

BIRMINGHAM CITY COMMISSION MEETING
JULY 13, 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: Commissioner Hoff

Administration: City Manager Valentine, City Attorney Currier, Finance Director Gerber, Planning Director Ecker, DPS Director Wood, HR Manager Myers, IT Manager Brunk, Management Intern Fairbairn, City Clerk Designee Bingham

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

INTRODUCTION OF GUESTS:

- Congresswoman Haley Stevens, member of the U.S. House of Representatives 11th Congressional District addressed the City Commission, commended the Mayor, City Commission, and City Manager Valentine on their leadership of the City during the unprecedented COVID19 pandemic. She provided an update on Washington's response to the pandemic as well. Mayor Boutros thanked Congresswoman Stevens for facilitating weekly meetings with the Municipalities that she represents in response to COVID19.

ANNOUNCEMENTS:

- 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.
- 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 Baldwin Library is now open to the public again. Building capacity is limited, and people are asked to limit their stays to 45 minutes. Public computer use is restricted to 30

minutes. Masks and social distancing are required. The Library is open its regular schedule, seven days a week, and is also offering Curbside Pickup service to patrons during the following hours: Mondays through Thursdays, 11:00 a.m. to 7:00 p.m.; Fridays and Saturdays, 9:30 a.m. to 5:30 p.m. and Sundays, 1:00 p.m. to 4:00 p.m. Find more details about Curbside Pickup and the Library's reopening plan at www.baldwinlib.org/reopening.

- Absent Voter ballots for the August 4, 2020 Primary election are available now from the Clerk's office for all registered voters. Download the application found in the Voting section of the Clerk's Office page at www.bhamgov.org/. You can return your application for an absent voter ballot to the Clerk's office by email, fax, or by dropping it off in the city's drop box located behind City Hall in the Police Department parking lot. Ballots can be returned by drop box or mail, return postage is 55 cents. 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.
- As part of the City's COVID-19 operational incentives, the City has expanded online service offerings so that most City forms and payments may be submitted online. View a complete list of payments and forms that may be submitted online at www.bhamgov.org/formsandpayments.
- The City Commission would like to thank Darlene Gehringer and Kevin Desmond for their years of service to the city serving as members of the Greenwood Cemetery Advisory Board.
- The City would like to congratulate Bonnie Menthon on her recent retirement and thank her for the 39 years of service that she provided to the residents of Birmingham.
- Mayor Pro-Tem Longe's Birthday.

APPOINTMENTS:

06-113-20 APPOINTMENT OF CHRIS CONTI TO THE RETIREMENT BOARD

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Host: To concur with the Mayor's recommendation to appoint Chris Conti to the Retirement Board, as the resident member who is not eligible to participate in the retirement system, to serve a three-year term to expire July 1, 2023.

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

06-114-20 APPOINTMENT OF DAN HAUGEN TO THE MUSEUM BOARD

NOMINATION: Nomination by Mayor Pro-Tem Longe: To appoint Dan Haugen to the Museum Board as a regular member to serve a three-year term to expire July 5, 2022.

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

07-115-20 APPOINTEMENT OF CAITLIN ROSSO TO THE MUSEUM BOARD

NOMINATION: Nomination by Commissioner Host:
To appoint Caitlin Rosso to the Museum Board as a regular member to serve a three-year term to expire July 5, 2022.

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

07-116-20 APPOINTMENT OF MARTY LOGUE TO THE MUSEUM BOARD

NOMINATION: Nomination by Commissioner Nickita:
To appoint Marty Logue to the Museum Board as a regular member to serve a three-year term to expire July 5, 2022.

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

07-117-20 APPOINTMENT OF DONOVAN SHAND TO THE CABLE BOARD

The Commission interviewed Mr. Donovan Shand for appointment to the Cable Board.

NOMINATION: Nomination by Commissioner Sherman:
To appoint Donovan Shand to the Cablecasting Board as a regular member to serve a three-year term expiring March 30, 2023.

