

**Birmingham City Commission Minutes**  
**December 4, 2023**  
**Municipal Building, 151 Martin**  
**7:30 p.m.**  
Vimeo Link: <https://vimeo.com/888945671>

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Elaine McLain, Mayor, opened the meeting with the Pledge of Allegiance.

**II. ROLL CALL**

City Clerk Bingham called the roll.

Present: Mayor McLain  
MPT Schafer  
Commissioner Baller  
Commissioner Haig  
Commissioner Host  
Commissioner Long  
Commissioner Longe

Absent: None

Staff: City Manager Ecker; City Clerk Bingham, Assistant City Manager Clemence, Assistant City Manager Fairbairn, Finance Director Gerber, Police Chief Grewe, Deputy Treasurer Katz, City Attorney Kucharek, Birmingham Shopping District Director Sheppard-Decius

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

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

**V. CONSENT AGENDA**

**12-280-23 Consent Agenda**

**MOTION:** Motion by Commissioner Longe, seconded by Commissioner Long:  
To move the Consent Agenda as presented.

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

Commissioner Baller  
Commissioner Haig

Nays, None

- A. Resolution to approve the warrant list, including Automated Clearing House payments, dated November 30, 2023 in the amount of \$544,886.77.
- B. Resolution to approve a special event permit as requested by the Memorial Day Committee to hold the City of Birmingham memorial Day Service on May 27, 2024 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.
- C. Resolution supporting the Birmingham Shopping District's intent to advance to the Select Level of Main Street Oakland County program.

**VI. UNFINISHED BUSINESS**

**VII. NEW BUSINESS**

**12-281-23 Public Hearing - Redding Road Project #9-23 (S)  
Confirmation of SAD Roll 906 Redding Road Project - Sidewalk**

The Mayor opened the public hearing at 7:41 p.m.

DT Katz presented the item.

Seeing no public comment, the Mayor closed the public hearing at 7:42 p.m.

Staff answered questions from the Commission.

**MOTION:** Motion by Commissioner Longe, seconded by :  
To adopt a resolution confirming special assessment roll 906 as follows:

WHEREAS, Special Assessment Roll, designated Roll No. 906, has been heretofore prepared for collection, and

WHEREAS, notice was given pursuant to Section 94-7 of the City Code, to each owner or party-in-interest of property to be assessed, and

WHEREAS, the Commission has deemed it practicable to cause payment of the cost thereof to be made after the time of construction, and

The Commission Resolution 11-277-23 provided it would meet this 4th day of December, 2023 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this December 4, 2023, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 906 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that the special assessment shall be payable in three (3) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of nine and one half percent (9.50%) on all unpaid installments.

<b>Parcel ID / Sidwell Number</b>	<b>Street Address</b>	<b>SAD Assessment</b>
19-26-226-016	1401 Old Salem Ct	\$ 759.00
19-26-226-024	N/A	\$ 1,634.44
		\$ 2,393.44

It was noted that no one was present to object to the calculation of the roll, to suggest that the roll had been calculated improperly, or to state that the included addresses were incorrect.

Commissioner Host stated that this special assessment would provide no benefit to the impacted homeowners, and reiterated his contention from the November 27, 2023 meeting that since the benefit of sidewalks would be shared by the community, the cost of sidewalk installation should be borne by the community. He said this process was a microcosm of 'how badly we do things'.

Commissioner Baller noted that at the November 27, 2023 meeting the Commission found, by a majority vote, that there was a necessity for the roll and that the roll would benefit the properties listed. He stated that Commissioner Host's contention that the SAD would provide no benefit to the homeowners was incorrect and inappropriate. He stated that denigrating the operation of the City government was also inappropriate. He said he would comment when inappropriate statements were made.

Commissioner Long said he respectfully disagreed with Commissioner Host. Commissioner Long noted that owners of one of the two affected homes spoke at the November 27, 2023 meeting. He noted that while said homeowners would have preferred that the costs for the improvements be borne by the City, doing so would have been inconsistent with the funding process for every similar project in the City. He said that changing the funding method at this point would be unfair to other homeowners. Commissioner Long also echoed Commissioner Baller's comment that it had been determined that approval of the roll would result in a benefit to the impacted homeowners.

The Mayor said she thought the record on the matter from the November 27, 2023 meeting was clear. She noted that the law, process, and policies regarding special assessments were reviewed at that meeting. She noted that two Commissioners who previously sat on the Multi-Modal Transportation Board had also explained the complete streets policy, sidewalks, and the fact that those policies represent a benefit to all members of the community.

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

Nays,   Commissioner Host

**12-282-23   Special Event Application: Brrmingham Blast**

BSDD Sheppard-Decius presented the item and answered informational questions from the Commission.

Commissioners made the following comments in the course of discussion:

- The BSD’s Winter Markt event was a resounding success;
- It was valuable that Birmingham was moving in the direction of other local communities in adding winter programming, and that said programming was family friendly;
- While it would be beneficial if this event were to grow and add further aspects over time, this was an excellent beginning for the event;
- The BSD’s recent Christmas Tree Lighting was phenomenal;
- A member of the public informed a Commissioner that the Winter Markt event was thoroughly enjoyable. If this event would be similar in success to the Winter Markt, it had said Commissioner’s support; and,
- The BSD was to be thanked for introducing more events.

