

BIRMINGHAM CITY COMMISSION MEETING MINUTES
JUNE 8, 2020
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.
VIRTUAL MEETING

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Pierre Boutros, Mayor

II. ROLL CALL

Alexandria Bingham, City Clerk Designee, called the roll:

PRESENT:	Mayor Boutros Mayor Pro-Tem Longe Commissioner Baller Commissioner Hoff Commissioner Host Commissioner Nickita Commissioner Sherman
ABSENT:	None

Administration: City Manager Valentine, Assistant City Manager Gunter, Finance Director Gerber, Planning Director Ecker, Police Chief Clemence, Commander Grewe, Acting City Clerk Arft, City Clerk Designee Bingham

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

ANNOUNCEMENTS

- The Parkinson's Walk Special Event Application has been withdrawn due to the executive orders in place that limit outside gatherings to a maximum of 100 people.
- Mayoral Proclamation on Social Injustice.
- All city offices remain closed to the public. All departments are accessible via phone and email. Payments may be dropped off using the convenient drop box, located behind City Hall and accessible via the Police Department parking lot off Henrietta Street.
- The Baldwin Public Library will begin accepting materials returns on June 8. Starting, June 15, the Library will be offering Curbside Pickup service to patrons on Mondays through Thursdays from 11:00 a.m. to 7:00 p.m. and on Fridays and Saturdays from 9:30 a.m. to 5:30 p.m. Find more details about Curbside Pickup and the Library's reopening plan at www.baldwinlib.org/reopening.
- The City will maintain the hotline to provide residents with information about City and County COVID-19 resources through the end of the month. Elderly, quarantined and immuno-compromised individuals are encouraged to use the hotline to request assistance

with essential functions, and obtaining necessary supplies Call 248-530-1805, Monday through Friday from 8 a.m. – 5 p.m.

- We encourage everyone to sign up for our email distribution system to receive the latest information from the City. You can do this by going to our website and clicking on the box in the lower right corner of your screen to sign up.
- The Clerk’s Office reminds all voters that applications for Absent Voter ballots for the August 4, 2020 Primary election will be mailed to you in the next few weeks if you are on the Permanent Absent Voter list, and we thank all voters who took the opportunity to be added to the Absent Voter list recently. Finally, if you are interested in working as an Election Inspector in Birmingham in the upcoming elections, please contact our office at elections@bhamgov.org or 248-530-1880.
- Please welcome Abrial Hauff to the City of Birmingham as she has committed to serving our community as the Deputy City Clerk. Miss Hauff has accumulated 4 years of municipal experience as the Deputy Clerk in Columbus Township and comes with excellent recommendations from her previous co-workers.
- Baldwin Library Director Doug Koschik won the American Institute of Architects Affiliate Award, which is awarded, to anyone who advocates for architects and the building arts. He consistently promotes architecture and the City of Birmingham.

06-086-20 APPOINTMENT TO THE HOUSING BOARD OF APPEALS

The Commission interviewed the following persons to serve on the Housing Board of Appeals:

1. Robert Ziegelman, Architect
2. Luke Joseph, Realtor
3. Chris McLogan, Current Member

Commissioner Hoff noted that Mr. Ziegelman resigned from the board due to a conflict of interest and asked if the conflict still exist, while working on a project at the Library.

Mr. Ziegelman responded that he is working for the City and not an outside contractor as before.

City Manager Valentine clarified that one of the functions of this board is to review appeals related to construction in the City. If an appeal arises on a project that he is involved in, than he would need to recuse himself.

NOMINATION: Nomination by Commissioner Hoff:

To appoint Robert Ziegelman to the Housing Board of Appeals as a regular member to serve a three year term to expire 5/4/2023.

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

NOMINATION: Nomination by Commissioner Nickita:
To appoint Chris McLogan to the Housing Board of Appeals as a regular member to serve a three-year term to expire 5/4/2023.

