

Birmingham City Commission Minutes
June 5, 2023
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: <https://vimeo.com/829286413>

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 Ecker, City Manager Markus; City Clerk Bingham, Assistant City Manager Clemence, Senior Planner Cowan, Planning Director Dupuis, Assistant City Manager Fairbairn, Finance Director Gerber, Police Chief Grewe, City Attorney Kucharek, Management Intern McCarthy, Fire Chief Wells, Human Resources Manager Woods, Department of Public Services Director Zielinski

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

Announcements

06-124-23 Move Item: Woodward Traffic Noise

The Mayor advocated moving the items regarding Woodward Traffic Noise to a portion of the agenda that would allow public comment.

MOTION: Motion by Mayor Longe, seconded by Commissioner Boutros:
To move these items to New Business Item C1, after our discussions of NEXT and the Lot Combination and the Millage. New Item C1, Woodward noise proclamation and Chief Grewe presentation.

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

Commissioner Haig
Commissioner Schafer
Commissioner Baller

Nays, None

Appointments

06-125-23 Appointment to the Historic District Study Committee

Michael Xenos was interviewed by the Commission for the appointment.

MOTION: Nomination by Commissioner Boutros:
To appoint Michael Xenos as a regular member to the Historic District Study Committee to serve a three-year term to expire June 25, 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 Historic District Study Committee had additional openings.

06-126-23 Appointment to the Greenwood Cemetery Advisory Board

Jacqueline Patt was interviewed by the Commission for the appointment.

MOTION: Nomination by Commissioner Haig:
To appoint Jacqueline Patt to the Greenwood Cemetery Advisory Board as a regular member to serve a three-year term to expire July 6, 2026.

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

Nays, None

06-127-23 Appointment to the Greenwood Cemetery Advisory Board

Joseph Vercellone was interviewed by the Commission for the appointment.

MOTION: Nomination by Commissioner Boutros:
To appoint Joseph Vercellone to the Greenwood Cemetery Advisory Board as a regular member to serve a three-year term to expire July 6, 2026.

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. Mark Clemence, Assistant City Manager
- 2. Christina Woods, Human Resources Manager
- 3. Jack McCarthy, Management Intern

Administration of Oath to City Manager Jana Ecker

CC Bingham swore in City Manager Jana Ecker.

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

V. CONSENT AGENDA

06-128-23 Consent Agenda

The following items were pulled from the Consent Agenda:

- Public: Item A – City Commission Regular Minutes of May 22, 2023
- Commr. McLain: Item B – Warrant List Dated 05/24/2023
- Commr. Haig: Item E – Irrigation Consultant for Springdale GC
- Item H – Proposed Amendments to the Rules of Procedure for the City Commission

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Host:
To approve the Consent Agenda excluding Items A, B, E, and H.

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

Commissioner Schafer
Commissioner Baller

Nays, None

- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated June 1, 2023, in the amount of \$415,725.34.
- D. Resolution to set the Public Hearing of Necessity for the replacement and improvement of Water Laterals meeting the requirements for assessment, for all properties within the project area on Pierce Street between E. Lincoln Street and 14 Mile Road on Monday, June 26, 2023, at 7:30 P.M.; and

If necessity is determined on June 26, 2023, to meet on Monday, July 10, 2023, at 7:30 P.M., for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the replacement and improvement of Water Laterals meeting the requirements for assessment, for all properties within the project area on Pierce Street between E. Lincoln Street and 14 Mile Road.

- F. Resolution to approve the DTE Master Street Lighting Agreement for the removal of existing lighting and installation of the planned new lighting for the Brown Street Paving Project. In addition, to authorize the Mayor to sign the agreement on behalf of the City. Funding for this project is from account 101.0-448.000-981.0100.