**MOTION:**                    Motion by Commissioner Haig, seconded by Commissioner Baller:  
To make a motion adopting a resolution to approve a special event permit as requested by the Birmingham Shopping District to hold the Brrmingham Blast on January 27, 2024 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.

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

Nays, None

### **12-283-23 48th District Court 2024 Budget**

FD Gerber introduced the item. Patrick Dunn, 48th District Court Administrator, spoke on behalf of the item.

The Mayor thanked FD Gerber and Mr. Dunn for the overview.

Staff and Mr. Dunn answered informational questions from the Commission.

Commissioners made the following comments in the course of discussion:

- It would be valuable for those concerned with the Court budget to watch the meetings from December 2022 when the Court budget was discussed;
- While there is activity the Court is required to undertake, some of that activity does not generate revenue, resulting in the shortfall;
- The 2024 proposed Court budget included a reduction in operational expenses;
- The Court is not a revenue generating system, it is a justice system. As such, it has to have due process, respect for the law, and the ability to serve the population;
- That said, it would be beneficial to explore other appropriate ways to limit the shortfall, including possibly requesting that the State help fund the required, non revenue generating activities;
- Doing so would benefit Birmingham and would benefit other communities as well;
- This topic would be raised at future discussions with Birmingham's state legislators;
- Not all Michigan municipalities fund their respective courts using the same mechanism Birmingham does;
- Since the State pays for the judges' salaries, reducing the number of judges would not result in a meaningful cost savings for the City;
- Birmingham's case load increased making it the largest user by case load. The funding units are only 78.8% by case load in 2023 projected numbers, and if Bloomfield Hills had remained a funding unit, Birmingham's proportion of the case load and costs would have been reduced;
- The traffic cases for the Court increased by over 5,000 cases and Birmingham's increased by over 900 cases, which may have been correlated to the City's increased efforts to reduce noise and speeding on Woodward;
- That increased enforcement effort cost Birmingham money since it increased the case load and amount the City was asked to fund;
- There might be a way to communicate to residents that a request for an increase in services usually results in an increased total cost for those services, as has resulted from the increased enforcement efforts;
- Some of the Court's Special Programs and Services were noted as offering a significant benefit to youth the community; and,
- Decreasing the number of judges from three to two could result in decreased charges up front while increasing charges over time. For instance, people requesting a hearing for their traffic ticket may spend an hour at the Court now. If the number of judges decreases, it may require that people spend three hours at the Court, and law

enforcement present to speak at those hearings would have to be paid for the increased time they spend at the Court during those hearings.

**MOTION:** Motion by Commissioner Baller, seconded by Commissioner Long:  
To adopt a resolution to approve the 48th District Court's 2024 budget as submitted.

Commissioner Host cited his perspective on the Commission's fiscal responsibility to the community in explaining that he would be voting against the budget because of the shortfall.

MPT Schafer said she looked forward to seeing if electronic filing would improve efficiencies in some way.

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

### **Commission Items for Future Discussion**

Commissioner Baller asked that a discussion on the City's civic improvement process be scheduled with urgency.

### **12-284-23 Parking System Financials**

**MOTION:** Motion by Commissioner Baller, seconded by Commissioner Host:  
To talk about directing Staff to provide the Commission with quarterly financial statements on the parking system.

Commissioner Haig said he would be interested in data analysis as well.

ROLL CALL VOTE: Ayes, Mayor McLain  
Commissioner Longe  
MPT Schafer  
Commissioner Long  
Commissioner Baller  
Commissioner Haig  
Commissioner Host  
  
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 the Public Arts Board
  - 2. Notice of Intention to appoint to the Storm Water Utilities Appeals Board
- B. Commissioner Comments

Commissioner Host said the Commission needs to delve into the City's RFP process.

The Mayor spoke about the Santa event in the City, the Retirement Commission meeting, an upcoming meeting with State Senator McMorrow regarding noise and speed on Woodward and why the Legislature is still in recess, an upcoming meeting with Oakland County Commissioner Cavell, the Mayor's intended attendance at the MML's women's group of elected leaders, the Women Officials' Network, and the South Oakland County Mayors' Association meetings, and the Birmingham Bloomfield Chamber of Commerce's upcoming events.

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

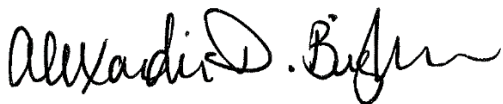
It was noted that two State Legislators and Oakland County Commissioner Cavell would be in attendance at the next Commission meeting.

Commissioner Host and the Mayor thanked Commissioner Haig for bringing pudding.

INFORMATION ONLY

**XI. ADJOURN**

The Mayor adjourned the meeting at 8:41 p.m.



Alexandria Bingham, City Clerk



Laura Eichenhorn, City Transcriptionist