

Birmingham City Commission Minutes
May 20, 2024
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: <https://vimeo.com/948464276>

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 Haig
Commissioner Host
Commissioner Long
Commissioner Longe

Absent: None

Staff: City Manager Ecker; City Clerk Bingham, Assistant City Manager Clemence, City Engineer Coatta, Assistant City Manager Fairbairn, Finance Director Gerber, Police Chief Grewe, Deputy Treasurer Katz, Police Captain Kearney, City Attorney Kucharek, Parks and Forestry Foreman McGaughey, Human Resources Manager Woods

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

Announcements

- National Public Works Week Proclamation
- Wear Orange Day - Gun Violence Awareness Proclamation
- Recognizing Amyotrophic Lateral Sclerosis (ALS) Awareness Month 2024

Appointments

05-427-24 Board of Ethics

Melissa Demorest LeDuc sent a letter requesting reappointment and was unavailable for an interview.

Judy Doyle was interviewed by the Commission.

MOTION: Nomination by Commissioner Long:
To appoint Melissa Demorest LeDuc as a regular member to the Board of Ethics to serve a three-year term to expire June 30, 2027.

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

Nays, None

05-428-24 Storm Water Utility Appeals Board

Robert Lavoie was interviewed by the Commission.

MOTION: Nomination by Commissioner Long:
To appoint Robert Lavoie to the Storm Water Utilities Appeal Board as a regular member to serve a three-year term to expire January 31, 2026.

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

Nays, None

RECOGNITION OF STAFF

- A. Police Department
 - 1. Police Officer James Cardenas
 - 2. Police Officer Luxie Kouza
 - 3. Police Officer Maksym Mishchanchuk
 - 4. Dispatcher Lorna Turner
 - 5. Dispatcher Brandon Ryan
 - 6. Auxiliary Officer CT Charlton
 - 7. Parking Enforcement Assistant Kevin Druzinski
- B. Principal Shopping District
 - 1. Erika Bassett, BSD Director

The Clerk swore in Mr. Lavoie and the present Police Department staff.

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

V. CONSENT AGENDA

05-429-24 Consent Agenda

MOTION: Motion by Commissioner Longe, seconded by Commissioner Long:
To approve the Consent Agenda excluding Items H, K, I, and O and noting Commissioner Baller’s recusal from Items K and L.

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

Nays, None

- A. Resolution to approve the amended regular meeting minutes of the City Commission meeting held on April 15, 2024.
- B. Resolution to approve the Budget Hearing meeting minutes of the City Commission meeting held on April 27, 2024.
- C. Resolution to approve the meeting minutes of the regular City Commission meeting held on May 6, 2024.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated May 9, 2024 in the amount of \$653,558.98.

- E. Resolution to approve the warrant list, including Automated Clearing House payments, dated May 15, 2024 in the amount of \$773,827.38.
- F. Resolution to appoint Jana Ecker as Representative and Scott Zielinski as Alternate Representative of the City of Birmingham on the SOCRRA Board of Trustees for the fiscal year starting July 1, 2024.
- G. Resolution to appoint Melissa Coatta as Representative and Jana Ecker as Alternate Representative of the City of Birmingham on the SOCWA Board of Trustees for the fiscal year starting July 1, 2024.
- J. Motion adopting an ordinance amendment to Chapter 118. Vegetation, Article IX. Grass and Noxious Weeds, Sec. 118-7 Cutting required, to provide notice regarding noxious weeds and grass by publication in a newspaper circulating in the City of Birmingham and by publication of the ordinance requirements regarding weeds, grass and other rank vegetation on the City calendar which is distributed annually to properties in the City of Birmingham.
- L. Resolution to set the Public Hearing of Necessity of the replacement and improvement of sewer and water laterals meeting the requirements for assessment, for all properties within the project area on Arlington Street from Lincoln Street to Maple Road, Shirley Road from Lincoln Street to Maple Road, and Brandon Street from Shirley Road to Linden Road on Monday, June 24, 2024 at 7:30 P.M.; and

If necessity is determined on June 24, 2024, to meet on Monday, July 8, 2024, at 7:30 P.M., for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the replacement and improvement of sewer and water laterals meeting the requirements for assessment, for all properties within the project area on Arlington Street from Lincoln Street to Maple Road, Shirley Road from Lincoln Street to Maple Road, and Brandon Street from Shirley Road to Linden Road.

