

Birmingham City Commission Minutes
April 3, 2023
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: <https://vimeo.com/812277727>

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

Deputy City Clerk Woods called the roll.

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

Absent: None

Staff: City Manager Markus; Planning Director Dupuis, Assistant City Manager Ecker, Police Chief Grewe, City Attorney Kucharek, Deputy City Clerk Woods

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.
- Happy Birthday Commissioner Schafer

Appointments

04-073-23 Parks & Recreation Appointment

Joe Wrobel was interviewed for the appointment.

MOTION: Nomination by Commissioner Baller:

To appoint Joe Wrobel to the Parks and Recreation Board as an alternate 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
Commissioner Schafer
Commissioner Baller

Nays, None

PC Grewe introduced and recognized the following promotees:

1. Dispatcher Jamie Debanò – Promoted to Dispatch Manager on March 18, 2023.
2. Officer Michael Manzo – Promoted to Patrol Sergeant on March 27, 2023.
3. Officer Jordan Zale – Promoted to Patrol Sergeant on January 13, 2023.
4. Sgt. Alex Linke – Promoted to Patrol Lieutenant on January 13, 2023.
5. Lt. Ryan Kearney – Promoted to Operations Captain on December 6, 2022.

The five promotees were sworn in by DCC Woods. It was noted that Mr. Wrobel would be sworn in at a later date.

The Mayor congratulated and thanked the promotees.

CM Markus stated that, with the Commission’s concurrence, it would become a regular occurrence for City Departments to introduce and recognize their new employees and promotees at Commission meetings. He stated that the intent was to promote more of an esprit de corps.

A number of Commissioners expressed enthusiasm for the idea and thanked CM Markus for implementing the idea.

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

V. CONSENT AGENDA

04-074-23 Consent Agenda

The following items were pulled from the Consent Agenda:

Commissioner Haig: Item E – Set Public Hearing – The Birmingham Plan 2040

MOTION: Motion by Commissioner Boutros, seconded by MPT McLain:
To approve the Consent Agenda excluding Item E.

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

Nays, None

- A. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 29, 2023 in the amount of \$1,988,743.60.

- B. Resolution approving an emergency water line repair expenditure and approving the appropriation and amendment of the 2022/2023 budget as follows:

Automobile Parking System:

Revenues:		
Draw from Fund Balance	514.1-000.000-400.0000	\$32,040.00
Expenditures:		
Other Contractual Services	514.1-594.008-811.0000	\$32,040.00

- C. Resolution to approve a change order to the 2022 Concrete Sidewalk Program #8-22 (SW) for the 2023 Concrete Sidewalk Program #6-23 (SW) in the amount not to exceed of \$490,120.00 once the 2023/2024 budget is approved. In addition, to authorize the City Engineer to sign the Change Order on behalf of the City. Funding for this project has been budgeted in the following accounts:

Fund Account	Fund ID Number	Budget	Change Order Amount
General Sidewalk	101-444.001-981.0100	\$340,750.00	\$340,750.00
Major Streets Fund	202-449.001-981.0100	\$86,385.00	\$86,385.00
Local Street Fund	203-449.001-981.0100	\$62,985.00	\$62,985.00

- D. Resolution to approve a change order to the 2021 Sewer Rehabilitation Program #8-21 (S) for the 2022-2023 Sewer Rehabilitation Program #8-23 (S) in the amount not to exceed of \$460,000.00. In addition, to authorize the City Engineer to sign the Change Order on behalf of the City. Funding for this project has been budgeted in the following accounts:

Fund Account	Fund ID Number	Budget	Change Order Amount
Sewer Fund	590.0-537.000-981.0200	\$460,000.00	\$460,000.00

- F. Resolution to increase the golf course fees by the following amounts:

- Memberships for Non-Residents and Businesses by \$25.
- Memberships for Residents by \$5.
- Individual fees for rounds of golf by 50 cents for both weekday and weekends for Adult Member, Sr/Jr Member, Adult Guest and Sr/Jr Guest.

- G. Resolution to approve the application to request reimbursement for the maximum allotment of \$2,705.23 for eligible mosquito control activity under Oakland County’s West Nile Virus Fund Program.

04-075-23 (Item E) Set Public Hearing – The Birmingham Plan 2040

In reply to Commissioner Haig, CM Markus clarified that the motion was to set a public hearing to consider the Planning Board’s recommendation, not to presently adopt and approve the Planning Board’s recommendation. He stated that he anticipated changes to the Birmingham Plan 2040 being recommended at the public hearing.