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

NOMINATION: Nomination by Commissioner Baller:
To appoint Luke Joseph to the Housing Board of Appeals as a regular member to serve a three-year term to expire 5/4/2023.

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

06-087-20 BROWNFIELD REDEVELOPMENT AUTHORITY

The Commission interviewed the following current board members for reappointment.

1. Beth Gotthelf, Attorney
2. Rob Runco

NOMINATION: Nomination by Mayor Boutros, concurred by Commissioner Sherman:
To appoint Beth Gotthelf, as a regular member to the Brownfield Redevelopment Authority to serve a three-year term to expire May 23, 2023.

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

NOMINATION: Nomination by Mayor Boutros, concurred by Commissioner Host:
To appoint Rob Runco as a regular member to the Brownfield Redevelopment Authority to serve a three-year term to expire May 23, 2023.

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

Mayor Boutros thanked the appointees for their interest and noted that the swearing in of the new appointees will be done individually and safely at the City Clerk’s office by appointment.

Mayor Boutros announced that Doug Koschik, Baldwin Library Director, was honored with the AIA Honorary Affiliate Award bestowed upon him for his continued advocacy for architectural design.

IV. 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.

06-088-20 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

Commissioner Baller: Item A - Resolution to approve the regular meeting minutes of the City Commission.
 Item K - Resolution approving the Intergovernmental Contract with the Charter Township of Bloomfield for Animal Control, Housing and Services.

The following Commissioners recused themselves from the Consent Agenda Vote:

Mayor Pro-Tem Longe: Item G - Resolution setting Monday, July 13th, 2020 at 7:30 PM for a public hearing to consider the proposed rezoning of 469 – 479 S. Old Woodward from B3/D4 to B3/D5.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Hoff:
 To approve the Consent Agenda excluding Item A, K and noting the recusal on Item G.

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

- B. Resolution approving the City Commission regular meeting minutes of May 18, 2020.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated May 20, 2020 in the amount of \$1,051,925.64.

- D. Resolution approving the warrant list, including Automated Clearing House payments, dated May 27, 2020 in the amount of \$406,105.45.
- E. Resolution approving the warrant list, including Automated Clearing House payments, dated June 3, 2020 in the amount of \$385,449.52.
- F. Resolution setting Monday, July 13th, 2020 at 7:30 PM for a public hearing to consider approval of a Special Land Use Permit Amendment and Final Site Plan and Design Review for Lutheran Church of the Redeemer at 1800 W. Maple Road.
- G. Resolution setting Monday, July 13th, 2020 at 7:30 PM for a public hearing to consider the proposed rezoning of 469 – 479 S. Old Woodward from B3/D4 to B3/D5.
- H. Resolution approving the attached resolution requesting reimbursement for the maximum allotment of \$2,648.39 for eligible mosquito control activity under the Oakland County's West Nile Virus Fund Program.
- I. Resolution approving the purchase of two (2) Toro Workman HDX from Spartan Distributors, through State of Michigan extendable purchasing contract #071B0200329 for a total expenditure of \$47,074.82. Funds for this purchase are available in the Auto Equipment Fund account # 641-441.006-971.0100.
- J. Resolution approving the crack repair and painting project at Pembroke and Poppleton Tennis Courts to Goddard Coatings Company for a total project cost not to exceed \$27,755.00. Funds are available from 2020-2021 budget Parks Capital Projects Fund account #401-751.001-981.0100 for these services. Further, authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.
- L. Resolution confirming the City Manager's authorization for the emergency expenditure regarding the implementation, integration and purchase of BS&A's PZE review process feature and Bluebeam in an amount not to exceed \$16,415 to be paid from the Building Department account number 101-371.000-811.0000, pursuant to Section 2-286 of the City Code.

06-089-20 (ITEM A) RESOLUTION APPROVING THE MEETING MINUTES OF MAY 11, 2020

Commissioner Baller pulled this item from consent to address the review requested by Commissioner Nickita at the May 18, 2020 meeting.