- M. Resolution to award the Valve and Hydrant Assessment Program #16-24(S) to M.E. Simpson Co., Inc. in the amount of \$180,260.00 and a 5% construction contingency for a total of \$189,273.00. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City contingent upon execution of the agreement and meeting the insurance requirement by M.E. Simpson Co., Inc. Funding for this project is through the Drinking Water Asset Management (DWAM) Grant, and has been budgeted in the following account:

| Fund Account | Fund ID # | Project Award | 5% Cont. | Total |
|--------------|------------------------|---------------|------------|--------------|
| Water Fund | 591.0-544.000-811.0000 | \$180,260.00 | \$9,013.00 | \$189,273.00 |

- N. Resolution to approve the Title VI Non-Discrimination Plan update and to designate HR Manager Christina Woods as the City of Birmingham Title VI Coordinator. Further, to authorize the Mayor and City Manager to sign the appropriate sections of the plan.

05-430-24 2024 Spring Tree Purchase and Plant (Item H)

Commissioner Baller pulled Item H from the Consent Agenda.

Parks and Forestry Foreman McGaughey answered informational questions from the Commission.

Commissioner comments were as follows:

- The average rate of tree planting in the City resulted in approximately 2,000 trees planted over the last decade.
- These trees include replacements for trees that were dying or in poor condition. The City also waters those trees regularly after planting them.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host: To approve the 2024 Spring Tree Purchase and Plant of 185 trees to be installed by KLM Landscape, pending KLM provide updated insurance and the completion of a signed agreement, for a total cost of \$93,575. In addition, to authorize the Mayor and City Clerk to sign the completed agreement on behalf of the City. Funding for this purchase has been budgeted in the following accounts; 202.0-449.005-819.0000 major streets forestry other contractual services, 202.0-449.005-729.0000 major streets forestry operating supplies, 203.0-449.005-729.0000 local streets forestry operating supplies, and 101.0-751.000-811.0000 parks other contractual services.

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

Nays, None

05-431-24 Three 2025 Ford Explorer Police Interceptors Purchase (Item I)

Commissioner Haig pulled Item I from the Consent Agenda and noted the vehicle condition report was missing from the item. He noted it should be available for both Commission and public review.

It was noted that the vehicle condition report would be provided by staff.

MOTION: Motion by Commissioner Haig, seconded by Commissioner Schafer:
To approve the purchase of three 2025 Ford Explorer Police Interceptors from Gorno Ford, located at 22025 Allen Road, Woodhaven, 48183 through the MI-Deal Contract #071B7700091, in an amount not to exceed \$143,457.00 or \$47,819.00 per vehicle. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Total funds of \$150,000 or \$50,000 per vehicle where set aside for this purchase and are available in the FY 2024-2025 Auto Equipment Fund account #661.0-441.006.971.0100.

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

Nays, None

**05-432-24 Arlington, Shirley, and Brandon Street Project, Contract #6-24(W)
Set Public Hearing Dates for Notice of Necessity and Confirmation of
Roll for Paving Special Assessment District (SAD) (Item K)**

Commissioner Baller recused himself from discussion of Item K due to his residency in the project area and left the room at 8:04 p.m.

Commissioner Host pulled Item K from the Consent Agenda to allow for public comment on the item.

The Mayor introduced the item and noted that the Public Hearing of Necessity would occur on Monday, June 24, 2024, and not on June 26, 2024.

Public Comment

James Mirro, Fremont Scott, Creagh Milford, and Brian Connolly commented regarding the future road surface within the project area.

Jeff Trivax commented regarding horizontal directional drilling and potential accommodations for disabled residents during the project.

Mr. Mirro commented regarding the credentials of the item's other commenters and the insight those other commenters could provide.

Commissioner Long clarified that when he previously commented on Westwood's road surface, it was to note that the residents of Westwood requested cape seal, received it, and are now unhappy with the road condition.

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

To set the Public Hearing of Necessity for the installation of new pavement, for all properties within the project area on Arlington Street from Lincoln Street to Maple Road, Shirley Road from Lincoln Street to Maple Road, and Brandon Street from Shirley Road to Linden Road on Monday, June 24, 2024, at 7:30 P.M.; and,

If necessity is determined on June 24, 2024, to meet on Monday, July 8, 2024, at 7:30 P.M., for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the installation of new pavement, for all properties within the project area on Arlington Street from Lincoln Street to Maple Road, Shirley Road from Lincoln Street to Maple Road, and Brandon Street from Shirley Road to Linden Road.

