

Birmingham City Commission Minutes

September 19, 2022

Municipal Building, 151 Martin

7:30 p.m.

Vimeo Link: <https://vimeo.com/751703733>

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
Commissioner Baller
Commissioner Haig
tMPT McLain
Commissioner Schafer

Absent: Mayor Pro Tem Boutros
Commissioner Host

Staff: Assistant City Manager Ecker; City Clerk Bingham, Planning Director Dupuis, Finance Director Gerber, City Attorney Gojcaj, Birmingham Shopping District Director Sheppard-Decius

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

09-234-22 Nomination of tMPT McLain to Serve as Temporary Mayor Pro Tem

MOTION: Nomination by Mayor Longe:
To appoint tMPT McLain to serve as temporary Mayor Pro Tem for the evening's meeting.

VOICE VOTE: Ayes, Commissioner Baller
tMPT McLain
Commissioner Schafer
Mayor Longe
Commissioner Haig

Nays, None

Announcements

- The City continues to recommend the public wear masks while attending City meetings. All City employees, commissioners, and board members must wear a mask during meetings because adequate ventilation 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.

- The Clerk’s office would like to remind voters to turn in an absentee ballot application if they wish to vote by mail for the November 8, 2022 State General Election. Absentee Ballots are tentatively scheduled to be mailed out the last week of September. If you have already turned in your application to receive a November absentee ballot and need to change the mailing location, please contact the Clerk’s office as soon as possible. To review your specific voting information, request an absentee ballot, or update your voter name or address go to mi.gov/vote. The online and mail voter registration deadline is October 24th. After October 24th new voters must register in person at the clerk’s office.
- Wish Commissioner Elaine McLain a Happy Birthday!
- Introduce Cristina Sheppard-Decius, new Executive Director of the Birmingham Shopping District.

Appointments

Cassandra McCarthy, applicant for the Historic District Commission, was interviewed by the City Commission. Ms. McCarthy was not nominated.

09-235-22 Appointment of Michael Willoughby to the Design Review Board

Mr. Willoughby was unable to attend. The Commission chose to proceed given that the application was for a reappointment.

MOTION: Nomination by Commissioner Haig:
 To appoint Michael Willoughby as a regular member of the Design Review Board to serve a three-year term to expire September 25, 2025.

VOICE VOTE: Ayes, Commissioner Baller
 tMPT McLain
 Commissioner Schafer
 Mayor Longe
 Commissioner Haig

Nays, None

09-236-22 Appointment of Natalia Dukas to the Design Review Board

The Commission interviewed Natalia Dukas for the appointment.

MOTION: Nomination by Commissioner Schafer:
 To appoint Natalia Dukas as a regular member of the Design Review Board to serve a three-year term to expire September 25, 2025.

VOICE VOTE: Ayes, Commissioner Baller
 tMPT McLain
 Commissioner Schafer
 Mayor Longe
 Commissioner Haig

Nays, None

09-237-22 Appointment of Dennis (Sam) Lanfear to the Design Review Board

The Commission interviewed Dennis (Sam) Lanfear for the appointment.

MOTION: Nomination by tMPT McLain :

To appoint Dennis (Sam) Lanfear as an alternate member of the Design Review Board to serve a three-year term to expire September 25, 2025.

VOICE VOTE: Ayes, Commissioner Baller
tMPT McLain
Commissioner Schafer
Mayor Longe
Commissioner Haig

Nays, None

09-238-22 Appointment of Samantha Cappello to the Design Review Board

Ms. Cappello was unable to attend. The Commission chose to proceed given that the application was for a reappointment.

MOTION: Nomination by Commissioner Baller:

To appoint Samantha Cappello as an alternate member of the Design Review Board to serve a three-year term to expire September 25, 2025.

VOICE VOTE: Ayes, Commissioner Baller
tMPT McLain
Commissioner Schafer
Mayor Longe
Commissioner Haig

Nays, None

09-239-22 Appointment of Natalia Dukas to the Historic District Commission

The Commission interviewed Natalia Dukas for the appointment.

MOTION: Nomination by Commissioner Schafer:

To appoint Natalia Dukas as a regular member to the Historic District Commission to serve a three-year term to expire September 25, 2025.

VOICE VOTE: Ayes, Commissioner Baller
tMPT McLain
Commissioner Schafer
Mayor Longe
Commissioner Haig

Nays, None

09-240-22 Appointment of Michael Willoughby to the Historic District Commission

Mr. Willoughby was unable to attend. The Commission chose to proceed given that the application was for a reappointment.

