

Birmingham City Commission Minutes

August 15, 2022

Municipal Building, 151 Martin

7:30 p.m.

Vimeo Link: <https://vimeo.com/733446146>

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 Schafer

Absent: Commissioner McLain

Administration: City Manager Markus, City Clerk Bingham, Senior Planner Cowan, Planning Director Dupuis, Assistant City Manager Ecker, City Attorney Kucharek, Department of Public Services Director Wood, Assistant City Engineer Zielinski

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

Announcements

- The City continues to recommend the public wear masks while attending City meetings per CDC guidelines. The cases of COVID-19 are increasing in the area. All City employees, commissioners, and board members must wear a mask while indoors when 6-feet of social distancing cannot be maintained. This is to ensure the continuity of government is not affected by an exposure to COVID-19 that can be prevented by wearing a mask. The City continues to provide KN-95 respirators and triple-layered masks for all in-person meeting attendees.
- Enjoy Birmingham's Concert in the Park on August 17th at 12 p.m. with UC3 Acoustic Trio and at 7 p.m. the return of crowd favorite, Mainstreet Soul. Our last concert of the season will be Wednesday, August 24th at 7 p.m. with Captain Fantastic Detroit and The Donny Rod Show. We wish to thank our sponsors and concertgoers for another fantastic season!
- The Clerk's Office would like to thank all of the Election Inspectors and City Staff that helped with conducting a successful August 2nd State Primary Election. We appreciate all of the voters who participated safely, turnout for this election was 35.33%, which was above the 30.04% average for Oakland County. Unofficial results are available at oakgov.com/elections under the August election tab. Official results will be available after the completion of the canvass of the Oakland County Board of Canvassers.

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

Susan Randall, Maureen Field, Tom Schneider, and Pete Webster spoke against the proposed location of the Birmingham Country Club’s pickleball courts, saying the courts should be relocated in order to minimize any impact on the Club’s residential neighbors.

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.

08-208-22 Consent Agenda

Commissioner Haig noted that he would be recused from voting on Item O, citing his residency on one of the affected streets.

MOTION: Motion by MPT Boutros, Commissioner Host:
To approve the Consent Agenda, noting Commissioner Haig’s recusal from Item O.

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

Nays, None

- A. Resolution to approve the City Commission meeting minutes of July 25, 2022.
- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated July 27, 2022, in the amount of \$7,149,774.29.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated August 3, 2022, in the amount of \$426,183.56.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated August 10, 2022, in the amount of \$598,607.66
- E. Motion to adopt an ordinance amending Chapter 54 – Fire Prevention and Protection, Article II. – Fire Prevention Code, Sec. 54-26, Sec. 54-27 and 54-28, which adopt the International Fire Code and its amendments.
- F. Resolution to approve the contract from Air Handler Services to replace the HVAC system at Fire Station 1 and the additionally contingency funds for repairs etc. in the amount not to exceed \$149,008 from the Capital Projects Fund #403.0-339.000-977.0000. In addition, to authorize the Mayor, City Clerk, City Manager, City Attorney, Finance Director, and Fire Chief to sign the contract on behalf of the City and further, to approve the appropriations and amendment to the Capital Projects Fund budget as follows:

<u>Revenue:</u>		
Draw from Fund Balance	403.0-000.000-400.0000	\$149,008

Expenditures:

Buildings – Adams Fire Station 403.0-346.001-977.0000 \$149,008

- G. Resolution to approve the contract from Royal Roofing Company Inc. to replace the steel roof system at Fire Station 1 in the amount not to exceed \$236,960 from the Capital Projects Fund #403.0-346.0019-977.0000. In addition, to authorize the Mayor, City Clerk, City Manager, City Attorney, Finance Director, and Fire Chief to sign the contract on behalf of the City and further, to approve the appropriations and amendment to the General Fund and Capital Projects Fund budgets as follows:

General Fund Revenues:

Draw from Fund Balance 101.0-000.000-400.0000 \$85,968

Expenditures:

Transfers Out 101.0-999.000-955.4030 \$85,968

Capital Projects Fund Revenues:

Draw from Fund Balance 403.0-000.000-400.0000 \$150,992

Transfers In 403.0-346.001-699.0101 \$85,968

Total Revenues \$236,960

Expenditures:

Buildings – Adams Fire Station 403.0-346.001-977.0000 \$236,960

- H. Resolution to approve the purchase of the replacement monitor for Fire Station One and the additional monitor for Fire Station Two from CDWG with a total cost of \$19,884.10. Funds are available in the machinery and equipment fund account # 636.0-228.000-971.0100.

- I. Resolution to purchase one (1) 2023 Chevrolet Traverse AWD SL SUV, from Berger Chevrolet Inc., located at 2525 28th Street S.E., Grand Rapids, MI 49512, under the State of Michigan MiDeal extendable purchasing contract #071B7700184, in the amount not to exceed \$29,916.00. Funds for this purchase are available in the FY 2022-2023 Auto Equipment Fund account#641.0-441.006.971.0100.

