

Birmingham City Commission Minutes
April 11, 2022
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: <https://vimeo.com/693372436>

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Therese Longe, Mayor, opened the meeting with the Pledge of Allegiance.

II. ROLL CALL

Alexandria Bingham, City Clerk, called the roll.

Present: Mayor Longe
Mayor Pro Tem Boutros
Commissioner Baller
Commissioner Haig
Commissioner Host
Commissioner McLain
Commissioner Schafer

Absent: None

Administration: City Manager Markus, City Clerk Bingham, Assistant City Manager Ecker, City Attorney Kucharek, Consulting City Engineer Surhigh, Deputy Treasurer Todd, Parking Manager Weingartz, Assistant City Engineer Zielinski

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

Announcements

Per the CDC, COVID-19 Community Level for Oakland County is currently Low. The City continues to recommend the public wear masks while attending city meetings. These precautions are recommended while risks for COVID-19 transmission remain from new variants. All City employees, commissioners and board members must wear a mask while indoors when 6-feet of social distancing cannot be maintained. The City continues to provide KN-95 respirators for all in-person meeting attendees.

As a reminder, the community is encouraged to submit non-emergency concerns or questions to the city via the new GovAlert mobile app. The free app is fast and user-friendly. Simply download the app, available for both iOS and Android devices, and follow the prompts. A short video that explains how to use the app is available at www.bhamgov.org/govalert.

Happy Birthday Commissioner Schafer

Proclamation Recognizing Armenian Genocide Remembrance Day

Proclamation Condemning Violence and Discrimination

The City of Birmingham received a grant through Oakland County Parks and Recreation Grant Program made possible by the Mileage that was passed by voters in November 2020. The Oakland County Parks and Recreation (OCPR) Grant Programs were created to assist local communities with planning, preliminary engineering/design, and construction costs directly related to park improvement and trail projects located in Oakland County. The City received the maximum award of \$100,000 for the Adams Park Development Project.

The Historic Greenwood Cemetery was added to the National Parks Service's National Underground Railroad to Freedom Network.

04-100-22 To Limit Public Comment to Four Minutes Per Comment

Due to the public's interest in speaking on the S. Old Woodward topic, Mayor Longe recommended limiting public comment to four minutes per speaker, for the present meeting only, in order to make sure every speaker had a chance to be heard. She asked whether her fellow Commissioners concurred.

Both MPT Boutros and Commissioner Host concurred. There was no further Commissioner comment.

MOTION: Motion by MPT Boutros, seconded by Commissioner Host:
To limit public comment, for the sake of the evening's agenda, to four minutes per speaker per comment.

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

Nays, None

Mayor Longe asked CC Bingham to keep time for comments, and to raise her hand when a speaker had 30 seconds remaining.

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

State Senator Marshall Bullock introduced himself and stated that due to state redistricting he would now be Birmingham's representative in the State Senate. He described his assignments in the senate, his familiarity with Birmingham, and his commitment to advocating for Birmingham's interests.

Oakland County Commissioner Chuck Moss updated the Commission about current events at the county level.

Dan Marsh, Executive Director of the Birmingham YMCA, updated the Commission on current Birmingham YMCA programming.

V. CONSENT AGENDA

All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a roll call vote. There will be no separate discussion of the items unless a

commissioner or citizen so requests, in which event the item will be removed from the general order of business and considered under the last item of new business.

04-101-22 Consent Agenda

The following items were pulled from the Consent Agenda:

Commissioners Haig and Schafer:

Item A – City Commission Minutes of March 28, 2022

Commissioner Haig: Item I – Peabody Street Parking Structure – Emergency Shoring, Additional Column Investigation and Repair

MOTION: Motion by Commissioner Baller, seconded by MPT Boutros:
To approve the Consent Agenda excluding Items A and I, and with Mayor Longe recusing from voting on Item G.