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

Nays, None

Commissioner Baller rejoined the meeting at 8:17 p.m.

05-433-24 2024-2025 Compensation Recommendations for Department Heads and Administrative/Management Employees (Item O)

Commissioner Haig pulled Item O from the Consent Agenda so it could have a separate roll call vote from the Consent Agenda's roll call vote.

Staff answered informational questions from the Commission.

Commissioner comments were as follows:

- The City's unionized employees have an increase in pay ranges and wages of 3.5%. It would likely be appropriate for the Administrative, Management and Non-Organized personnel to also have a 3.5% increase.
- While the City cannot compete with the private sector, it is making efforts to hire and retain staff and to make staff feel valued.
- It would send the right message for the increase in pay ranges and wages for the Administrative, Management and Non-Organized personnel to be on par with the unionized employees.
- If the City wants to retain employees, the City needs to invest in those efforts.
- It might be easiest to approve the recommended motion tonight and to consider a mid-year increase so that the changes to the budget figures can be made more clear.
- Administration and Staff should explore creative ways of retaining employees at the top end of their salary range.

MOTION: Motion by Commissioner Haig, seconded by Commissioner Baller:
To increase the Administrative Management and Non Organized pay ranges and wages of current Administrative, Management and Non-Organized personnel by 3.5% effective July 1, 2024.

And, authorize the City Manager and Human Resources to perform performance evaluations on Administrative, Management and Non-Organized personnel for the purpose of performance adjustments.

Further, to authorize the budget amendments from the wage adjustment account 101.0-272.000-709.0000 to the appropriate departments subject to the amendments as specified by the 3.5% plus various fringe benefit adjustments.

Commissioner Host said this motion reflected the value of parity and that it was a good idea.

The Mayor concurred. She said this would send the right message to future employees and leaders and that she was proud to do it as a team.

ROLL CALL VOTE: Ayes, Commissioner Longe
 Commissioner Haig

Commissioner Host
Mayor McLain
Commissioner Long
MPT Schafer
Commissioner Baller

Nays, None

VI. CITY MANAGER'S REPORT

CM Ecker presented the item.

Commissioner comments were as follows:

- The buzzers allowing drivers to receive assistance when entering or exiting the parking decks should be more clearly labeled.
- The recent second-grade field trip to the Birmingham Museum and other destinations was greatly enhanced by the City's walkable nature.
- On May 11, 2024 the headstone for Mary Chase Perry Stratton was dedicated at Greenwood Cemetery.
- All those involved in putting on the Birmingham Parade and DPS Open House were thanked.

VII. UNFINISHED BUSINESS

None.

VIII. NEW BUSINESS

05-434-24 Public Hearing - Confirmation of SAD Roll 909 Pierce Alley and West Maple Alley Project Paving

Commissioner Longe reiterated her disclosure from the May 6, 2024 meeting that her spouse has a business relationship with one of the property owners that would be affected by this SAD, that her spouse is not a tenant within the potential SAD, and that the Commissioner had been advised by the City Attorney that this relationship did not represent a conflict of interest.

The Mayor opened the public hearing at 8:56 p.m.

DT Katz presented the item.

Seeing no public comment, the Mayor closed the public hearing at 8:57 p.m.

MOTION: Motion by Commissioner Long, seconded by MPT Schafer:
WHEREAS, Special Assessment Roll, designated Roll No. 909, 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

The Commission Resolution 05-422-24 provided it would meet this 20th day of May, 2024 for the sole purpose of reviewing the assessment roll; and

WHEREAS, at said hearing held this May 20, 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. 909 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 ten (10) 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.

