular City Commission meeting revised minutes of the meeting held on September 9, 2024.

B. Resolution to approve the City Commission workshop meeting minutes of the meeting held on September 23, 2024.

C. Resolution to approve the regular City Commission meeting minutes of the meeting held on September 23, 2024.

D. Resolution to approve the warrant list, including Automated Clearing House payments, dated September 25, 2024 in the amount of $14,114,635.41.

F. Resolution to approve a special event permit as requested by the Ascension of Christ Lutheran Church to hold the 2024 Christmas Nativity Display daily, beginning on December 9, 2024 and ending December 31, 2024, contingent upon compliance with all permit and insurance requirements and payment of all fees, and further pursuant to any minor modifications or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event.

H. Resolution to set a public hearing date of October 28, 2024 to consider the rezoning application for 400 E. Lincoln, to change the zoning designation of the entire parcel from R4 (Two-Family Residential) to PP (Public Property).

I. Resolution to set a public hearing date of November 18, 2024 to consider the Special Land Use Permit, Final Site Plan & Design Review application for 2211 & 2243 Cole, to permit a use greater than 6,000 square feet in the MX (Mixed-Use) zoning district of Birmingham.

10-564-24 Automated Clearing House Payments – October 3, 2024 (Item E)

Item E was pulled by Commissioner Haig in order to note a payment to the 48th District Court.

Commissioner comment was as follows:
- This payment was a significant one.

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

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

Nays, None

10-565-24 Agreement with Axon Enterprises (Item G)

Item G was pulled by Commissioner Baller in order to highlight the City's investment in policing.

Commissioner comment was as follows:

- It was appropriate that this invoice was reviewed carefully by staff.
- This amount would be spent over five years, and includes a savings of about $200,000.

MOTION: Motion by Baller, seconded by Longe:
To move the suggested resolution.

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

Nays, None

VI. CITY MANAGER'S REPORT

VII. UNFINISHED BUSINESS

10-566-24 Ordinance to Amend Chapter 82 – Planning, to add Article VI, to Create a Standing Environmental Sustainability Committee

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

Commissioners raised the following points during discussion:

- A clause should be included that allows the Committee to initiate topics as well as review referred topics.

MOTION: Motion by Long, seconded by Haig:
To adopt an ordinance to amend Chapter 82 – Planning, to add Article VI, to create a standing Environmental Sustainability Committee and establish its composition, terms/membership, organization and duties, including the suggested changes discussed here tonight.

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

Nays, None

VIII. NEW BUSINESS

10-567-24 Public Hearing for 200 S. Chester Street – Baldwin House Senior Living – Special Land Use Permit Amendment

SP Cowan presented the item. Staff answered informational questions from the Commission.

John Henke, attorney, and a second representative both spoke on behalf of Baldwin House and answered informational questions from the Commission.

Commissioners raised the following points during discussion:

- Oakland County's area median income (AMI) is approximately $67,500. Birmingham's is likely around $147,000. 100% of Oakland County's AMI is significantly less than Birmingham's AMI.
- Baldwin House residents should not be evicted based on a Baldwin House representative's statement at the last Commission discussion of this item. Conversations about how Baldwin House should proceed should include residents.
- If Baldwin House is to receive the benefits of providing affordable housing, it must demonstrate that it is providing affordable housing. Baldwin House must also ensure it is able to function as a viable business.
- By zoning right, the building would have originally been one story shorter and 78 units smaller. The extra value provided via the settlement for those increases still exists. Consequently, the 78 units should still have some level of rent restrictions. Option three would be a fair compromise.
- Option three or four would be appropriate.
- Negative net liquidity is not a viable business case, and it would be helpful to know what number of market-rate apartments the owners of Baldwin House feel would help them achieve net positive.
- There was Commission consensus that it would not move forward with approving options one or two.
- The City could consider bringing the PILOT fee down by 1%, in order to help maintain affordable housing in the City.
- Option four could be beneficial because there would be a range of class experiences in the housing, and could encourage a consistency in the services and amenities offered.
- Alternatively, the disparity between residents at 30% AMI and 150% AMI would be comparably significant as the disparity between 30% AMI and market rate.
- None of the units should be market rate.
- Further negotiations on the specific number of units assigned to each AMI percentage could occur.
- The vacancy rates indicate that potential residents are concerned about their potential satisfaction if they were to live at Baldwin House. It seems that it would behoove Baldwin House to put effort into changing the narrative about its residential experience.
- The Commission seemed to be looking for a solution that would be no less restrictive than option three, and possibly as restrictive as option four.
- Any potential SLUP agreement must include representation of the Baldwin House community and representation of its lower-income residents.

The tMayor opened the public hearing at 9:44 p.m.

Mary Williams, Baldwin House resident, commented that she moved in for the original food service option, that the newer food service option represented a decrease in quality, and that the newer food service option was expensive.

Carolyn Butcher, Baldwin House resident, commented on the value of the food service option and that she was glad that Baldwin House would maintain some low-income housing.

Josh Hoover ~~Shiver~~[1] commented on behalf of some residents of Baldwin House who said they feared repercussions if they were to speak publicly. He commented that he would be willing to participate in the negotiations, that he was opposed to option one, that residents needed to be legitimately empowered to affect the future of Baldwin House, and that the prior meal plan was valuable to residents.

Seeing no further public comment, the tMayor adjourned ~~closed~~[2] the public hearing at 9:57 p.m.

MOTION: Motion by Baller, seconded by Longe:
To continue the public hearing on October 28th.

