

# BIRMINGHAM CITY COMMISSION AGENDA

NOVEMBER 9, 2020

MUNICIPAL BUILDING, 151 MARTIN

7:30 P.M.

VIRTUAL MEETING

MEETING ID: 655 079 760

Video Link: <https://vimeo.com/event/3470/videos/477383387/>

## I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Pierre Boutros, Mayor, opened the meeting with the Pledge of Allegiance.

## II. ROLL CALL

Alexandria Bingham, City Clerk Designee, called the roll.

Present: Mayor Boutros (location: Birmingham, MI)  
Mayor Pro Tem Longe (location: Birmingham, MI)  
Commissioner Baller (location: Birmingham, MI)  
Commissioner Hoff (location: Birmingham, MI)  
Commissioner Host (location: Birmingham, MI)  
Commissioner Nickita (location: Birmingham, MI)  
Commissioner Sherman (location: Birmingham, MI)

Absent: None

Administration: City Manager Valentine, City Clerk Designee Bingham, Police Chief Clemence, City Planner Cowan, City Planner Dupuis, Planning Director Ecker, City Attorney Kucharek, DPS Director Wood

## 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 with conducting a successful November 3<sup>rd</sup> General Election. We appreciate all of the voters who participated safely, turnout for this election was about 79% which was above the average for Oakland County.

### Recognition of Mayor

- Presentation to Mayor Boutros by Mayor Pro Tem Longe

Mayor Pro Tem Longe commended Mayor Boutros for being a reassuring and calming presence in his capacity as mayor during the Covid-19 pandemic. She also acknowledged him for signing of a proclamation against social injustice after the killing of George Floyd in Minneapolis, MN. She thanked

the Mayor on behalf of herself and the community for his leadership, personal integrity, and for his commitment to doing the right thing for Birmingham.

Mayor Boutros thanked Mayor Pro Tem Longe.

B. Comments by outgoing Mayor

Mayor Boutros discussed the effects of the Covid-19 pandemic and congratulated the community on coming together to take care of one another during this time. He said it has been a privilege and an honor to serve the community. He thanked citizen volunteers, the City Manager, his fellow Commissioners, and City staff for their contributions to the City.

Mayor Boutros described his wife Beatrice as an 'unsung hero' who supported his mayoral work, and he thanked his children for their continuous support as well.

**11-214-20                      Nomination of Temporary Chair for purposes of conducting election of Mayor and Mayor Pro Tem**

**MOTION:**                      Motion by Mayor Pro Tem Longe:  
To nominate Mayor Boutros as temporary chair for purposes of conducting election of Mayor and Mayor Pro Tem.

ROLL CALL VOTE:      Ayes,                      Mayor Pro-Tem Longe  
   Commissioner Host  
   Commissioner Sherman  
   Commissioner Nickita  
   Commissioner Baller  
   Commissioner Hoff  
   Mayor Boutros

Nays,                      None

**11-215-20                      Election of Mayor**

Mayor Pro Tem Longe nominated Mayor Boutros citing his experience navigating the unusual experiences of the past year and the possible benefits of maintaining continuity in the position. She acknowledged that a second consecutive term for a Mayor would be unprecedented, but that in the circumstances it would be appropriate.

Commissioner Hoff said that while she respects Mayor Boutros and considers him a friend, she thought it would be more prudent to nominate a Commissioner with more experience to assume the mayoral role for the next year given City staff departures and the ongoing pandemic.

Commissioner Sherman concurred with Commissioner Hoff. In support of his stance, he read an excerpt from the November/December 2020 edition of The Review, a publication of the Michigan Municipal League. The excerpt described the need for City leaders to have the experience and ability to provide stability. He said a more experienced Mayor would be better able to provide that stability at this time. He said the turnover of City staff was a concern. He said he was 'also very troubled by the manner in which the decision to appoint [Mayor Boutros] was reached behind the scenes in a round-robin fashion, and the four votes will confirm that is what occurred.'

Commissioner Nickita lent his voice to Commissioners Hoff's and Sherman's appreciation of Mayor Boutros and their concern that a Mayor with more experience would be better positioned to lead the City at this time. He agreed that the turnover of City staff was a concern.