Mayor Boutros advised the new appointees that they would be sworn in by appointment at the City Clerk's Office at a later date.

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.

07-120-20 CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Commissioner Baller: Item A – Resolution to approve the City Commission Joint Commission/Planning Board Meeting of June 15, 2020.
Item F - Resolution extending the term of the Ad Hoc Unimproved Street Study Committee through December of 2020.
Item G – Resolution extending the term of the Ad Hoc Joint Senior Service Committee through December 31, 2020.
Item I – Resolution approving the fertilizer/chemical purchases for Lincoln Hills and Springdale Golf Courses from Harrell's for \$22,000, Target Specialty Products for \$22,000, and Great Lakes Turf for \$8,000. The total purchase from all vendors will not exceed a total of \$52,000. Funds to be charged to account #s 584/597-753.001-729.0000.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Baller:
To approve the Consent Agenda excluding Items A, F, G, and I.

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

- B. Resolution approving the City Commission regular meeting minutes of June 22, 2020.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated June 24, 2020 in the amount of \$559,055.75.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated July 1, 2020 in the amount of \$944,763.43.
- E. Resolution approving the warrant list, including Automated Clearing House payments, dated July 8, 2020 in the amount of \$276,057.39.
- H. Resolution approving the purchase of 36A Hot asphalt mix at \$76.50/ton (2020-2021) and \$76.50/ton (2021-2022) and UPM cold patch (delivered) at \$123.00/ton (2020-2021) and \$123.00/ton (2021-2022) from Cadillac Asphalt LLC for a two year period for the fiscal

years 2020-2022 to be charged to accounts #202-449.003-729.0000, #203-449.003-729.0000, #590-536.002- 729.0000 and #591-537.005-729.0000.

- J. Resolution setting Monday, August 10, 2020 at 7:30 PM for a public hearing as prescribed in Section 50-42 of the Birmingham City Code for the property located at 1365 Chapin; and to notify the owner and other interested parties of the same.
- K. Resolution approving the agreement for Election Services between Oakland County and the City of Birmingham and further; authorizing Alexandria Bingham, the City Clerk Designee, to sign the agreement on behalf of the City of Birmingham.
- L. Resolution approving the appointment of election inspectors, absentee voter counting board inspectors, receiving board inspectors and other election officials as recommended by the City Clerk for the August 4, 2020 State Primary Election pursuant to MCL 168.674(1) and to grant the City Clerk authority to make emergency appointments of qualified candidates should circumstances warrant to maintain adequate staffing in the various precincts, counting boards, and receiving boards.
- M. Resolution confirming the City Manager's authorization for the emergency expenditure regarding the replacement of the two (2) lead water services within the Maple Road project area in the amount not to exceed \$12,438.00 to be paid to D'Angelo Brothers Inc. from the Water Fund account #591-537.004-981.0100, pursuant to Sec. 2-286 of the City Code.
- N. Resolution approving the contract with Angelo Iafate Construction Company for the installation of the Mast Arms for the Maple Road project in the amount of \$81,072.00, to be charged to the Major Street Fund (Traffic Control) 202-303.001-977.0100.

V. UNFINISHED BUSINESS

07-121-20 LOCATION OF PUBLIC COMMENT ON THE AGENDA

City Manager Valentine introduced Management Intern Fairbairn to present this item.

- City Manager Valentine expressed based on legal opinion it is not recommended to,
 - 1) split Public Comment into two sections on the Agenda, or
 - 2) have Public Comment at the beginning of the meeting because there cannot be any limitations to the time allotted to this process.
- Commissioner Baller expressed that option #4 is preferable.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To revise pc section to move pc prior to consent agenda on the Agenda.

Commissioner Sherman expressed that having the Public Comment section at the beginning of the Agenda did not change the length or quality of the comments and can support placing it permanently in that spot, with instructions for the novice public.

