Birmingham City Commission Minutes
January 13, 2025
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: https://vimeo.com/1046583745

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
Commissioner Emerine
Commissioner Haig
Commissioner Host
Commissioner Long
Commissioner Schafer

Absent: MPT Baller

Staff: City Manager Ecker; City Clerk Bingham, Planning Director Dupuis, Assistant City Manager Fairbairn, Parking Systems Manager Ford, Police Chief Grewe, Building Official Johnson, City Attorney Kucharek

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

Announcements
Appointments

01-001-25 Temporary Mayor Pro Tem

MOTION: Motion by Long:
To nominate Commissioner Katie Schafer to act as Mayor Pro Tem this evening in Commissioner Baller's absence.

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

Nays, None

01-002-25 Environmental Sustainability Committee

Lara Edwards was interviewed for the appointment.

MOTION: Motion by Long:
To appoint Lara Edwards as a regular member to the Environmental Sustainability Board to serve a two-year term to expire February 1, 2027.

VOICE VOTE: Ayes, Commissioner Emerine
Commissioner Host
Commissioner Haig
tMPT Schafer
Mayor Longe
Commissioner Long

Nays, None

01-003-25 Environmental Sustainability Committee

Sara Rubino was interviewed for the appointment.

MOTION: Motion by Host:
To appoint Sara Rubino as a regular member to the Environmental Sustainability Board to serve a one-year term to expire February 1, 2026.

Commissioner comments were as follows:
- Both Ms. Edwards and Ms. Rubino were outstanding candidates.
- City staff should still be making an effort to recruit individuals who expressed interest in the ad hoc iteration of the sustainability board, including an individual who works in sustainability at Ford.

VOICE VOTE: Ayes, Commissioner Emerine
Commissioner Host
Commissioner Haig
tMPT Schafer
Mayor Longe
Commissioner Long

Nays, None

01-004-25 Advisory Parking Committee

William Kolb was interviewed for the appointment.

MOTION: Motion by Host:
To appoint William Kolb to the Advisory Parking Committee as an alternate member to serve a three-year term to expire September 4, 2026.

Commissioner comments were as follows:
- As part of his previous professional position, Mr. Kolb rented a significant number of parking spaces in the Chester Street structure.

VOICE VOTE: Ayes, Commissioner Emerine
Commissioner Host
Commissioner Haig
tMPT Schafer
Mayor Longe
Commissioner Long

Nays, None

Housing Board of Appeals

In light of Tony Tayar's absence, this board appointment was postponed. It was noted that other applicants remained welcome to apply as well.

CC Bingham swore in the present appointees.

Staff Introductions
Building Department
Jeff Zielke, Building Official Designee
Andrew Erikson, Assistant Building Official
Engineering Department
Mark Akram
Bryan Hardy

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

David Coleman commented that the updates to Arlington and Shirley were well done, and that residents of Arlington and Shirley would like to work with the Commission in an effort to reduce speeds and increased traffic on those streets.

Kristy Barrett commented that the Commission needs to weigh all data and to carefully consider the financial impacts of its decisions on all residents.

It was noted that while the cable broadcast of the meeting did not presently have audio, the Vimeo stream of the meeting did and residents could watch the meeting there.

V. CONSENT AGENDA

01-006-25 Consent Agenda

MOTION: Motion by Haig, seconded by Long:
To approve the Consent Agenda as written with the exception of Item E.

ROLL CALL VOTE: Ayes, Commissioner Emerine
Commissioner Host
Commissioner Haig
tMPT Schafer
Mayor Longe
Commissioner Long

Nays, None

A. Resolution to approve the regular City Commission meeting minutes of December 9, 2024.

B. Resolution to approve the City Commission workshop meeting minutes of December 16, 2024.

C. Resolution to approve the regular City Commission meeting minutes of December 16, 2024.

D. Resolution to approve the warrant list, including Automated Clearing House payments, dated December 19, 2024 in the amount of $6,357,374.01.

F. Resolution to hold a 2024 review of establishments who hold liquor licenses for consumption on premises and to consider the same establishments for 2025 renewal at the regular City Commission meeting on Monday, February 10, 2025 at 7:30 p.m.