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

General Fund:

Revenues:

101.0-000.000-400.0000	Draw from Fund Balance	\$134,430
Total Revenue		<u>\$134,430</u>

Expenditures:

101.0-448.000-981.0100	Public Improvement	\$134,430
Total Expenses		<u>\$134,430</u>

- G. Resolution to approve a special event permit as requested by the Birmingham Shopping District to hold the 2023 Birmingham Cruise Event on August 19, 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.

06-129-23 Irrigation Consultant for Springdale GC (Item E)

DPSD Zielinski answered a question regarding silt from Commissioner Haig.

MOTION:

Motion by Commissioner Haig, seconded by Commissioner Host:

To award the Irrigation Consultant project for Springdale Golf Course to Michael Kuhn, Inc. in the amount not to exceed \$48,750.00. In addition, to authorize the Mayor and City Clerk to sign the

agreement on behalf of the City. Funding for this project is available in account #584.2-753.001-981.0100.

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

Nays, None

06-130-23 Proposed Amendments to the Rules of Procedure for the City Commission (Item H)

CA Kucharek and CM Markus addressed a concern raised by Commissioner Haig regarding the final sentence of the second paragraph under 'Presiding Officer'.

Commissioner Haig recommended the sentence be a standalone paragraph.

CA Kucharek explained to Commissioner Baller why the sentence in question was included in both the Rules of Procedure and the City Charter.

MOTION: Motion by Commissioner Haig, seconded by Commissioner Host:
To approve the proposed amendments to the Rules of Procedure for the City Commission.

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

Nays, None

06-131-23 Warrant List Dated 05/24/2023 (Item B)

MPT McLain noted a payment to the 48th District Court in the Warrant List.

MOTION: Motion by MPT McLain, seconded by Commissioner Boutros:
To approve the warrant list, including Automated Clearing House payments, dated May 24, 2023, in the amount of \$631,224.76.

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

Mayor Longe
Commissioner Haig
Commissioner Schafer
Commissioner Baller

Nays, None

06-132-23 City Commission Regular Minutes of May 22, 2023 (Item A)

David Bloom made comments about the minutes.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Haig:
To review the video and see if there is anything that needs to be edited.

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

Nays, None

VI. UNFINISHED BUSINESS

06-133-23 City Commission Minutes of May 8, 2023

CC Bingham presented her memorandum regarding motions.

MOTION: Motion by Commissioner Haig, seconded by MPT McLain:
To approve the minutes of May 8, 2023.

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

Nays, None

VII. NEW BUSINESS

**06-134-23 Public Hearing - Lot Combination - 36877 Woodward Ave – Gasow
Veterinary Clinic - Parcels #19-25-101-008, 19-25-101-009, 19-25-
101-010, and 19-25-101-011**

The Mayor opened the public hearing at 8:22 p.m.

CP Cowan presented the item.

Seeing no public comment, the Mayor closed the public hearing at 8:24 p.m.

Staff answered an informational question from the Commission.

MOTION: Motion by Commissioner Boutros, seconded by MPT McLain:
To approve a lot combination 36877 Woodward Avenue, Gasow Veterinary Clinic, Parcel #19-25-101-008, and as stated the three parcels with the parcel IDs.

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

Nays, None

06-135-23 Future Location for NEXT and Purchase of Property

CM Markus, CA Kucharek, CM Ecker, FD Gerber, Helene Weir, President & CEO of the YMCA of Detroit, and Cris Braun, Executive Director of NEXT, presented the item.

Staff, Ms. Weir, and Ms. Braun answered informational questions from the Commission.

CA Kucharek noted that the fifth paragraph beginning 'Whereas' in the full motion was amended to say 'may enter into' instead of 'has entered into'.

MPT McLain noted that she serves as a volunteer on NEXT's Board. Commissioner Boutros noted that he serves as a liaison between the City and NEXT on NEXT's Board.

CA Kucharek noted that MPT McLain and Commissioner Boutros did not have any conflicts of interest pertaining to this item and their service on the NEXT Board.