Commissioner Baller described the conversations he had outside of Commission meetings regarding the Mayor and Mayor Pro Tem positions. He stated that he had one conversation with Mayor Boutros where the Mayor solicited Commissioner's Baller's support for the Mayor's re-nomination. Commissioner Baller described an additional conversation with an unnamed person regarding the position of Mayor Pro Tem. Commissioner Baller also said he spoke on November 8, 2020 with Commissioner Hoff at length about the matter. He said if he had received a call from Commissioners Nickita or Sherman regarding a desire to be Mayor he would have listened to their reasons. He said he agreed with Mayor Pro Tem Longe's reasons for re-nominating Mayor Boutros.

Commissioner Host agreed with Mayor Pro Tem Longe's and Commissioner Baller's comments regarding Mayor Boutros' candidacy. Commissioner Host cited Mayor Boutros' respectful way of interacting with people as one of the main reasons that the Commissioner continues his support of Mayor Boutros for the position.

**MOTION:** Motion by Mayor Pro Tem Longe:  
To elect Mayor Boutros to a second, consecutive term as Mayor.

ROLL CALL VOTE:	Ayes,	Commissioner Baller Mayor Pro-Tem Longe Commissioner Host Mayor Boutros
	Nays,	Commissioner Hoff Commissioner Nickita Commissioner Sherman

**11-216-20 Election of Mayor Pro Tem**

Commissioner Baller nominated Mayor Pro Tem Longe, citing her experience over the past year. He also commended her on her spearheading of the campaign for the Parks and Recreation bond which passed on November 3, 2020, and which Commissioner Baller said was one of the most successful bond votes in the City's history.

**MOTION:** Motion by Commissioner Baller:  
To elect Mayor Pro Tem Longe to a second, consecutive term as Mayor Pro Tem.

ROLL CALL VOTE:	Ayes,	Commissioner Baller Mayor Boutros Commissioner Hoff Commissioner Host Commissioner Nickita Commissioner Sherman Mayor Pro-Tem Longe
	Nays,	None

## **Oaths of Office and Comments by the Mayor and Mayor Pro Tem**

The Oaths of Office were taken by the Mayor and Mayor Pro Tem. The Mayor Pro Tem and the Mayor thanked the Commission and the public for their continued support, and said they looked forward to their continued service in their respective roles.

### **11-217-20 Appointment of Pierre Boutros, Mayor, to the Retirement Board**

**MOTION:** Motion by Commissioner Host:  
To appoint Mayor Boutros to the Retirement Board.

ROLL CALL VOTE: Ayes, Commissioner Host  
Commissioner Baller  
Mayor Boutros  
Commissioner Hoff  
Commissioner Nickita  
Commissioner Sherman  
Mayor Pro-Tem Longe

Nays, None

### **11-218-20 Appointment of Therese Longe, Mayor Pro Tem, to the Retirement Board**

**MOTION:** Motion by Commissioner Hoff:  
To appoint Mayor Pro Tem Longe to the Retirement Board.

ROLL CALL VOTE: Ayes, Commissioner Hoff  
Commissioner Host  
Commissioner Baller  
Mayor Boutros  
Mayor Pro-Tem Longe  
Commissioner Nickita  
Commissioner Sherman

Nays, None

### **11-219-20 Appointment of Pierre Boutros, Mayor, to the Retirees Health Care Fund Committee**

**MOTION:** Motion by Mayor Pro-Tem Longe:  
To appoint Mayor Boutros to the Retirees Health Care Fund Committee.

ROLL CALL VOTE: Ayes, Mayor Pro-Tem Longe  
Commissioner Hoff  
Commissioner Host  
Commissioner Baller  
Mayor Boutros

Commissioner Nickita  
Commissioner Sherman

Nays, None

**11-220-20 Appointment of Stuart Sherman, Commissioner, to the Triangle District Corridor Improvement Authority**

**MOTION:** Motion by Mayor Pro-Tem Longe:  
To accept Mayor Boutros' nomination of Commissioner Sherman to the Triangle District Corridor Improvement Authority.

ROLL CALL VOTE: Ayes, Mayor Pro-Tem Longe  
Commissioner Hoff  
Commissioner Host  
Commissioner Baller  
Mayor Boutros  
Commissioner Nickita  
Commissioner Sherman

Nays, None

**11-221-20 Appointment of Rackeline Hoff, Commissioner, to the Foundation for Birmingham Senior Residents**

**MOTION:** Motion by Commissioner Host:  
To accept Mayor Boutros' nomination of Commissioner Hoff to the Foundation for Birmingham Senior Residents.

