

Birmingham City Commission Minutes
May 8, 2023
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: <https://vimeo.com/822337549>

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: City Manager Markus; City Clerk Bingham, Assistant Director of Engineering Borton, City Engineer Coatta, Planning Director Dupuis, Assistant City Manager Ecker, Parking Services Manager Ford, Finance Director Gerber, City Attorney Kucharek, Parks and Recreation Manager Laird, Department of Public Services Director Zielinski

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

Announcements

- Proclamation Celebrating May as Jewish-American Heritage Month
- On May 1, 2023, Mayor Longe recognized 33 high school and middle school students who performed community service as members of the Birmingham Youth Assistance Youth in Service Program. These students set an excellent example for their peers, and they are appreciated for their contributions to the community.
- The DPS Open House will be on Saturday, May 13, 2023, from 10 a.m. to 2 p.m. at the Public Services facility at 851 S. Eton. The event promises to be a day of family fun, offering visitors the opportunity to meet City staff, view equipment displays, and peruse informational and educational exhibits. In addition, hot dogs and refreshments will be available to enjoy.
- The 2023 Celebrate Birmingham Parade and Party will be held on Sunday, May 21, 2023 beginning with the Parade at 1 pm on N. Old Woodward near Booth Park and concluding

in Shain Park, where there will be a celebration with entertainment and family-friendly activities. The festivities in Shain Park will come to a close at 4 p.m.

Appointments

Jane Hoffman was interviewed for, but not appointed to, the Parks and Recreation Board. Commissioners Host and Haig encouraged Ms. Hoffman to consider submitting an application for another board position.

05-098-23 Appointment to the Board of Building Trades Appeals

Victor Saroki was interviewed by the Commission for the appointment.

MOTION: Nomination by MPT Boutros:

To appoint Victor Saroki to the Board of Building Trades Appeals as a regular member to serve the remainder of a three-year term to expire May 23, 2025.

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

Nays, None

05-099-23 Appointment to the Board of Building Trades Appeals

Bradley H. Klein was interviewed by the Commission for the appointment.

MOTION: Nomination by Commissioner Host:

To appoint Bradley H. Klein to the Board of Building Trades Appeals as a regular member to serve a three-year term to expire May 23, 2025.

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

Nays, None

05-100-23 Appointment to the Brownfield Redevelopment Authority

The Mayor noted that while Robert Runco was not present for an interview, he had served on the Board since 2005.

MOTION: Nomination by Commissioner Host, seconded by Commissioner Boutros:
To concur with the Mayor's appointment of Robert Runco as a regular member to the Brownfield Redevelopment Authority to serve a three-year term to expire May 23, 2026.

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

Nays, None

The Mayor noted for the public that the Brownfield Redevelopment Authority had additional openings.

05-101-23 Appointment to the Parks and Recreation Board

Jessica Einstein was interviewed by the Commission for the appointment.

MOTION: Nomination by Commissioner Baller:
To appoint Jessica Einstein the Parks and Recreation Board as an alternate member to serve the remainder of a three-year term to expire March 13, 2025

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

Nays, None

CC Bingham swore in the present appointees. It was noted that absent appointees would be sworn in at a later date.

Employee Recognition

1. Assistant Director of Engineering – Cory Borton

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

V. CONSENT AGENDA

05-102-23 Consent Agenda

The following items were pulled from the Consent Agenda:

Commissioner Baller: Item E – Agreement with Birmingham Little League

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 City Commission regular meeting minutes of April 24, 2023.
- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated April 26, 2023 in the amount of \$420,133.99.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated May 4, 2023 in the amount of \$577,736.42.
- D. Resolution to set a public hearing date of June 5, 2023 for the proposed lot combination of 36877 Woodward Ave, Gasow Veterinary Clinic, Parcel ID #19-25-101-008, 19-25-101-009, 19-25-101-010, and 19-25-101-011.
- F. Resolution to authorize the City Clerk to complete the Local Approval Notice at the request of Old Woodward Ventures, LLC to approve the request of Lawrence and Eunice’s Living Trusts to transfer the membership of Old Woodward Ventures, LLC which is owned by Lawrence Bongiovanni, Trust, Kara Bongiovanni Trustee 50% and Eunice Bongiovanni, Trust Kara Bongiovanni Trustee 50%, which holds the Class C and SDM License with Sunday Sales (PM) and Outdoor Service Area located at 525 N Old Woodward, Birmingham, Oakland County, MI to 33.34% Kara Bongiovanni Living Trust, 33.33% Lawrence and Amy Bongiovanni Living Trust and 33.33% Joseph Bongiovanni.
- G. Resolution to authorize the City Clerk to complete the Local Approval Notice at the request of Birmingham Ventures, Inc. to approve the request Eunice’s Living Trusts to transfer the stock of Birmingham Ventures, Inc. which the stock is currently held by Eunice Bongiovanni, Living Trust Kara Bongiovanni Trustee, which holds the Class C and SDM License with Sunday Sales (PM) and Outdoor Service Area located at 505 N Old Woodward, Birmingham, Oakland County, MI to Kara Bongiovanni Living Trust, 170 shares, Lawrence and Amy Bongiovanni Living Trust 170 shares and Joseph Bongiovanni 170 shares.
- H. Resolution to approve the Intergovernmental Agreement between the City of Birmingham, the City of Auburn Hills, Bloomfield Township and the City of Rochester to establish a regional youth academy for residents and students of the four communities. Furthermore,

to authorize the Chief of Police to sign the agreement on behalf of the City of Birmingham and the Birmingham Police Department.

