

Birmingham City Commission Minutes
November 13, 2023
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: <https://vimeo.com/884146992>

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/Commissioner Longe
Mayor Pro Tem/Mayor McLain
Commissioner/MPT Schafer
Commissioner Baller
Commissioner Boutros (prior to motion 11-248-23)
Commissioner Haig
Commissioner Host
Commissioner Long

Absent: None

Staff: City Manager Ecker; City Clerk Bingham, Assistant City Manager Clemence, City Engineer Coatta, Senior Planner Cowan, Library Director Craft, Planning Director Dupuis, Assistant City Manager Fairbairn, Communications Director Gamboa, Finance Director Gerber, Police Chief Grewe, Building Official Johnson, City Attorney Kucharek, Parks and Recreation Manager Laird, Birmingham Shopping District Director Sheppard-Decius, Communications Specialist Tappan, 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

- The Clerk's Office would like to thank all of the Election Inspectors and City Staff that helped conduct a safe and successful November 7th Local Election. We appreciate all of the 5,108 voters who participated by voting early, absentee, or in-person voting. 27.18% of Birmingham registered voters participated, which exceeds the Oakland County turnout average of 24.21%. Unofficial results are available at oakgov.com/elections under the November election tab. Official results will be available after the completion of the canvass of the Oakland County Board of Canvassers.
- Congratulations to the Birmingham Bloomfield Art Center on receipt of two grants from the Michigan Council of the Arts and Cultural Affairs

Recognition of Outgoing City Commissioners

- Commissioner Pierre Boutros

Organization of City Commission

11-248-23 Election of Temporary Chair of City Commission for Purposes of Conducting The Mayor and Mayor Pro Tem Election

MOTION: Nomination by Commissioner Baller:
To have Mayor Longe serve as temporary chair of the City Commission for purposes of conducting the election of the Mayor and Mayor Pro Tem.

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

Nays, None

11-249-23 Mayor Election

MOTION: Nomination by Mayor Longe:
To nominate MPT McLain to serve as Mayor.

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

Nays, None

11-250-23 Mayor Pro Tem Election

MOTION: Nomination by Mayor McLain:
To nominate Commissioner Schafer to serve as Mayor Pro Tem.

VOICE VOTE: Ayes, Mayor McLain
 Commissioner Host
 Commissioner Longe
 Commissioner Haig
 Commissioner Long

Commissioner Schafer
Commissioner Baller

Nays, None

The Commission briefly recessed.

Appointments

11-251-23 Retirement Board

MOTION: Appointment by Mayor McLain:
To appoint Mayor McLain to the Retirement Board.

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

Nays, None

11-252-23 Retirement Board

MOTION: Appointment by Mayor McLain:
To appoint MPT Schafer to the Retirement Board.

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

Nays, None

11-253-23 Retirees Health Care Fund

MOTION: Appointment by Mayor McLain:
To appoint Mayor McLain to the Retirees Health Care Fund Committee.

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

Commissioner Long
MPT Schafer
Commissioner Baller

Nays, None

11-254-23 Retirees Health Care Fund

MOTION: Appointment by Mayor McLain:
To appoint Commissioner Baller to the Triangle District Corridor Improvement Authority.

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

Nays, None

11-255-23 SEMCOG Delegate

MOTION: Appointment by Mayor McLain:
To appoint MPT Schafer to SEMCOG as delegate.

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

Nays, None

11-256-23 SEMCOG Alternate

MOTION: Appointment by Mayor McLain:
To appoint Commissioner Haig to SEMCOG as Alternate.

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

Nays, None

CC Bingham swore in the elected and re-elected Commissioners, the elected and re-elected Library Board members, and administered the oaths of office to the new Mayor and Mayor Pro Tem.

The elected and re-elected Library Board members briefly introduced themselves to the public.

Comments were made by the newly elected Mayor and Mayor Pro Tem, and by Commissioner Longe.

A presentation to outgoing Mayor, Commissioner Longe, was made by Mayor McLain.

11-257-23 Agenda Change

MOTION: Motion by Commissioner Host, seconded by Commissioner Longe:
To change the order of the agenda to bring Communications Section 9A before Open To The Public For Matters Not On The Agenda.