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

Nays, None

- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 30, 2022, in the amount of \$489,197.83.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated April 6, 2022, in the amount of \$583,776.59.
- D. Resolution approving the contract with KLM Landscape for the purchase and planting of 162 trees for the "2022 Spring Tree Purchase and Plant," for a total project cost not to exceed \$70,800.00. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funds are available from the following accounts: \$17,785.75 from the Local Streets Fund-Forestry Service Contract account #203-449.005-819.0000, \$17,785.75 from the Major Streets Fund-Forestry Service Contract account #202-449.005-819.0000, \$18,614.25 from the Local Streets Fund-Operating Supplies account #203-449.005-729.0000, and \$16,614.25 from the Major Streets Fund-Operating Supplies account #202-449.005-729.0000 for these services.
- E. Resolution to approve the purchase of the larvicide material from Clarke Mosquito Control in the amount not to exceed \$10,772.40. Further, to waive the normal bidding requirements based on the government regulated pricing for this type of material. Funds for this purchase will come from the Sewer Fund-Operating Supplies Account #590-536.002-729.0000.
- F. Resolution to set a public hearing date of May 9, 2022 to consider the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 2225 E. 14 Mile – Our Shepherd – to allow new parking lot landscaping, signage and new covered entries at an existing religious institution in the R2 zoning district.

- G. Resolution to set a public hearing date of May 9, 2022 to consider the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 220 Merrill – 220 Restaurant – to allow the addition of a new outdoor dining platform in the Merrill St. right-of-way.
- H. Resolution authorizing the Request for Qualifications for a professional facilitator to comprehensively guide the City’s strategic planning process and complete the final strategic plan document.

04-102-22 (Item A) City Commission Minutes of March 28, 2022

Commissioner Schafer stated that it was she, not Commissioner Host, who nominated Mr. Peard to the Multi-Modal Transportation Board.

Commissioner Haig asked that ‘code enforcement’ be changed to ‘establishments’ at the bottom of page 16.

MOTION: Motion by Commissioner Haig, seconded by Commissioner Schafer:
To approve the City Commission minutes of March 28, 2022.

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

Nays, None

04-103-22 (Item I) Peabody Street Parking Structure – Emergency Shoring, Additional Column Investigation and Repair

In reply to Commissioner Haig, CM Markus and PM Weingartz confirmed that six additional columns in the Peabody Structure were inspected for defects. The six additional columns did not have the same issues as the two that needed to be repaired.

CM Markus stated that this work would extend the life of the Peabody Structure.

MOTION: Motion by Commissioner Haig, seconded by Commissioner Host:
To confirm the City Manager’s authorization for the emergency expenditure related to the repair of the Peabody Street Structure Emergency Shoring, Additional Column Investigation and Repair by Pullman SST Inc. for a cost not to exceed \$235,000.00 to be charged to the Automobile Parking System Fund, Peabody Parking Structure Capital Outlay Building account #585-538.004-977.0000.

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

MPT Boutros

Nays, None

VI. UNFINISHED BUSINESS

None.

VII. NEW BUSINESS

The Mayor and CA Kucharek summarized for the public the purposes of Items 04-104-22 and 04-105-22.

Mayor Longe also noted that her spouse’s landlord has an additional property, at which her spouse is not a tenant, within the proposed special assessment district. Upon consultation with the City Attorney, it was determined that this dynamic did not represent a conflict of interest.

CA Kucharek concurred with the Mayor.

04-104-22 Resolution for Confirming S.A.D. #897S and S.A.D. #897W – S. Old Woodward Water & Sewer Lateral Special Assessment

Mayor Longe opened the public hearing at 8:02 p.m.

DT Todd presented the item.

Rick Rattner said a report found that the lateral sewer leads to 555 S. Old Woodward were investigated and found not to be a part of this assessment. He asked for confirmation from the City.

CM Markus said it was his understanding that Mr. Rattner’s statement was correct, and that the roll would have to be amended to remove that item.

ACE Zielinski confirmed that the lateral sewer leads to 555 S. Old Woodward were not included in the roll.

