Birmingham City Commission Minutes
August 12, 2024
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: https://vimeo.com/997939324

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Elaine McLain, Mayor, opened the meeting with the Pledge of Allegiance.

II. ROLL CALL

City Clerk Bingham called the roll.

Present: Mayor McLain
MPT Schafer
Commissioner Baller
Commissioner Host
Commissioner Long
Commissioner Longe

Absent: Commissioner Haig

Staff: City Manager Ecker; City Clerk Bingham, Assistant City Engineer Borton, Assistant City Manager Clemence, Planning Director Dupuis, Police Chief Grewe, Deputy Treasurer Katz, City Attorney Kucharek, Parks and Recreation Manager Laird, Human Resources Manager Woods, Department of Public Services Director Zielinski

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

Announcements

The Clerk's Office would like to thank all of the Election Inspectors and City staff that helped conduct a safe and successful 2024 August State Primary Election. We appreciate all of the voters who participated by voting early, absentee, or in-person voting. 23.8% of registered Birmingham voters participated, un-official results are available at oakgov.com/elections under the 2024 elections tab. Official results will be available after the Oakland County Board of Canvassers certifies the election results.

Happy Birthday Commissioner Long

Appointments

08-511-24 Museum Board

The Commission interviewed Michael Abelson for the appointment.

MOTION: Nomination by Commissioner Host:
To appoint Michael Abelson to the Museum Board as a regular member to serve the remainder of a three-year term to expire July 5, 2026.

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

Nays, None

CC Bingham swore in Mr. Abelson.

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

Linda Solomon commented regarding a tree near 639 Purdy that was removed.

It was noted that the tree was removed due to storm damage, not resident request.

Eve Pickman commented regarding new construction, flooding, and stormwater management in the City.

V. CONSENT AGENDA

08-512-24 Consent Agenda

MOTION: Motion by Commissioner Longe, seconded by Commissioner Long:
To move the Consent Agenda, encompassing all items.

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

Nays, None

A. Resolution to approve the regular City Commission meeting minutes of the meeting held on July 22, 2024.

B. Resolution to approve the special City Commission meeting minutes of the meeting held on July 29, 2024.

C. Resolution to approve the warrant list, including Automated Clearing House payments, dated July 25, 2024 in the amount of $6,669,026.11.

D. Resolution to approve the warrant list, including Automated Clearing House payments, dated August 1, 2024 in the amount of $1,319,516.99.

E. Resolution to approve the warrant list, including Automated Clearing House payments, dated August 8, 2024 in the amount of $824,021.09.

F. Resolution to name Mayor Elaine McLain as the person authorized on behalf of the City to sign an agreement between the Michigan Department of transportation (MDOT) and the City of Birmingham once the agreement is finalized.

G. Resolution to approve a special event permit as requested by the Piety Hill Chapter, NSDAR to hold the Veterans Day 2024 Annual Wreath-Laying Ceremony on November 11, 2024 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.

VI. CITY MANAGER'S REPORT

VII. UNFINISHED BUSINESS

08-513-24 Public Hearing for 219 Elm St. – All Seasons 2 – Special Land Use Permit Amendment

The Mayor opened the public hearing at 7:45 p.m.

PD Dupuis presented the item.

J. Patrick Howe, attorney, Mark Abanatha, architect, and Sam Beznos, owner, spoke on behalf of the project.

Seeing no public comment, the Mayor closed the public hearing at 8:10 p.m.

Staff and Mr. Beznos answered informational questions from the Commission.

Commissioners raised the following points during discussion:

- This decision should possibly be postponed until the project's possible LEED certification is determined.
- The Planning Board's vote and discussion indicated that it would not have recommended approval of this project's SLUP if 1500 sq. ft. of commercial space had originally been included. That would have been appropriate, as 1500 sq. ft. of commercial in this context would not have been sufficient for the City's goals.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:

To deny the Special Land Use Permit Amendment and Final Site Plan and Design Review application for 219 Elm St. as presented in the suggested resolution.

Commissioner comment on the motion was as follows:

- 1500 sq. ft. would be an insufficiently-sized commercial space. The intended use case for this project would be an office, which would be unlikely to generate street activation and foot traffic in the way the City seeks. While additional stories may yield some benefit to the City, modifications to this plan should have occurred much earlier on in the approval process.
- While three storefronts could be valuable, 1500 sq. ft. in this context was too small to generate the intended benefit to the City. This proposal would not align with the intent of the 2040 Plan for the area.
- While an applicant might request a change in use after an approval, it was likely not appropriate to imagine that such a request would affect the original circumstances of approval five years later.