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

Nays, None

IX. COMMUNICATIONS – A (Moved per Motion 11-257-23)
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A. Historic Home Petition – 211 Puritan

The Commission summarized the communication and requested public comment.

Carl Ginburg made a comment in favor of making historic preservation of homes more feasible for the owners.

Ashley Parkinson, Katie Barda, and David Stickel made comments in favor of historic preservation of homes.

Mr. Stickel and Kari Skubik ~~Carrie Studek~~¹ made comments in support of limiting developers' actions within the City.

¹ As amended at the November 27, 2023 meeting.

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

V. CONSENT AGENDA

11-258-23 Consent Agenda

The following items were pulled from the Consent Agenda:

Commr. Haig: Item G – Special Event - 2023 Menorah Lighting
Commr. Baller: Item J – Parks and Recreation Master Plan Adoption - Set
Public Hearing
Mayor McLain: Item E – Warrant List Dated 11/02/2023

MOTION: Motion by Commissioner Longe, seconded by Commissioner Host:
To move the Consent Agenda excluding Items E, G, and J.

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

Nays, None

- A. Resolution to approve the City Commission meeting minutes of October 16, 2023.
- B. Resolution to approve the Joint City Commission and Planning Board Workshop meeting minutes of October 23, 2023.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated October 19, 2023 in the amount of \$1,682,752.91.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated October 26, 2023, in the amount of \$2,941,905.02.
- F. Resolution to approve the warrant list, including Automated Clearing House payments, dated November 9, 2023, in the amount of \$773,010.36.
- H. Resolution to renew the I.T. Services Interlocal Agreement and to request the Mayor and City Clerk to sign the agreement on the City's behalf.
- I. Resolution to approve a 1 year Performance Resolution with the Michigan Department of Transportation (MDOT) for Municipalities as written on MDOT Form 2207B (05/21), and authorizing staff holding the following positions to apply to MDOT for the necessary Annual Permit, and other Individual Permits for work within the State Highway Right-of-Way on behalf of the City of Birmingham; Director of Public Services, Parks and Recreation Manager, Public Services Manager, Parks and Forestry Foreman and Assistant Foreman,

Streets Sewer and Water Foreman, Assistant Director of Engineering and City Engineer. In addition, to authorize the City Clerk to sign the certification of the Performance Resolution for Municipalities form required for the Annual Permit on behalf of the City.

- K. Resolution to approve the agreement between the City of Birmingham and Oakland County Parks and Recreation for a \$25,000.00 pre-development grant award for the Booth Park section of trail improvements. In addition, to authorize the Mayor to sign the agreement on behalf of the City.
- L. Resolution to appropriate and amend the 2023-2024 General Fund budget for the OHSP grant award as follows:

Revenues:		
101.0-000.000-503.0000	Federal Grant Revenue	\$80,190
Expenditures:		
101.0-301.000-702.0002	Public Safety - Police Overtime	\$28,550
101.0-301.000-971.0100	Public Safety - Capital Outlay	\$51,640
	Total Expenditures	\$80,190

- M. Resolution to appropriate and amend the 2023-2024 Allen House budget as follows:

Revenues:		
101.0-000.000-400.0000	Draw from Fund Balance	\$8,830
Expenditures:		
101.0-804.002-811.0000	Recreation & Culture - Allen House	\$8,830

- N. Make a motion adopting a resolution to appropriate and amend the 2023-2024 General Fund budget as follows:

Revenues:		
Draw from Fund Balance	101.0-000.000-400.0000	\$5,630
Expenditures:		
Recreation and Culture – Allen House	101.0-804.002-811.0000	\$5,630

- O. Make a motion adopting a resolution to appropriate and amend the 2023-2024 Birmingham Shopping District (BSD) budget as follows:

Revenues:		
Draw from BSD fund balance	235.0-000.000-400.0000	\$25,000.00
Expenditures:		
Community and Economic Development	235.0-720.000-888.0000	\$25,000.00

11-259-23 Warrant List Dated 11/02/2023 (Item E)

The Mayor noted the \$1,000 and \$500 payments made to the 48th District Court.