- J. Resolution to confirm the City Manager’s authorization for the emergency expenditure related to the purchase of a new breaker. AIS Construction Equipment Corp., which is located at 56555 Pontiac Trail, New Hudson, MI 48165, will provide a new breaker for the amount of \$12,380.50. The funds for the purchase will be charged to the Auto Equipment account #641.0-441.006-971.0100.

- K. Resolution to approve the purchase of eleven (11) Dumor benches, five (5) litter receptacles, and five (5) recycled plastic park benches for a total purchase price of \$39,820.00 from the sole source vendor, Penchura, LLC and charge the purchase to account # 101.0-751.000-729.0000. Further, to approve and amend the General Fund budget as follows:

General Fund Revenues

Draw from Fund Balance 101.0-000.000-400.0000 \$39,820

Expenditures

Parks Operating Supplies 101.0-751.000-729.0000 \$39,820

- L. Resolution to approve the agreement with Goddard Coatings Company for the Crestview Park Pickleball project in the amount of \$63,750 and charge the purchase to the Land Improvement Account # 408.1-751.000-979.0000. Further, to appropriate and amend the Park System Construction Fund budget as follows:

Park System Construction Fund

<u>Revenues</u>		
Draw from Fund Balance	408.1-000.000-400.0000	\$63,750
<u>Expenditures</u>		
Land Improvements	408.1-751.000-979.0000	\$63,750

- M. Resolution approving the service agreement with Next in the amount of \$122,944 for services described in Attachment A of the agreement for fiscal year 2022-2023, account number 101.0-656.000-811.0000, and further direct the Mayor and City Clerk to sign the agreement on behalf of the City.
- N. Resolution to award the 2021-2022 Public Services contract totaling \$36,912.00 for Yard Services, Senior Outreach Services, and Minor Home Repair to NEXT under the Community Development Block Grant Program; and further, to authorize the Mayor to sign the contract on behalf of the City.
- O. Resolution to set the Public Hearing of Necessity for the road surface cape-seal treatment for all properties within the project on Taunton between Woodward and Lincoln, Torry between Emmons and Sheffield, Bradford between Sheffield and Eton, Croft between Bradford and 14 Mile Road, Penistone between Torry and 14 Mile Road, Banbury between Torry and Sheffield, Humphrey between Torry and Eton, and Melton between Taunton to Eton on Monday, September 12, 2022 at 7:30 P.M.; and

If necessity is determined on September 12, 2022, to meet on Monday, September 19, 2022 at 7:30 P.M., for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the road surface cape-seal treatment for all properties within the project area on Taunton between Woodward and Lincoln, Torry between Emmons and Sheffield, Bradford between Sheffield and Eton, Croft between Bradford and 14 Mile Road, Penistone between Torry and 14 Mile Road, Banbury between Torry and Sheffield, Humphrey between Torry and Eton, and Melton between Taunton to Eton.

- P. Resolution to set a public hearing date of September 19, 2022 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 460 N. Old Woodward – Wilders.
- Q. Resolution to release one grave in section B, row 12-A, for a family seeking one additional space adjacent to their currently owned plot in order to keep their family members together in Greenwood Cemetery.

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

08-209-22 Public Hearing – Westwood, Raynale & Oak Street Project, Hearing of Necessity for Cape Seal Special Assessment District

The Mayor opened the public hearing at 7:47 p.m.

ACE Zielinski presented the item.

Public Comment

Brock Rooney, resident of Westwood, said he believed that the charges for resurfacing Westwood should be discounted. He opined the street had service life left and so the City should compensate the Westwood

residents for the payments they previously made towards maintaining the street's surface. Mr. Rooney stated that he did not recall previously paying to resurface Oak Street. He stated that no water or sewer repairs were planned west of Westwood to the City line and recommended that any proposed work in that area be eliminated. Mr. Rooney concluded by saying that the residents within the Special Assessment District (SAD) for this project should not be charged for sidewalk installations in the as part of the project.

ACE Zielinski stated that sidewalks, drive approaches, intersections, and drainage are part of the necessary work of cape seal project. He said the Engineering Department would determine whether the area west of Westwood should be included in the SAD.

The Mayor closed the public hearing at 7:55 p.m.

MOTION: Motion by MPT Boutros, Commissioner Schafer:
To declare necessity and approve a Special Assessment District with special assessments levied in accordance with benefits against the properties within such assessment district. The Special Assessment District shall include all properties within the following district of 23 parcels (listed in report), and the City Commission will meet on Monday, August 29, 2022 at 7:30 P.M. for the purpose of conducting the Confirmation of the Assessment Roll for cape-seal for properties within the project area on Westwood between Raynale & Oak, Raynale between N. Glenhurst and the west City limits, and Oak between N. Glenhurst & the west City Limits.

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

Nays, None

08-210-22 Public Hearing – Westwood, Raynale & Oak Street Project Hearing of Necessity for Water and Sewer Lateral Special Assessment District

The Mayor opened the public hearing at 7:58 p.m.

