

Birmingham City Commission Minutes

December 19, 2022

Municipal Building, 151 Martin

7:30 p.m.

Vimeo Link: <https://vimeo.com/778359863>

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

City Clerk Bingham called the roll.

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

Absent: None

Staff: City Manager Markus; City Clerk Bingham, Communications Director Gamboa, Finance Director Gerber, Police Chief Grewe, City Attorney Kucharek

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

Announcements

- The City recommends members of the public wear a mask if they have been exposed to COVID-19 or have a respiratory illness. City staff, City Commission and all board and committee members must wear a mask if they have been exposed to COVID-19 or actively have a respiratory illness. The City continues to provide KN-95 respirators and triple-layered masks for attendees.
- Swearing in of Police Chief Scott Grewe
- Proclamations regarding Police Chief Mark Clemence

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

V. CONSENT AGENDA

12-310-22 Consent Agenda

The following items were pulled from the Consent Agenda:

Commissioner Host: Item A – Approval of City Commission Meeting Minutes of November 28, 2022

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

To approve the Consent Agenda excluding Item A.

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

Nays, None

- B. Resolution to approve the City Commission meeting minutes of December 5, 2022.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated December 7, 2022, in the amount of \$2,719,952.40.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated December 14, 2022, in the amount of \$709,162.36.
- E. Resolution to approve the purchase of one (1) electric Zamboni edger from Mid America Rink Services, through the Sourcewell Cooperative Purchase Agreement Contract # 120320-FZC, in the amount not to exceed \$7,185.15. Funds for this purchase are available in the FY 2022-2023 Machinery & Equipment Fund account #661.0-441.006-933.0200.
- F. Resolution to approve the purchase of Powerphone training services and implementation for the new EMD protocols, and waive the normal bidding requirements. This project was budgeted in the 2022-2023 fiscal year and funds are available in the training account 101.0-325.000.957.0100 in the amount of \$12,498.
- G. Resolution to amend the Schedule of Fees, Charges, Bonds and Insurance as presented and to adopt the revised Public Records Policy, effective January 1, 2023.

(Item A) City Commission Meeting Minutes of November 28, 2022

Commissioner Host asked that more detail be added to the last paragraph of the minutes.

CM Markus recommended that the last paragraph of the minutes be transcribed verbatim.

The Commission chose to return the minutes, with the final paragraph transcribed verbatim, for approval at its January 9, 2022 meeting.

VI. UNFINISHED BUSINESS

12-311-22 48th District Court 2023 Budget

FD Gerber introduced the item.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Baller:
To approve the 48th District Court’s 2023 budget as submitted; further, to request the 48th District Court judges and staff as appropriate schedule more frequent meetings with the funding units and non-funding units in order to create a better understanding of the Court’s operations and; further to request that the

48th District Court judges make the proposed budget available before the budget is to be considered to allow the various units' staffs sufficient time to analyze and question the proposed budget.

Commissioner Haig said he would like the City and the court to work together on cost optimization.

Commissioners Haig and Host thanked the Court Administrator and City Staff for their work on this item.

Commissioner Host said the City's financial loss on the 48th District Court was unsustainable and said he would vote against the motion for that reason.

In reply to the Mayor, the Court Administrator affirmed the court would continue pursuing cost-saving measures and communicating with the City about the court's funding and expenditures.

MPT McLain emphasized the importance of approving the budget, while also stating that the Commission would continue to review the court's funding and expenditures.

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

Nays, Commissioner Host

VII. NEW BUSINESS

12-312-22 Public Hearing: Reprogramming Program Year 2019 Community Development Block Grant Funds (Part I)

The Mayor opened the public hearing at 8:30 p.m.

FD Gerber presented the item.

Seeing no public comment, the Mayor closed the public hearing at 8:36 p.m.

FD Gerber and CM Markus answered brief informational questions from the Commission.

The Mayor said that the selection of the projects seemed strategic, given the limitations on how the City is permitted to spend CDBG funds.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Host:
To authorize the Finance Director to submit to Oakland County a request along with the public hearing advertisement and City Commission resolution to reprogram the Community Development Block Grant (CDBG) program year 2019 funds in the amount of \$25,263 from the Remove Architectural Barriers project – Adams Fire Station Entrance (Account 731619) to the Remove Architectural Barriers project – Historical Museum Park Barrier-free Access (Account 731619).