- I. Resolution to approve the Program Year 2023 High Intensity Drug Trafficking Area (HIDTA) sub recipient agreement between the County of Oakland and the City of Birmingham. Further, to authorize the Mayor to sign the agreement on behalf of the City.
- J. Resolution to appoint Jana Ecker as Representative and Scott Zielinski as Alternate Representative of the City of Birmingham on the SOCRRA Board of Trustee for the fiscal year starting July 1, 2023.
- K. Resolution to appoint Melissa Coatta as Representative and Jana Ecker as Alternate Representative of the City of Birmingham on the SOCWA Board of Trustees for the fiscal year starting July 1, 2023.
- L. Resolution to accept the resignation of Jane Schulak from the Public Arts Board, to thank her for her service and to direct the City Clerk to begin the process of filling the vacancy.

05-103-23 Agreement with Birmingham Little League (Item E)

In reply to Commission inquiry, PRM Laird and CM Markus answered brief informational questions about the proposed electrical outlets for the existing dugout storage areas and the proposed shade coverings.

Commissioner Baller said it might matter in the future which entity owned the shade coverings.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Haig:
To approve the Agreement with Birmingham Little League. In addition, to authorize the Mayor and Clerk to sign the agreement on behalf of the City.

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

05-104-23 Brown Street Paving Hearing of Necessity for Sidewalk and Streetscape Special Assessment District (SAD)

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

The Mayor disclosed that her spouse has a landlord at an unaffected location who also owns a property in this potential SAD. The Mayor stated she consulted with the City Attorney regarding

the matter and was advised there was no conflict of interest because this represented no financial benefit or detriment to the Mayor or her spouse.

CE Coatta presented the item.

Public Comment

Steve Simona, on behalf of Woodward Brown Associates, said the GIS information was inconsistent with the frontage numbers in the packet. He said it would have been beneficial to do some improvements to the center island as part of the project.

CM Markus noted that the State has jurisdiction over the center island and would be making some improvements to it.

CE Coatta confirmed she would verify frontages with the Treasurer and Finance Departments.

CM Markus stated that the frontages would be confirmed at the hearing of confirmation, which would be the next hearing regarding the project.

Seeing no further public comment, the Mayor closed the public hearing at 8:08 p.m.

CE Coatta, CM Markus, and ACM Ecker answered informational questions from the Commission.

The Mayor noted this project was the result of a City effort to address a health, safety, and welfare issue at this intersection.

Commissioner Host noted that the report should have referenced the Peabody parking structure rather than the Chester parking structure.

Commissioner Haig noted that parcels 08-19-36-207-014 and 08-19-36-207-015 should be consistently referenced throughout the project's documentation.

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

WHEREAS, Notice was given pursuant to Section 94-7 of the City Code, to each owner or party-in-interest of property and lots to be assessed, by first class mail, and by publication in a newspaper generally circulated in the City; and

WHEREAS, The City Commission has conducted a public hearing and has determined to proceed with the project of replacing sidewalks, reconfiguring roadway, and street scape on Brown Street from S. Old Woodward to Woodward Ave.; and

WHEREAS, The City has previously established a policy requiring replacement or improvement of sidewalks and street scape when the City street is open for repairs or reconstruction in the Central Business District; and

WHEREAS, The City Commission, after the public hearing, has determined that the Brown Street Paving Project is a necessity and is in the best interest of the City; and

WHEREAS, The Commission has approved the detailed plans and estimates of cost prepared by the City Engineer; and

WHEREAS, Formal bids have been received and the actual cost for sidewalk and streetscape has been determined; and

WHEREAS, The City Engineer has determined the boundaries of sidewalk and streetscape located within the limits of the following streets shall be installed as part of the Brown Street Paving Project (Contract #5-23(P)):

Brown Street – S. Old Woodward to Woodward Ave.; and

WHEREAS, The formula used in making the assessment is 75% of the contractor’s charge for replacing sidewalks, reconfiguring roadway, and street scape (calculated at the rate of \$853.68 per foot of frontage property).

THEREFORE LET IT BE RESOLVED, The City Commission has determined that the scope of the public improvement as described is in the best interest of the City and will be benefit the properties listed in the assessment roll, and the City Commission directs the Manager to prepare a Special Assessment Roll and present the same to the Commission for confirmation and further set a Public Hearing and give notice on May 22, 2023.