| Parcel ID/Sidwell Number | Street Address | Paving Assessment |
|--------------------------|------------------------|-------------------|
| 19-36-201-011 | 100 S. Old Woodward | \$ 13,348.37 |
| 19-36-201-013 | 114 S. Old Woodward | \$ 47,560.65 |
| 19-36-201-014 | 124 S. Old Woodward | \$ 20,192.12 |
| 19-36-201-015 | 138 S. Old Woodward | \$ 26,448.90 |
| 19-36-201-021 | 154 S. Old Woodward | \$ 22,121.41 |
| 19-36-201-019 | 251 E. Merrill | \$ 59,387.96 |
| 19-36-201-023 | 277 Pierce | \$ 163.53 |
| 19-36-201-026 | 277 Pierce Bldg Main | \$ 238.14 |
| 19-36-201-025 | 111 E. Merrill PH | \$ 145.51 |
| 19-36-201-024 | 111 E. Merrill STE 200 | \$ 781.89 |
| 19-36-201-009 | 263 Pierce | \$ 28,792.01 |
| 19-36-201-022 | 247 Pierce | \$ 26,560.12 |
| 19-36-201-006 | 237 Pierce | \$ 28,243.27 |
| 19-36-201-005 | 235 Pierce | \$ 10,695.22 |
| 19-36-201-020 | 165 Pierce | \$ 51,473.97 |
| 19-36-201-001 | 135 Pierce | \$ 52,440.64 |
| 19-36-129-010 | 155 Henrietta | \$ 65,299.62 |
| 19-36-129-012 | 180 Pierce Unit 1 | \$ 6,519.75 |
| 19-36-129-013 | 180 Pierce Unit 2 | \$ 7,809.29 |
| 19-36-129-014 | 180 Pierce Unit 3 | \$ 7,809.29 |
| 19-36-129-015 | 180 Pierce Unit 4 | \$ 7,809.29 |
| 19-36-129-016 | 180 Pierce Unit 5 | \$ 1,088.38 |
| 19-36-129-017 | 180 Pierce | \$ 559.95 |
| 19-36-129-018 | 180 Pierce | \$ 1,053.85 |
| 19-36-129-006 | 148 Pierce | \$ 55,449.81 |
| 19-36-129-004 | 137 W. Maple | \$ 16,733.03 |
| 19-36-129-003 | 157 W. Maple | \$ 16,324.90 |
| 19-36-129-002 | 175 W. Maple | \$ 27,724.90 |
| 19-36-129-001 | 193 W. Maple | \$ 27,724.90 |

\$ 630,500.70

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

Nays, None

**05-435-24 Pierce Alley and West Maple Alley Project #8-24 (P)
 Hearing of Necessity for Paving Special Assessment District (SAD)**

The Mayor opened the public hearing at 8:58 p.m.

DT Katz presented the item.

Seeing no public comment, the Mayor closed the public hearing at 9:00 p.m.

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

WHEREAS, Special Assessment Roll, designated Roll No. 908, 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

The Commission Resolution 05-423-24 provided it would meet this 20th day of May, 2024 for the sole purpose of reviewing the assessment roll; and

WHEREAS, at said hearing held this May 20, 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. 908 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.

And that this roll encompasses all parcel IDs, sidwell numbers, street addresses, and cape seal assessment amounts shown in the Birmingham City Commission agenda of May 20, 2024, Section 8B, as they appear on pages three, four, five, six, seven, and eight.

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

Nays, None

**05-436-24 Pierce Alley and West Maple Alley Project
Contract #8-24 (P) Contract Award**

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

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To award the Pierce and West Maple Project #6-24(S) to Eminent Excavating LLC in the amount of \$778,001.00 and a 5% construction contingency for a total of \$816,901.05. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City contingent upon execution of the agreement and meeting all insurance and bond requirements by Eminent Excavating LLC. Funding for this project has been budgeted in the following accounts as represented on page three of the packet, Item 8C.

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

Nays, None

Feasibility Study and Program Assessment for 400 E. Lincoln

CM Ecker introduced the item. Brian Colburn, architect, and other members of the NORR, Inc. team presented the item. Staff and the NORR, Inc. team answered informational questions from the Commission.