ROLL CALL VOTE: Ayes, Commissioner Host  
Mayor Pro-Tem Longe  
Commissioner Hoff  
Commissioner Baller  
Commissioner Nickita  
Commissioner Sherman  
Mayor Boutros

Nays, None

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

David Bloom said he was pleased Mayor Boutros was re-elected. Mr. Bloom wished the Mayor luck for the next year of his term.

Gordon Rinschler stated that while he attends the Commission meetings he generally avoids commenting since he is no longer a member of the Commission. He said that the evening's discussion compelled him to comment despite his general reservations about doing so. He explained that historical precedent for the Commission's mayoral discussions was that Commissioners did not publicly voice concerns about a given mayoral nomination. He said he was disappointed to see that precedent broken during the present conversation. He explained that historically the vote for Mayor would be called until the affirmative votes

reached a majority and then the vote would be stopped. Mr. Rinschler voiced his full endorsement of Mayor Boutros and Mayor Pro Tem Longe. He said the three 'experienced Commissioners should re-evaluate some of their positions'. He said he was sorry to have to state that.

Paul Reagan and Andrew Haig congratulated the Mayor and Mayor Pro Tem on their re-elections.

Mr. Reagan thanked the the Mayor and Mayor Pro Tem for their leadership during the last year, and said he found Mayor Boutros' civility refreshing.

Mr. Haig agreed with Mr. Bloom and Mr. Rinschler. He said had come to be very impressed with and pleased by the Mayor's performance. Mr. Haig said he was also impressed by the Mayor's ataraxy during the comments voiced against the Mayor's re-nomination. Mr. Haig advised the Commissioners to avoid looking backwards, and implored them to each put their efforts towards finding the best and most innovative paths forward for the City.

A resident named Samantha asked if appointments to the Design Review Board would be happening at the present meeting. CM Valentine stated those appointments would be made at the November 23, 2020 Commission meeting.

**V. CONSENT AGENDA**

All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a roll call vote. There will be no separate discussion of the items unless a commissioner or citizen so requests, in which event the item will be removed from the general order of business and considered under the last item of new business.

**11-222-20 Consent Agenda**

**MOTION:** Motion by Commissioner Host, seconded by Commissioner Baller:

To approve the Consent Agenda.

ROLL CALL VOTE: Ayes, Commissioner Host  
Commissioner Baller  
Mayor Boutros  
Commissioner Hoff  
Mayor Pro-Tem Longe  
Commissioner Nickita  
Commissioner Sherman

Nays, None

- A. Resolution approving the City Commission meeting minutes of October 23, 2020.
- B. Resolution approving the City Commission meeting minutes of October 26, 2020.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated October 28, 2020, in the amount of \$ 1,623,823.66.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated November 4, 2020, in the amount of \$ 432,903.76.

- E. Resolution setting a public hearing date for December 7, 2020 to consider the Final Site Plan and Design and Special Land Use Permit at 470 N. Old Woodward to allow for the operation of a new bistro, EM, at 470 N. Old Woodward.
- F. Resolution authorizing the expenditure of \$18,333.80 to restripe all five parking structures using Accurate Parking Lot Services to complete the work to be paid by the Automobile Parking System.
- G. Resolution adopting the Bloomfield Township Automatic Aid Agreement. Further, to authorize the Mayor to sign the agreement on behalf of the City.

**VI. UNFINISHED BUSINESS**

**11-223-20 City Manager Resignation**

**MOTION:** Motion by Commissioner Hoff, seconded by Mayor Pro Tem Longe:

To accept the resignation of City Manager Joe Valentine and appoint a subcommittee of the City Commission comprised of Mayor Pro Tem Longe and Commissioner Hoff to recognize Mr. Valentine for his years of service to the City of Birmingham.

Commissioner Baller clarified the intent of the subcommittee would be to generate recommendations for how the community should recognize CM Valentine for his service.

ROLL CALL VOTE: Ayes, Commissioner Hoff  
 Mayor Pro-Tem Longe  
 Commissioner Baller  
 Mayor Boutros  
 Commissioner Host  
 Commissioner Nickita  
 Commissioner Sherman

Nays, None

**11-224-20 Interim City Manager Appointment**

**MOTION:** Motion by Mayor Pro Tem Longe, seconded by Commissioner Host:

To appoint Police Chief Mark Clemence as Interim City Manager Designee to begin a transition and serve as Interim City Manager effective January 1, 2021 if a City Manager is not appointed by this date subject to finalization of an interim wage rate through the City's labor counsel.