City Clerk Designee explained that the review was done and the item was moved from an action item to Commissioner Comments.

City Manager Valentine explained that direction is given only after the entire Commission participates in a discussion.

Commissioner Nickita noted that there was a discrepancy in the minutes stating that there was a consensus reached. He pulled this item in the last meeting because the minutes were incorrect, there was no consensus by definition and the item has been corrected.

Commissioner Sherman expressed that the discussion around meeting minutes on the consent agenda are whether the minutes are correct as opposed to discussing what happened in the meeting. He agreed with Commissioner Nickita that the minutes accurately reflect the meeting.

Commissioner Baller argued that there is a comment that there was a general agreement to discuss the placement of public comment on the agenda.

Mayor Boutros reminded Commissioner Baller that the item was pulled to insure that requested corrections were made to the minutes.

Commissioner Sherman called a point of order.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:
To approve the City Commission revised regular meeting minutes of May 11, 2020.

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

06-090-20 (ITEM K) RESOLUTION APPROVING THE INTERGOVERNMENTAL CONTRACT WITH THE CHARTER TOWNSHIP OF BLOOMFIELD FOR ANIMAL CONTROL, HOUSING AND SERVICES.

Commissioner Baller pulled this item from consent, because it is a change from a long-standing arrangement and the community should understand the effect of this change.

Commander Grewe expressed that the current provider of animal control, Gasow Veterinary Hospital, changed ownership; and cannot meet the needs of the City.

Commissioner Hoff asked about the previous arrangement with Gasow Veterinary Hospital, including the cost to the City and the length of the contract.

Commander Grewe explained that Bloomfield Township has a full animal control center complete with an animal control officer. While the cost is slightly more than our previous arrangement, the level of service would significantly increase and would be available 24 hours. The contract is open ended with a termination clause for both Bloomfield Township and the City of Birmingham.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Hoff:
To approve the Intergovernmental Contract with the Charter Township of Bloomfield for Animal Control, Housing and Services. Further, directing the Mayor and City Clerk to sign the agreement on behalf of the City.

ROLL CALL VOTE: Yeas, Commissioner Baller
 Commissioner Hoff
 Commissioner Host
 Commissioner Sherman

Commissioner Nickita
Mayor Pro-Tem Longe
Mayor Boutros
None

Nays,

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

06-091-20 PUBLIC HEARING TO CONSIDER THE PROPOSED LOT COMBINATION OF 211 FRANK STREET, PARCEL # 19-36-184-020 AND 227 W. FRANK STREET, PARCEL # 19-36-184-019.

Mayor Boutros recused himself from this item due to a personal interest in the property.

Mayor Pro-Tem Longe presided over this item and opened the public hearing at 8:24 p.m.

Planning Director Ecker presented this item and confirmed that the proposal meets all of the requirements set forth by the City Code for a lot combination.

Commissioner Nickita recalled in implementing the new ordinance for lot combinations, there were concerns about the ordinance providing enough detail to manage the uniqueness of the previous proposals. Discussions were held suggesting that the ordinance be reviewed by the Planning Commission to insure that the concerns were addressed.

Planning Director Ecker agreed that the discussions were held, and clarified that this proposal was submitted prior to the approval of the last lot combinations; and due to the pandemic, it has been slow coming to the Commission.

Commissioner Hoff referred to the last meeting where lot combinations were proposed and the Commission agreed that an ordinance revision is needed so consistent standards are in place moving forward. She further stated that this application happens to be from the Mayor but she is viewing it as an application from any Birmingham resident. She believes that the Commission should disregard the applicant and treat this request, as any other would be handled in this situation. Commissioner Hoff is not in support of this application until the needed revisions to the code are made.

Commissioner Host agreed that the ordinance should be revised to address current concerns; however, applications submitted should be viewed and approved based on the existing ordinance. The application before the Commission today meets the requirements set forth by the existing code. He supports the proposed resolution.