ACE Zielinski presented the item.

Public Comment

Mr. Rooney contended that this work would not be necessary if not for prior City work on the sewer connections and water drainage lines. He opined that since prior City work necessitated this work, the City should pay the water and sewer lateral replacements in the project area.

The Mayor closed the public hearing at 8:01 p.m.

MOTION: Motion by MPT Boutros, Commissioner Host:
To declare necessity and approve a Special Assessment District with special assessments levied in accordance with benefits against the properties within such assessment district. The special assessment district shall include all properties within the following district of 13 parcels (listed in report), and the City Commission will meet on Monday, August 29, 2022 at 7:30 P.M. for the purpose of conducting the Public

Hearing to Confirm the Assessment Roll for the water and sewer lateral replacements for properties within the project area on Westwood between Raynale & Oak, Raynale between N. Glenhurst and the west City limits, and Oak between N. Glenhurst & the west City Limits.

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

Nays, None

Mr. Rooney was informed that the assessment rolls for the prior two items would be before the Commission on August 29, 2022.

08-211-22 Public Hearing - Lot Combination of 770 S. Adams and 1000 Haynes Street (Former Citizens Bank & Office Building)

The Mayor recused herself from this item citing a business relationship between her spouse and the property owners and stepped out of the meeting.

MPT Boutros assumed facilitation of the meeting.

MPT Boutros opened the public hearing at 8:02 p.m.

SP Cowan presented the item.

Seeing no public comment, MPT Boutros closed the public hearing at 8:07 p.m.

Rick Rattner, attorney, and Nico Schultz, co-owner, were present on behalf of the request.

MOTION: Motion by Commissioner Haig, Commissioner Host:
To approve the proposed lot combination of 770 S. Adams and 1000 Haynes Street, Parcel ID # 19-36-283-016 & Parcel ID # 19-36-283-024.

Commissioner Baller spoke in support of the project and noted that it might be the largest residential project in Birmingham to date.

Commissioner Host and MPT Boutros also spoke in support.

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

Nays, None

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.

Mayor Longe rejoined the meeting and resumed facilitation.

08-212-22 Birmingham Country Club Pickleball Issue

MOTION: Motion by Commissioner Host, Commissioner Haig:
To discuss potential next steps regarding resident concerns about the Birmingham Country Club’s pickleball courts at the August 29, 2022 Commission meeting.

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

Nays, None

08-213-22 Speed Bumps and Similar Devices

MOTION: Motion by Commissioner Haig, Commissioner Host:
To introduce speed bumps or similar devices as a form of speed management within the City of Birmingham.

Commissioners Baller and Host voiced support for the topic.

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

Nays, None

Commission Discussion On Items From Previous Meetings

None.

08-214-22 Closed Session pursuant to MCL § 15.268 Sec. 8(e) of the Open Meetings Act

(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 MPT Boutros, Commissioner Baller:

To meet in closed session to discuss pending litigation pursuant to MCL § 15.268 Sec. 8(e) of the Open Meetings Act regarding John Reinhart, et al the v City of Birmingham; U.S. District Court Case No.: 2:22-cv-11074-MAG-DRG.

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

Nays, None

The Commission went into closed session at 8:50 p.m.

The Commission returned from closed session at 9:13 p.m.

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of Intent to appoint: Design Review Board
 - 2. Notice of Intent to appoint: Historic District Commission
- B. Commissioner Comments

In reply to Commissioner Haig, CM Markus said sound control fencing for the pickleball courts at Crestview Park could be considered for the future if necessary.

- C. Advisory Boards, Committees, Commissions’ Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. 1923 Fairview Tree Removal

DPSD Wood presented the item.

CA Kucharek spoke about the City’s liability in this case.

The Mayor noted that two independent tree contractors, unaffiliated with the City’s forestry contract, performed the Basic Tree Risk Assessment and the Resistograph Test on the tree in question. Both found the tree had moderate and high risk ratings as noted in DPSD Wood’s report.

MPT Bourtos thanked Staff for their work on this issue. He stated that the City’s forestry contractor, J.H. Hart has been a great contractor for the City for 35 years. He offered both Staff and J.H. Hart his support.

The Mayor noted that the City has now invested thousands of dollars to attempt to investigate this matter to the owner’s satisfaction.

Commissioner Host observed how comprehensive the City's investigation of this issue was.

Public Comment

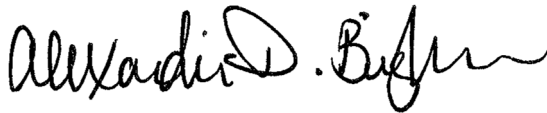
John Hart, of J.H. Hart, clarified that he and his staff make recommendations to City Staff about City trees, and that City Staff are the decisors.

Alan Walborn, resident at 1923 Fairview, commented on the matter.


INFORMATION ONLY

XI. ADJOURN

Mayor Longe adjourned the meeting at 9:14 p.m.



Alexandria Bingham
City Clerk



Laura Eichenhorn
City Transcriptionist