MOTION: Motion by Commissioner Longe, seconded by Commissioner Long:
To approve the warrant list, including Automated Clearing House payments, dated November 2, 2023, in the amount of \$1,182,947.32.

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

Nays, None

11-260-23 Special Event - 2023 Menorah Lighting (Item G)

Rabbi Dubov and PC Grewe answered informational questions from the Commission.

Commissioner Haig noted that the Chabad and Lutheran holiday displays have been installed in Shain Park in the winter months for many years and that the coexistence was heartening given present world events.

MOTION: Motion by Commissioner Haig, seconded by Commissioner Long:
To approve a request from the Chabad Jewish Center of Bloomfield Hills to hold the 2023 Menorah Lighting special event on Monday, December 11, 2023 with the Menorah to remain in Shain Park through Sunday, December 31, 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.

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

Nays, None

11-261-23 Parks and Recreation Master Plan Adoption - Set Public Hearing (Item J)

Commissioner Baller made note of the upcoming public hearing for the public.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Longe:
To set a public hearing date of December 18, 2023 to consider the adoption of the 2024-2028 Parks and Recreation Master Plan.

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

Nays, None

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

11-262-23 Public Hearing to amend Chapter 126 (Zoning), Article 2, Section 2.37 and Article 5, Section 5.12 to allow health club/studio uses in the B4 Business Residential District in the basement level and floors two and above

The Mayor opened the public hearing at 9:00 p.m.

SP Cowan presented the item. Staff answered informational questions from the Commission.

The following points were made during Commission discussion:

- While there was presently less strain on the Birmingham parking system than there was in 2019, the parking demand could increase again in the future;
- The noise and structural strain on the building generated by dropping weights could be two concerns, especially for health club/studios located on the second floors or above;
- Sound mitigation and structural evaluations should potentially be requirements for these uses;
- While this proposal excludes health club/studio uses on the first floor, health club/studio uses on the above floors could also discourage first floor tenants;
- It would be more appropriate to allow landlords to determine the appropriate tenants for their buildings; and,
- Health club/studio uses can bring people into the City who will then visit other businesses.

Public Comment

Kevin Bopp said health club/studio uses were beneficial to a City from a parking perspective.

MOTION: Motion by Commissioner Longe, seconded by MPT Schafer:
To approve the proposed ordinance amendments to Chapter 126 (Zoning), Article 2, Section 2.37 and Article 5, Section 5.12 to allow health club/studio uses in the B4 Business Residential District on the basement level and floors two and above.

ROLL CALL VOTE: Ayes, Mayor McLain

Commissioner Host
Commissioner Longe
Commissioner Haig
MPT Schafer
Commissioner Long
Commissioner Baller

Nays, None

The Mayor thanked Staff for their work on the item.

The Mayor closed the public hearing at 9:27 p.m.

11-263-23 Daxton Hotel Lease Agreement

CA Kucharek presented the item. Staff answered informational questions from the Commission.

Mr. Bopp spoke on behalf of the Daxton.

The following points were made during Commission discussion:

- If vehicles from valet are parked in the left turn lane, the police department should be informed of the issue; and,
- This seems like a fair agreement since the four spaces being leased to the Daxton would likely generate very little revenue due to frequent, very short-term use.

MOTION: Motion by Commissioner Haig, seconded by MPT Schafer:
To approve the Daxton Hotel Lease Agreement and to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

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

Nays, None

The Mayor asked that Mr. Bopp convey the City's emphasis on valet and vehicular safety to the Daxton management. She thanked Mr. Bopp for attending on behalf of the Daxton.

Commission Items for Future Discussion

Historic Preservation

The Commission requested a report, summary, or some sort of presentation from the Chair or Staff Liaison of the Historic District Commission regarding the City's historic preservation efforts.

Staff answered informational questions from the Commissioners.

Commissioner Longe recommended that options for historic designation also be included in the requested report.

Short Term Rentals

Staff answered an informational question from Commissioner Host.

