

**Birmingham City Commission Minutes**  
**March 13, 2023**  
**Municipal Building, 151 Martin**  
**7:30 p.m.**  
**Vimeo Link: <https://vimeo.com/807722625>**

**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 Baller  
Commissioner Boutros  
Commissioner Haig  
Commissioner Host  
Commissioner Schafer

Absent: None

Staff: CM Markus; City Clerk Bingham, City Engineer Coatta, Planning Director Dupuis, Assistant City Manager Ecker, City Attorney Kucharek, Department of Public Services Director Zielinski

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

**03-037-23 Moving Item D2 to the Beginning of New Business**

Commissioner Host asked that Item D2, Green Space East of Chesterfield Fire Station - Pat Andrews Bench & Little Library, be considered as the first item under new business.

**MOTION:** Motion by Commissioner Host, seconded by MPT McLain:  
To move Item D2, Green Space East of Chesterfield Fire Station - Pat Andrews Bench & Little Library, to be the first item under New Business.

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

Nays, None

**03-038-23 Adding Commission Items for Future Discussion Back Onto the Agenda**

The Mayor noted that 'Commission Items for Future Discussion' was inadvertently left off the agenda.

**MOTION:** Motion by Mayor Longe, seconded by Commissioner Host:  
To make 'Commission Items for Future Discussion' Item D, and 'Commission Discussion On Items From A Prior Meeting' Item E.

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

Nays, None

### **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 Oakland County Treasurer's Office is in the final stretch of its Foreclosure Prevention efforts. The tax foreclosure deadline for the 2020 or prior year taxes is on March 31, 2023. A property will be considered foreclosed if 2020 or prior taxes are not paid off by March 31, 2023 or if a repayment schedule hasn't been filed with the County Treasurer's office by March 31, 2023.
- Since December of 2022, the County Treasurer's office has conducted over 1,000 Taxpayer Assistance Meetings to assist taxpayers with keeping their properties by working with them to get on a repayment schedule and/or by identifying resources that may be beneficial to their situation. The Oakland County Treasurer's Office is here to help and strongly encourages taxpayers to contact the office before the tax foreclosure deadline if they have delinquent taxes for 2020 or prior tax years. Taxpayers interested in scheduling a Taxpayer Assistance Meeting may call the Oakland County Treasurer's Office at 248-858-0611 or at [www.oakgov.com/treasurer](http://www.oakgov.com/treasurer). Additional information from the Oakland County Treasurer's Office is included in the beginning of this agenda packet.
- City Manager Recruitment – The Commission unanimously voted to appoint current Assistant City Manager Jana Ecker to be the new City Manager after CM Markus completes his second retirement. The Commission congratulated ACM Ecker.
- Happy Birthday Commissioner Baller!

### **Appointments**

#### **03-039-23 Appointment to the Multi-Modal Transportation Board**

CC Bingham noted that Mark Doolittle could not be in attendance. The Mayor noted that Mr. Doolittle was last interviewed and appointed in November 2022, and invited a motion to appoint based on the fact that he was recently interviewed and appointed.

**MOTION:** Nomination by Commissioner Baller:  
To appoint Mr. Doolittle as a regular member to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2026.

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

Nays, None

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

**V. CONSENT AGENDA**

**03-040-23 Consent Agenda**

The following items were pulled from the Consent Agenda:

- Commissioner Haig: Item A – City Commission Minutes of February 27, 2023  
Item D – Zamboni Ice Resurfacer Purchase
- Commissioner Baller: Item F – Parking Lot No. 5 Slope Repair Contract - #4-23 (S) Contract Award

**MOTION:** Motion by Commissioner Boutros, seconded by MPT McLain:  
To approve the Consent Agenda excluding Items A, D, and F, and to note that Commissioners Schafer and Baller were absent from Item A.

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

Nays, None

- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 1, 2023 in the amount of \$5,602,741.71.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 8, 2023 in the amount of \$1,358,948.79.
- E. Resolution to approve an agreement with L.G.K. Construction, Inc., for Birmingham Museum-Phase II Allen House Historic Window Restoration Project in the amount not to exceed \$178,900. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. The

window restoration portion of the project of \$159,100 is to be charged to 101.0-804.002-811.0000 in fiscal year 2022-2023, while the storm window portion of the project of \$19,800 is to be charged to 101.0-804.002-811.0000 in fiscal year 2023-2024.