Public Comment

Mr. Howe commented on the motion.

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

Nays, None

Public Hearing for Combination of Land Parcels 1110 & 1114 Lakeside Road (Withdrawn)

The Mayor opened the public hearing at 8:38 p.m.

Seeing no public comment, the Mayor closed the public hearing at 8:40 p.m.

VIII. NEW BUSINESS

08-514-24 Public Hearing – Oakland Avenue and Haynes Street Project – Sewer and Water Laterals – Confirmation of the Roll

The Mayor opened the public hearing at 8:41 p.m.

DT Katz presented the item.

Seeing no public comment, the Mayor closed the public hearing at 8:42 p.m.

MOTION: Motion by Commissioner Long, seconded by Commissioner Baller:

To confirm Special Assessment Roll 912 as follows:

WHEREAS, Special Assessment Roll, designated Roll No. 912, has been heretofore prepared for collection; and

WHEREAS, notice was given pursuant to Section 94-7 of the City Code, to each owner or party-in-interest of property to be assessed; and

WHEREAS, the Commission has deemed it practicable to cause payment of the cost thereof to be made after the time of construction; and

WHEREAS, the Commission Resolution 07-503-24 provided it would meet this 12th day of August, 2024 for the sole purpose of reviewing the assessment roll; and

WHEREAS, at said hearing held this August 12, 2024, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll;

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 912 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that the special assessment shall be payable in five (5) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of nine and one half percent (9.50%) on all unpaid installments.

Sidwell Number	Street Address	Sewer Lateral SAD Assessment	Water Lateral SAD Assessment
19-25-451-034	400 Park	$ 1,125.00	$ -
19-25-452-018	247 Oakland	$ 2,625.00	$ 8,190.00
19-25-452-019	267 Oakland	$ 2,625.00	$ 7,980.00
19-25-452-026	233 Oakland	$ 2,625.00	$ -
		$ 9,000.00	$ 16,170.00

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

Commissioner Long

Nays, None

08-515-24 Public Hearing – Public Hearing for 260 N. Old Woodward – TERRA (formerly "The Morrie") – Special Land Use Permit Amendment (Ownership Change)

The Mayor opened the public hearing at 8:45 p.m.

PD Dupuis presented the item.

Kevin Biddison, architect, spoke on behalf of the project.

Seeing no public comment, the Mayor closed the public hearing at 8:48 p.m.

Staff answered informational questions from the Commission.

MOTION: Motion by Commissioner Baller, seconded by MPT Schafer:
To move the suggested resolution.

Commissioner comment on the motion was as follows:

- Terra's family-friendly atmosphere would be a welcome addition to the City's present restaurant mix.

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

Nays, None

08-516-24 Booth Park Entry Plaza & Trail Improvements

DPSD Zielinski introduced the item. Sue Grissim of Grissim Metz Andriese Associates and Mike MacDonald of Hubbell Roth and Clark presented the item.

Staff and Ms. Grissim answered informational questions from the Commission.

Commissioners raised the following points during discussion:

- The planned bathrooms, sign, seating, and parking changes would be welcome.
- Increased shade would also be welcome.
- The bathrooms should be able to accommodate heavy use.
- People have a tendency to want to be near the water and this design accommodates that.

- The plans looked great, and the Planning Board was also very complimentary of the plans.
- Some of the purchased items should possibly only be purchased if donors are found.
- Neighbors might be worried about individuals using the hammocks to sleep overnight in the park.
- There were some concerns about the budget. It would be possible to fundraise and make some of the purchases over time.
- It will be important to continue using some of the park bond funds on improved playground equipment.
- The furnishings near the playground should match other furnishings in the park.
- It would be helpful to know whether the tables and seating in the plaza area would likely be sufficient.
- Elevations would help residents understand these designs more completely.
- Publicizing the need for donors in a number of ways, including within the park itself, will be helpful.
- Donors might be interested in sponsoring a tree in the park or in adding their names to pavers. A donor wall with levels of giving on the rear of the restroom building may also be appealing to those wanting to give unrestricted donations.
- The selected materials were high-quality.
- When a particular amenity, such as the bathrooms, would be beneficial to the general public, it might be worth funding that amenity in part with non-park bond funds.
- Names on pavers are generally challenging in terms of long-term maintenance.
- The present suggested action only seeks approval for the drawings. Individual park items can be reviewed by the Commission for potential purchase over time as donors are found.