Commission discussion was as follows:

- Many communities have senior services millages to support their facilities;
- Any further millages would also require a public vote;
- Integrating senior, youth, and community services in the building would benefit the community and hopefully could last beyond the proposed, initial three-year period;
- The City Manager, Staff, Ms. Weir, and Ms. Braun deserved thanks for their work on the item;
- The YMCA leadership deserved thanks for choosing to continue its service to the community instead of selling the property to the highest bidder;
- This change would offer more space for senior and community center programming; and,
- This proposal was an excellent option put forth by CM Markus, Ms. Weir, and Ms. Braun.

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Host:
1. To approve and execute the Purchase Agreement between the City of Birmingham and YMCA as presented to us with the modification this evening. 2. To approve and execute the Memorandum of Understanding between the City and NEXT. AND To further direct the current and successor City Manager to pursue and implement the necessary steps to bring the transition from the YMCA building's current use to a combined Senior Center/Community Center use.

Commissioner Host said this proposal could create one of the community's biggest assets for living in Birmingham. He commended everyone involved in the proposal.

MPT McLain noted that the facility is contiguous to an existing park and is accessible.

Commissioner Schafer said she appreciated the opportunity to support both the youth and senior populations in the community. She emphasized the importance of intergenerational interactions and said this was an opportunity for that work to continue. She thanked CM Markus and offered her support to CM Ecker, Ms. Braun and Ms. Weir.

Public Comment

Gordon Rinschler, David Underdown, and Lori Soifer offered their support for the motion.

CA Kucharek answered a question from Mr. Bloom.

Mr. Bloom provided a recommendation regarding the proposal.

CM Markus replied to the recommendation from Mr. Bloom.

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

Nays, None

06-136-23 Proposed Senior Millage

MOTION: Motion by Commissioner Boutros, seconded by Commissioner Host:
To submit a 0.33 senior millage proposition to the electorate on the ballot for the November 7, 2023 general election as follows:

Do you approve of the addition of a new 0.33 mill levy to collect approximately \$1,053,750 per year in revenue to be disbursed to the City of Birmingham for the purpose of making interim improvements and establishing a sinking fund for a senior center that will provide an array of services for older citizens for a three year term, ending on July 1, 2027?

Commissioner Baller recommended the motion be modified to remove 'full' from before 'array' since the definition of a 'full array' could vary between people.

The Commission concurred with Commissioner Baller's recommendation.

In reply to Commissioner Baller, CM Markus stated that the General Fund could be a way to fund this effort if the voters did not approve the millage proposition.

Commissioner Haig noted that, with a previous millage ending, the increase in payments for individual homeowners would be very minimal if this millage proposition were approved.

Staff stated the City would provide factual information to residents about the millage proposition.

The Mayor said the public information model the City followed for the Park Bond was appropriate, and would expect the City to do similar for this millage proposition.

Commissioner Host said a previous failed bond proposal for the Birmingham School District resulted in the School District working with NEXT subsequently.

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

Nays, None

Woodward Traffic Noise

The Mayor introduced the item and read the proclamation entitled 'Declaring Woodward traffic noise as negatively and seriously impacting the health, safety and welfare of residents of the City of Birmingham.'

The Commission affirmed their concurrence with the proclamation.

PC Grewe presented the item. Staff answered informational questions from the Commission.

Commissioner discussion was as follows:

- The problem was not cruising along Woodward, but the noise along Woodward. More tickets should be written for vehicles creating an excess of noise;
- In meetings with police chiefs of other affected communities, it needs to be determined who the leader of the efforts to reduce noise along Woodward will be;
- Industry groups for the products that make vehicles noisier lobby against legislation that would reduce the ability for those products to be sold;

- The voters, municipal leaders, county leaders, and state legislators could collectively request a meeting with the Governor about the issue;
- Asking Oakland County officials to reach out to the Governor about the issue would likely be the most effective option;
- PC Grewe deserved thanks for being proactive on this matter;
- There are serious concerns about speeding and reckless driving. The Governor should appreciate fears that major, preventable accidents could occur;
- Modifications to vehicles that increase noise can be stopped when the brakes are tapped on, making enforcement more difficult;
- Increasing enforcement in one area of the City causes the noisier vehicles to move elsewhere in the City;
- The noise often goes until 3 a.m., and it would be beneficial to extend the increased enforcement hours; and,
- Increased enforcement on weeknights, in addition to weekend nights, should be considered.