MOTION: Nomination by Commissioner Baller:
To Michael Willoughby appoint as a regular member to the Historic District Commission to serve a three-year term to expire September 25, 2025.

VOICE VOTE: Ayes, Commissioner Baller
tMPT McLain
Commissioner Schafer
Mayor Longe
Commissioner Haig

Nays, None

09-241-22 Appointment of Steven Lemberg to the Historic District Commission

The Commission interviewed Steven Lemberg for the appointment.

MOTION: Nomination by tMPT McLain:
To appoint Steven Lemberg as an alternate member to the Historic District Commission to serve a three-year term to expire September 25, 2025.

VOICE VOTE: Ayes, Commissioner Baller
tMPT McLain
Commissioner Schafer
Mayor Longe
Commissioner Haig

Nays, None

It was noted that the City Clerk would contact all appointees who attended by Zoom or were absent to be sworn in at a later date.

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

V. CONSENT AGENDA

09-242-22 Consent Agenda

The following items were pulled from the Consent Agenda:

- Commissioner Haig: Item D – Certification of Compliance with State of Michigan Public Act 152 of 2011
- tMPT McLain: Item H – Peabody Structure – Emergency Shoring & Column Repair Shoring Rental

MOTION: Motion by Commissioner Haig, tMPT McLain:
To approve the Consent Agenda excluding Items D and H.

ROLL CALL VOTE: Ayes, Commissioner Baller

tMPT McLain
Commissioner Schafer
Mayor Longe
Commissioner Haig

Nays, None

- A. Resolution to approve the City Commission Workshop meeting minutes of September 12, 2022.
- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated September 14, 2022, in the amount of \$24,951,292.78.
- C. Resolution to approve a special event permit as requested by the Lutheran Church of the Redeemer to hold the 2022 Christmas Nativity Display daily, beginning on November 23, 2022 and ending December 30, 2022, contingent upon compliance with all permit and insurance requirements and payment of all fees, and further pursuant to any minor modifications or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event.
- E. Resolution authorizing the issuance of the Request for Proposals, as recommended by the Library Board, for construction management services for the expansion and renovation of the Front Entrance and Circulation area of the Baldwin Public Library, with the necessary funds to be paid by the Library.
- F. Resolution to set a public hearing date of October 24, 2022 to consider ordinance amendments to Article 3, Section 3.04, Article 3, Section 3.09, Article 4, Section 4.90 and Article 9, Section 9.02 of the Zoning Ordinance to revise the window standards to adjust the definition of clear glazing and to eliminate lightly tinted glazing.
- G. Resolution to set a public hearing date of October 24, 2022 to consider ordinance amendments to Article 4, Section 4.03 of the Zoning Ordinance to add language to permit air conditioning units in the required side yard under certain conditions.

09-243-22 (Item D) Certification of Compliance with State of Michigan Public Act 152 of 2011

Commissioner Haig recommended this item receive an independent roll call vote given the requirement for a 2/3 vote and the absence of two Commissioners from the meeting.

The Mayor concurred.

MOTION: Motion by Commissioner Haig, seconded by tMPT McLain:
To authorize the City's compliance with the provisions of State of Michigan Public Act 152 of 2011, by exercising the City's option to exempt itself from the requirements of the Act; and further, to direct the Assistant City Engineer and Finance Director to sign and submit the required form to MDOT.

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

Nays, None

09-244-22 (Item H) Peabody Structure – Emergency Shoring & Column Repair Shoring Rental

tMPT McLain informed the public that supporting information regarding expenditures like these can be found in the evening’s agenda packet. She spoke in support of the proposal.

The Mayor reminded the public that funds spent on the parking system come from fees charged by the parking system and not from residents’ taxes.

MOTION: Motion by tMPT McLain, seconded by Commissioner Schafer:
To confirm City Manager’s authorization for the expenditure related to the rental of shoring at the Peabody Street Structure for a cost not to exceed \$6,000 to be charged to the Automobile Parking System Fund, Peabody Parking Structure Capital Outlay Building account #514.1.594.004-977.0000.

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

Nays, None

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

09-245-22 Public Hearing - Confirming Roll for 2022 Cape Seal Program Special Assessment District

Commissioner Haig recused himself from the item given his residence within the affected area.

The Mayor opened the public hearing.

In reply to a request from the Mayor, CA Gojcaj provided guidance on the types of public comments pertinent to the item.