Mayor Pro-Tem Longe agrees with moving the public comment to the beginning of the agenda. She further stated that the guidelines are too restrictive and less likely to be used.

Commissioner Sherman clarified that the guidelines were the same as what the Mayor read at the beginning of Public Comment during the trial period.

Commissioner Baller stated that he is unclear of what guidelines are on the table for discussion. He also does not agree with the Commission not answering questions about topics not on the agenda, and thinks this should be another discussion.

Commissioner Host asked for clarification of Commissioner Sherman’s comment; he does not believe that it should be part of the motion.

Mayor Boutros does not want to set time limits on an individual comment and does not foresee issues with the way that public comment is currently handled. He went further to agree with Commissioner Sherman in terms of following the rules of procedures. He added that he could read what is expected from the public during public comment as usual and not complicate the issue.

Commissioner Nickita inquired about reviewing feedback from the test phase. He expressed that the only issue is whether the City’s business would be handled in a timely manner. He suggested monitoring and review on a regular basis to insure that City Business is not negatively impacted.

Mayor Boutros pointed out that public comment has not prolonged any meetings in the past.

Public Comment

David Bloom, resident, thanked the Commission for taking this issue up for discussion, and acknowledged the eloquent way that Mayor Boutros expressed his thoughts on this subject. He is pleased that people would be able to speak their minds freely as long as they are not being disruptive.

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

VI. NEW BUSINESS

07-122-20 POSTPOSE PUBLIC HEARING FOR SLUP AMENDMENT AT 1800 W MAPLE

City Manager Valentine presented this item recommending postponement of the public hearing to allow for proper noticing to the public.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Sherman:
To postpone the public hearing for the Special Land Use Permit Amendment and Final Site Plan and Design Review for 1800 W Maple – Lutheran Church of the Redeemer to expand the sanctuary and narthex and make related improvements to July 20, 2020 to ensure proper noticing of all affected properties.

the driver, now there are many unknowns that will affect the future development of Downtown Birmingham.

Commissioner Baller pointed out that the draft RFP presumes that staff would handle the RFP. He suggested collectively building a decision tree and asked why staff wrote the RFP as opposed to other options.

City Manager Valentine answered that the RFP was a product of the Commission's direction and supports a larger discussion before moving forward. He recommended staff bring back framework for the Commission to develop a process.

No action was taken on the suggested resolution:

To direct staff to make revisions to the draft RFP for Architectural & Design Services for Public Property North of Willits and West of N. Old Woodward as discussed at the July 13, 2020 meeting and bring it back to the City Commission for further review and comment;

OR

To approve the draft RFP for Architectural & Design Services for Public Property North of Willits and West of N. Old Woodward and direct staff to prepare an outline for an ad hoc committee to review and provide comments on the draft RFP.

07-125-20 PARKS AND RECREATION LOCAL BALLOT PROPOSAL

City Manager Valentine presented this item.

Commissioner Baller commended staff for quickly advancing this request and asked the following:

- Would the information provided in this report be the same information used at the next meeting?
- Difference between the priority list and the bond priority list.
- How would the new bond effect the existing debt and upcoming debt retirement?

City Manager Valentine expressed that the report would be similar unless the Commission directs otherwise. He went on to say that the priority list did not include bonding cost, inflation, and consideration for other projects that are planned. The bond priority is phased to consider the aforementioned. The bond amount would be based on concept plans with the ability to issue up to that amount. The issuances would be based on detailed plans. He affirmed that the new bond would be balanced out by upcoming debt retirement.

Commissioner Nickita asked for verification on the Commissions' flexibility to use the funding.

City Manager Valentine responded that the details are flexible in designing the parks within budget.

Commissioner Sherman asked if bonding issues were defined in terms of project scope in the past and asked when would there be another opportunity for a ballot proposal.

Mayor Pro-Tem Longe acknowledged the level of effort that went into this bond proposal including professional consulting, public input, and conceptual design.