Commissioner Baller called attention to the false article published in Downtown Magazine. He expressed that Mayor Boutros is not receiving special treatment and there is no moratorium on lot combinations. He further stated that the City operates fairly. In response to Commissioner Hoff's comments, he went on to say that, anyone applying under existing ordinances and meet the requirements should be approved. He suggested that the Commission go into overtime to address the existing ordinance if not satisfied, and skeptical that the Planning Board could make improvements.

Commissioner Baller asked if the address is required to be on Frank Street or is that the applicant's preference and if the building envelope represents the size of the building.

Planning Director Ecker affirmed that the address is the applicant's preference and that the building envelope does not represent the size of the building.

Public Comment

Hany Boutros, 711 Bates, explained that the lot combination is being requested to accommodate the growing needs of the family. He further commented that his brother, Mayor Boutros and himself are committed to the family values of Birmingham and want to live next to each other. He went on to express his confusion with the Commission not wanting to approve an upgrade to the City and neighborhood. Mr. Boutros believes that the proposal aligns with the City of Birmingham and that residents are not abusing the ordinance. There have only been two lot combinations since 2016.

David Bloom, 1591 Stanley, expressed while it makes sense to combine the lots; this application complicates the issue of combining lots in the City. Every time lots are combined, housing stock is lost. The process would just be murky moving forward because the Mayor would be involved in the discussions on handling these issues.

Commissioner Sherman expressed his confusion because there are items that are factual and items that are not. Specifically, the factors listed in section 6 of the code. He asked what factors, as a Commission, should be considered. He also asked if this would be on the agenda for the Planning Board meeting next week. Commissioner Sherman would like clarity before making a determination.

City Manager Valentine affirmed that it would be on the agenda of Joint meeting of the Planning Board and the City Commission.

Mayor Pro-Tem Longe closed the public hearing at 9:03 p.m.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To approve the proposed lot combination of 211 Frank Street, parcel # 19-36-184-020 and 227 W. Frank Street, parcel # 19-36-184-019.

Commissioner Host reiterated that the concerns expressed by Commissioner Sherman and Commissioner Nickita are valid but it is not fair to deny this application because it meets all existing requirements.

Commissioner Hoff expressed that she would not support this resolution for the reasons stated previously. She further stated that the commissioners who moved the suggested resolution also agreed that revisions must be made to the ordinance. She went on to say, that while she is not opposed to the lot combination, she would like to do things in the order in which everyone agreed.

Commissioner Sherman reiterated that the issue is what are the Commissioners asked to review for approvals.

Commissioner Host referred to the lot combination request ~~in November~~ on October 29, 2019¹, and the Commission voted 7-0 and asked for clarification.

¹ As amended on June 22, 2020.

Commissioner Sherman, absent from that meeting, clarified the vote was actually 5-1, with Commissioner Nickita ~~descending~~ dissented²

Commissioner Baller asked how long would it take the applicant to get an answer if the decision is delayed, and what else is on the plate of the Planning Board.

Planning Director Ecker estimated 3-6 months and outlined that the board does have other items on their plate to resolve.

Commissioner Nickita clarified that the lot combination issue is on the agenda for the Joint meeting of the Planning Board and City Commission. He further stated that the existing ordinance does not specify what the Commission should be weighing in approving the request. Commissioner Nickita asked City Attorney Currier if the Commission has any flexibility in approvals based on the current ordinance that suggests if the boxes are checked on the application it meets the requirements. Essentially, what is the role of the Commission on this issue?

City Attorney Currier replied that the Commission has authority to ask for additional information; the practice has been that rules in effect at the time of application follows through the entire process.

Commissioner Nickita suggested that additional information on item #6 from the Planning Board, clarification could be provided quickly and brought back to the Commission in two week.

Public Comment

Hany Boutros, 711 Frank St., asked is it okay to postpone for future planning, if so, is there a defined process.