Commissioner comments were as follows:

- This building should serve the needs of the entire community. The outcome of the pool cannot be determined without considering its place in the lives of the community's residents. The Commission must define the desired scope, direction, budget, and programming for the project. A bond should not be pursued to fund this project. Preserving this building and making it work would likely be the best option. Increased synergy between Next and the YMCA should make that more feasible.
- When the building was purchased, it was envisioned that the City would own the building and the tenants would be responsible for the operational costs. At the time, improvements on the present building were considered, but no renovation or expansion. The proposed square footage at this time is much larger than anticipated. The Commission cannot determine whether the proposal would be too large until potential costs are determined. The Commission would also need clarity on whether the YMCA and Next would be able to pay the operational costs of a building of this size. There ought to have been a schedule of estimated costs in the report to help guide this discussion. There should also have been information on which options would be more or less expensive, and which options would be better long-term investments. This process has been disappointing so far, and requires the services of a well-qualified municipal-experienced owner's representative to guide this process. Keeping the pool was not originally contemplated, and would add significant expense to both the project and the operational costs. The City would need to determine who would run the pool, assume the liability, and be responsible for the operating costs. It would likely not be appropriate to accept the report at this time since it provides insufficient information, and phase two would be based off of the present report. The community does not have the population and the two organizations do not have the budget to support an undertaking of the proposed scope. When the building was purchased, it was not imagined that Next would require more than 30,000 square feet, and there was always concern about Next's ability to cover operational costs for a building of that size. In the original purchase, a 'community center' meant the YMCA, and it was not more than that. It would be advantageous if some of the rooms could be open to community uses when not otherwise occupied by Next or YMCA programming. The City also previously undertook extensive efforts to preserve Barnum and the pool and it was unable to find an economic model that would allow for that to occur. The City must ensure that the building is right-size for the community, and for what the tax burden will be on the community.
- There needs to be clarity on who will ultimately determine which uses will be accommodated in the building. There should be clarity on the options, what those options would provide, and what the costs would be for those options. It also seems unlikely that this project could be completed within the original, approximate three-year timeline. It would be valuable to retain the pool if that were a possibility.
- The \$8 million grant the City is pursuing from the federal government would require that this be a community center. The report is deficient in terms of the program, the cost, the running cost, the scope. In terms of accepting this report, some of its evaluations are acceptable. The City needs to determine its priorities in order to move this process forward. Strong concurrence with the prior Commissioner comments was also expressed. In similar projects, usually the scope is determined based on the set budget. It might be most appropriate presently to review the items described in the report as urgently requiring repair while the rest of the scope continues being better defined. For consideration, it would also be helpful to know the present operational costs of the building, and the likely costs of the preferred programming. The YMCA likely has information on the costs of different types of programming, and they might be able to help Next determine their likely programming costs. It would be important to know the costs if the outer walls were preserved and the entire interior gutted, and the costs of a new building. It may be helpful to hire a CRE attorney that is accustomed to working with multiple tenants in one building.
- This building was purchased to be the home for Next. Since then, some variables have shifted, including the YMCA being interested in staying longer-term and some hopes of this building being a community center in addition to a center for Next. The options for the building change based on which tenants would occupy the building. This report delivered what the City requested. The City now has information on the present condition and on wishlist items from Next, the YMCA, and the community. The Commission can now

begin to clarify what it might deliver based on present conditions and best-case scenarios. The City, Next, and the YMCA were encouraged to continue finding opportunities for overlap. Those results should then be presented to the Ad Hoc Community/Senior Center Committee (SCC), and then to the Commission. The City needs to know as soon as possible whether this building should be preserved, preserved and expanded, or built new. If the originally presented timeline is not as strict as it once was, that should be clarified.

- The scope of this project is a home for Next, and the building will be an asset to the City. Concerns about the liability and operational costs of the pool remain. The report noted that the building is in a fair-to-poor condition.
- Presently this project needs more clear leadership. It is not likely that this building could be adequately renovated, and so a new build would likely be more appropriate. Said leader would need information from the YMCA and Next regarding how much they could afford in construction and operational costs. A bond might be possible for funding part of this project. This process is proceeding unnecessarily quickly, which is resulting in difficulties in the process and potentially creative solutions being overlooked. Next would not likely be evicted from Midvale in Summer 2026.

Public Comment

Parrish Underwood, President and CEO of the YMCA of Metropolitan Detroit, spoke regarding the item, including specifically noting that the YMCA would volunteer to absorb all aspects of operating the pool if desired.

Pam Graham commented that she believed the SCC could work with an owner's representative to clarify the information sought by the Commission.

Bert Koseck commented regarding the process thus far and supported better guidance from the City-hired experts.

Cris Braun, Executive Director of Next, commented regarding the process and said that the Commission's discussion provided useful guidance for how the project should proceed.

The Commission recessed briefly, and returned from recess.

