

Birmingham City Commission Minutes
February 27, 2023
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: <https://vimeo.com/799327505>

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 Haig
Commissioner Host

Absent: Commissioner Baller
Commissioner Schafer

Staff: Assistant City Manager Ecker; City Clerk Bingham, Planning Director Dupuis, 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.
- The City Commission thanks all members of the public who attended the February 15, 2023 City Manager Candidate Meet and Greet and for all of the feedback submitted on <http://engage.bhamgov.org>. City staff is currently in the process of compiling the reports on staff and public feedback as well as extensive reference checks, background checks, and investigations on all three candidates. The City Commission intends to review this information in March and work through the final steps of the City Manager Selection Process as we approach spring.
- Mayor Longe acknowledged the impact of the recent winter storm and thanked all those involved with the City's response.

Appointments

02-024-23 Appointment to the Parks and Recreation Board

The Commission interviewed Pam Graham for the position.

MOTION: Nomination by Commissioner Haig:
To appoint Ms. Graham to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2026.

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

Nays, None

02-025-23 Appointment to the Public Arts Board

Mayor Longe noted that the Public Arts Board has a specific provision which allows Board members to concurrently serve on certain other City Boards. She noted that concurrent service on two City Boards was usually prohibited.

The Commission interviewed Pam Graham for the position.

MOTION: Nomination by Commissioner Boutros:
To appoint Ms. Graham as an alternate member to the Public Arts Board as a regular member to serve the remainder of a three-year term to expire January 28, 2026.

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

Nays, None

02-026-23 Appointment to the Cablecasting Board

The Commission interviewed Deanna Brown for the position.

MOTION: Nomination by MPT McLain:
To the Cablecasting Board as a regular member to serve a three-year term expiring March 30, 2026, effective April 1, 2023.

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

Nays, None

CC Bingham swore in Ms. Graham. It was noted that Ms. Brown would be sworn in at a later date.

The Commission acknowledged the appointments of the following student representatives, encouraged them to share their perspectives with their respective Boards, and thanked them for their service:

1. Ian Weinberg, Historic District Commission / Design Review Board
2. Sophie Hanawalt, Multi-Modal Transportation Board
3. Angie Sharma, Multi-Modal Transportation Board
4. Alex Motea, Museum Board
5. Alexandria Schaufler, Museum Board
6. Kate Glasier, Parks & Recreation Board
7. Archie Reynolds, Parks & Recreation Board
8. Asher Kaftan, Planning Board
9. Matthew Wiegand, Planning Board
10. Luca DeSanto, Public Arts Board
11. Andrew McClean, Public Arts Board

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

V. CONSENT AGENDA

02-027-23 Consent Agenda

The following items were pulled from the Consent Agenda:

- Commissioner Haig: Item M – 2023-2024 Annual Flower Purchase
- Item P – Special Event Application: Day on the Town
- Mayor Longe: Item S – 2022 Student Representative Certificates of Appreciation

Commissioner Boutros noted he was absent from both the February 13, 2023 workshop and regular meeting.

Commissioner Haig noted his recusal from voting on Item K, citing a personal impact stemming from the item.

MOTION: Motion by Commissioner Boutros, seconded by MPT McLain:
To approve the Consent Agenda excluding Items M, P, and S and noting Commissioner Haig’s recusal from voting on Item K.

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

Nays, None

- A. Resolution to approve the City Commission special meeting minutes of February 8, 2023.
- B. Resolution to approve the City Commission special meeting minutes of February 9, 2023.
- C. Resolution to approve the City Commission workshop meeting minutes of February 13, 2023.