FD Gerber presented the item.

Public Comment

In reply to Donna Garlitz, resident of Banbury, FD Gerber stated that the estimated price per linear foot was based off of recent projects in the area. He explained that the roll would be updated later with actual costs, not to exceed 25% of the approved roll. He noted that notice would be provided to the residents of the actual cost, once determined. He stated that residents would have no ability to protest their actual assessment cost if it is within the 25% limit.

The Clerk received and filed two letters of protest regarding the item: one from Thomas Fink, resident of Penistone, and one from Susan Scibor, resident of Melton. Additionally an email to ACE Zielinski from Bernice Bettendorf, resident of 1741 Torry, was received in protest of the assessment.

ACM Ecker explained the differences in the costs for the two blocks on Banbury. She noted that one block sustained damage and received a payment from the developer to repair the damage, which was applied to the cost of the assessment. The other block's costs were processed normally.

In reply to tMPT McLain, FD Gerber confirmed that now would be the appropriate time for residents to protest anything about the item that fell within CA Gojcaj's aforementioned provided guidelines.

In reply to Mary Milton, resident of Torry, ACM Ecker said that Staff would get back to her about the weight limit for cape sealed roads.

Yannis Canisz, stating his addresses as both 1777 Penistone and 1875 Bradford, protested the amount of his assessment.

Seeing no further public comment, the Mayor closed the public hearing.

The Commission had no questions or comments.

MOTION: Motion by Commissioner Schafer, seconded by tMPT McLain:
To confirm special assessment roll 899 as follows:

WHEREAS, Special Assessment Roll, designated Roll No. 899, 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 08-208-22 provided it would meet this 19th day of September, 2022 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this September 19th, 2022, 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. 899 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 special assessment shall be payable in three (3) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of six and one half percent (6.5%) on all unpaid installments.

ACM Ecker noted that the activation of the area is the intent of the bistro ordinance. She noted that more pedestrian and outdoor dining activity in the area would also likely calm traffic and make the area safer in that sense.

Seeing no further public comment, the Mayor closed the public hearing.

Commissioner Haig asked whether the City's traffic consultant should review the project's access drive.

In reply to Commissioner Haig, Messrs. Saroki and Eid suggested that they could stripe their access drive down the middle and/or install a small stop sign at the bottom before the access drive crosses the sidewalk to reduce the likelihood of any vehicle-vehicle or pedestrian-vehicle conflict.

ACM Ecker noted that decreasing the number of access drives from two to one for this project would also decrease opportunities for pedestrian-vehicle conflict.

The Mayor concurred, noting that fewer curb cuts make pedestrian conditions safer.

Mr. Borman said that left turns from the access drive onto N. Old Woodward are difficult.

It was noted for Mr. Borman that a right turn onto N. Old Woodward could be made, with a left turn occurring at the median.

The Mayor also suggested that the exit from the access drive onto N. Old Woodward could be evaluated by the Multi-Modal Transportation Board for a possible 'No Left Turn' sign.

In reply to Commissioner Haig, Mr. Eid confirmed that the design of the outdoor dining deck was intended to be aligned with the pending outdoor dining ordinance changes.

MOTION: Motion by Commissioner Baller, seconded by tMPT McLain:
To approve the Special Land Use Permit, Final Site Plan and Design Review application for 460 N. Old Woodward – Wilders.

tMPT McLain said the signage and attention to safety should be used as a template for other establishments in the future.

The Mayor commended the applicants on the thoughtfulness of the design and said locating the outdoor dining platform in the street was appropriate given the pedestrian traffic on the sidewalk.

Commissioner Schafer concurred with the Mayor regarding the thoughtfulness of the design.

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

Nays, None

Commission Items for Future Discussion

Commission Discussion On Items From A Prior Meeting

To be discussed at a future meeting.

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

- A. McNulty Letter Regarding Assault Rifles

X. REPORTS

- A. Commissioner Reports

tMPT McLain stated residents seeking to receive more information about tuition reimbursement could visit the Michigan Municipal League website.

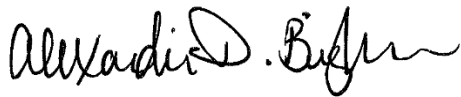
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. City Manager's Report

ACM Ecker presented highlights from the report.

INFORMATION ONLY

XI. ADJOURN

Mayor Longe adjourned the meeting at 8:49 p.m.



Alexandria Bingham
City Clerk



Laura Eichenhorn
City Transcriptionist