ROLL CALL VOTE: Ayes, Commissioner Schafer
 MPT McLain
 Commissioner Boutros

To discuss Birmingham’s mayoral selection process as part of a workshop, at a convenient time, before the City Manager departs the City.

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

Nays, None

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

A. Commissioner Reports

Commissioner Host noted that the green energy incentives available from the federal government are diverse in their potential applications.

B. Commissioner Comments

Commissioner Haig advocated for everyone to put more effort into understanding each other’s perspectives and communicating the reasons for their own perspectives. He suggested that would likely improve City processes.

Commissioner Host recommended that the Planning Board submit a summary of any errors in the third draft of the 2040 Master Plan to the Commission and that the summary also be posted to the City website to avoid further public confusion.

Commissioner McLain concurred with Commissioner Haig, adding that she saw a Commissioner’s responsibility as listening to all available information and making decisions in public, with other Commissioners, as a team.

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

D. Legislation

E. City Staff

1. Tenant Rights Memo

a. Model Non-Discrimination Ordinance

b. Correspondence with County Commissioner Cavell

CA Kucharek presented the memo and answered informational questions from the Commission.

There was Commission consensus that Staff should return with recommended ordinance language regarding income protections and right to renew.

2. Booth Park

CA Kucharek presented the memo and answered informational questions from the Commission.

In reply to Commissioner Haig, CA Kucharek said she did not believe it necessary to consult with the Cranbrook Foundation about the installation of restrooms, kiosks and concession stands in Booth Park since the intent of the donation and gift was clear and that the proposed activities would support that intent.

3. December City Manager's Report

CM Markus reviewed the report.

Commissioner Host stated that one of his recent videos was left visible in error. He stated that he has since removed the video and apologized to the City Manager for the error.

CM Markus said he appreciated the apology.

Commissioner Haig recommended that information about errors to be corrected in the draft 2040 Master Plan be posted to the Birmingham Plan website. He also recommended that a summary of the questions and answers regarding the draft 2040 Master Plan be posted to the Birmingham Plan website. He said both actions could help reduce misunderstandings.

CM Markus stated that the corrected draft, once it becomes available, would be uploaded to the website.

MPT McLain said that the piano in Shain Park was in poor condition and likely needed to be replaced.

The Mayor noted that the piano is generally replaced annually with a newly-donated piano.

In reply to CM Markus, Commissioner Host said he could facilitate getting the City Manager more information about the resources available for a tribute to Pat Andrews.

Mayor Longe noted that MPT McLain would be participating in the 2023 Polar Plunge.

In reply to CM Markus, Commissioner Haig confirmed he would contact the City Manager to provide more information about his April 2022 motion and request regarding 'Improvements in Information Provision and Methodology'.

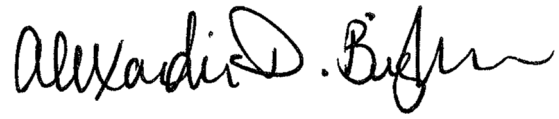
CM Markus expressed disappointment in recently seeing a number of non-permitted vehicles using disability parking spaces. He encouraged the public to contact the Police Department if they notice a non-permitted vehicle parked in the disability parking spaces so that the vehicle's owner may be fined. He discouraged people from confronting the non-permitted parkers directly.

The Commission expressed disappointment to hear that non-permitted vehicles were using disability parking spaces.

The topic was raised of increasing the fine amounts for these violations.

XI. ADJOURN

Mayor Longe adjourned the meeting at 10:28 p.m.

A handwritten signature in black ink, appearing to read "Alexandria Bingham". The signature is fluid and cursive, with a large initial 'A' and 'B'.

Alexandria Bingham
City Clerk

A handwritten signature in black ink, appearing to read "Laura Eichenhorn". The signature is cursive and somewhat stylized.

Laura Eichenhorn
City Transcriptionist