G. Resolution to install stop signs on Oak Street at the intersection of Glenhurst Drive as recommended by the Multi-Modal Transportation Board.

H. Resolution to set a public hearing date of February 10, 2025 to consider the Special Land Use Permit Amendment for 34244 Woodward to transfer ownership and update the Special Land Use Permit to the proposed new owner, M&D Woodward, LLC.

I. Resolution to approve the Amended and Restated Professional Services Agreement with McKenna Associates, Inc. for inspection and code enforcement services as planned in the current fiscal year, and thereafter, as budgeted. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for this service has been budgeted in account #101.0-371.000-811.0000.

J. Resolution to approve the purchase of a 2024 Ford F-350 Regular Cab 4X4, located at 1960 E Main St, Owosso, MI 48867, through the State of Michigan Contract #071B770180 and Macomb County Contract #21-18, in the amount not to exceed $93,069.00, upon the completion of a signed contract by Lunghamer Ford of Owosso. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funds for this purchase are available in the FY 2024-2025 Auto Equipment Fund account #661.0-441.006.971.0100.

K. Resolution to approve the purchase of three new 2024 TORO Workman HDX 4WD vehicles, located at 1050 Opdyke Road, Auburn Hills, MI 48326, through the Intergovernmental Cooperative Purchasing Agreement, OMNIA Contract #2017025, in the amount not to exceed $126,628.95, upon the completion of a signed contract by Spartan Distributors. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funds for this purchase are available in the FY 2024-2025 Auto Equipment Fund account #661.0-441.006.971.0100.

L. Resolution to restripe the Chester Street parking structure so that all parking spaces are striped at 8'9" in width as recommended by the APC, to approve a change order for a $6,500 fee for WJE Engineering to revise the striping plan for the Chester Street structure; and to appropriate and amend the 2024-2025 Automobile Parking System budget as follows:

Revenues		
514.1-000.000-400.0000	Draw from Net Position	$6,500
Expenses		
514.1-594.008-977.0000	Public Works – Buildings	$6,500

M. Resolution to accept the resignation of Jason Emerine from the Planning Board & Ad Hoc Senior/Recreation Committee, to thank him for his service and to direct the City Clerk to begin the process of filling the vacancies.

01-007-25 Warrant List – January 9, 2025 (Item E)

Commissioner Haig pulled Item E to highlight the payment to the 48th District Court.

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

ROLL CALL VOTE: Ayes, Commissioner Emerine
Commissioner Host
Commissioner Haig
tMPT Schafer
Mayor Longe
Commissioner Long

Nays, None

VI. CITY MANAGER'S REPORT

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

01-008-25 2025 Cape Seal Program Hearing of Necessity for Cape Seal Special Assessment District (SAD)

Mayor Longe recused herself from this item citing a conflict-of-interest stemming from her residence within the special assessment district and left the room. tMPT Schafer assumed facilitation of the meeting.

tMPT Schafer opened the public hearing at 7:57 p.m.

CE Coatta presented the item.

Tony Vitali commented that the quality of the last repairs to Yorkshire were subpar, asked the City to ensure that these repairs be of good quality, and asked the City to re-evaluate how special assessment projects are funded.

CE Coatta confirmed for Glenn Couch that he could reach out for further clarification from staff regarding the proposed assessments for 280 Daines Street and the neighboring property.

Seeing no further public comment, tMPT Schafer closed the public hearing at 8:07 p.m.

CE Coatta answered informational questions from the Commission.

Commissioners raised the following points during discussion:

- By getting a petition with support from more than 51% of a street's residents, residents can request that the City fully improve a road rather than using cape seal.
- While the cost to improve a road is significantly higher than the cost to cape seal a road, once a road is improved the City assumes the costs of maintaining that road moving forward.
- Improved roads are engineered and remain in better condition for longer than cape seal roads.
- The City is in the process of improving 26 miles of road in the City. The process was studied by the Ad Hoc Unimproved Streets Study Committee, the results of which are available on the City's website, and all of the roads have been ranked for improvement by the Engineering Department, which is also available on the City's website.
- Many factors go into road improvement considerations, including the age of the underlying infrastructure, the road condition, various resident preferences, fiscal responsibility, and overall health, safety, and welfare factors.
- Members of the public were encouraged to express their views on proposed special assessment projects.