Patrick McGow, Bonding Consultant, responded that the 2021 August or November ballot would be the next opportunity for this proposal. However, May 2021 could be selected as a special election.

Commissioner Sherman pointed out the criticism from the residents in allegedly rushing through the parking deck project last year. He commented that he does not see the difference between the timing of this bond proposal and the parking deck proposal.

Mayor Boutros asked about risks associated with moving forward in November as opposed to postponing until 2021.

City Manager Valentine explained that it would be more efficient to take advantage of the November ballot. Postponing would impose additional cost and responsibility to the City.

City Clerk Designee Bingham pointed out that if the bond were on the November ballot, more people would see it as opposed to a special election where voter turnout is traditionally low.

Mayor Boutros agreed with Ms. Bingham and supported Commissioner Sherman's sentiment.

Commissioner Baller asked if there is enough time to promote the bond for November.

MOTION: Motion by Commissioner Host, seconded by Mayor Pro-Tem Longe: Resolution to set the date of July 20, 2020 to consider approval of a local ballot proposal to be presented at the November general election for a parks and recreation bond in support of the Parks and Recreation Master Plan.

Commissioner Baller commented on the impact of the new bond on the upcoming debt retirement.

City Manager Valentine responded with a total of \$16M additional capacity for bonding.

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

07-126-20 REQUEST TO MEET IN CLOSED SESSION

MOTION: Motion by Commissioner Nickita, seconded by Commissioner Sherman Resolution to meet in closed session to discuss an Attorney/Client communication pursuant to Section 8(h) of the Open Meetings Act.

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

VII. REMOVED FROM CONSENT AGENDA

07-127-20 (ITEM A) JOINT COMMISSION/PLANNING BOARD MEETING OF JUNE 15, 2020

Commissioner Baller removed this item from the Consent Agenda to address the following:

- Page 6, lot combination review process, he expressed that his comments were highlighted as opposed to the other comments.
- He offered if in the new age of virtual meetings should the minutes include the virtual transcript.

Commissioner Nickita commented that the minutes should be prepared according to established guidelines and recommended procedures.

City Manager Valentine explained that motions and the vote are the only requirements for the minutes under the Open Meetings Act. He further pointed out that this community decided that more comment is better. He went on to support leveraging technology to streamline the process.

Commissioner Sherman noted that these minutes are more detailed than usual, and supports using best practices.

Mayor Pro-Tem Longe supports linking the transcript on Vimeo.

City Clerk Designee Bingham expressed that she would prefer documenting actions only and suggested ways to integrate technology to link the actual transcript and video replay.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Nickita:
To approve the City Commission Joint Commission/Planning Board Meeting of June 15, 2020.

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

07-128-20 (ITEM F) AD HOC UNIMPROVED STREET STUDY COMMITTEE

Commissioner Baller removed this item from the Consent Agenda because the pace of the committee have been stalled and requested clarification as to the reasons.

Mayor Pro-Tem Longe suggested discussion at the upcoming Commission workshop.

City Manager Valentine provided clarification and background information for this request.

Commissioner Sherman commented that the committee responded to the Commission’s request for additional information and pointed out that the project scope proved larger than initially expected.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Sherman:
To extend the term of the Ad Hoc Unimproved Street Study Committee through December of 2020.

Public Comment

Paul Reagan, resident, agreed with Commissioner Baller in terms of the time spent by committees on City projects and expressed his belief that the system is not operating efficiently.

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

07-129-20 (ITEM G) AD HOC JOINT SENIOR SERVICE COMMITTEE

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To extend the term of the Ad Hoc Joint Senior Service Committee through December 31, 2020.

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

07-130-20 (ITEM I) FERTILIZER/CHEMICAL PURCHASES FOR LINCOLN HILLS AND SPRINGDALE GOLF COURSES

Commissioner Baller removed this from the Consent Agenda to express concern about the dollar amount, chemicals used by the company, and the damaging effects to the environment.

DPS Director Wood addressed Commissioner Baller’s concerns.