05-437-24 400 E. Lincoln - Owner's Representative Service Contract Award

CM Ecker presented the item. Staff answered informational questions from the Commission. It was determined that each bidder would present while the other bidder waited in a separate room. The bidders were Edge Design Associates (Edge) and Kramer Management Group (Kramer).

Edge presented first and answered informational questions from the Commission. Kramer presented second and answered informational questions from the Commission.

Commissioner comments were as follows:

- Both teams had positive aspects.
- Kramer would be a more appropriate choice. There was some disappointment that Plante Moran was not an option. It might be appropriate to postpone this decision to the next meeting given the late hour. The provided correspondence between the City Attorney and Plante Moran seemed to indicate, among other things, a potential issue regarding indemnification. The Commissioners should take the correspondence home and review it in order to make their decision at the next meeting.
- Kramer would be an appropriate choice. There was some concern that Kramer might be too big to pay the required close attention to the project. The disappointment that Plante Moran was not an option was echoed. Some of the items raised by Plante Moran in the correspondence with the City Attorney may have benefitted the City if changed, and some would not have.
- Kramer had the requisite sophistication for this project and a good breadth of experience. The disappointment that Plante Moran was not an option was echoed. If no qualified candidates had arisen from the RFP process, restarting the RFP process might be appropriate in that case. The City is not in those circumstances presently.
- The timeline may be too tight, which might render the RFP not valid. One of the reasons Plante Moran did not sign the contract was the timeline. Kramer seemed to indicate some concerns with the timeline as well. Kramer's presentation had a good depth of detail. It would have been helpful to determine Plante Moran was unable to sign the contract provided in the RFP. If, in the future, a known bidder with a positive reputation is non-

- responsive to an RFP, it would be helpful to inquire about their reasoning.
- Either Edge or Kramer could do this project. Kramer has redundancies that ensure that the project could continue in the event of a change within the project team. The SCC had been interested in Plante Moran being an option if an agreement had been reached. It was clear that the lack of agreement with Plante Moran was not for lack of effort on the City's part. Both Edge and Kramer stayed late to present to the Commission, and demonstrated the capacity to carry out this project. Rebidding the project would take another month. Deviating from the City's RFP process in this case in order to work with Plante Moran would establish a poor precedent.
- Allowing bidders to redefine projects would have a negative impact on the City's ability to conduct its business efficiently.

Public Comment

George Dilgard supported attempting to work to reach an agreement with Plante Moran.

MOTION: Motion by Commissioner Long, seconded by Commissioner Host:
To approve the 2024-bid proposal with Kramer Management Group for Owner's Representative Services to support the potential renovation/expansion or demolition/new build of the building at 400 East Lincoln, in the amount not to exceed \$625,500. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

AND

To approve a contract for owner's representation to Kramer Management Group for an amount not to exceed \$625,500.00; to charge this expenditure to account number 101.0-656.000-811.0000; and further to appropriate and amend the 2023-2024 General Fund budget as follows:

Revenues:

| | | |
|---------------------|------------------------|--------------|
| Use of Fund Balance | 101.0-000.000-400.0000 | \$625,500.00 |
|---------------------|------------------------|--------------|

Expenditures:

| | | |
|--------------------|------------------------|--------------|
| Health and Welfare | 101.0-656.000-811.0000 | \$625,500.00 |
|--------------------|------------------------|--------------|

Commissioner comments were as follows:

- Plante Moran was correct in identifying some issues with the process. It was unclear how an owner's representative could guide this process at this point given the presently undetermined aspects of the process.

Public Comment

Mr. Dilgard commented regarding his concerns with the RFP.

Peter Kramer, of Kramer, commented that the RFP was well done and supported the motion on the table.

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

Nays, None

05-438-24 2024-2025 Budget Appropriations Resolution

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

MOTION: Motion by Commissioner Haig, seconded by Commissioner Host:
To adopt the budget appropriations resolution and establishing the total number of mills for ad valorem property taxes to be levied for the fiscal year commencing July 1, 2024 and ending June 30, 2025.

The Commission commended FD Gerber on what would likely be his final approved budget before his retirement.

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

Nays, None

05-439-24 Water/Sewer Rate Changes for 2024-2025

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

MOTION: Motion by Commissioner Host, seconded by Commissioner Long:
To amend the Schedule of Fees, Charges, Bonds and Insurance for changes in water, sewer, storm water, industrial surcharge, and industrial waste control charge rates effective for bills with read dates on or after July 1, 2024.