- G. Resolution to approve the appropriation and amendment of the 2022/2023 budget for the emergency repairs of the parking lot screenwalls at the Shain Park Parking Lot and Parking Lot No. 6 as follows:

General Fund:

Revenues:		
Draw from Fund Balance	101.0-000.000-400.0000	\$2,500.00
Expenditures:		
Other Contractual Services	101.0-751.000-811.0000	\$2,500.00

Automobile Parking System:

Revenues:		
Draw from Fund Balance	514.1-000.000-400.0000	\$7,500.00
Expenditures:		
Other Contractual Services	514.1-594.006-811.0000	\$7,500.00

- H. Resolution approving the addendum to the contract to Wiss, Janney, Elstner Associates, Inc. for the proposed Repair Design & Construction Document Development for Park, Peabody, Pierce, Chester, and North Old Woodward parking Structures in the amount of \$192,000.00; further, to charge the contract to each structure's capital outlay account as costs are incurred. Furthermore, to authorize the Mayor and City Clerk to sign the contract on behalf of the city.
- I. Resolution to set a public hearing date of April 3, 2023 to consider the lot combination of 34350 Woodward Ave and 909-911 Haynes Street, parcel # 19-36-281-022 and parcel # 19-36-281-030.

**03-041-23 (Item A) City Commission Minutes of February 27, 2023**

**MOTION:** Motion by Commissioner Haig, seconded by Commissioner Host:  
To approve the City Commission meeting minutes of February 27, 2023 as amended.

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

Nays, None

**03-042-23 (Item D) Zamboni Ice Resurfacer Purchase**

Citing concerns about intermittent charging and potential damage to the control board, Commissioner Haig asked that there be a process to allow the Zamboni to be correctly and adequately charged.

The Mayor thanked Commissioner Haig for the comment and said she was sure Staff would build that into their processes.

**MOTION:** Motion by Commissioner Haig, seconded by MPT McLain:  
 To approve the agreement with Zamboni Company USA, Inc. for the purchase of an Electric Zamboni model 552 AC lithium battery option in an amount not to exceed \$192,718.80. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. The \$25,000 deposit will be paid out of account #661.0-441.006-971 immediately. Funding for the remainder of the purchase has been requested and budgeted in account #661.0-441.006-971.0100 for the 2023-2024 fiscal year.

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

Nays, None

**03-043-23 (Item F) Parking Lot No. 5 Slope Repair Contract - #4-23 (S) Contract Award**

Commissioner Baller asked for a summary of the entailed improvements.

CE Coatta provided an overview, and CE Coatta, DPSD Zielinski, and CM Markus answered brief informational questions from the Commission.

**MOTION:** Motion by Commissioner Baller, seconded by Commissioner Boutros:  
 To approve the construction project budget and award the Parking Lot No. 5 Slope Repairs #4-23 (S) to V.I.L. Construction in the amount of \$230,093.00. In addition, to authorize the Mayor and City Clerk to sign the agreements on behalf of the City. Funding for this project will be charged to the following accounts:

Fund Account	Fund ID Number	Project Award	5% Contingencies	Total
Automobile Parking System	514.1-594.005-981.0100	\$230,093.00	\$11,504.65	\$241,597.65

Further, to approve the appropriation and amendment of the fiscal year 2022/2023 budget as follows:

Automobile Parking System:

Revenues:		
Draw from Fund Balance	514.1-000.000-400.0000	\$136,600.00
Expenditures:		
Public Improvements	514.1-594.005-981.0100	\$136,600.00

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

Nays, None

**VI. UNFINISHED BUSINESS**

**VII. NEW BUSINESS**

**Green Space East of Chesterfield Fire Station - Pat Andrews Bench & Little Library**

Commissioner Host presented the request. CM Markus stated Staff discussed the installation of a bench and of a Little Library that resembled Ms. Andrews' house and garage museum. He noted that while much of the green space would remain open, the City could likely create a tribute that would be satisfactory to Ms. Andrews' family and the larger community.

There was Commission consensus that Staff should return with a proposed design and cost estimates so community contributions could be solicited.

The public in attendance in regards to the item non-verbally demonstrated their assent to the proposal.