Commissioner Host supported DPS Director Wood’s pesticide application based on his experience with the PGA Advisory Board of Michigan.

Mayor Pro-Tem Longe suggested referring this topic to the Parks and Recreation Board and the Golf Course sub-committee for re-review.

Commissioner Nickita reminded the Commission that the processes in place are due to trial and error and not a lack of concern about the environment and community.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To approve the fertilizer/chemical purchases for Lincoln Hills and Springdale Golf Courses from Harrell’s for \$22,000, Target Specialty Products for \$22,000, and Great Lakes Turf for \$8,000.

The total purchase from all vendors will not exceed a total of \$52,000. Funds to be charged to account #s 584/597-753.001-729.0000.

Mayor Boutros affirmed Commissioner Nickita's comments and commended DPS for their diligence and good work.

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

VIII. COMMUNICATIONS

- A. Communication from Coco Siewert
- B. Letter from Mr. Wolf
- C. Letter from Ms. Bongiorno

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

Dan Haugan, 1694 E Melton Road, apologized for missing his interview for reinstatement on the Museum Board and thanked the Commission for his reappointment.

David Bloom, resident, thanked the Commission for their decision to move Public Comment to the beginning of the Agenda. He requested larger tables at Shain Park, data supporting City Manager Valentine's severance package, and a new contract for City Attorney services.

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of intent to appoint to APC
- B. Commissioner Comments
 - Mayor Pro-Tem Longe recommended forwarding the letter from Ms. Bongiorno to the Parks and Recreation board.
 - Commissioner Baller asked the Commission to direct City Manager Valentine to investigate on-line civic engagement activities and bring back for consideration.
 - Commissioner Nickita agreed with Commissioner Baller on the importance of civic engagement and supports moving forward with the idea.
 - Mayor Pro-Tem Longe agreed.
 - Commissioner Host agreed.
 - Commissioner Sherman agreed, as well.
 - Mayor Boutros addressed Commissioner Comments being used for motions and asked how the Commission would like to proceed.
 - Attorney Currier addressed the issue and rendered an opinion.
 - Commissioner Baller prefers to use motions to direct the administration.
 - Commissioner Sherman would like to invite Ms. Siewert in for an educational session.
 - Commissioner Nickita agreed with a session with Ms. Siewert for an expert opinion on best practices.

- Commissioner Host agreed with hosting Ms. Siewert.
- Mayor Pro-Tem Longe recommended the session on parliamentary procedure with Ms. Siewert.
- Commissioner Baller suggested implementing communication practices to avoid miscommunication in the future.
- City Manager Valentine expressed his take-away for direction from the Commission.
- Commissioner Host reported on the Ad Hoc Senior Services Committee progress. He suggested that the City encourage neighborhood gatherings to help individuals feel less secluded during the COVID19 crisis. He further asked for RFP information on Annual Audits, Pension Fund, and Legal Services. Again, he would like to have the Agenda packets on Wednesdays to allow time for proper research, and a workshop schedule.
- Commissioner Baller agreed with Commissioner Host, requested a response to the timing of the Agenda Packets, and recommended workshops.
- Commissioner Nickita reflected that discussion on the timing of Agenda packets have been had and deferred to City Manager Valentine explain the process.
 - City Manager Valentine expressed that it takes time to compile the information provided in the packet and would need direction on how much information is needed to make quality decisions. Concerning the update on the Ad Hoc Senior Services committee, other communities are involved and require additional time. Relative to RFP's, which are done as current contracts expire, some are in the process of evaluating service providers.

C. Advisory Boards, Committees, Commissions' Reports and Agendas

D. Legislation

E. City Staff

1. Letter from Tim Currier in regards to making motions during Commissioner Comments.

INFORMATION ONLY

Mayor Boutros convened into closed session at 11:04 p.m. with no action expected.

XI. ADJOURN

Mayor Boutros adjourned the meeting at 11:40 p.m.