- D. Resolution to approve the City Commission regular meeting minutes of February 13, 2023.
- E. Resolution to approve the Special City Commission meeting minutes of February 15, 2023.
- F. Resolution to approve the warrant list, including Automated Clearing House payments, dated February 15, 2023 in the amount of \$1,412,606.06.
- G. Resolution to approve the warrant list, including Automated Clearing House payments, dated February 22, 2023 in the amount of \$835,571.51.
- H. Resolution to enact a traffic control order for Park Street north of Oakland allowing permitted parking only on the east side of the street, to post "no parking signs" on the west side of the street and to direct the police department to enforce such an order.
- I. Resolution to approve Contract No. 23-5001, Control Section TAU 63000, Job Number 23A0194 by and between the Michigan Department of Transportation and the City of Birmingham. In addition, authorize the City Engineer to sign the agreement on behalf of the City.
- J. Resolution to approve the construction project budget and award the 2023 Quarton Lake Estates Phase 2 Project - Westwood, Raynale, and Oak Street #1-23 (P) to FDM Contracting, Inc. in the amount of \$1,062,984.25. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for this project has been budgeted in the following accounts:

Fund Account	Fund ID Number	Project Award	10% Contingencies	Total
Major Street Fund	202.0-449.001-981.0100	\$81,505.46	\$8,150.55	\$89,656.01
Local Street Fund	203.0-449.001-981.0100	\$128,234.19	\$12,823.42	\$141,057.61
Sewer Fund	590.0-537.000-981.0100	\$460,485.16	\$46,048.52	\$506,533.68
Water Fund	591.0-544.000-981.0100	\$392,759.44	\$39,275.94	\$432,035.38
Total Construction Costs		\$1,062,984.25	\$106,298.43	\$1,169,282.68

- K. Resolution to approve the construction project budget and award the 2022-2023 Cape Seal Program #6-22 (P) to Highway Maintenance and Construction in the amount of \$436,387.10. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for this project will be charged to the following accounts:

Fund Account	Fund ID Number	Project Award	10% Contingencies	Total
Local Street Fund	203.0-449.001-981.0100	\$436,387.10	\$43,638.71	\$480,025.81

AND

To approve the appropriation and amendment of the fiscal year 2022/2023 budget as follows:

Local Street Fund:

Revenues:

203.0-000.000-400.0000	Draw from Fund Balance	\$160,030.00
Total Revenue		\$160,030.00

Expenditures:

203.0-449.001-981.0100	Public Improvement	\$160,030.00
Total Expenses		\$160,030.00

- L. Resolution to approve the purchase of root control services, as quoted by Duke's Root Control, Inc. for the 2023 Sewer Root Control Program, in the amount not to exceed \$99,465.67. Funds for this purchase are available in the Sewer Fund, Other Contractual Services, account number 590.0-538.000-811.0000.
- N. Resolution to approve the appropriation and amendment to the Michigan Indigent Defense Fund for the fiscal year 2022-2023 as follows:

Revenues:

State Grant Revenue	260.0-698.000-571.0000	\$365,150.00
Local Contributions	260.0-698.000-590.0000	\$17,600.00
Total Revenues		\$382,750.00

Expenditures:

Supplies	260.0-698.000-729.0000	\$500.00
Other Charges-Attorneys	260.0-698.000-801.0400	\$373,550.00
Other Charges-Experts	260.0-698.000-803.0200	\$7,500.00
Other Charges-Training	260.0-698.000-957.0100	\$1,200.00
Total Expenditures		\$382,750

- O. Resolution to approve an increase to the City's credit card limit to \$35,000.
- Q. Resolution to approve a special event permit as requested by the Birmingham Shopping District to hold the Birmingham Farmers Market on May 7, 2023 – October 29, 2023 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.
- R. Resolution to approve a special event permit as requested by the Birmingham Department of Public Services to hold the In the Park Concert Series on Wednesdays from June 14, 2023 to August 16, 2023 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.

02-028-23 (Item M) 2023-2024 Annual Flower Purchase

Commissioner Haig Host¹ asked that the City integrate perennial pollinator gardens using Michigan native plants in future years.

¹ As amended at the March 13, 2023 meeting.

ACM Ecker said that proposal would be brought to the new Sustainability Board for consideration for next year's flower purchases.