City Attorney Currier responded that it is customary for the City Commission to request additional information from the Planning Board or anyone else prior to making a decision in session. The ultimate decision is for the City Commission and the Commission can request additional information for clarity; he believes it could be done in the next two weeks.

Hany Boutros felt that the Commission approved the most recent application that was unique and did not meet all of the criteria; he asked what was different. He does not feel that the Commission does not have a compelling reason to deny this request.

Commissioner Hoff replied that, in her opinion, the request for Bates and Northlawn was different because they did not want to build on the lot, but create an accessory structure on the lot. She was unable to answer questions regarding Hanna because she did not have the information before her.

Mayor Pro-Tem Longe commented that she agreed with City Attorney Currier that the ordinance exist as it is, and believes that the discretion under item #6 should be held for future applicants. She also noted that she would be supporting the proposed resolution.

Commissioner Sherman asked if the vote failed, what would that mean for the applicant.

² As corrected on June 22, 2020.

Planning Director Ecker expressed that if the vote failed, the applicant would have to start the process from the beginning.

Commissioner Sherman asked Commissioner Baller if he would retract his motion and agree to postpone the vote until additional information is received. He reiterated that the postponement would not be for an amendment to the ordinance but to clarify Item #6 of the existing ordinance.

Commissioner Host agreed with Commissioner Sherman, that postponement would be the best option; and withdrew his second.

Commissioner Nickita asked for a specific date to return with a vote on this item and suggested next Commission Meeting.

City Manager Valentine clarified that since the public hearing closed the postponement would only be for the vote.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Host:
To reopen the public hearing.

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

Public Hearing reopened at 9:41 p.m.

Commissioner Baller read item #6, so that the public could understand the issue.

MOTION: Motion by Commissioner Host, seconded by Commissioner Nickita
To hold the public hearing open until June 22, 2020 when the City Commission is scheduled to meet.

Commissioner Nickita reiterated that he is a strong advocate of lot combinations but finds there is a gap in the ordinance that needs to be revisited. He further stated that this action is the right way to go toward eventually amending the ordinance to address the gap.

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

Mayor Pro-Tem Longe turned the meeting back over to Mayor Boutros.

Mayor Boutros called for a five-minute recess at 9:49 p.m. and reconvened at 9:58 p.m.

06-092-20

UPDATING THE TEMPORARY COVID-19 OUTDOOR DINING STANDARDS.

Planning Director Ecker presented the item that allows for a greater expansion of outdoor space to accommodate for the 50% of space loss due to the Governor's order for restaurants. This would be in effect until October

Commissioner Hoff asked how the decision is being made to expand into the parking spaces and pedestrian walking path.

Planning Director Ecker expressed that the restaurants would be using the parking spaces in front of their establishment as allowed by code complimentary based on the resolution adopted at the May 11, 2020 Commission meeting and the existing code requires a 5ft walk path for pedestrians.

Commissioner Sherman asked why the City would need to set a limit on the seats if the establishment has the capacity outside.

Planning Director Ecker explained that this is an effort to make the establishments whole. The Commission has the authority to eliminate the limits.

City Manager Valentine expressed that the effort has to be equitable and in consideration of the adjoining neighbors. He further stated that there might be an opportunity to expand on private property.

Commissioner Nickita agreed that there has to be a balance with non-restaurant retailers. He asked how to be fair where the Class C license holders that can expand without restriction and the Bistros are restricted.

Planning Director Ecker affirmed that everyone is on equal footing.

Commissioner Baller pointed out that this is about liquor. He suggested giving restaurants the option of offering seating in a food only section or one that would include beverages.

Mayor Boutros asked for clarification of the amendment as written. If the neighbor objects to the expansion than the restaurant would not be able to do it.

Planning Director Ecker agreed that consent is required for private property but does not apply to public space in the right-of-way. An example is Hazel Ravine Downtown, which is next to an empty lot.

Commissioner Hoff asked if expansion could take place in front of a retail store.