At Commissioner Baller's request, Mayor Boutros invited dialogue between the Commission and the Police Chief prior to the vote.

Police Chief Clemence assured Commissioner Baller that the Police Department (PD) has sufficient staff even if he assumes the role of interim City Manager and with Police Commander Grewe currently overseeing parking matters. He noted the PD has plans to streamline some of the parking matters and has two other Commanders that would be doing more in the department.

In reply to Commissioner Hoff, Police Chief Clemence said he was enthusiastic about performing the roles of both Police Chief and Interim City Manager simultaneously if that comes to pass. He said he currently had the time, interest, and resources to undertake the challenge.

ROLL CALL VOTE:   Ayes,                   Mayor Pro-Tem Longe  
  Commissioner Host  
  Commissioner Nickita  
  Commissioner Sherman  
  Commissioner Baller  
  Mayor Boutros  
  Commissioner Hoff

                                  Nays,                   None

**11-225-20                   Discussion with Keller Thoma**

CM Valentine introduced the item.

Ms. Sashital of Keller Thoma presented the memo regarding City Manager Candidate Thomas Markus's requested compensation and benefits. The memo can be found in the evening's agenda packet.

Commissioner Sherman said he believed that the requested \$160,000 in compensation was less than what the City paid Mr. Markus during his previous tenure with the City.

Ms. Sashital said she had not been able to confirm that independently, but that Mr. Markus had indicated that was the case. She said the deferred compensation had also been higher previously than the currently requested amount.

There was Commission discussion of various potential terms. All agreed that if hired Mr. Markus should hire for open staff positions and should conduct the hiring process for a replacement City Manager. The Commissioners were split between wanting to offer Mr. Markus a two year term or a three year term.

Commissioners Sherman, Nickita and Hoff proposed that a national search could occur for an Assistant City Manager, with the intent of training and promoting, if appropriate, the Assistant City Manager to City Manager at the end of Mr. Markus' tenure in the position.

Mayor Pro Tem Longe and Commissioner Baller said that if that option were exercised, the Commission should have advice and consent over the hiring of the Assistant City Manager.

Commissioner Baller said the cell phone and computer provided to Mr. Markus as part of the position should remain the City's property, and that any severance paid should be for 12 months or the number of months remaining in the City Manager's contract.

There was Commissioner consensus regarding Commissioner Baller's suggestion.

Mr. Markus joined the meeting as a public participant.

Mayor Boutros asked Mr. Markus if he would like to offer comment.

Mr. Markus thanked the Mayor. He said:



- Since some of the Commissioners wanted to offer him a 24-month term and some wanted to offer a 36-month term, he would be willing to split the difference at 30 months.
- The first year of his term would be busy filling various City staff positions.
- One of his first priorities would be to hire and train an Assistant City Manager. He would hope that the Assistant City Manager could eventually be a qualified candidate for the National City Manager search.
- That giving the Commission advice and consent over the hiring of the Assistant City Manager would likely violate the council-manager form of local government.
- He would commit to soliciting the Commission's advice, and taking it seriously, regarding the hiring of an Assistant City Manager. He could not commit to giving the Commission consent. It is specifically the City Manager's charge to hire an Assistant City Manager.
- He would want there to be public interviews and presentations from Assistant City Manager candidates so that everyone in the community would have an opportunity to weigh in on the process.
- Executive searches during the Covid-19 pandemic are taking longer than usual. When those searches have to go into a second round, it usually adds three to four months to the usual time. Zoom is a difficult medium for hiring, and as a result internal candidates tend to be moving into executive positions.
- If the City is set on a national search for a City Manager, which he said he could absolutely facilitate, he recommended bringing the finalists in for in-person interviews and presentations so the Commission and the community were sure about the person they were hiring.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Nickita:

To offer Thomas Markus a two-and-a-half year term with the provisions that:

1. Any severance be for 12 months or the number of months remaining in the City Manager's contract, whichever is less; and,
2. That the provided cell phone and computer remain the property of the City.

