Birmingham City Commission Minutes
September 23, 2024
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: https://vimeo.com/1012181983

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 Longe

Absent: Mayor McLain
Commissioner Long

Staff: Planning Intern Aldred, City Clerk Bingham, City Planner Blizinski, Assistant City Manager Clemence, City Engineer Coatta, Senior Planner Cowan, Planning Director Dupuis, Police Chief Grewe, City Attorney Kucharek, Parks & Recreation Manager Laird, Department of Public Services Director Zielinski

09-543-24 Nomination of Temporary Mayor

MOTION: Motion by Haig:
Nominate MPT Schafer to be Mayor for the night.

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

Nays, None

09-544-24 Nomination of Temporary Mayor Pro Tem

MOTION: Motion by Baller:
Nominate Therese Longe.

VOICE VOTE: Ayes, 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

Happy Birthday Mayor McLain

09-545-24 Remove Item VII(A) from the Agenda

ACM Clemence asked that Item VII(A) be removed from the present agenda, with the intention that it would be amended and presented at a later date.

MOTION: Motion by Longe, seconded by Baller:
To cede to the City's wish to remove Unfinished Business Item A from this evening's agenda.

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

Nays, None

Appointments

09-546-24 Design Review Board

The Commission interviewed Patricia Lang for the appointment.

MOTION: Nomination by Host:
To appoint Patricia Lang as a regular member to the Design Review Board to serve a three-year term to expire September 25, 2027.

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

Nays, None

09-547-24 Design Review Board

The Commission interviewed Julijana Rasawehr for the appointment.

MOTION: Nomination by Haig:
To appoint Julijana Rasawehr as a regular member to the Design Review Board to serve a three-year term to expire September 25, 2027.

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

Nays, None

09-548-24 Design Review Board

The Commission interviewed Timothy Collins for the appointment.

MOTION: Nomination by Longe:
To appoint Timothy Collins as a regular member to the Design Review Board to serve a three-year term to expire September 25, 2027.

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

Nays, None

09-549-24 Historic District Commission

The Commission interviewed Patricia Lang for the appointment.

MOTION: Nomination by Host:
To appoint Patricia Lang as a regular member to the Historic District Commission to serve a three-year term to expire September 25, 2027.

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

Nays, None

09-550-24 Historic District Commission

The Commission interviewed Gigi Debbrecht for the appointment.

MOTION: Nomination by Baller:
To appoint Gigi Debbrecht as a regular member to the Historic District Commission to serve a three-year term to expire September 25, 2027.

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

Nays, None

09-551-24 Historic District Commission

The Commission interviewed Timothy Collins for the appointment.

MOTION: Nomination by Haig:
To appoint Timothy Collins as a regular member to the Historic District Commission to serve a three-year term to expire September 25, 2027.

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

Nays, None

CC Bingham swore in the appointees.

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

Commissioners made the following comments:

- The public should permanently be allowed to comment on X. Communications items during this portion of the meeting.
- While permanently allowing that change could be explored in the future, the public would presently be allowed to comment both on items not on the agenda and on X. Communications items.
- It was noted that residents can provide comments to the Commission in person, via Zoom, and via email.
- Commissioners have spent an immense amount of time reviewing unimproved roads and special assessment projects, and each project that is brought forward is reviewed

individually and on its own merits.

David Stiteler, Tim Bradley, Cliff Rager, and Danny Hill shared concerns about a potential upcoming special assessment district project that would include Wimbleton and Henley.

V. CONSENT AGENDA

09-552-24 Consent Agenda

MOTION: Motion by Longe, seconded by Host:
To move the Consent Agenda excluding Item B.

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

Nays, None

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

C. Resolution to approve the warrant list, including Automated Clearing House payments, dated September 12, 2024 in the amount of $39,956,276.84.

D. Resolution to approve the warrant list, including Automated Clearing House payments, dated September 19, 2024 in the amount of $1,664,264.80.

E. Resolution to approve a special event permit as requested by the City of Birmingham to hold the Celebrate Birmingham Hometown Parade on May 18, 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.

F. Resolution to approve a special event permit as requested by the Birmingham Shopping District to hold the Brrmingham Blast on January 25, 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.

G. Resolution to approve a request by the Birmingham Shopping District to hold the 2024 Santa House special event beginning the weekend of November 30, 2024 through December 24, 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.

H. Resolution to approve a request from the Birmingham Shopping District to hold the 2024 Winter Markt special event on Friday, December 6, 2024 – Sunday, December 8, 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.

I. Resolution to amend the Schedule of Fees, Charges, Bond, Insurance, effective October 1, 2024, in the Engineering Department section, to add engineering review fees for non-single family property.