**03-044-23 Public Hearing for 34350 Woodward Ave & 909-911 Haynes Street – Fred Lavery Porsche Dealership – Special Land Use Permit, Final Site Plan & Design Review (Request to Postpone)**

The Mayor opened the public hearing at 7:57 p.m.

PD Dupuis explained the request to postpone.

Seeing no public comment, the Mayor closed the public hearing at 7:58 p.m.

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner Host:  
To postpone the public hearing and consideration of the Special Land Use Permit, Final Site Plan and Design Review application for 34350 Woodward Ave and 909-911 Haynes Street – Fred Lavery Porsche – to April 3, 2023 per the request of the applicant to provide for a simplified review process with the Special Land Use Permit and lot combination applications being considered at the same meeting.

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

Commissioner Schafer  
Commissioner Baller

Nays, None

**03-045-23 Lincoln Hills Golf Course – Hole #1 Tee-Box and Cart Path Improvements  
Contract #2-23 (G) Contract Award**

CE Coatta presented the item. CE Coatta and CM Markus answered informational questions from the Board.

In reply to Commissioner Baller, CM Markus and CE Coatta stated that alternatives to the proposed project were explored. Both explained why this option was selected over the other considered alternatives.

In reply to Commissioner Baller, CM Markus emphasized that this project was urgent in terms of risk and danger of collapse. He said options to defray the costs, such as naming rights, could be explored in the future if desired by the Commission.

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner Haig:  
To approve the construction project budget and award Lincoln Hills Golf Course – Hole #1 Tee-Box and Cart Path Improvements Contract #2-23 (G) to Jacklyn Contracting, LLC to not exceed \$943,392.45. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City after the review of Jacklyn Contracting, LLC’s insurance and bonds, contingent upon execution of the agreement and meeting all insurance and bonding requirements. Funding for this project has been budgeted in the following account:

Fund Account	Fund ID Number	Project Award	5% Contingencies	Total
Recreation & Culture - Public Improvements	584.1-753.001- 981.0100	\$898,469.00	\$44,923.45	\$943,392.45

Further, to approve the appropriation and amendment of the fiscal year 2022/2023 budget as follows:

Recreation & Culture

Revenues:

584.1-000.000-400.0000	Draw from Fund Balance	\$943,400.00
	Total Revenue	\$ 943,400.00

Expenditures:

584.1-753.001-981.0100	Public Improvement	\$ 943,400.00
	Total Expenses	\$ 943,400.00

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

Nays, None

The Mayor thanked Staff for the presentation.

**03-046-23 Continued Deliberations From The Preceding Special Meeting If Necessary Regarding The City Manager Search**

CM Markus recommended that a Commissioner and the City Attorney participate in negotiating a mutually agreeable employment agreement establishing the terms and conditions of employment between the selected candidate and the City of Birmingham. He provided brief guidance on what the Commission should keep in mind during the negotiation process.

In reply to the Mayor, MPT McLain said she would be glad to participate in the discussions.

Commissioner Baller suggested that more than one Commissioner be involved in the negotiations, and suggested that the participating Commissioners contribute actively in the negotiations.

Commissioners Haig and Host concurred that more Commission participation would be beneficial.

CA Kucharek provided an overview of the City's past hiring practices for City Managers. She noted that three Commissioners could participate in the negotiation process, and those negotiations would become public meetings. She also suggested the Commission could consider having her colleague in labor law negotiate the contract. She advised against having the negotiations as public meetings, in part because it would preserve the City's ability to effectively negotiate in the future. She noted that the Commission would have the ability to approve or reject any aspect of the proposed agreement.

MPT McLain stated that she had experience participating in hiring processes both in her professional and previous volunteer roles.

The Mayor noted that if one of the concerns was performance expectations, those would be included in many other points in the process of working with the new City Manager.

CM Markus noted that the City did strategic planning at the end of 2022 partially in order to clarify those expectations.

Given Commission discussion, a compromise of two Commissioners joining the negotiations in observational roles was reached.

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner Schafer:  
To appoint Mayor Longe and Mayor Pro Tem McLain to witness the agreement negotiations between the City Attorney and incoming City Manager Jana Ecker.

In reply to Commissioner Baller, CA Kucharek said Mayor Longe and Mayor Pro Tem McLain could offer suggestions through the City Attorney, and not in an active discussion with Ms. Ecker.