Commissioner Host said he was only comfortable offering a two year term to Mr. Markus to serve as City Manager. He emphasized his appreciation of Mr. Markus' talents and said he just could not go over two years.

Commissioner Baller said the difference between 30 months and three years was essentially monetary. Since Commissioner Baller had initially been willing to pay Mr. Markus at his requested rate for three years even if Mr. Markus only served as City Manager for two, Commissioner Baller said that a compromise at two-and-a-half years would be a positive outcome for the City. He noted that the national search for City Manager would commence at the Commission's discretion, whenever they agreed it was appropriate.

#### Public Comment

Mr. Bloom suggested Mr. Markus serve as City Manager only for two years. He said that if Mr. Markus were hired for a 30 month term, he could either serve in a different capacity for the final six months or could just have those remaining six months paid as severance.

ROLL CALL VOTE: Ayes, Commissioner Sherman  
Commissioner Nickita  
Commissioner Baller  
Mayor Boutros

Commissioner Hoff  
Mayor Pro-Tem Longe

Nays, Commissioner Host

Mr. Markus thanked the Commission for their support and said he looked forward to joining the City in January 2021.

**11-226-20 City Manager Position RFP**

This item was tabled in light of the outcome of the previous item's discussion.

**VII. NEW BUSINESS**

**11-227-20 Public Hearing – 768 N. Old Woodward – The French Lady**

Mayor Boutros opened the public hearing.

CP Dupuis reviewed the item.

Commissioners Hoff and Baller stated their support for the project.

Commissioner Baller said he would encourage The French Lady to have outdoor seating either in the rear or the front of the establishment.

Commissioner Nickita said this section of N. Old Woodward should be included in the City's broader discussion about transitional zones.

Commissioner Host said it was helpful to understand that this location had previously been grandfathered in as allowing a food and drink establishment even though the current location's zoning does not allow for it without a special land use permit.

Commissioner Hoff said that, per a recommendation made by one of the Planning Board members during a Planning Board meeting, the City should consider lengthening the time it takes for a location to lose its legal non-conforming use. She said this consideration was worthwhile especially in light of the challenges to small businesses posed by the current pandemic. She noted the Planning Board member she was citing recommended lengthening the time from six months to a year and said she would be in favor of exploring that option.

Public Comment

Mr. Reagan said he was not sure that transitional zoning status would be more appropriate for this area of N. Old Woodward than the O2 zoning status is. He said the O2's function of providing a 'buffer' between commercial and residential uses is important, and that the Commission should carefully consider the potential impact on neighborhoods when broader commercial uses are considered for the O2 zone.

Mr. Bloom concurred with Mr. Reagan.

Mayor Boutros closed the public hearing.

**MOTION:** Motion by Commissioner Nickita, seconded by Mayor Pro Tem Longe:

To approve the Special Land Use Permit and Final Site Plan and Design Review application for 768 N. Old Woodward – The French Lady – to allow the operation of a food and drink establishment in the O2 zoning district. The motion also strongly recommended the establishment pursue outdoor dining options.

Claude Pellerin, owner/operator of The French Lady, confirmed they have cleaned and painted the patio in the rear of the restaurant and that they hope to open the patio area in Spring 2021.

Commissioner Nickita recommended that Ms. Pellerin consider installing outdoor seating in the parking space in front of the restaurant as well. He said she could work with the City to determine implementation options for that.

ROLL CALL VOTE:   Ayes,                   Commissioner Nickita  
  Mayor Pro-Tem Longe  
  Commissioner Sherman  
  Commissioner Baller  
  Mayor Boutros  
  Commissioner Hoff  
  Commissioner Host

  Nays,                   None

**11-228-20                   Public Hearing – 525 N. Old Woodward – Luxe Bistro**

Mayor Boutros opened the public hearing.

PD Ecker presented the item.

Commissioners Hoff and Baller expressed concern that sometimes patrons seated in the outdoor dining area move the tables and seating into the pedestrian right-of-way on the sidewalk.

PD Ecker said that while that sometimes happens with outdoor dining areas around the City, the establishments generally correct the issue as soon as they are made aware of it. She said that the Bongiovannis were made aware that was happening at Luxe and that she has heard no more complaints regarding the matter since then.