MOTION: Motion by Commissioner Haig, seconded by Commissioner Host:
To approve the 2023-2024 Annual Flower Purchase from Croswell Greenhouse Inc. in the amount not to exceed \$22,032.25 for 2023 and \$23,133.86 for 2024. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for the Annual Flower Purchase has been budgeted for in the General Fund – Property Maintenance – Operating Supplies account #101.0-441.003-729.0000.

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

Nays, None

02-029-23 (Item P) Special Event Application: Day on the Town

Commissioner Haig noted that the insurance would expire before the date of the event.

CC Bingham stated her staff would seek updated insurance information from the Birmingham Shopping District for the special event file.

MOTION: Motion by Commissioner Haig, seconded by MPT McLain:
To approve a special event permit as requested by the Birmingham Shopping District to hold the Day on the Town on July 29, 2023, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.

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

Nays, None

02-030-23 (Item S) 2022 Student Representative Certificates of Appreciation

Mayor Longe pulled the item to acknowledge the students for their participation.

MOTION: Motion by Mayor Longe, seconded by Commissioner Boutros:
To recognize the following nine student representatives for their service in 2022 on Birmingham boards and committees and award each student a certificate in appreciation for their civic involvement:

Historic District Commission /
Design Review Board

Meghan Murray
Charlie Vercellone

Multi-Modal Transportation Board	Isabela Betanzos Ben Rosenfield
Museum Board	Jordan Snyder
Planning Board	MacKinzie Clein Andrew Fuller
Parks & Recreation Board	Zachary Miketa Matthew Windsor

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

Nays, None

VI. UNFINISHED BUSINESS

02-031-23 Public Hearing for 300 S. Old Woodward – RH – Special Land Use Permit Amendment, Final Site Plan & Design Review

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

PD Dupuis presented the item.

Victor Saroki, architect, said the applicant team was available to answer any questions.

Seeing no public comment, the Mayor closed the public hearing at 8:05 p.m.

PD Dupuis and Mr. Saroki answered brief informational questions from the Commission.

Commissioner Haig recommended that future motion language specify the permitted type of cut-off light fixture.

PD Dupuis noted the recommendation. He added that the permitted type of cut-off light fixtures were specified in the plans, and that SLUP approvals are tied to site plan approval.

Commissioner Host noted that the plan changes resulted in a gain of two parking spots.

PD Dupuis confirmed that to be the case.

The Mayor noted that the Commission’s previous comments regarding sensitivity to parking in the neighborhoods still stood. She said the Commission was thrilled with the development but did not want it to cause a parking burden on the surrounding neighborhoods.

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

To approve the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 300 S. Old Woodward – RH. In addition, to authorize the Mayor and City Clerk to sign the Amended Contract for an Economic Development Liquor License on behalf of the City.

In reply to Commissioner Boutros, Mr. Saroki explained the new design would allow the restaurant to face S. Old Woodward, which he said would be advantageous to the City’s urban environment in that area. Commissioner Host expressed a concern about the development’s parking deficit, and noted that the two nearby parking decks have a waiting list for parking permits.

The Mayor explained that the waiting list in the two nearby decks is for monthly parking permits, which does not correlate to the number of daily and transient spaces available in the decks. She stated that Commissioner Host’s concerns were noted.

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

 Nays, Commissioner Host

VII. NEW BUSINESS

02-032-23 Public Hearing to amend Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide clear and enforceable outdoor dining standards

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

PD Dupuis presented the request to table consideration.

Seeing no public comment, the Mayor closed the public hearing at 8:05 p.m.

PD Dupuis answered brief informational questions from the Commission.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Haig:
To table consideration of the ordinance amendments to Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide staff with time to adjust the proposed language and address the concerns of the City Commission.

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

 Nays, None

02-033-23 2022 Liquor License Establishment Review and Consideration for 2023 License Renewal (Part 1)

The Mayor noted that La Strada Italian Kitchen and Bar would be handled as a separate item. She stated she would recuse herself from its consideration based on her spouse's present business relationship with the applicant.