J. Resolution approving the amendment of the existing OpenGov Contract for purchase of a two year subscription starting July 15, 2024 and ending August 27, 2026 of, as formally known, Cartegraph Solutions Software through OpenGov for a cost not to exceed $76,235.55 over the life of the contract. Funds are available from the Sewage Disposal account, #590.0-538.000-811.0000, Water System account #591.0-545.000-811.0000, and General Fund, Parks Other Contractual Service account, # 101.0-751.811.0000 for this service. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

K. Resolution appointing election inspectors, absentee voter counting board inspectors, receiving board inspectors and other election officials as recommended by the City Clerk for the November 5, 2024 General Election pursuant to MCL 168.674, and further grant the City Clerk the authority to make emergency appointments of qualified candidates should circumstances warrant in order to maintain adequate staffing in the various precincts, counting boards and receiving boards.

   AND

   To authorize the use of an Absent Voter Counting Board for the City of Birmingham pursuant to MCL 168.765a(1) as the City Commission previously resolved on May 6, 2024, resolution 05-418-24.

   AND

   To authorize the use of the Oakland County Absent Voter Counting Board for the purpose of processing and tabulating absent voter ballots on November 5, 2024, as prescribed in the terms and responsibilities previously agreed upon at the July 12, 2020 meeting by Commission resolution 07-120-20.

L. Resolution designating Finance Director Mark Gerber, Assistant Finance Director Kim Wickenheiser, DPS Director Scott Zielinski, Building Official Bruce Johnson, Assistant Building Official Mike Morad, Museum Director Leslie Pielack, and Police Commander Ryan Kearney as proxy representatives of Election Commissioners Mayor Elaine McLain, Mayor Pro Tem Katie Schafer, Commissioner Clinton Baller, Commissioner Brad Host, Commissioner Andrew Haig, Commissioner Anthony Long, and Commissioner Therese Longe, to conduct the Public Accuracy Test on Tuesday, October 8, 2024 at 9 a.m. in room 205 to test the electronic tabulating equipment which will be used to count votes at Birmingham precincts during the November 5, 2024 General Election.

M. Resolution to accept the resignation of Joe Zane 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.

N. Resolution to accept the resignation of Kip Cantrick from the Triangle District Board, to thank him for his service and to direct the City Clerk to begin the process of filling the vacancy.

O. Resolution to accept the resignation of Sarvy Lipari from the Birmingham Shopping District Board, to thank her for his service and to direct the City Clerk to begin the process of filling the vacancy.

Birmingham City Commission Meeting Minutes – September 9, 2024 (Item B)

Commissioner Haig pulled Item B. He recommended that one bullet point be added to the discussion of the Senior/Recreation Center Project.

The minutes would be reviewed at the next Commission meeting.

VI. CITY MANAGER'S REPORT

ACM Clemence presented the report and answered informational questions from the Commission.

Commissioners made the following comments:

- Two complaints of unethical behavior were brought against members of the City administration by members of the public, and both claims were dismissed by the Board of Ethics. Board of Ethics hearings require an expenditure of resources by the City, and it was important for residents to know this was occurring.

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

09-553-24 Public Hearing for Lot Division and Lot Combination of 532 & 568 Lakeside Drive, parcels 19-26-427-012 & 19-26-427-011

The tMayor opened the public hearing at 8:19 p.m.

SP Cowan presented the item.

Seeing no public comment, the public hearing was closed at 8:22 p.m.

Commissioners made the following comments:

- It was pleasant to review a request that was ordinance-compliant.

MOTION: Motion by Baller, seconded by Haig:

To approve the lot division of 532 & 568 Lakeside Drive, parcels 19-26-427-012 & 19-26-427-011.

AND

To approve the lot combination of 532 & 568 Lakeside Drive, parcels 19-26-427-012 & 19-26-427-011.

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

Nays, None

09-554-24 Michigan Natural Resources Trust Fund Grant Application Update

PRM Laird presented the item.

Commissioners made the following comments:

- Grant deadlines are strict, and it was positive that staff paid attention to the deadlines and to the opportunity to resubmit for more funding.

MOTION: Motion by Longe, seconded by Host:
To authorize Birmingham to submit a revised resolution for a Michigan Natural Resource Trust Fund (MNRTF) grant through the Michigan Department of Natural Resources (MDNR), and further directing the City Clerk to sign the resolution.

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

Nays, None

09-555-24 Birmingham Green: Healthy Climate Plan – Request for Adoption

PD Dupuis and Ad Hoc Environmental Sustainability Committee (AHESC) Chair Newman presented the item.

Commissioners made the following comments in the course of discussion:

- This Plan should be a cause for celebration in the City. The AHESC and staff deserved commendation and thanks for their work.
- The Plan's navigability and readability was excellent and would make it easier for residents to read. The Plan was also visually and graphically appealing.
- While local government can move slowly, the AHESC came together and completed this

Plan within two years.