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

Nays, None

05-440-24 Camera System Upgrade, Install, and Connectivity

PC Grewe presented the item. Staff answered informational questions from the Commission. It was determined that each bidder would present while the other bidder waited in a separate room. The bidders were DA Central and Security Designs. DA Central presented first.

Commissioner comments were as follows:

- Ride-alongs with the Police Department demonstrate the need for additional cameras in the City.

MOTION: Motion by Commissioner Long, seconded by Commissioner Host:
To approve an agreement with D/A Central for the Camera System Replacement, Install and Connectivity, including the five (5) year licensing option in the amount not to exceed \$733,300.00. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

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

Nays, Commissioner Longe

05-441-24 Division 4 Stormwater Runoff and Division 5 Separate Storm Sewer System Ordinance Amendment

Given the hour and the Commission's affirmation that they had reviewed the item, no report was given. CE Coatta answered informational questions from the Commission.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To amend Part II of the City Code, Chapter 114, Utilities, Article III. Sewer Service, Division 4. Stormwater Runoff to reduce allowable discharge rates and to add a section requiring parcels 0.50 acres or greater to adopt Oakland County Water Resource Commission stormwater design

standards, and to amend Division 5 Separate Storm Sewer System to add a section with standards for parcels 0.50 acres or greater.

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

Nays, None

05-442-24 Resolution Supporting House Bill 5696

The Mayor introduced the item.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Haig:
To accept and endorse and to direct the Mayor to sign the resolution.

Commissioner comments were as follows:

- There was enthusiastic support for the bill.
- This bill would have further to go before approval might occur, and so it would not have immediate effect even if approved. The City was proud to be working on this effort along with other communities along Woodward.

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

Nays, None

Commission Items for Future Discussion

05-443-24 RFPs

MOTION: Motion by Commissioner Baller, seconded by Mayor McLain:
To discuss RFPs.

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

Nays, None

05-444-24 Design Considerations

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To discuss a possible addition to agenda items where we say 'fiscal impact' and 'sustainability impact' that would say 'design considerations'.

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

Mayor McLain
Commissioner Long
Commissioner Baller

Nays, None

Commission discussion on items from a prior meeting

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

- A. Shirley & Arlington Letters

X. REPORTS

- A. Commissioner Reports
- B. Commissioner Comments

Commissioner Host commended everyone for staying late to complete the agenda.

The Mayor added that she was proud the agenda was completed with transparency and civility.

Commissioner Longe said it would be helpful for the Engineering Department to have a bulleted document explaining why horizontal directional drilling (HDD) was inappropriate for Arlington and Shirley. She said the concerns ~~concerns~~¹ raised in Mr. Mirro's May 19, 2024 letter should also receive a written reply from the City that could be distributed widely.

The Mayor noted staff's commitment to create a document addressing HDD and the newest concerns raised by Mr. Mirro. She noted that staff would share that information at a meeting with the Shirley and Arlington neighborhood on June 3, 2024.

Commissioner Long expressed frustration that some of the same questions regarding Arlington and Shirley have been raised and answered a number of times. He noted that documentation of those questions and answers was available. He also reiterated that his statement regarding Westwood was that while the residents on Westwood received the cape seal surface they requested, they were ultimately unhappy with the outcome.

Commissioner Longe acknowledged the frustration, and said that the City could assume a bit of additional responsibility to ensure that the answers regarding Arlington and Shirley are clear and easily accessible to everyone. She noted that answering residents verbally and expecting residents to watch prior meetings did not seem to be working.

MPT Schafer opined that there may be a motivation beyond a lack of awareness leading to the repeatedly raised issues regarding Arlington and Shirley.

The Mayor noted that the decisions around Arlington and Shirley were based on health and safety considerations.

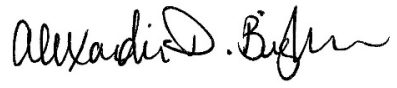
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff

INFORMATION ONLY

XI. ADJOURN

The Commission motioned to adjourn at 2:37 a.m.

¹As amended at the June 3, 2024 meeting.



Alexandria Bingham, City Clerk



Laura Eichenhorn, City Transcriptionist