MOTION: Motion by Commissioner Boutros, seconded by MPT McLain:
To approve the renewal of liquor licenses for the 2023 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:

- 220 Merrill
- Adachi
- All Seasons Senior Living (Hospitality of Birmingham)
- Bella Piatti, LLC
- Birmingham Pub
- Birmingham Theater
- Brooklyn Pizza
- Churchills Bistro
- Community House
- Dick O'Dows
- Elie's Mediterranean
- EM
- Emagine Palladium
- Fleming's Prime Steakhouse
- Forest Grill 2, LLC
- Griffin Claw Brewing Company
- Hazel Ravines & Downtown
- Hyde Park Steak House
- Lincoln Hills Golf Course
- Luxe Bar and Grille
- Mare Mediterranean
- Market North End
- Phoenicia Restaurant
- Salvatore Scallopini
- Sidecar/Slice/Shift
- Social Kitchen and Bar LLC
- Springdale Golf Course
- Streetside Seafood
- Sushi Japan
- Tallulah Wine Bar & Bistro
- The Daxton Hotel
- The Morrie Birmingham, LLC
- Townhouse Kitchen & Bar LLC
- Townsend
- Whistlestop
- Zana

Commissioners Host and Boutros thanked the Staff for their work on the item.

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

Nays, None

02-034-23 2022 Liquor License Establishment Review and Consideration for 2023 License Renewal (Part 2)

The Mayor stepped out of the room based on her recusal from the item. MPT McLain assumed facilitation of the meeting.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Haig:
To approve the renewal of liquor licenses for the 2023 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:

- La Strada Italian Kitchen and Bar

VOICE VOTE: Ayes, MPT McLain
Commissioner Boutros
Commissioner Haig
Commissioner Host

Nays, None

02-035-23 2022 Liquor License Establishment Review and Consideration for 2023 License Renewal (Part 3)

The Mayor resumed facilitation of the meeting.

PC Grewe answered brief informational questions from the Commission.

CA Kucharek clarified that the Commission would be able to determine whether each establishment's proposed corrective action was sufficient, and to determine whether the City should file objections with the Michigan Liquor Control Commission for the renewal of the listed establishments' licenses.

Commissioner Haig Host² noted that Toast had 27 excess interior seats, in violation of its SLUP, for the last four years in a row. He stated that they have been a persistent offender.

MOTION: Motion by Commissioner Boutros, seconded by MPT McLain:
To make a motion adopting a resolution to set public hearings on Monday, March 27, 2023 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:

- Casa Perno
- Papa Joe's/Bistro Joe's
- Toast
- Whole Foods

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 27, 2023 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.

² As amended at the March 13, 2023 meeting.

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

Nays, None

Commission Items for Future Discussion

02-036-23 To Discuss Benches, Little Library, and Corner Designation in Honor of Pat Andrews

MOTION: Motion by Commissioner Host, seconded by MPT McLain:
To discuss the potential dedication of benches, little library, and corner designation in honor of Pat Andrews.

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

Nays, None

Commission Discussion On Items From A Prior Meeting

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of intention to appoint to the Multi Modal Transportation Board
- B. Commissioner Comments

Mayor Longe noted that once CA Kucharek provides further clarification regarding the proposed Code of Conduct, the Commission would have 14 calendar days from that date to submit comment to the City Manager.

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. 2nd Quarter Investment Reports
 - 2. 2nd Quarter Financial Reports
 - 3. Train Emergency Response and Safety Staff Report
 - 4. City Manager's Report

ACM Ecker presented the item.

5. City Manager Selection Next Steps - Save the Date

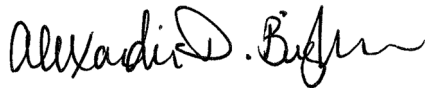
Mayor Longe presented the item.

Commissioners Boutros and Haig noted they would be unavailable on the proposed special meeting date of March 20, 2023.

INFORMATION ONLY

XI. ADJOURN

Mayor Longe adjourned the meeting at 8:35 p.m.



Alexandria Bingham, City Clerk



Laura Eichenhorn, City Transcriptionist