

Birmingham City Commission Minutes
February 12, 2024
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: <https://vimeo.com/910298478>

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; Marketing and Public Relations Specialist Bassett, City Clerk Bingham, Assistant City Manager Clemence, Senior Planner Cowan, Planning Director Dupuis, Assistant City Manager Fairbairn, Police Chief Grewe, Building Official Johnson, City Attorney Kucharek, 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 City's Ad Hoc Aging in Place Committee is still accepting the Community Survey from the public. The Community Survey is for residents of all ages and available in both print form as well as online at engage.bhamgov.org/aginginplace. In an effort to reach as many residents as possible, the City will be mailing a print copy of the Community Survey in every resident's water bill. Respondents may complete the survey in print form and mail it back to the City or drop it off at City Hall, the Baldwin Public Library, The Birmingham Museum or Next. Printed copies of the Community Survey are also available at all of these locations.
- On February 28, 2024, 2023, the Ad Hoc Aging in Place Committee will hold their regular meeting at 1:00 p.m. at Next (2121 Midvale St, Birmingham, MI 48009) to receive public input from residents as it relates to aging in place. The committee welcomes anyone who wishes to have input into developing a Citywide Aging in Place Action Plan to attend and be heard.

- The Oakland County Treasurer’s Office is in the final stretch of their Foreclosure Prevention efforts. The tax foreclosure deadline for the 2021 or prior year taxes is on April 1, 2024. That means if these taxes aren’t paid off by April 1st or any interested party hasn’t entered into a repayment schedule with the Treasurer’s office by then, the property will be foreclosed.
- The Oakland County Treasurer’s Office is here to help and strongly encourages taxpayers to contact their office before the tax foreclosure deadline if they have delinquent taxes for 2021 or prior tax years. Taxpayers interested in scheduling a Taxpayer Assistance Meeting may call us at 248-858-0611 or they may visit www.oakgov.com/treasurer. An informational page from the Oakland County Treasurer’s Office is available at the end of tonight’s agenda packet.

Appointments

02-042-24 2024 Student Board Representatives to City Boards and Committees

MOTION: Nomination by Commissioner Longe, seconded by Commissioner Long:
To approve the appointments of those students as non-voting student members for the calendar year 2024 for the boards as enumerated by the Mayor.

The student representatives introduced themselves, and the Commissioners imparted encouragement and advice.

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

Nays, None

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

Paul Reagan and David Bloom commented on interactions between the Commission and the public.

Diane Cancro made comments about sewage and water issues in her yard.

Jim Mirro commented about future improvements to Shirley and Arlington.

V. CONSENT AGENDA

02-043-24 Consent Agenda

MOTION: Motion by Commissioner Longe, seconded by Commissioner Haig:
To move the Consent Agenda with the exception of Items A, C, D, H, I.

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

Nays, None

- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated February 7, 2024 in the amount of \$561,604.79.
- E. Resolution to set a public hearing date of March 18, 2024 to consider the Special Land Use Permit Amendment for 115 Willits – Mare Mediterranean – to transfer ownership and update the Special Land Use Permit with the new owner, Birmingham Prime Hospitality, LLC.
- F. Resolution to accept the resignation of Victoria Policicchio from the Multi-Modal Transportation board, to thank her for her service, and to direct the City Clerk to begin the process of filling the vacancy.
- G. Resolution to recognize the following seven student representatives for their service in 2023 on Birmingham boards and committees and award each student a certificate in appreciation for their civic involvement:

Ian Weinberg	Historic District Committee/ Design Review Board
Alex Motea	Museum Board
Kate Glasier	Parks and Recreation Board
Asher Kaftan	Planning Board
Matthew Weigand	Planning Board
Luke DeSanto	Public Arts Board
Andrew McLean	Public Arts Board

02-044-24 Special City Commission Meeting Minutes — January 30, 2024 (Item A)

The item was pulled by staff in order to note spelling corrections.

MOTION: Motion by Commissioner Longe, seconded by Commissioner Long:
To approve the special City Commission meeting minutes of Tuesday, January 30, 2024 with the corrections outlined by the City Clerk.

ROLL CALL VOTE: Ayes, MPT Schafer
Commissioner Longe
Commissioner Long

Commissioner Haig
Commissioner Host
Mayor McLain
Commissioner Baller

Nays, None

02-045-24 \$1 Green Fee Increase for Golf Rounds (Item C)

The item was pulled by Commissioner Baller. Staff answered informational questions from the Commissioners.

Individual Commissioner comment was as follows:

- Given planned improvements, it might be more appropriate to raise the green fees by a greater amount than presently proposed;
- If the green fees are increased too much at once, it may deter golfers from using Birmingham's courses;
- Communicating the planned improvements with the public would likely increase acceptance of increased fees;
- City administration should review the courses' finances to determine whether the proposed increase would generate enough revenue to perform the planned improvements;
- Staff deserved commendation for planning ahead on this item; and,
- Enacting a greater increase in green fees presently would help limit the extent to which the City's general fund will need to be used to subsidize the golf courses in the future.