Public Comment

Paul Reagan said increased ticketing would be beneficial.

06-137-23 2008 Sutphen SPH100 Aerial Platform Replacement (Ladder 1)

FC Wells presented the item.

MOTION: Motion by Commissioner Host, seconded by Commissioner Boutros: To make a resolution to approve the purchase of a 2026 Sutphen SPH100 MidMount Aerial Platform from Sutphen Corporation, 6450 Eiterman Road, Dublin, OH 43016 in the amount not to exceed \$1,850,000.00. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for this project will be available in the Machinery and Equipment account #663.0-344.000-971.0100.

FC Wells and CM Markus answered brief informational questions from Commissioner Baller.

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

Nays, None

06-138-23 2023-2024 Compensation Recommendations for Department Heads and Administrative/Management Employees

ACM Fairbairn presented the item.

MOTION: Motion by Commissioner Baller, seconded by MPT McLain:
To make a motion adopting a resolution to approve a 3.5% salary range adjustment and in-range adjustments based upon performance for full-time and part-time employees in the Department Head and Administrative/Management classifications effective July 1, 2023 and approving a 2.5% performance increment through June 30, 2024 with individual eligibility to be in accordance with the attached merit increase guidelines. Further, to authorize the budget amendments from the wage adjustment account 101.0-272.000-709.0000 to the appropriate departments.

Commissioner Host said this motion was in line with the previous year's salary increases given to employees. He said he hoped it would continue next year as well.

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

06-139-23 Unimproved Roads and Infrastructure

MOTION: Motion by Commissioner Host, no second:
To have the Commission discuss next time the unimproved road evaluation tool and unimproved infrastructure.

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

Nays, Commissioner Haig

06-140-23 Not to Extend the Present Meeting Beyond 11:30 p.m.

MOTION: Motion by Commissioner Boutros, Commissioner Schafer:
To make a motion not to exceed the meeting tonight further than 11:30 p.m.

VOICE VOTE: Ayes, Commissioner Boutros
Commissioner Schafer

Nays, Commissioner Baller

Commissioner Haig
Commissioner Host
Mayor Longe
MPT McLain

Commission Discussion On Items From A Prior Meeting

06-141-23 Leaf Blowers and Other Noise Generating Items

Commissioner Host presented the item.

MOTION: Motion by Commissioner Host, Commissioner Baller:
To move a discussion of an ordinance regulating the noise from leaf blowers to a regular agenda item.

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

Nays, Commissioner Haig

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

- A. Commissioner Reports
- B. Commissioner Comments

On behalf of himself, the Commission, and the public, Commissioner Baller thanked CM Markus for his work with the City.

CM Markus reflected on his work with the City and with incoming City Manager Ecker.

The Mayor described a number of CM Markus' accomplishments during his most recent tenure with the City.

The Commission applauded CM Markus.

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. City Manager's Report – May 2023

CM Markus presented the item.

2. Letter from Mary Kucharek regarding the Board of Ethics Advisory Opinion Concerning Commissioner Host

CA Kucharek presented the item.

- i. 2023-01 Opinion Robb and Schrot
- ii. 2023-01 Opinion Fierro-Share

3. Memo Regarding Mare Mediterranean – 115 Willits – Work Without Approvals

INFORMATION ONLY

XI. ADJOURN

Mayor Longe adjourned the meeting at 11:39 p.m.



Alexandria Bingham, City Clerk



Laura Eichenhorn, City Transcriptionist