The Mayor closed the public hearing at 8:04 p.m.

MOTION: Motion by MPT Boutros, seconded by Commissioner Schafer:
To confirm Special Assessment Rolls 897S and 897W as indicated in the Staff Report.

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

Nays, None

04-105-22 Public Hearing Confirming SAD #897 – S. Old Woodward Sidewalk and Streetscape, Phase 3 Project Area

The Mayor opened the public hearing at 8:05 p.m.

DT Todd presented the item.

The Mayor closed the public hearing at 8:06 p.m.

MOTION: Motion by MPT Boutros, seconded by Commissioner Schafer:
To confirm Special Assessment Roll 897 as indicated in the Staff Report.

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

Nays, None

**04-106-22 South Old Woodward Phase 3 Paving Project – Contract #1-22 (P)
Contract Award**

Mayor Longe stated that the Commission received a number of communications regarding this item. She listed the communications received and stated that those communications were included in the public record.

ACE Zielinski, ACM Ecker, Brad Strader of MKSK, and Paul Tulikangas of Nowak & Fraus Engineers presented the item.

CCE Surhigh and ACE Zielinski described the water and sewer updates that occurred in the first two phases of the project and the water and sewer updates that would occur as part of Phase Three.

In reply to Commissioner Host, ACE Zielinski confirmed that the bidder selected for Phase Three also completed Phases One and Two.

It was confirmed for Commissioner McLain that both Phases One and Two were completed early.

In reply to MPT Boutros, Mr. Strader confirmed that the lessons learned from Phases One and Two were being applied in Phase Three.

In reply to Commissioner Haig, Mr. Strader confirmed that the current proposal was the best option for retaining as many parking spaces as possible. He noted that spaces were also retained by adding the infrastructure for electric vehicles (EV) without dedicating any spaces to EV charging at this time.

In reply to the Mayor, Mr. Strader confirmed that 17 parking spaces which would have been lost in previous proposals were added back into the current proposal.

Public Comment

Mayor Longe reminded the public of the four minute limit per speaker per topic.

Bob Krausmann, resident of and realtor for the 555, Daniel Brown, superintendent of the 555, Daniel Morrow, realtor for the 555, Molly Barron, commercial tenant of the 555, Cathy Wilson, business owner on S. Old Woodward, Jodie Ikoff, commercial tenant of the 555, Michelle Russo, general manager of the 555, Blendi Suvaria, operating partner of the Birmingham Pub, and Paul Reagan, resident, expressed concerns about the proposed removal of parking.

Mr. Krausmann provided the Commission with a copy of his letter which outlined his concerns.

Mr. Brown and Ms. Barron also expressed concern about how the proposed location of the bus stop would impact pedestrian safety.

Ms. Barron said that valet services would likely not ameliorate the parking issue during construction since the majority of clients in the area visit for hourly classes, meaning the previous hour's clients would all need to leave at once while the next hour's clients are all arriving.

Michael Lane, area business owner, recommended that the City work with concerned S. Old Woodward business owners to see what accommodations could be made.

John Gardner, business tenant of the 555, and Robert Ziegelman, also a business tenant of the 555, summarized their joint letter to the Commission.

Jack Reinhardt, management agent for the 555, summarized his letter to the Commission.

Rick Rattner, attorney at 380 N. Old Woodward, and a number of other speakers recommended the bus stop remain at Bowers, with possible improvements, instead of being moved in front of the 555.

Mark Nickita, resident near S. Old Woodward, commended Staff and the consultants for the project's public engagement process and the design of the project. He said the project would immensely improve safety and walkability in the S. Old Woodward area.

Stuart Sherman, resident, described the thoroughness of public engagement process and concurred with Mr. Nickita's comments that the project would improve safety and walkability.

Both Messrs. Nickita and Sherman noted that the design of the project had already been approved and was not on the evening's agenda. They both asked the Commission to move the suggested motion.