MOTION: Motion by Commissioner Haig, seconded by Commissioner Boutros:

To set a public hearing date of May 22, 2023 to consider the recommendation of the Planning Board to adopt and approve in its entirety the Birmingham Plan 2040, inclusive of all maps, plats, charts, and other related matter, figures and the Future Land Use Map.

MPT McLain thanked CM Markus for the clarification.

In reply to Commissioner Baller, CM Markus stated that he anticipated the Commission would hold more than one public hearing on the Birmingham Plan 2040.

Public Comment

David Bloom raised concerns about some of the zoning maps in the Birmingham Plan 2040, and about whether the public hearing format would allow for adequate dialogue between the Commission, the Planning Board, and the public.

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

Nays, None

VI. UNFINISHED BUSINESS

04-076-23 Public Hearing for 2023 Liquor License - Whole Foods

The Mayor opened the public hearing at 7:50 p.m.

CA Kucharek presented the item.

Kelly Allen, attorney, spoke on behalf of the establishment.

Seeing no public comment, the Mayor closed the public hearing at 7:52 p.m.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Haig:
To accept the termination and relinquishment of the Special Land Use Permit held by Whole Foods upon the onset of construction, or a violation of the Special Land Use Permit, or a maximum of 90 days from today, or whichever event occurs first.

In reply to MPT McLain, Ms. Allen confirmed that the permitting process for the construction was underway.

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

Commissioner Haig

Nays, None

VII. NEW BUSINESS

04-077-23 Public hearing for a lot combination of 34350 Woodward Avenue and 909-911 Haynes Street, Fred Lavery Porsche, Parcel #19-36-281-022 and Parcel #19-36-281-030. (Request to Table)

The Mayor opened the public hearing at 7:53 p.m.

PD Dupuis presented the request.

Seeing no public comment, the Mayor closed the public hearing at 7:54 p.m.

Commissioner Baller noted that this and other items associated with this project would require a considerable amount of review. He recommended that Staff schedule the review based on the City's scheduling needs and not the applicant's.

In reply to MPT McLain, PD Dupuis confirmed that the roads surrounding the project would be a focal point of the review.

MOTION: Motion by MPT McLain, seconded by Commissioner Schafer:
To table the public hearing and consideration of the lot combination of 34350 Woodward Ave and 909-911 Haynes Street, Fred Lavery Porsche, parcel #19-36-281-022 and parcel #19-36-281-030 per the request of the applicant in order to have the SLUP hearing and lot combination on the same date.

In reply to Commissioner Boutros, the Mayor explained the present request to table from the applicant was similar to the prior request to table, in that the applicant was not yet ready to discuss the SLUP.

CM Markus confirmed that discussions between Staff and the applicant regarding the SLUP were still ongoing.

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

Nays, None

04-078-23 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 Table)

The Mayor opened the public hearing at 7:59 p.m.

PD Dupuis presented the item.

Seeing no public comment, the Mayor closed the public hearing at 7:59 p.m.

In reply to Commissioner Haig, CM Markus stated that Staff was being consistent in the proposed SLUP's language and assignment of responsibilities.

MOTION: Motion by MPT McLain, seconded by Commissioner Host:
To table the public hearing and consideration of the Special Land Use Permit, Final Site Plan and Design Review application for 34350 Woodward Ave – Fred Lavery Porsche – per the request of the applicant to allow more time to review conditions of the SLUP contract.

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

Nays, None

04-079-23 Special Event Application: Cogs & Kegs

DCC Woods and CM Markus presented the request.

Andrea Hamilton, Executive Director of the MIU Men's Health Foundation, spoke on behalf of the request and answered brief informational questions about the event.

Commissioner Baller recommended that the City help publicize the event.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Baller:
To approve a special event permit as requested by the MIU Men's Health Foundation to hold the Cogs & Kegs bicycle ride on June 12, 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.

Public Comment

Mr. Ellman thanked Ms. Hamilton for the flyer about the event.

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

Nays, None

04-080-23 DTE Issues

ACM Ecker presented the item. She noted that the \$3,133 membership fees were actually 0.3% of the City’s total annual regulated utility costs, and not the 0.03% indicated in the report.

Valerie Brader, council for the Michigan Municipal Association for Utility Issues (MI-MAUI), and Rick Bunch, executive director of MI-MAUI spoke on behalf of the organization and answered brief informational questions from the Commission.

Commissioner Baller commended ACM Ecker for her work on the item.

In reply to Commissioner Baller, ACM Ecker said she would likely be the liaison to MI-MAUI to start, and would occasionally involve the City Attorney and Engineering Staff as well. She also confirmed that she would report back to the Commission on the value gained from association with MI-MAUI and would make recommendations about whether to continue that association after the first year.