MOTION: Motion by Commissioner Haig, seconded by Commissioner Host:
To approve a \$1 Green Fee increase to the golf round fees as described, presented, detailed, and documented.

Public Comment

Ms. Cancro supported a \$2 green fee increase.

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

Nays, Commissioner Baller

02-046-24 Local Approval Notice — Churchill's Cigar Shop, Inc. (Item D)

Mr. Reagan pulled the item and asked at what point a transfer of shares meets the threshold for being a sale.

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

To authorize the City Clerk to complete the Local Approval Notice at the request of Churchill's Cigar Shop, Inc. to approve the request for a transfer of shares for a business which holds a Class C and SDM License with Sunday Sales (PM) and Outdoor Service Area located at 116-118 S Old Woodward Ave., Birmingham, Oakland County, MI to now include .007652 shares to Jeffery Samona, .007652 Shares to Lance Samona, .007652 Shares to Justin Samona, .007652 Shares to Dominic Samona, .007652 Shares to Travis Samona, .002547 Shares to Mario Samona, .002547 Shares to Andrew Samona and .002547 Shares to Armani Samona.

Commissioner comment was as follows:

- One of the owners is transferring shares, as a gift, to eight other applicants within a family; and,
- This is not a transfer of ownership from one entity to another. It is the transfer of shares within the existing entity.

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

Nays, None

02-047-24 Sculpture Donation — “Connection” by James Kaye (Item H)

Commissioner Haig pulled the item and said he wanted staff to have the opportunity to present the miniatures of the pieces provided by the artists.

Staff presented the item. Artist James Kaye spoke about the item.

The Commission thanked Mr. Kaye.

MOTION: Motion by Commissioner Haig, seconded by Commissioner Long:
To approve the sculpture donation of “Connection” by James Kaye at the location off of W. Maple just west of the museum.

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

Nays, None

02-048-24 Sculpture Donation — “Mulligan” by Martin Van Almen (Item I)

Commissioner Haig pulled the item and said he wanted staff to have the opportunity to present the miniatures of the pieces provided by the artists.

Staff presented the item.

MOTION: Motion by Commissioner Haig, seconded by Commissioner Long:
To approve the sculpture donation of "Mulligan" by Martin Van Almen to be installed at Lincoln Hills Golf Course behind the first tee box on the existing concrete pad.

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

Nays, None

VI. CITY MANAGER'S REPORT

CM Ecker presented the report.

VII. UNFINISHED BUSINESS

02-049-24 Speed Mitigation Report

PC Grewe summarized the item.

Individual Commissioner comment was as follows:

- The costs of additional speed boards and enforcement should be determined, and additional speed boards and enforcement should be considered;
- Speed limit enforcement is done to preserve the community's health, safety, and welfare; and,
- The Multi-Modal Transportation Board has evaluated the potential use of speed bumps in the past and noted that they would be inappropriate in many Birmingham contexts.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To have the City administration come back to us with more information about speed boards - placement, how many, how much they cost - and, a report on stepped up enforcement - what it would cost, what would be proposed in the neighborhoods, targeting streets that have high traffic, cut-throughs, and high speeds - and engaging the City's Communications Director to communicate that the City likes people to go the speed limit and whatever the City will eventually end up doing.

Commissioner comment was as follows:

- It is important to go the speed limit in the neighborhoods and to avoid tailgating other drivers.

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

Nays, None

VIII. NEW BUSINESS

02-050-24 Public Hearing to Consider Annual Liquor License Renewals

The Mayor opened the public hearing at 8:59 p.m. and introduced the item.

CC Bingham and PD Dupuis presented the item.

Seeing no public comment, the Mayor closed the public hearing at 9:06 p.m.

MOTION: Motion by Commissioner Host, seconded by Commissioner Long:
 To approve the renewal of liquor licenses for the 2024 licensing period for the following establishments holding a Class B, Class C, or Microbrewery Liquor License that are in compliance with Chapter 10, Alcoholic Liquors of the City Code:

- All Seasons Senior Living
- Bella Piatti
- Birmingham Pub
- Birmingham Theater
- Brooklyn Pizza
- Churchills Bistro
- Community House
- Dick O'Dows
- Elie's Mediterranean
- Emagine Palladium
- Fleming's Prime Steakhouse
- Forest Grill 2
- Griffin Claw Brewing Company
- Hazel Ravines & Downtown
- Hyde Park Steak House
- La Strada Italian Kitchen and Bar
- Lincoln Hills Golf Course
- Luxe Bar and Grille
- Mare Mediterranean
- Perno
- Phoenicia Restaurant
- Salvatore Scallopini
- Springdale Golf Course
- Streetside Seafood
- Sushi Japan
- Tallulah Wine Bar and Bistro
- The Daxton Hotel
- The Morrie Birmingham
- Townsend Hotel
- Townhouse Kitchen & Bar
- Whistlestop

And

To make a motion adopting a resolution to set public hearings on Monday, March 18, 2024 to consider whether the City Commission shall file objections with the Michigan Liquor Control Commission for the renewal of licenses held by the following establishments that are in violation of Chapter 10, Alcoholic Liquors of the City Code:

- 220 Restaurant
- Adachi Restaurant
- Employee Meal
- Market North End
- Papa Joe's/Bistro Joe's
- Sidecar/Slice/Shift
- Social Kitchen and Bar
- Toast
- Zana

And

Further, to direct the City Manager to notify the owners and operators of licensed establishments for which a public hearing is set via first class certified mail, to inform them of the public hearing date set for the March 18, 2024 7:30 p.m. City Commission meeting, and inform them that they may submit any written material for consideration by the City Commission prior to or at the public hearing, that the licensee or counsel of licensee may appear at the hearing in person or via zoom, and that the licensee or counsel of licensee may present witnesses or written evidence for City Commission consideration at the public hearing.