Cindy Rose, resident near S. Old Woodward, spoke in support of the project.

The Mayor invited Staff to provide clarifying information in reply to some of the concerns raised.

ACE Zielinski clarified that the bus stop would require the removal of two to three parking spaces, not the six mentioned by some speakers. An additional three to four parking spaces at that intersection will have to be removed for safety reasons, regardless of the bus stop's ultimate location.

ACE Zielinski also said he studied parking in the area between 6 a.m. and 8 a.m., which was described by a number of speakers as one of the two peak parking times. He explained that:

- The parking directly in front of the 555 closest to Frank St. is usually fully occupied during that time, with the exception of the accessible parking space;
- The parking on the west side of S. Old Woodward closest to Frank is sometimes occupied during those times, and sometimes not;

- In front of the southern tower of the 555, 10 to 11 parking spaces are usually unoccupied during those times, and across the street from the southern tower of the 555 only one to two parking spaces are usually occupied during those times;
- After 8 a.m. 10 spots are usually open in front of the south part of the 555, and 10 spots are usually open in front of the north part of the 555; and,
- There was limited-to-no use of the parking south of Haynes, and limited use of the parking on the west side of S. Old Woodward.

CM Markus said:

- The project was designed towards improving walkability and safety in the area;
- The City will continue to work with businesses in the area to mitigate the impacts of construction;
- The project's design took into account the differences between N. and S. Old Woodward;
- The bulk of the parking being removed is due to State and Federal safety standards;
- The City continues to work with S. Old Woodward businesses to reduce double driveways to single driveways which could allow the addition of further on-street parking;
- Messrs. Nickita and Sherman were correct that this item was about awarding the contract, and not about the project's design;
- The City could always make further changes to the area if necessary once construction is concluded;
- The Commission could also direct the City to conduct further study if they determine that there is some exceptional need after the contract is awarded; and,
- He recommended that the Commission advance the suggested motion.

MOTION:

Motion by Commissioner Baller, seconded by MPT Boutros:

To approve the project budget and award the S. Old Woodward Phase 3 Paving Project #1-22 (P) as presented in the Staff Report.

Commissioner Haig expressed regret that the item was not at a point where possible changes could still be considered. He also noted that conversations occurred between the Multi-Modal Transportation Board, consultants, and Staff about the proposed changes, and that the need for the removal of parking was discussed with the MMTB at that time. He said that while he was not happy about the loss of parking, he was happy about the significant improvements in safety for the area. He said the project would also result in aesthetic improvements to the S. Old Woodward area. He stated that while some of the public would likely appreciate the changes, others would seek to hold the Commission accountable for results they do not appreciate. He stated that almost half of the current Commission was not yet elected during the design process, and could not impact the design process as Commissioners. He said that at this point the Commission had to move the project forward. He said that with the inclusion of his comments he would support the motion.

Commissioner Baller shared his unreserved support for the project. He thanked the public for sharing their opinions, expressed regret that they did not participate in the public engagement process earlier, and stated that the City put immense effort into soliciting public feedback during the design phase. He said the project would result in a much improved S. Old Woodward area and that people would appreciate, and adjust to, the changes. He suggested that the owners of the 555 consider making some of their parking available to patrons visiting the 555's commercial tenants.

Commissioner Host said he supported the motion because of the Commission's charge to safeguard the safety of the City's residents. He stated that while there were some drawbacks to the design, the design would make S. Old Woodward safer, and that the issue of safety remains paramount.

Commissioner McLain concurred with Commissioner Host that safety remains paramount. She said that she could not imagine that the designers did not consider the safety aspect of the project. She said she imagined that there would continue to be conversations about how to improve the safety of the area.

MPT Boutros stated that there was a lengthy design phase, during which as much parking was retained as possible. He explained that the water and sewer infrastructure needs to be improved in the S. Old Woodward area, and that it is appropriate to increase pedestrian safety and walkability as part of that project. He concurred with Commissioner Baller's recommendation that the 555 consider offering parking during the day for the patrons of their commercial tenants. MPT Boutros concluded by offering his support for motion.

