Birmingham City Commission Minutes
November 25, 2024
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: https://vimeo.com/1033271781

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 Haig
Commissioner Host
Commissioner Long
Commissioner Schafer

Absent: None

Staff: City Manager Ecker; City Clerk Bingham, Finance Director Designee Chavez, Assistant City Manager Clemence, Planning Director Dupuis, Assistant City Manager Fairbairn, Parking Systems Manager Ford, Finance Director Gerber, Police Chief Grewe, City Attorney Kucharek (arrived 8:45 p.m.), City Attorney Marku (left 8:51 p.m.)

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

Announcements
Appointments

The Mayor noted that the applicant for the Martha Baldwin Park Board withdrew his application earlier in the day, and therefore no appointment to that Board was addressed.

11-612-24 Birmingham Shopping District

MOTION: Motion by Baller:
To concur in the City Manager's appointment of Beth Hussey to the Principal Shopping District Board as a business representative with interest in property located within the district to serve the remainder of a four-year term to expire November 16, 2025.

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

Nays, None

11-613-24 Birmingham Shopping District

MOTION: Motion by Long:
To concur in the City Manager's appointment of Julie Sloan to the Principal Shopping District Board as a district resident to serve the remainder of a four-year term to expire on November 16, 2028.

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

Nays, None

RECOGNITION OF STAFF

Police Department

Welcome

1. Dispatcher Brandon Ryan
2. Dispatcher James Kraszewski
3. Dispatcher Daniel Patton
4. Police Officer Jamie Debano
5. Police Officer Malik Humes
6. Auxiliary Officer Ryan Berman

Promotions

1. Dispatcher Manager Steven Lemiere-Bozynski
2. Sergeant Joshua Bouchard
3. Sergeant Anthony Paredes

CC Bingham swore in the present appointees.

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

Kristy Barrett commented regarding the programming space proposals for the Senior/Community Center and the need for the City to be fiscally responsible on behalf of the residents and taxpayers.

V. CONSENT AGENDA

11-614-24 Consent Agenda

MOTION: Motion by Long, seconded by Haig:
To approve the Consent Agenda minus Item C.

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

Nays, None

A. Resolution to approve the warrant list, including Automated Clearing House payments, dated November 21, 2024 in the amount of $3,403,325.14.

B. Resolution to accept the resignation of Judy Doyle from the Board of Ethics, to thank her for her service and to direct the City Clerk to begin the process of filling the vacancy.

VI. CITY MANAGER’S REPORT

A. November City Manager’s Report 2024

VII. UNFINISHED BUSINESS

11-615-24 Updated Role of the Advisory Parking Committee

PSM Ford presented the item. Staff answered informational questions from the Commission.

The Commission discussed updates to the draft. Updates to the draft opinion were integrated during the discussion. All updates were added by Commission consensus.

MOTION: Motion by Host, seconded by Long:
Resolution to approve the updated role of the Advisory Parking Committee with the removal of the second sentence under 'Advisory Parking Committee Role'.

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

Nays, None

VIII. NEW BUSINESS

11-616-24 Public Hearing - 2025-2026 Community Development Block Grant Application

FDD Chavez presented the item.

The Mayor opened the public hearing at 8:24 p.m.

Seeing no public comment, the Mayor closed the public hearing at 8:25 p.m.

MOTION: Motion by Long, seconded by Host:
Motion adopting a resolution to approve the Program Year 2025 Community Development Block Grant application with the following projects and respective allocations:

		2025-2026
1)	Public Services – Yard Services	$5,107
2)	Remove Architectural Barriers – Museum Park	$28,945
	TOTAL	$34,052

and authorize the mayor to sign the application, conflict of interest certification, sub recipient agreement (when available), and other documents resulting from this application on behalf of the City and submit the documents to Oakland County.

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

Nays, None

11-617-24 Amendment to Article 3, Section 3.08 and Article 9, Section 9.02 of the Zoning Ordinance

The Mayor opened the public hearing at 8:27 p.m.

PD Dupuis presented the item.

Seeing no public comment, the Mayor closed the public hearing at 8:31 p.m.

Staff answered an informational question from the Commission.

MOTION: Motion by Baller, seconded by Long:
Move the suggested resolution.

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

Mayor Longe

Nays, None

11-618-24 48th District Court 2025 Budget

FD Gerber presented the item.

Patrick Dunn, administrator for the 48th District Court, spoke on behalf of the Court. Mr. Dunn answered informational questions from the Commission.

Commissioner comments on the item were as follows:
- The Court is a necessary part of City business and a service the City provides for the benefit of residents' health, safety, and welfare.
- Contributing to the Court allows for Birmingham traffic enforcement, noise enforcement, and other issues.
- While it would be nice if the Court could break even, it will more likely always be a cost center, which is true for most, if not all, communities.
- The City contributes to the running of the Court, and it will cost the City about $700,000 in 2025 to do so.
- The operating costs are as unchanged as possible, which reflects the Court's efforts in keeping costs low.
- There is some promise in the fact that the State is actively reviewing court funding mechanisms.
- The City's percentage of cases has gone up due to increased enforcement of Woodward.
- The City's cost to operate the Court has increased since 2023.