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



Commissioner Baller

Nays, None

**Commission Items for Future Discussion**

**03-047-23 Community Foundation**

**MOTION:** Motion by Commissioner Baller, seconded by Commissioner Host:  
To discuss affirming that the City will not be involved in establishing a community foundation.

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

Nays, None

**03-048-23 Special Events Policy**

**MOTION:** Motion by Commissioner Baller, seconded by Commissioner Host:  
To discuss creating a City policy regarding City sponsorship and administration of special events.

In reply to Commissioner Boutros, CM Markus said he was clear on what discussion of this topic would entail.

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

Nays, None

**Commission Discussion On Items From A Prior Meeting**

**03-049-23 Establishment of an Ad Hoc Senior Services Committee**

**MOTION:** Motion by Mayor Longe, seconded by Commissioner Host:  
To discuss establishing an Ad Hoc Senior Services Committee.

In reply to Commissioner Boutros, Mayor Longe stated that while the last Ad Hoc Senior Services Committee was multi-jurisdictional, this one would focus solely on serving the needs of Birmingham seniors. The Mayor clarified that this motion and the potential Ad Hoc Senior Services Committee would not preempt the City Manager's work with NEXT. The Mayor observed that the proposed tasks of the Ad Hoc Senior

Services Committee were different from the senior services work the Commission previously directed CM Markus to pursue.

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

Nays, None

**VIII. REMOVED FROM CONSENT AGENDA**

**IX. COMMUNICATIONS**

**X. REPORTS**

- A. Commissioner Reports
  - 1. Notice of intention to appoint to the Board of Building Trades Appeals
  - 2. Notice of intention to appoint to the Brownfield Redevelopment Authority
- B. Commissioner Comments

The Mayor stated the City was awarded \$447,213 in carbon reduction program funding from SEMCOG. For fiscal year 2024, the City will receive approximately \$143,000 for the Birmingham Street Light Conversion - Phase 1, and for fiscal year 2025 the City will receive approximately \$304,000 for the Birmingham Street Light Conversion - Phase 2.

The Mayor congratulated all the Staff that worked on the grant applications.

Commissioner Schafer shared that the Quarton School just became a Green School. She mentioned that a former Birmingham teacher opened a store, 86 Plastic, in Troy, MI with a zero-waste, bulk foods bar in order to help eliminate plastic waste. The Commissioner said she hoped the owner would open something similar in Birmingham. She also said reducing disposable plastic bag usage in the community was important.

The Mayor suggested that PD Dupuis could encourage the use of reusable shopping bags in his Green column.

MPT McLain acknowledged PSM Ford and stated she received numerous phone calls about how user-friendly the new parking garage entry equipment is. She stated that the experience was very seamless and said that the community truly appreciated it.

MPT McLain stated that the State of the County would be held on March 14, 2023, that it could be watched live online, and that she would report back on the topic.

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D.     Legislation
- E.     City Staff

1. City Commission Code of Conduct Review

CA Kucharek summarized the item. The Mayor noted the Commission had 14 days from March 13, 2023 to turn in comments.

INFORMATION ONLY

The Mayor urged Commissioners and the public to review the pre-print included in INFORMATION ONLY regarding the City's tax and millage rates.

MPT McLain recommended the City create a pop-up box on the front page of the City's website to direct visitors to the explanatory documents regarding the City's tax and millage rates.

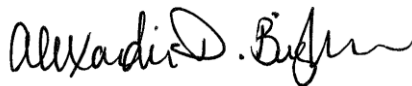
Commissioner Haig noted the City has higher property values than many surrounding communities, and that results in higher taxes.

In reply to Commissioner Baller, CM Markus said that the IO Item "Downtown Publications City of Birmingham MI Mail - Fwd\_ Weekly update" should have been the article entitled "[Bloomfield trustees review historic discrimination](#)" from Downtown Newsmagazine, dated March 3, 2023.

CM Markus stated he shared the item because the guidance on how to remove exclusionary language from property deeds in Bloomfield applied to Birmingham residents as well.

**XI. ADJOURN**

Mayor Longe adjourned the meeting at 9:08 p.m.



Alexandria Bingham, City Clerk



Laura Eichenhorn, City Transcriptionist