- The Plan was circulated to 15 different organizations and communities for comment and received positive feedback from all of them. This Plan raised the bar for ad hoc committees in Birmingham.
- While this Plan sets out a broad vision, each specific step towards implementation will be discussed and reviewed at the Commission level in the future. This process will include continued opportunities for public comment and engagement.
- A number of the 'First Steps' could likely be done in an expedited fashion and concurrently, like encouraging residential rain gardens and working on storm water retention more broadly.
- Birmingham resident Harvey Bell's net-positive home is an example of a residential sustainability success.
- The 'What Can I Do' section was very beneficial, and would help residents work on their own contributions to the City's sustainability efforts. Creating an infographic on the present impact of some behaviors and the likely impact of changed behaviors would be useful for emphasizing the importance of resident participation.
- The 'What Can I Do' section could also provide residents with resources and instructions for implementation, as well as information on other residents in the community who might be able to act as guides towards implementation.
- Aspects of this Plan could also be adapted for use in Birmingham schools. Presentations to students would likely be well-received.

MOTION: Motion by Schafer, seconded by Longe:
To adopt the Birmingham Green: Healthy Climate Plan in its entirety and through this plan, commit to aspiring toward a resilient and sustainable future.

Commissioners made the following comments on the motion:

- It would be positive to see more residents participate in discussions where the City is showcasing its successes, such as this one.

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

Nays, None

The room had a round of applause for the members of the AHESC.

09-556-24 Amendments to Chapter 82 of the Birmingham Code of Ordinances to Create the Environmental Sustainability Committee

PD Dupuis presented the item and staff answered informational questions from the Commission.

Commissioners made the following comments in the course of discussion:

- It would be appropriate to stagger terms, like other City boards do.
- It might be appropriate to require that projects of a certain magnitude go to the

Environmental Sustainability Committee (ESC).
- More discussion should be had on how the ESC would best participate in project review processes.
- More discussion should be had on the possibility of the Planning Board referring items to the ESC.
- Coordination of both the Planning Board and the ESC would be done by the Planning Department.
- While there was clearly Commission support for creating the ESC, it would be appropriate for staff to work on the language a bit more given the questions being raised.
- AHESC Chair Newman should also provide input on the ordinance language.

MOTION: Motion by Baller, seconded by Haig:
To postpone adoption of this ordinance to October 7, 2024.

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

Nays, None

Public Comment
Harvey Bell commented regarding sustainability opportunities in the community.

Amendments to Chapter 50 of the Birmingham Code of Ordinances to Create Regulations for Leaf Blowers

PD Dupuis presented the item and staff answered informational questions from the Commission.

Commissioners made the following comments in the course of discussion:
- It might be worth considering giving residents using their own equipment a bit longer of a phase-out period.
- 'Gas powered' should be changed to 'two stroke'.
- Ann Arbor, MI has a longer phase-out period, which should be considered.
- Many electric leaf blowers do not yet match the cost-efficiency or the power of two stroke leaf blowers.
- The logistics of reporting and enforcement should be further considered.
- This item and any proposed noise ordinance should be reviewed by the ESC. It would be helpful to have their backing and their insights into the most appropriate approaches.
- While this ordinance change would result in some challenges for commercial businesses, noise emitted by two stroke leaf blowers has a detrimental impact on many residents.
- Leaving leaves on a lawn has immense benefits for pollinators.
- There are other methods for removing leaves that result in less noise and pollution. There should be a push to educate residents on the alternatives.

Commission Items for Future Discussion

09-557-24 Code of Conduct for Landscaping Contractors

MOTION: Motion by Host, seconded by Baller:
To discuss a code of conduct for landscaping contractors in Birmingham.

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

Nays, None

Commission Discussion On Items From A Prior Meeting

IV. REMOVED FROM CONSENT AGENDA

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

A. Letters regarding YMCA-NEXT
B. Letters regarding Henley

XI. REPORTS

A. Commissioner Reports
   1. Notice of intention to appoint to the Multi Modal Transportation Board
   2. Notice of intention to appoint to the Birmingham Shopping District Board
   3. Notice of intention to appoint to the Triangle District Corridor Improvement Authority
B. Commissioner Comments

Commissioner Baller recommended that discussion or updates regarding the Next/YMCA project occur at every Commission meeting.

Commissioners Host and Haig commented regarding funding and next steps for the Next/YMCA project.

C. Advisory Boards, Committees, Commissions' Reports and Agendas
D. Legislation
E. City Staff
   1. Kenning Park Parking Lot Traffic

DPSD Zielinski answered informational questions from the Commission on the item.

Commissioners made the following comments:

- Staff should install whatever signs they deem necessary to improve safety in the area.
- This area could be more efficiently designed to create parking.
- The parking area might benefit from speed bumps.

INFORMATION ONLY

XII. ADJOURN

The Commission motioned to adjourn at 10:19 p.m.

Alexandria Bingham, City Clerk | Laura Eichenhorn, City Transcriptionist