<u>Public Comment</u>
Angela Gunther commented that she was frustrated with how special assessment costs are split between residents and the City.

Chris Cuter commented regarding the results of cape seal projects.

MOTION: Motion by Long, seconded by Host:
To make the suggested motion for this item that begins on 8A, on pages three, four, five, six, seven, and eight, which includes the resolution and the detailed Sidwell numbers, street addresses, and cape seal assessments.

ROLL CALL VOTE:	Ayes,	Commissioner Emerine
		Commissioner Host
		Commissioner Haig
		tMPT Schafer
		Commissioner Long
	Nays,	None

Mayor Longe rejoined the meeting, thanked tMPT Schafer, and resumed facilitation of the meeting.

01-009-25 Maple Road and Eton Street Intersection Road Safety Audit

CE Coatta presented the item and answered informational questions from the Commission.

Commissioners raised the following points during discussion:

- The report was very well done, the City picked an excellent intersection to study with this grant award, and the report's purpose was to generate recommendations for the City to implement.
- This intersection has had an issue with flooding, and further attention to the stormwater infrastructure will be appropriate.
- This is a complex intersection, and the recommendation for a center bicycle lane may not be appropriate. It might be appropriate to co-locate pedestrian and cyclist traffic near the intersection.
- Illuminating the sign that shows bridge clearance would be appropriate since large trucks have collided with the bridge.
- Implementing safety improvements beyond the recommendations for traffic that turns from Eton onto Maple heading west would be of significant benefit.
- The high friction surfaces, restriping, and illumination recommendations would also be beneficial.
- Further safety improvements beyond the report's recommendations would be appropriate. High friction treatments should be applied to every road surface in the intersection, the

northbound stop bar on S. Eton should be located about 100 feet further back, the entire intersection should prohibit turns on red, and Maple should be narrowed to one lane in order to calm the traffic.
- There was previous discussion at the Multi-Modal Transportation Board about making pedestrian safety improvements to the N. Eton and Maple part of the intersection, including a potential pedestrian island.
- Any improvements that could increase driver awareness and reduce rear-end collisions would be of benefit.
- There have been efforts to illuminate under the bridge in the past, and at the time the City was prevented from doing so by the railroad company. Freestanding infrastructure that could support illumination under the bridge is an option worth exploring.
- This report should be referred to the Multi-Modal Transportation Board for further study.
- The Multi-Modal Transportation Board should be asked to first study adding a 'No Turn on Red' sign on the southbound portion of N. Eton and adding more signage prior to the intersection and at the intersection indicating the bridge clearance.

MOTION: Motion by Schafer, seconded by Long:
To approve the Maple Road and Eton Street Intersection Road Safety Audit with enthusiasm, and to direct the Multi-Modal Transportation Board to receive this and study it, and to consider the 'No Turn on Red' and overhead bridge signage.

VOICE VOTE: Ayes, Mayor Longe
Commissioner Emerine
Commissioner Host
Commissioner Haig
tMPT Schafer
Commissioner Long

Nays, None

01-010-25 Change to the Agenda

Commissioners raised the following points during discussion:
- Discussing the proposed bond first made more sense since changes to that item would affect the RFP.

MOTION: Motion by Haig, seconded by Host:
To change the order of the agenda from 8C and 8D to become 8D and 8C.

VOICE VOTE: Ayes, Mayor Longe
Commissioner Emerine
Commissioner Host
Commissioner Haig
tMPT Schafer
Commissioner Long

Nays, None

YMCA/Next – Senior Services

CM Ecker provided an overview of where the City was in the process for the 400 E. Lincoln project and introduced Patrick McGow of Miller Canfield, Brian Deming from KMG, and Jim Stock from Neumann Smith.

Mr. McGow presented the item. CM Ecker and Mr. McGow answered informational questions from the Commission.

Commissioners raised the following points during discussion:
- Calling this project a 'community center' was likely more appropriate and also more likely to garner community support.
- The present language would not inform voters that this facility is intended to be a new home for Next.