The operators of Luxe said they were committed to ensuring that the sidewalks outside their establishments remain navigable to pedestrians. They said they have also been putting effort into improving relations with the residential neighbors by putting up signage warning patrons against littering, trespassing, and being noisy, towing vehicles of customers that park in private spaces, and keeping the exterior free of refuse. They also said the President of the adjacent neighborhood association has been given Luxe management's direct contact information and has been encouraged to reach out to the management with any concerns at any time

Mayor Boutros closed the public hearing.

**MOTION:** Motion by Commissioner Nickita, seconded by Commissioner Hoff:

To approve the Revised Final Site Plan and Design and Special Land Use Permit Amendment to allow the expansion of the existing Luxe bistro into the vacant storefront to the south.

Commissioner Nickita said he valued the vitality of this area, that keeping the residential neighbors happy is essential, and that activating the vacant storefront to the south of Luxe will be beneficial to the whole area.

Commissioner Host agreed with Commissioner Nickita but said the commercial aspect of the area cannot be permitted to negatively impact the Mill Pond or Little San Francisco residential neighborhoods. He said that would be a matter not only for the owners but for Birmingham Police and code enforcement as well.

ROLL CALL VOTE:   Ayes,               Commissioner Nickita  
  Commissioner Hoff  
  Commissioner Host  
  Commissioner Sherman  
  Commissioner Baller  
  Mayor Boutros  
  Mayor Pro-Tem Longe

                                  Nays,               None

**11-229-20               Public Hearing – 34350 Woodward & 907-911 Haynes – Lot Combo**

CP Cowan stated that the applicant requested to postpone the hearing to December 7, 2020.

**MOTION:**   Motion by Commissioner Hoff, seconded by  
  Commissioner Sherman:

To postpone the Public Hearing of 34350 Woodward & 907-911 Haynes – Lot Combo to December 7, 2020.

ROLL CALL VOTE:   Ayes,               Commissioner Hoff  
  Commissioner Sherman  
  Commissioner Nickita  
  Commissioner Host  
  Commissioner Baller  
  Mayor Boutros  
  Mayor Pro-Tem Longe

                                  Nays,               None

**11-230-20               Parking Spaces at 856 N. Old Woodward**

City Planner Cowan presented the item.

There was Commission consensus that the most appropriate approach to this item would be for the owner of 856 N. Old Woodward to buy into the Parking Assessment District. It was agreed that allowing the six spaces in question to be counted towards The Pearl's parking requirement would put parking strain on an already congested area of the City.

In reply to Commissioner Sherman, PD Ecker explained that the location had enough parking available if they had rented out their first floor uses to regular retail tenants. She explained that after that the owner rented to more high-intensive retail uses, which increased the amount of parking necessary.

Commissioner Sherman said it has been the Commission's general policy to encourage owners to resolve their own self-created issues, like renting to higher-intensity tenants, instead of requesting that the Commission do it for them.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Baller:

To deny the use of six parking spaces in the right-of-way adjacent to the property located at 856 N. Old Woodward to fulfill the parking requirements per Article 4, section 4.43 (G)(4) of the Zoning Ordinance.

ROLL CALL VOTE:	Ayes,	Commissioner Sherman Commissioner Baller Mayor Boutros Mayor Pro-Tem Longe Commissioner Hoff Commissioner Nickita Commissioner Host
	Nays,	None

**11-231-20 Plante Moran Cresa Proposal – Birmingham Ice Arena**

DPS Director Wood and Robert Stempien of Plante Moran Cresa outlined the item.

It was discussed that the proposal for the \$5.1 million in work to the Ice Arena was presented at both the 2019 and 2020 Long Range Planning meetings, a number of Parks and Recreation Board meetings, and in the FAQ posted on the City's website for the Parks and Recreation Bond proposal that passed on November 3, 2020.

DPS Director Wood also noted that the proposed Ice Arena repairs were included in the Parks and Recreation Board's priority list for the bond.

Commissioners Hoff, Sherman and Nickita said they wanted to receive more public input on the \$3.1 million proposal to update the locker rooms and the concessions area.

There was Commission consensus that the refrigeration and mechanical repairs could move forward immediately since they had been previously reviewed and approved, and were necessary to the continued functioning of the Ice Arena.

Mayor Pro Tem Longe said it would be cost-inefficient to do the refrigeration and mechanical repairs while holding off on the other proposed improvements.

As a compromise, Mayor Pro Tem Longe and Commissioner Baller recommended that the suggested motion be approved with the understanding the Commission should immediately schedule public input sessions at the Commission level for the proposed \$3.1 million in updates that are giving some of the Commissioners pause.