The Commission briefly noted that a number of the establishments on the list for the March 18, 2024 hearing had also violated Chapter 10, Alcoholic Liquors of the City Code in years prior.

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

Nays, None

02-051-24 400 E. Lincoln - Senior/Recreation Assessment and Conceptual Design Award

CM Ecker provided an overview of the item.

The teams from Krieger Klatt Architects and NORR, LLC each presented to the Commission while the other team waited outside the Commission room. Krieger Klatt Architects presented first. Between the presentations the meeting entered a brief recess, and then returned from recess.

City staff and each team answered informational questions from the Commission.

Commissioner comments were as follows:

- This project will overlap in part with the YMCA's tenancy at the project site, and the City will need to determine how to best manage that overlap;

- It will be important to define the stakeholders clearly and to maintain open lines of communication;
- This compressed timeline was not the same as an expedited or premium timeline;
- Six Commissioners said they would have preferred to be more included in the process leading up to this point. In the future, the Commission should be included in the process from an earlier point, including potential reviews of requests for proposal and selection criteria;
- Staff should provide the Commissioners with the scoring sheets and any other information used to recommend these two teams for the Commissioners' reference;
- NORR, LLC provided an estimate \$25,000 lower than Krieger Klatt Architects, which needed to be considered;
- While Krieger Klatt Architects' local experience was valuable, NORR, LLC demonstrated care about community work;
- The cost difference may or may not end up being statistically significant in terms of the entire project;
- Both bidders were excellent candidates;
- Given the time constraints of the process, it would be appropriate to move forward this evening with one of the two teams;
- The NORR, LLC bid would involve working with one firm, whereas Krieger Klatt Architects' bid would involve working with two firms;
- NORR, LLC's use of A.M. Higley as a cost consultant would be preferable to a construction company's estimator; and,
- NORR, LLC proposed one more public engagement meeting than Krieger Klatt Architects proposed.

MOTION: Motion by Commissioner Long, seconded by Commissioner Haig:
 To adopt a resolution to approve the 2024-bid proposal with NORR, LLC to furnish all labor, equipment, material and supervision necessary for the "Birmingham Senior/Recreation Building" facility assessment and conceptual designs for a renovation/expansion project of the City-owned building at 400 East Lincoln St., Birmingham MI 48009, in the amount not to exceed \$133,694.00. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. No City funding is necessary for this project.

Public Comment

George Dilgard and Gordon Rinschler commented on the motion.

Commissioner comments were as follows:

- One Commissioner had been more inclined to vote for Krieger Klatt Architects due to prior positive experience with Krieger Klatt Architects, and due to the firm's local experience, but would not vote against NORR, LLC.

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

Mayor McLain

Nays, None

The Mayor thanked both teams.

Commission Items for Future Discussion

02-052-24 City Events

MOTION: Motion by Commissioner Baller, seconded by Mayor McLain:
To talk about the City’s willingness and ability to run and sponsor events.

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

Nays, None

02-053-24 Horizontal Directional Drilling

MOTION: Motion by Commissioner Host, seconded by Commissioner Haig:
To determine the possibility of having directional drilling companies be invited to bid on the City’s residential water and sewer replacements.

VOICE VOTE: Ayes, Commissioner Haig
Commissioner Host

Nays, MPT Schafer
Commissioner Longe
Commissioner Long
Mayor McLain
Commissioner Baller

Commission Discussion On Items From A Prior Meeting

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

A. Communications regarding Arlington and Shirley

Staff noted that two further pieces of correspondence regarding the topic would be included in the next Commission agenda.

X. REPORTS

A. Commissioner Reports

1. Notice of intention to appoint to the Multi-Modal Transportation Board

The Mayor reported back from the MML's Live at the League and the Women Officials' Network Board Meeting. She noted her upcoming participation in a call with State Senator McMorrow and a conversation with the Lathrup Village Police.

MPT Schafer provided information about Birmingham Youth Assistance's Youth in Service Awards program.

B. Commissioner Comments

C. Advisory Boards, Committees, Commissions' Reports and Agendas

D. Legislation

The Mayor noted legislation regarding the prevention of robocalls.

E. City Staff

1. Report from City Attorney

CA Kucharek summarized the report.

INFORMATION ONLY

XI. ADJOURN

The Commission motioned to adjourn at 11:36 p.m.



Alexandria Bingham, City Clerk

Laura Eichenhorn, City Transcriptionist