- The messaging prior to the bond issue will need to be very clear about the intended community benefit. The proposed bond amount may otherwise result in apprehension on the part of some voters.
- Without a community education campaign, this bond is unlikely to receive voter support.
- Trying to get the bond language complete for a May 2025 vote may be inappropriate. The timeline seems to be too compressed. There is not likely to be time to conduct an adequate community education campaign before May 2025.
- While it may pose challenges for Next and possibly the YMCA to have the vote delayed, it is important to do this project well.
- It would be better to delay the vote than it would be to vote on the bond in May 2025 and have the vote fail. An August 2025 vote seems more feasible.
- The bond tables provided helpful information.
- It would be important to understand that for a 20-year bond at $32 million, the total payments with principal and interest would be about $48 million.
- Operating costs for the building have not been clarified yet. Without those, it is difficult to choose the size of the building and the likely cost to build it.
- The Commission needs to see that there will be adequate funds available to operate the facility.
- Birmingham residents should not be asked to pay for a special election to vote on this bond.
- The planning work for this project should be complete and clear before going to the community to ask for a tax increase.
- The Commission will receive a lot of the requested data in about two weeks. The Commission should evaluate the data at that time, and an August 2025 or November 2025 vote would be more appropriate options.
- If Commissioners do not presently feel that they have sufficient information to make this decision, residents are unlikely to feel they presently have sufficient information either.
- The City owes the residents much more information than is presently available if this project is to be successful.
- Instead of 'senior/recreation center', it should be described as something to the effect of 'a new community center that is planned to encompass community recreation for all ages and dedicated senior programming'.
- 'Community' should be in the project title as well as the bond language.
- A May 2025 vote would be inadvisable in part due to the numbers of people who participate in early and absentee voting. There would be inadequate time to educate the community and to create a coherent narrative in advance of early and absentee voting. It would also not give constituencies that want to advocate for this project enough time to do so well.
- Residents are very busy, and sometimes are too busy to remain informed about City goings-on. They also deserve adequate time to become informed about this project.
- It would be beneficial to see a timeline if an August 2025 bond vote were to be considered. That timeline should include listening sessions, public engagement sessions, social media posts, and a schedule for creating necessary community education materials.
- Receiving philanthropy for the project could reduce the amount of money the community would need to spend on the project. The City will be able to engage in conversations regarding philanthropy more concretely once tentative designs are available.
- An August 2025 vote would still need to have complete language submitted by mid-May, and the bulk of the community education campaign should occur by mid-June.
- The average cost per household could be provided to voters on an FAQ sheet during the community education campaign.

<u>Public Comment</u>
George Dilgard commented regarding clarifying the the average cost per household for the project.

Kristy Barrett commented regarding SEVs and taxable values.

01-011-25 400 E. Lincoln Construction Management Services Request for Proposals

Mr. Deming and Mr. Stock presented the item and answered informational questions from the Commission.

Commissioners raised the following points during discussion:

- Since the Commission has previously been unwilling to move into design development until a successful bond vote occurs, the schedule may have to be amended.
- A separate estimate after design development would be beneficial.
- The Commission delayed the bond vote to allow the process to unfold over more time. The goal was not necessarily to move design development to occur before the bond vote.
- Moving the vote to August 2025 would allow the City more time to create and implement a community education campaign, and would allow more non-City stakeholders time to advocate on behalf of the project if desired.
- If Neumann Smith's contract with the City still ends at the published date, the City can use the extra time to educate the community with the information provided by Neumann Smith.
- The Parks and Recreation bond for $11 million had a longer lead time than the one presently proposed for this project and a number of established, active constituencies.
- One of the present questions is how to deal with a potentially adjusted final project date.
- The SCC was very complimentary regarding the RFP.

It was noted that it would be most appropriate to issue the RFP now, have the construction manager sign on for the schematic design estimate, and to change the timeline from a May 2025 bond vote to an August 2025 bond vote.

MOTION: Motion by Haig, seconded by Schafer:
To direct staff to issue the RFP for construction management services for the new senior/recreation center at 400 E. Lincoln as recommended by the SCC on December 18, 2024.