Commissioner Schafer concurred with Commissioner Host about the Commission's responsibility for the safety of Birmingham residents, and added that the Commission has a responsibility to those who visit Birmingham as well. She stated that she used to patronize one of the businesses at the 555 and had no issue parking south of Haynes and walking half a block. She said that most people will likely greatly appreciate the improvements to the area. She also attested to the lengthy design and study process. She thanked the consultants and Staff for their work on the project. She concluded by stating her support for both the motion and the project as a whole.

Mayor Longe thanked the Commissioners and public for their comments and letters. She stated the Commission believes it has done its due diligence. She said that while she understood the concerns about the removal of parking, Mr. Nickita was correct in his comments from October 2021 that the water and sewer infrastructure could not be replaced without also making changes to the surface of the street. Consequently, the surface of the road has to be brought into compliance with current safety standards. She noted that MKSK added 17 parking spaces back during the design phase of the project. She said she was glad to hear that the City would continue to ask businesses with two driveways to consider removing one in order to create additional on-street parking. She said she was also glad to hear that the Commission could always raise additional discussion on the project at a future meeting if necessary. She concluded by affirming that the motion on the floor is to approve the contract. She asked the Clerk to call the roll.

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

Nays, None

04-107-22 Request for Closed Session to Discuss a Periodic Personnel Evaluation of the City Manager

(A roll call vote is required and the vote must be approved by a 2/3 majority of the commission. The commission will adjourn to closed session after all other business has been addressed in open session and reconvene to open session, after the closed session, for purposes of taking formal action resulting from the closed session and for purposes of adjourning the meeting.)

MOTION: Motion by Commissioner Host, seconded by MPT Boutros:

To meet in closed session to discuss the personnel evaluation of the City Manager pursuant to Section 8(a) of the Open Meetings Act.

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

Nays, None

The Commission went into closed session at 10:30 p.m.

The Commission reconvened into open session at 11:28 p.m.

Commission Items for Future Discussion. A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.

04-108-22 Further Discussion Regarding the Evening’s Workshop Topic

MOTION: Motion by Commissioner Baller, seconded by Commissioner Haig:
To have a brief discussion regarding the topic of the evening’s workshop.

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

Nays, None

04-109-22 Downtown Parking

MOTION: Motion by Commissioner Host, seconded by Commissioner Haig:
To consider placing downtown parking on the agenda at the first available opportunity.

In reply to the Mayor, Commissioner Host explained he was looking to clarify what happens in the wake of the parking assessment district.

Commissioner Baller said he was not supportive of the motion.

In reply to the Mayor, CA Kucharek confirmed that parking is prescribed through the City’s zoning. She said that further discussion would be inappropriate while a motion was on the table.

VOICE VOTE: Ayes, MPT Boutros
Commissioner Host

Commissioner Haig

Nays, Commissioner McLain
Commissioner Schafer
Mayor Longe
Commissioner Baller

Commission discussion on items from prior meeting

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of Intention to Appoint to the Board of Building Trade Appeals
- B. Commissioner Comments

Commissioner Host said he would like the Commission to increase collaboration by having at least annual joint workshops with the City's other boards and committees.

Commissioner Host said he hopes noise from Woodward could be lessened as part of the City's work with MDOT to improve safety on Woodward.

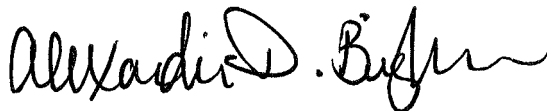
- C. Advisory Boards, Committees, Commissioners' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. 2021 Police Annual Report

The Mayor thanked the Police Department for their work.

INFORMATION ONLY

XI. ADJOURN

Mayor Longe adjourned the meeting at 11:28 p.m.



Alexandria Bingham
City Clerk



Laura Eichenhorn
City Transcriptionist