Parcel ID	Street Address	Parcel ID	Street Address
08-19-36-208-015	325 S Old Woodward	08-19-36-206-021	255 S Old Woodward
08-19-36-208-016	355 S Old Woodward	08-19-36-207-010	34901 Woodward
08-19-36-208-004	34745 Woodward	08-19-36-206-024	Peabody Parking Structure
08-19-36-207-014	34901 Woodward	08-19-36-207-015	34901 Woodward
08-19-36-206-023	Alley		

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

Nays, None

05-105-23 2023-2024 Budget Appropriations Resolution

FD Gerber presented the item.

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

To adopt the budget appropriations resolution for the City of Birmingham's budget and establishing the total number of mills for ad valorem property taxes to be levied for the fiscal year commencing July 1, 2023 and ending June 30, 2024.

Commissioner Host said he was concerned about the extra half a million dollars for the 48th District Court.

FD Gerber explained how the costs and revenues allocated to the City by the 48th District Court would change as a result of the recent shift in the funding units.

CM Markus noted that was an expected change.

Commissioner Haig emphasized the importance of value engineering the functions of the 48th District Court. He asked whether anyone at the City could help support those efforts.

CM Markus recommended that funding units and other interested parties get involved early on in the 48th District Court's annual budgeting process.

ACM Ecker noted that FD Gerber participated towards the end of the 48th District Court's most recent budgeting process.

The Mayor said the Commission would trust ACM Ecker to advocate for Birmingham and the other funding units to be involved early on in the 48th District Court's annual budgeting process.

MPT McLain noted for the public that 'ad valorem' means 'of assessed value'.

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

Nays, None

05-106-23 Monthly Parking Rate Increase

PSM Ford and CM Markus presented the item. PSM Ford answered informational questions from the Commission.

Commissioner comments on the item were as follows:

- The permit rate increases were quite reasonable;
- The permit rates should be reevaluated yearly; and,
- Increasing the rates at different garages according to demand aligns with the Nelson Nygaard parking recommendations.

Commissioners also commented on how the parking system should be run, that the Commission should hold a workshop on the parking system, that the parking garages' new entry and exit

machines were beneficial and well-received, that the parking system needs to be future proofed, and that additional revenue streams for the parking garages should be explored.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Host:
To amend the Birmingham Fee Schedule to increase the rate for monthly parking at the City's five parking garages from \$50 to \$70 at the Chester St. garage, from \$70 to \$90 at the N. Old Woodward, Park, and Peabody garages, and from \$70 to \$100 at the Pierce garage.

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

There was Commission consensus to direct Staff to follow up with a draft for changes to the Mayoral Selection Process as discussed during the evening's workshop.

05-107-23 Parking Operations

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To schedule a workshop on parking operations.

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

Nays, None

05-108-23 Leaf Blowers

MOTION: Motion by Commissioner Host, seconded by Commissioner Baller:
To address leaf blowing and as an official agenda item to see if we can put some parameters on the leaf blowers.

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

Nays, Mayor Longe
Commissioner Schafer
Commissioner Haig

05-109-23 Noise on Woodward

MOTION: Motion by Commissioner Host, seconded by MPT McLain:
"A second one and this is even more urgent. We obviously have a noise problem on Woodward. We could have plenty of people coming here during public comment if you want to talk about what is going on out there, it is worse than ever, and as such I think, we need to lobby the State and we need to push our representatives to try to help the speeding and the noise that is coming from Woodward. But the reason I am bringing it up is that it is worse than ever and I know people who have lived here at least 20 years that are ready to leave town, they are looking at houses outside of Birmingham. The point being approximately 30% of us are living somewhat on big Woodward, and the noise is unbelievable this year, and I think we should have that as an agenda item."¹

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

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 Museum Board
 - 2. Notice of Intention to Appoint to the Greenwood Cemetery Advisory Board
 - 3. Notice of Intention to Appoint to the Ad Hoc Aging in Place Committee
 - 4. Notice of Intention to Appoint to the Board of Ethics
 - 5. Notice of Intention to Appoint to the Public Arts Board
- B. Commissioner Comments

MPT McLain reported her recent activity with the Women Officials' Network, the Oakland County Economic Outlook Presentation, and with Birmingham elementary school students.

¹ May 8, 2023: 2:20:00 - 2:20:08. As amended at the May 22, 2023 meeting.

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
 - 1. Birmingham Area Cable Board Annual Report, Budget, Financial Statement

There was brief Commission discussion regarding the item.

- D. Legislation
- E. City Staff
 - 1. 3rd Quarter Investment Report
 - 2. 3rd Quarter Budget Report
 - 3. Recent Amendments to PA 33 - Police and Fire Protection Act

FD Gerber summarized the item.

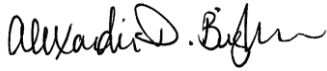
- 4. Northwest corner of Maple and Fairfax Improvement – Pat Andrews Tribute

DPSP Zielinski, CM Markus, and CA Kucharek summarized the item and answered brief informational questions from the Commission.

INFORMATION ONLY

XI. ADJOURN

Mayor Longe adjourned the meeting at 9:25 p.m.²



Alexandria Bingham, City Clerk



Laura Eichenhorn, City Transcriptionist

² As amended at the May 22, 2023 meeting.