It was noted that the suggested motion only assigned Plante Moran Cresa owner-representative duties, and did not inherently commit to any specific repairs.

There was consensus that the Architectural Review Committee should be asked to look over and provide feedback on all design plans for the proposed updates.

**MOTION:** Motion by Commissioner Baller, seconded by Mayor Pro Tem Longe:

To approve the proposal from Plante & Moran Cresa, LLC in the amount not to exceed the lump sum fee of \$145,800.00, term beginning November 10, 2020 – November 8, 2021 for the purpose of assisting with capital planning and operational review consulting services for the Birmingham Ice Arena; contingent upon receipt of proper insurance. Further, to waive the formal bidding requirements. Funds are available for this work in the Capital Projects - Ice Arena – Buildings account #401-901.001-977.0000.

Public Comment

Mr. Bloom said that even though he voted in favor of the Parks and Recreation Bond, he agreed that the proposed repairs for the Ice Arena needed more public review, especially in light of the fact that the Ice Arena is used quite frequently by non-Birmingham residents. He said wanted to know whether residents might be more inclined to spend the funds raised by the bond on updates that would serve the residents of Birmingham more specifically.

ROLL CALL VOTE:	Ayes,	Commissioner Baller Mayor Pro-Tem Longe Commissioner Host Mayor Boutros
	Nays,	Commissioner Hoff Commissioner Sherman Commissioner Nickita

**Commission Discussion on items from prior meeting**

None.

**Commission Items For Future Discussion**

A motion is required to bring up an item for future discussion on the next reasonable agenda. No discussion regarding these topics will occur during the present meeting.

None.

**VIII. REMOVED FROM CONSENT AGENDA**

**IX. COMMUNICATIONS**

A. Birmingham Roast Letter

Jesse Dhillon, co-founder, reviewed the letter to the Commission, which can be found in the evening's agenda packet.

### 11-232-20 Outdoor Dining Season

**MOTION:** Motion by Commissioner Baller, seconded by Commissioner Host:

To direct City Staff to put together a report on what policy changes would need to be enacted to accommodate Mr. Dhillon's request, whether other businesses in the City would be interested in similar accommodations, and what the ramifications of doing so would be.

Commissioner Nickita said the requirements for bistros with alcohol and establishments without alcohol are different. He encouraged the City to move as soon as possible on dealing with establishments that do not serve alcohol and have their outdoor dining on public property. He said the bistro issues should also be explored, but should be reviewed separately from the present topic.

Mayor Boutros agreed with Commissioner Nickita, and said City staff would also have to clarify the difference between bistros on private property and bistro on public property when looking into the matter of bistros and outdoor seating more generally.

ROLL CALL VOTE:   Ayes,                   Commissioner Baller  
  Mayor Pro-Tem Longe  
  Commissioner Hoff  
  Commissioner Sherman  
  Commissioner Nickita  
  Commissioner Host  
  Mayor Boutros

Nays,                   None

<b>X.   REPORTS</b>
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- A.   Commissioner Reports  
      Notice of intent – Board of Review & Birmingham Triangle District Corridor Improvement Authority
- B.   Commissioner Comments

Commissioner Hoff commended City Clerk Designee Bingham on the Clerks Office's smooth execution of the November 3, 2020 election.

Commissioner Host agreed. He also thanked Acting City Clerk Cheryl Arft for her commitment and for remaining to work with a train City Clerk Designee Bingham this year.

Commissioner Host congratulated resident Patricia Andrews on recently celebrating her 99th birthday, and described the socially-distanced celebration that was had in Birmingham in her honor.

Commissioner Host said he also had a recommendation for an additional law firm, located in Birmingham, that would be willing and able to put together the RFP for legal services if the City's two current options do not work out.

Mayor Boutros stated that Birmingham was recently recognized as a five-star community for entrepreneurial growth by the annual eCities study, conducted by researchers at iLabs, University of Michigan-Dearborn's Center for Innovation Research.

Mayor Boutros also congratulated BSD Director Ingrid Tighe for her selection as a 2020 Crain's Detroit Business Notable Veteran.

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

INFORMATION ONLY

<b>XI. ADJOURN</b>
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Mayor Boutros adjourned the meeting at 12:06 a.m.