VOICE VOTE: Ayes, Commissioner Long
tMayor Schafer

[1]As amended at the October 28, 2024 Commission meeting.
[2]As amended at the October 28, 2024 Commission meeting.

Commissioner Haig
Commissioner Baller
tMPT Longe
Commissioner Host

Nays, None

Senior/Recreation Center Project

CM Ecker introduced the item and ACM Fairbairn presented the item. Staff and Brian Deming, owner's representative for the City, answered informational questions from the Commission.

Commissioners raised the following points during discussion:

- It would be more appropriate to describe this as a building the City would be sharing with Next and the YMCA, as opposed to a building that would be shared by Next and the YMCA, since this will be and remain a City asset.
- More efficiencies could likely be found, including within the office space.
- The present space requests have not yet been adequately benchmarked. Other municipalities have provided less expensive, comparable senior/community centers.
- This process would benefit from thinking generically about how the rooms will be used, and not by which organization would be using the rooms.
- Next has doubled its membership over the last few years with inadequate space. It is reasonable to assume that Next might double its membership again once it has access to adequate space, and the long-term planning must take that possibility into account.
- There will likely be spaces that may look like overlap opportunities that turn out not to be so because of the particular uses.
- The emphasis of this building should be a community center. It would be less appropriate for Next and the YMCA to have separate entrances and wings. This would also promote intergenerational interaction and support.
- Alternatively, having a shared entrance where seniors are socializing and children may be running through could pose a safety issue. It may be appropriate to separate entrances based on this.
- A special election for a potential bond should be avoided due to issues of cost and low voter turnout.
- It is unlikely that the City would be able to review a schematic design by January 15, 2025 as proposed by the current schedule.
- Two months is too short a design period for a civic project of this scale. The response period for the RFP and the test-fitting period will both require more time than proposed.
- The schedule needs to include receiving feedback from the public, Commission, Next, and the YMCA during the schematic design phase.
- Schematic designs, refined feedback, and pricing should occur before the bond vote. This would allow for a more reasoned architectural and design response period.
- Design development and construction drawings should not occur before the bond vote.
- It is unclear what the 'approved design concept' in the RFP refers to.
- The next architect should not be bound by NORR's programming plan, as there is some feeling that NORR did not provide an entirely adequate deliverable.
- The RFP does not reflect that there is an effort to change the site's zoning from R-4 to Public Property.
- The RFP needs to solicit more information on the point-of-contact, the pool expert, and who would be doing the designing.
- Staff should return with an appropriately-paced schedule that includes more feedback loops.
- Cutting-edge aesthetics, materials, and technologies should all be referenced in the RFP. This building should be appealing inside and out, and should be aesthetically superlative.
- The opening statement for the RFP could have civic, quality, and aesthetic goals added.
- The RFP should also afford the architect the leeway to offer more than one schematic if they deem it appropriate.
- It could be helpful if the RFP required an A3 report.
- The next proposed motion should not go up to 53,000 square feet in size.
- It will be beneficial to get the Ad Hoc Recreation/Senior Center Committee's (SCC) feedback on the latest schedule and RFP.
- City staff should find a way to engage the expertise of Gail von Staden, Vice Chair of the YMCA of Metropolitan Detroit, in this process.

- The YMCA and Next need to meet and determine how they can become cohesive and best meet the needs of the community.
- It will be necessary to evaluate the contributions of Next member communities and the most appropriate distributions and possible discounts.
- The Commission should consider sending a letter to the member communities to explain the necessity of increased financial support.

Public Comment
Pam Graham opposed option D, and commented on discounts for Birmingham residents, the contributions and future participation of Next member communities, and the proposed timeline for the project.

Parrish Underwood, President and CEO of the YMCA of Metropolitan Detroit, commented on the YMCA's preference for a building towards the smaller end of the proposed range, financial models, and the ongoing dialogue between YMCA and Next representatives.

Ms. von Staden commented regarding the architectural planning process.

Staff replied to a comment from George Dilgard about Next's programming needs.

Paul Wheeler commented on the pool's importance to the community and to this project.

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

10-568-24 Landscaping Code of Conduct

Commissioner Host explained the aim would be to make civility and respect for neighboring properties enforceable requirements for landscapers in Birmingham.

MOTION: Motion by Host, seconded by Baller:
To make this a future agenda item.

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

Nays, None

IV. REMOVED FROM CONSENT AGENDA

X. COMMUNICATIONS

A. Letters regarding YMCA-NEXT
B. Letters regarding Leaf blowers
C. Letter regarding Wimbleton

Commissioner Host said he wanted the Engineering Department to clarify for the upcoming Multi-Modal Transportation Board meeting whether an asphalt or concrete road surface over pipes is necessary to prevent breakage.

It was noted that Commissioner Long had asked a similar question about how road surfaces impact the longevity of the underlying water and sewer system.

D. Letter regarding deer population control

XI. REPORTS

A. Commissioner Reports
B. Commissioner Comments

tMayor Schafer and Commissioner Haig spoke about their positive experience with the Birmingham Fire Department, the Fire Ops demonstration, and the OAKWAY Collective.

Commissioner Haig said that if Birmingham needed to contribute a bit more to OAKWAY, potential ways of doing that should be explored.

Commissioner Host recommended that Commissioners arrange to participate in Police Department ride-alongs as well.

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

INFORMATION ONLY

XII. ADJOURN

The Commission motioned to adjourn at 12:18 a.m.

Alexandria Bingham, City Clerk

Laura Eichenhorn, City Transcriptionist