Planning Director Ecker affirmed that it could be done as long as a walk path is clear.

Mayor Boutros clarified that the City is trying to benefit everyone and feels that restaurants should not affect traffic into retail stores.

Public Comment

Beth Hussey, Hazel Ravine Downtown, spoke out in support of the Commission doing everything possible to help out the business community in Birmingham. She shared the results of a survey that she sponsored and the residents want to dine outdoors.

David Bloom, resident, agreed with Commissioner Baller in terms of using additional space for the restaurants to use that could be monitored by the BSD.

Planning Director Ecker expressed that the current issue is liquor and removal of liquor from the property is not allowed in the State of Michigan.

Commissioner Nickita to Planning Director Ecker's point, the BSD has been working on plans to expand restaurant options on public space. Following up on the social district, has been approved by the House and being reviewed by the Senate right now; he anticipates that it would come on line soon.

City Manager Valentine expressed that the bills are tracked as they evolve and recommendations would be brought back as passed.

MOTION: Motion by Commissioner Hoff, seconded by Sherman:
Approving the resolution updating the temporary COVID-19 outdoor dining standards taking effect immediately and rescinding resolution #05-073-20a, as previously adopted by the city commission on May 11, 2020.

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

06-093-20 2020-2021 BUDGET APPROVAL

Finance Director presented this item.

City Manager Valentine clarified that the budget was impacted by the COVID-19, and recommends adopting the budget this evening and revisit it at the end of the year for any adjustments.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Hoff:
To approve the budget appropriations resolution adopting 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, 2020 and ending June 30, 2021 (complete resolution in agenda packet).

Mayor Pro-Tem Longe asked why the audit would be required before reviewing changes.

City Manager Valentine expressed that the audit would give a picture of what the impact of COVID-19 was on the current year's budget and a better view of how it would affect 2020-2021.

Commissioner Host recognized that the job of the Commission is to do due diligence and as a Commission there has not been any discussion about the budget. He presented two misgivings.

It does not mention revenues since March. Other communities have already ramped down revenue and expense projections. He suggested a quarterly review of the budget for adjustments. The second misgiving is money put aside for capital improvements and a senior center is not being addressed. He is only ready to support this resolution if it is amended to review quarterly and include seed money for a senior center.

City Manager Valentine iterated that a quarterly report has been given to the Commission each quarter. The budget is not a zero based budget. It is a rolling budget and guides the process. He added that this budget does include additional funding for senior services. In terms of a senior center there has not been a formal adoption yet; it may be a discussion in the future.

Commissioner Hoff commented that the entire Community Development Block Grant is going toward senior services.

Commissioner Nickita noted that the City Charter requires an approved budget by a certain date. He commended that the budget reflects a lowered tax rate for the 6th year in a row. He also, mentioned that other communities look at Birmingham as a model for running a City in terms of maintaining an AAA bond rating and providing exceptional City services.

Mayor Boutros noted that a three year balanced budget has been presented and the City would continue to be transparent in budgeting issues.

MOTION: Motion by Commissioner Host, seconded by Commissioner Baller:
To amend the motion to allow for a budget discussion on a quarterly basis and include seed money for senior centers.

City Manager Valentine expressed that if funds are reallocated, the amount must be defined to continue with a balanced budget. The Commission already has the ability available to allocate funds to senior services in the existing budget.

Commissioner Baller expressed that the amendment is vague and a political statement that he agrees with because it calls attention to the points that are important to Commissioner Host.

Commissioner Hoff expressed that she is in support of the seniors, but to reallocate funds, the senior committee that works with NEXT must be included in any decisions related to senior services.

Mayor Pro-Tem Longe expressed that she is also in support of senior services and agree with City Manager Valentine in the sense that an amount must be identified and where it would come from has to be identified as well.

Commissioner Hoff called for question with no objection.

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

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Hoff:
To approve the budget appropriations resolution adopting 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, 2020 and ending June 30, 2021 (complete resolution in agenda packet).