MPT McLain said that MI-MAUI could provide the City with more effective advocacy opportunities. She thanked ACM Ecker and Staff for their work on the item.

MOTION: Motion by MPT McLain, seconded by Commissioner Host:
To join the City together with other local governments and public agencies to influence regulatory processes and utility practices through participation in the Michigan Municipal Association for Utility Issues, in the amount of \$3,133 for a one-year membership. Funding for this project is available in account #101-170.000-955.03.

Commissioner Host expressed hope that participating in the coalition would result in DTE listening to the City’s concerns more attentively.

Commissioner Haig shared excerpts from an email he received from the Michigan Public Service Commission (MPSC). He said he hoped joining MI-MAUI would allow the MPSC to help regulate DTE more effectively.

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

Nays, None

The Mayor thanked MI-MAUI for their work and said the City was pleased to join in the organization’s efforts.

Commission Items for Future Discussion

In reply to the Mayor, CM Markus stated that PD Dupuis would recommend that the northeast corner of S. Eton and Lincoln be zoned public property at the Commission’s public hearing on the 2040 Birmingham Plan.

In reply to Commissioner Baller, there was Commission consensus to have the future Sustainability Board address concerns about leafblowers.

The Mayor said Staff could notify the Sustainability Board that leafblower concerns were of particular interest to the Commission.

Commission Discussion On Items From A Prior Meeting

04-081-23 Administering a Foundation or Charity

CA Kucharek summarized the topic.

MOTION: Motion by Commissioner Baller, seconded by MPT McLain:
To formally receive CA Kucharek’s recommendations on the item and to resolve that for the foreseeable future the City has no intention of creating a foundation.

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

Nays, None

Staff advised the Commission that:

- More than three Commissioners serving on such a foundation’s board would constitute a Commission quorum;
- On occasion there could be a conflict of interest between a Commissioner’s service on such a foundation’s board and their work on the Commission; and,
- If a Commissioner wanted to serve on the foundation’s board, the City Attorney should be consulted beforehand in order to advise on any potential Ethics ordinance implications.

Discussion on Policy for Sponsoring and Administering Events

Commissioner Baller summarized the topic.

CM Markus described the funding and volunteer support that would be needed for the City to implement programming. He stated that a community foundation would likely be well-suited for these tasks.

There was Commission consensus to further discuss the proposal in a workshop setting.

04-082-23 Establishing an Ad Hoc Senior Services Committee

The Mayor summarized the topic.

MOTION: Motion by Mayor Longe, seconded by Commissioner Haig:

To move forward as a future formal agenda item the formation of an Ad Hoc Senior Services Committee and for City Staff to recommend the positions on it and how they might be filled.

The Mayor stated that this would not compete with, or supplant, NEXT. She clarified that the goal would be to ascertain trends and needs of the City's senior population.

CM Markus encouraged the Commission to invite the Executive Director of NEXT to be part of any such committee.

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

Nays, None

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

Jay Shell, Birmingham Farms Neighborhood Association, presented his communications which can be found in the evening's agenda packet.

CM Markus provided an informational response to Mr. Shell's concerns. He reviewed Items 9A3, 9A4, and 9A5 as part of his response. He said that in order to change zoning ordinances there would have to be evidence that larger homes were resulting in a larger strain on the electric grid relative to previous, smaller homes, since that was the concern being raised. He said that DTE and/or MI-MAUI, in conjunction with ACM Ecker, should be able to provide Mr. Shell with information regarding any potential increase in electric usage of Birmingham homes over a given period of time.

In reply to Commissioner Baller, Mr. Shell stated his concern was that increased residential growth, and attendant electrical demand, might be contributing to some of the City's electrical service disruptions.

Commissioners Baller and Boutros thanked Mr. Shell for raising the matter and for his engagement.

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of Intention to Appoint to the Parks and Recreation Board
- B. Commissioner Comments

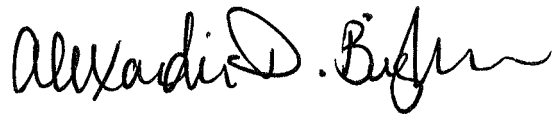
MPT McLain thanked DCC Woods for participating in the Polar Plunge.

Commissioner Boutros thanked PC Grewe for his work on the evening's workshop.

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

XI. ADJOURN

Mayor Longe adjourned the meeting at 9:42 p.m.

A handwritten signature in black ink, appearing to read "Alexandria Bingham". The signature is fluid and cursive.

Alexandria Bingham, City Clerk

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

Laura Eichenhorn, City Transcriptionist