Commissioners made the following comments during their discussion on the motion:
- The project timing remained too compressed.
- Having a construction manager onboard to provide this cost will provide the exact information needed to move this project forward. Asking any other professionals currently working on the project to price it out would not reasonable.
- This is a small step in the process, with a constrained spend, that will provide important further information.

<u>Public Comment</u>
Christine Yellen supported the Commission continuing with the RFP within the timeframe in order to hit the May 2027 date.

ROLL CALL VOTE: Ayes, Mayor Longe
Commissioner Emerine
Commissioner Haig
tMPT Schafer
Commissioner Long

Nays, Commissioner Host

01-012-25 Closed Session Pursuant To Mcl § 15.268 Sec. 8(1)(E) Of The Open Meetings Act

MOTION: Motion by Long, seconded by Host:
To meet in closed session to discuss pending litigation regarding Phase Three Properties, LLC v City of Birmingham pursuant to MCL § 15.268 Sec. 8(1)(e) of the Open Meetings Act.

ROLL CALL VOTE: Ayes, Commissioner Host
Mayor Longe
Commissioner Emerine
Commissioner Haig
tMPT Schafer
Commissioner Long

Nays, None

The Commission entered into closed session at 10:44 p.m.

The Commission returned from closed session at 11:01 p.m.

01-013-25 Action Subsequent to Closed Session

MOTION: Motion by Long, seconded by Haig:
To authorize the execution of the consent judgment.

WHEREAS, The Birmingham City Commission was served with a lawsuit entitled *Phase Three Properties, LLC v City of Birmingham;* Oakland County Circuit Court Case No.: 2024-211615CH, Honorable Mary Ellen Brennan; and

WHEREAS, The Birmingham City Commission recognizes that a proposed consent judgment regarding resolution and interest in land has been proposed; and

WHEREAS, the City has reviewed the consent judgment and matters surrounding the quiet title action; and

WHEREAS, the City Attorney has reviewed and approved of the consent judgment regarding resolution and interest in land;

NOW THEREFORE, LET IT BE RESOLVED, The City Commission does hereby approve the proposed consent judgment regarding resolution and interest in land in connection with the litigation entitled *Phase Three Properties, LLC v City of Birmingham;* Oakland County Circuit Court Case No.: 2024-211615CH, Honorable Mary Ellen Brennan, which would resolve all claims in connection with said litigation,

BE IT FURTHER RESOLVED that the City Attorney is hereby authorized to execute the consent judgment on behalf of the City of Birmingham.

ROLL CALL VOTE: Ayes, Commissioner Host
Mayor Longe
Commissioner Emerine
Commissioner Haig
tMPT Schafer
Commissioner Long

Nays, None

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

IV. REMOVED FROM CONSENT AGENDA

X. COMMUNICATIONS

A. Communication from Michael Clift
B. Communication from Zack Sklar

XI. REPORTS

A. Commissioner Reports
    1. Notice of Intention to Appoint to the Ad Hoc Senior/Recreation Center Committee
    2. Notice of Intention to Appoint to the Storm Water Utility Appeals Board
    3. Notice of Intention to Appoint to the Planning Board
B. Commissioner Comments
C. Advisory Boards, Committees, Commissions' Reports and Agendas
    1. Greenwood Cemetery Advisory Board Annual Report
D. Legislation
E. City Staff
    1. 180 S. Chester – Chester St. Parking Structure Proposal

Commissioners made the following comments during their discussion of the proposal:

- A restriping of the Chester Street parking structure was approved during the present meeting, which would reduce the number of parking spaces in Chester. The interplay between that and this proposal would need to be studied.

- There are also 1100 monthly spaces for Chester. Removing the proposed parking for the project could be a problem.
- Moving 600 people in and out of Chester in a short period of time could present a host of issues.
- This project would raise structural, safety, public benefit, reduction of parking, rooftop dining, operation hours, and liabilities questions.
- The Commission expressed disinterest in pursuing the project.
- The creativity was appreciated, and there could be opportunities for more creative ventures in the future.

2. Village Fair

INFORMATION ONLY

XII. ADJOURN

The Commission motioned to adjourn at 11:03 p.m.

Alexandria Bingham, City Clerk

Laura Eichenhorn, City Transcriptionist