Citizen-Commissioner Interaction

It was noted that a potential workshop on a similar topic was scheduled for discussion at a future Commission meeting.

Staff answered informational questions from the Commission. It was suggested that the Chair of the Board of Ethics could join the Commission for a question and answer session separate from the aforementioned workshop.

The Mayor noted that guidance for Commissioners exists in the Ethics ordinance, the Commissioners' Handbook, new officials training through the Michigan Municipal League, and in the City Charter. She stated that she carries some of these documents plus Robert's Rules in order to have the information to hand when it is relevant.

Commissioners Baller, Longe, Long, and MPT Schafer were not in favor of a question and answer session with the Chair of the Board of Ethics.

Commissioner Haig was ambivalent.

Commissioner Host was in favor.

NEXT Community Integration

Commissioners Haig and Host said they were interested in learning about how youth-oriented facilities would be part of the NEXT plans.

MPT Schafer and Commissioner Longe said this discussion would arise organically as the NEXT plans move forward, and that it could be addressed at that time.

Commissioner Baller said that updates in the City Manager's Report on the topic were presently sufficient.

11-264-23 Vehicular Speed Issues

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To hear about what the City can do to reduce vehicular speeds.

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

Nays, None

11-265-23 Bistros

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To discuss enforcement of the designs of bistros as approved.

VOICE VOTE: Ayes, Mayor McLain
Commissioner Host
Commissioner Haig
Commissioner Long
Commissioner Baller

Nays, MPT Schafer
Commissioner Longe

Commission Discussion On Items From A Prior Meeting

11-266-23 Crosswalks

MOTION: Motion by Commissioner Long, seconded by Commissioner Baller:
To request that the Multi-Modal Transportation Board look at different places where crosswalks do not exist, and to make recommendations about where they should exist.

Commissioner Baller clarified that the aim would be to create a crosswalk location policy for the City as a whole, not to study individual potential crosswalk locations.

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

Nays, None

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

- B. Email dated October 15, 2023 from Frank Colasonti Jr. and James B. Ryder regarding walls
- C. Email dated October 18, 2023 regarding HB 4956

The Mayor recommended that listeners look into HB 4956.

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of Intention to Appoint to the Board of Review
- B. Commissioner Comments

Commissioner Baller reiterated that the City is working on a Historic Preservation Master Plan and said that process would be an appropriate venue for residents to raise historic preservation concerns.

Mayor McLain reported back from a recent MML conference and emphasized the importance of open meetings. She noted that she would be attending the upcoming South Oakland Council Mayors' Dinner and another meeting with mayors in Frankenmuth.

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

The Mayor noted that the State Legislature was currently in recess and recommended that people look into legislative occurrences in Lansing.

- E. City Staff
 - 1. Ice Arena Financial

CM Ecker provided brief comment.

MPT Schafer noted that there were not online opportunities to reserve skates or the ice. She added that the concession stand was often busy and featured an extensive menu. She said it would be useful to review whether extended concession staffing and hours might be profitable.

The Mayor said it would be beneficial to streamline the rental processes to attract more users.

Commissioner Longe noted that on a modified accrual basis the Ice Arena is profitable. She added that energy cost savings have decreased about \$4,000 due to the Ice Arena's upgrades and repairs. She said it would also be helpful to know who uses the Ice Arena and what the visitor numbers are.

Commissioner Baller recommended PRM Laird look into clover.com for streamlining the rental processes. He thanked FD Gerber for preparing the financials, said he was glad to see the Ice Arena was generating profits, and said he would like to see the Ice Arena run even more like a competitive business.

2. August 24, 2023 Rain Event Flooding Abatement and Infrastructure Update

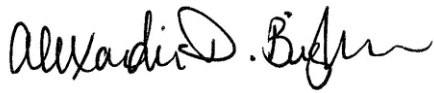
CM Ecker provided brief comment.

The Mayor encouraged the public to review the update.

3. BSD Business Recruitment Strategy, Market Analysis and Business Mix

XI. ADJOURN

Commissioner Longe adjourned the meeting at 10:47 p.m.



Alexandria Bingham, City Clerk



Laura Eichenhorn, City Transcriptionist