ROLL CALL VOTE: Ayes, Commissioner Sherman
(On original motion) Commissioner Hoff
Commissioner Nickita
Commissioner Baller
Mayor Pro-Tem Longe
Mayor Boutros
Nays, Commissioner Host

06-094-20 AMENDMENT TO THE SCHEDULE OF FEES

Finance director Gerber presented this item as presented at the Budget Hearing.

MOTION: Motion by Commissioner Sherman, seconded by Mayor Pro-Tem Longe:
To amend the schedule of fees, charges, bonds and insurance, water and sewer service sections, for changes in sewer, storm water, industrial surcharge, and industrial waste control charge rates effective for bills with read dates on or after July 1, 2020 as recommended in this report.

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

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

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

Kristen Gross, resident, expressed that she and other Birmingham residents are interested in forming a partnership with the City and Police department to support the Black Lives Matter movement and transparent policing. She also presented five suggestions for the Commission to consider:

1. Begin tracking the racial identity of persons pulled over, arrested, and detained.
2. Develop a mentoring program between the police and the minority children in the community to foster trusting relationships.
3. Establish a Police Advisory Committee to oversee current practices.
4. Adopt a policy banning the use of chokeholds.
5. Develop a culture of Police Officers stepping in and stopping other Officers from using excessive force when observed.

David Bloom, resident, commented on the budget process:

1. A three-year budget does not present an opportunity to make adjustments.
2. The budget contains .5M for legal services and he suggested that Mr. Currier took fundamental rights to speak away from Birmingham residents due to his own faulty legal advice.

Hany Boutros, resident, expressed concern about the article that was published in Downtown Magazine. He asked has the City taken any action against the magazine.

City Attorney Currier offered that any action would be a private civil matter between the two parties.

X. REPORTS

- A. Commissioner Reports
 1. Notice of Intention to Appoint to the Retirement Board, Museum Board, and Greenwood Cemetery Advisory Board on July 13, 2020.
- B. Commissioner Comments
 1. Commissioner Host expressed his concern about getting items on the City Commission meeting agenda. He further said that this is the Commissioners only opportunity to discuss issues that are important to the people.
 - a. ~~Touchwood~~ Joint Senior Services Committee³ will be meeting by the end of the month and present a legal agreement to the Birmingham citizens.
 - b. Requested staff to forward the sewer project report in relation to the unimproved roads report.
 - c. In reference to the workshop held in January, it was agreed upon to have additional workshops and to receive the agenda prior to Friday. He would like to see the packet on Wednesday.
 - d. He suggested RFP's to track annual spending on commercial and residential projects⁴.
 - e. In terms of the safety of the citizens, he would like the lack of railings on the sidewalk on Oak Street between Lakeview and Lakeside addressed in the current budget. A stop sign on Lakeside might mitigate the problem.
 2. Mayor Pro-Tem Longe expressed gratitude to Mayor Boutros for addressing the issue of social injustice and condemning the brutal murder of George Floyd and countless other black Americans in this country. She supports working with community partners to provide equality and justice for all and to have the Birmingham Police Department as a model for outstanding practices.
 3. Commissioner Baller apologized to the citizens for taking up 3.75 hours of their time so that they could make comments to the Commission. He went on to say that, Commissioner Host is genuine in his sentiment and echoes what citizens think.
 4. Commissioner Sherman commended the administration and staff on their work in presenting a three-year balanced budget. He acknowledged how much work goes into producing such a quality document, and appreciates that the City has the capable staff to do the work.
 5. Commissioner Host agreed with Mayor Pro-Tem Longe in acknowledging and piggybacking off Ms. Gross and suggested it be a topic in the first workshop.

³ As amended on June 22, 2020.

⁴ As amended on June 22, 2020.

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

XI. ADJOURN

Mayor Boutros made closing comments and adjourned the meeting at 11:40 p.m.