MOTION: Motion by Commissioner Longe, seconded by Commissioner Long:
To direct staff to proceed with the finalization of drawings for construction for final review and approval by the City Commission as designed, incorporating ALL elements of the landscape plan, and selecting the custom "bespoke" option for the restroom facility and eliminating the 4 spaces for parking.

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

Nays, None

08-517-24 Oakland Avenue and Haynes Street Project Contract #7-24 (P) – Eminent Excavating LLC

ACE Borton presented the item.

MOTION: Motion by Commissioner Longe, seconded by Commissioner Host:

To move the suggested action adopting the resolution to award the Oakland Avenue and Haynes Street Project Contract #7-24 (P) to Eminent Excavating LLC,

AND

To approve the appropriation and amendment of the 2024/2025 budget as indicated on pages three and four of Section 8D in tonight's agenda.

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

Nays, None

08-518-24 Ordinance to Amend Article III – Sidewalks, Section 98-63 – Original Construction

Staff presented the item. It was noted that, in the ordinance language, a comma should be added after 'discretion'.

MOTION: Motion by Commissioner Baller, seconded by MPT Schafer:
To move the suggested resolution.

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

Nays, None

08-519-24 Tentative Agreement Between the City and Teamsters Local 214

HRM Woods presented the item.

MOTION: Motion by Commissioner Long, seconded by Commissioner Longe:
To approve the tentative agreement dated August 7, 2024 between the City and Teamsters Local 214. Further, to ratify the renewal of the collective bargaining agreement with the inclusion of the changes referenced in this tentative agreement, through June 30, 2027. Additionally, authorize the transfer of funds from the wage adjustment account 101.0-272.000-709.0000 to appropriate departments.

ROLL CALL: Ayes, Commissioner Longe
Commissioner Long

Commissioner Baller
MPT Schafer
Mayor McLain
Commissioner Host

Nays, None

08-520-23 Closed Session Pursuant to MCL § 15.268 Sec. 8(1)(a)

Staff noted that the closed session was at the request of the employee.

MOTION: Motion by Commissioner Long, seconded by MPT Schafer:
To meet in closed session to evaluate the City Manager's Performance, pursuant to MCL § 15.268 Sec. 8(1)(a).

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

Nays, None

The remainder of the evening's business was addressed before the Commission adjourned to closed session.

The Commission went into closed session at 10:25 p.m.

The Commission returned from closed session at 11:40 p.m.

08-523-23 Return from Closed Session – City Manager's Performance Evaluation

MOTION: Motion by Commissioner Longe, seconded by Commissioner Long:
To increase the City Manager's salary by six percentage points, which equates to $10,500, and further to direct the City Attorney to produce a first amendment to the appointment agreement to effectuate this change in paragraph four.

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

Nays, Commissioner Host

Commission Items for Future Discussion

08-521-24 Noise Ordinance

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To discuss and have a report on our noise ordinance.

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

Nays, None

08-522-24 Speed Mitigation on Arlington and Shirley

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To assign the Multi-Modal Board to review speed mitigation options for Arlington and Shirley, including but not limited to speed humps, speed boards, bump outs, islands, and signage.

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

Nays, None

Commission Discussion On Items From A Prior Meeting

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

A. Communication regarding Glenhurst and Oak
B. Communications regarding the YMCA/Senior Recreation Center Letters
C. Communication regarding Shirley and Arlington
D. Order to Deny Plaintiff's Motion for Preliminary Injunction – Case No.: 2024-208305-CZ

X. REPORTS

A. Commissioner Reports
  1. Notice of Intention to Appoint to the Design Review Board
  2. Notice of Intention to Appoint to the Historic District Commission

Commissioner Baller proposed a summit for fall or winter 2024 for all community groups that serve seniors. The purpose of the summit would be to create a space for these groups to discuss their ongoing work and to promote collaboration. He suggested that this could become a model for other community organizations in the City as well.

B. Commissioner Comments

Commissioner Host recommended that staff and the Advisory Parking Committee explore adding solar panel canopies to the rooftops of the garages. He noted that such an investment would likely qualify for partial reimbursement from the federal government.

Commissioner Long stated that the August 7, 2024 music in the park had a tremendous turnout. He stated that the City should increase the number of similar events on its events roster.

The Mayor noted that Ice Arena and Facilities Superintendent Folk organizes these events and has remained with the City past her eligible retirement date due to her enthusiasm for her role.

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

INFORMATION ONLY

XI. ADJOURN

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

Alexandria Bingham, City Clerk

Laura Eichenhorn, City Transcriptionist