MOTION: Motion by Long, seconded by Schafer:
To approve the 48th District Court's 2025 budget as submitted.

Commissioners raised the following points during discussion of the motion:
- It may be more economical to provide Birmingham's Court services within Birmingham, because the 48th District Court's costs are increasing.
- The Commission has a fiduciary duty to its taxpayers.
- Since 2017, the City has spent $2 million to help pay for the services provided by the 48th District Court.
- Voting in favor of this motion is appropriate because a functioning court is necessary.
- The City should request, in writing, that the State expedite its study on court funding mechanisms.
- The State has mandated that courts provide certain services, and has not funded those mandates. The City must make clear that these unfunded mandates are not viable for Michigan communities in the long term.

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

Nays, Commissioner Host

Transparency Portal Presentation

FD Gerber presented the item and answered informational questions from the Commission.

Commissioner comments on the item was as follows:
- A number of residents would likely be interested in using this portal.
- Looking at the Ice Arena was gratifying because it is generating revenue.
- Staff's enthusiasm regarding the portal was noted and appreciated.

Commission Items for Future Discussion

Staff provided a brief refresher on the conclusions reached regarding the road condition at Lincoln and S. Eton.

Commission Discussion On Items From A Prior Meeting

IV. REMOVED FROM CONSENT AGENDA

11-619-24 Commissioner McLain's Resignation and Filling the Commission Vacancy (Item C)

MPT Baller pulled Item C from the consent agenda. Staff answered informational questions from the Commission.

Commissioners raised the following points during their discussion:

- Because the City Charter does not opine on the following possibilities, they should be allowed:
  - A Commissioner should be able to nominate a resident for the Commission, even if that resident has not submitted an application.
  - The Commission should be able to consider, and potentially select, a resident who has not submitted an application.
- Given that the application period would be compressed and that it overlaps with a busier time of year, there was some concern that residents would either be too busy to submit an application or unaware of the application process.
- Members of the public have the right to comment on the applications either in advance of the Commission's December 16, 2024 meeting or during the appointment motion at the December 16, 2024 meeting.
- To ensure public transparency, all applications should be included in the agenda packet for the December 16, 2024 meeting. All interested parties should have at least the weekend before the December 16, 2024 meeting to consider the applications.
- While it is admittedly a busy time of year, hopefully any appropriate applicant for this position would already be au courant with the Commission's business and/or changes to its status. Consequently, the staff's proposal for filling the vacancy makes sense.
- Though some residents may be out-of-town, the application is available online and can be submitted virtually.
- It is the Commission's responsibility to fill this vacancy, and the Commission should determine whether it will follow staff's recommendation for the process or follow another process that complies with the Charter.

MOTION: Motion by Baller, seconded by Haig:
To move the suggested resolution on Item C of the consent agenda, and paragraphs three, four, and five on page 11(E)(1) of the packet.

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

Nays, None

X. COMMUNICATIONS

A. Communication regarding Henley
B. Communications regarding Wimbleton and Poppleton
C. Communications regarding the YMCA and NEXT

XI. REPORTS

A. Commissioner Reports
   1. Notice of Intention to Appoint to the Birmingham Shopping District
   2. Notice of Intention to Appoint to the Board of Ethics
   3. Notice of Intention to Appoint to the Environmental Sustainability Committee
   4. Notice of Intention to Appoint to the City Commission

B. Commissioner Comments

MPT Baller reported back from the SCC meeting, noting that there were a number of skilled members on the Committee, that the Commission would need to clarify its design, location, and programming preferences, that Next would likely continue to have a home even if it had to move from Midvale Public School, that the City must determine what would make this project most attractive to the broader community, and that this project should be done right instead of fast.

Commissioner Long concurred with Commissioner Baller, and added that the building must anticipate likely growth in both Next's and the YMCA's membership. He recommended that the Commission and the SCC hold a joint workshop in the new year. He emphasized that negotiations are ongoing, and that once those negotiations conclude there will be more information on what will be available for community use.

The Mayor clarified that while the City does not do community programming, it is envisioned that this building would have space for community events.

Commissioner Haig expressed concern about representation of the community's interests in this project, and noted that there are many local opportunities to play pickleball beyond this potential space.

Commissioner Schafer noted that as a private business owner she has rented space at the Ice Arena, and that provided a use case where she or other business owners might be interested in renting a space with tables, chairs, and A/V equipment in this new facility.

C. Advisory Boards, Committees, Commissions' Reports and Agendas
    1. Ethics Opinion 2024-01

D. Legislation
E. City Staff
    1. Application Process to fill the City Commission Vacancy
    2. 1st Quarter Budget Report
    3. 1st Quarter Investment Report
    4. Southeastern Oakland County Water Authority Quarterly Report (October 2024)
    5. Progress Update on 400 E. Lincoln

INFORMATION ONLY

XII. ADJOURN

The Commission motioned to adjourn at 9:48 p.m.

Alexandria D. Bingham

Alexandria Bingham, City Clerk

Laura Eichenhorn, City Transcriptionist