

**BIRMINGHAM CITY COMMISSION MINUTES**  
**JANUARY 13, 2020**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

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

Mayor Pierre Boutros called the meeting to order at 7:30 PM.

**II. ROLL CALL**

ROLL CALL: 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, City Attorney Currier, Acting City Clerk Arft, Human Resource Manager Myers, DPS Director Wood, City Engineer O'Meara, Assistant City Engineer Fletcher, Police Commander Grewe, Police Chief Clemence, City Planner Ecker, Management Intern Fairbairn

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

**01-001-20 APPOINTMENTS TO THE PARKS & RECREATION BOARD**

The City Commission interviewed current alternate members Pam Graham and Eleanor Noble; and new applicant Andrew Haig.

**MOTION:** Motion by Mayor Pro Tem Longe:  
To appoint Pam Graham to the Parks & Recreation Board as a regular member to serve the remainder of a three-year term to expire March 13, 2022.

**MOTION:** Motion by Commissioner Nickita:  
To appoint Eleanor Noble to the Parks & Recreation Board as a regular member to serve the remainder of a three-year term to expire March 13, 2022.

VOTE: To appoint Pam Graham:

Yeas,	5
Nays,	2
Absent,	0

**01-002-20 APPOINTMENTS TO THE PUBLIC ARTS BOARD**

The commission interviewed current members Anne Ritchie and Jason Eddleston, alternate member Natalie Bishai, and new applicant Annie Van Gelderan for appointments to the Public Arts Board:

**MOTION:** Motion by Commissioner Hoff:  
To appoint Annie Van Gelderan to the Public Arts Board as a regular member to serve a three-year term to expire January 28, 2023.

**MOTION:** Motion by Commissioner Nickita:  
To appoint Natalie Bishai to the Public Arts Board as a regular member to serve a three-year term to expire January 28, 2023.

**MOTION:** Motion by Mayor Pro Tem Longe:  
To appoint Anne Ritchie to the Public Arts Board as a regular member to serve the remainder of the three-year term to expire January 28, 2022.

**MOTION:** Motion by Commissioner Host:  
To appoint Jason Eddleston to the Public Arts Board as an alternate member to serve a three-year term to expire January 28, 2023.

VOTE:	Annie Van Gelderan:	Ayes, 7	Nays, 0
	Natalie Bishai	Ayes, 7	Nays, 0
	Anne Ritchie	Ayes, 7	Nays, 0
	Jason Eddleston	Ayes, 7	Nays, 0

**01-003-20 APPOINTMENTS TO THE MULTI-MODAL TRANSPORTATION BOARD**

The commission interviewed Thomas Peard for an appointment to the Multi-Modal Transportation Board as a regular member.

**MOTION:** Motion by Commissioner Hoff:  
To appoint Thomas Peard to the Multi-Modal Transportation Board as a regular member who has urban planning, architecture or design education and/or experience to serve the remainder of a three-year term to expire March 24, 2022.

VOTE:	Ayes,	7
	Nays,	0

**01-004-20 ADMINISTRATION OF THE OATH OF OFFICE**

Acting City Clerk, Arft administered the Oath of Office to all of the newly appointed board members.

**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.

**01-005-20 APPROVAL OF THE CONSENT AGENDA**

The following items were removed from the Consent Agenda:

- Commissioner Host: Item A, Minutes of the regular Commission Meeting on 12/16/19.
- Commissioner Hoff: Item G, Cost Sharing Agreement with Bloomfield Township.  
Item J, The use of parking spaces in the right-of-way.
- Commissioner Sherman: Item B, Minutes of the Ad Hoc Selection Committee Meeting for City Clerk.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Hoff:  
To approve the Consent Agenda, excluding Items A, B, G, and J.

- C. Resolution approving the warrant list, including Automated Clearing House payments, dated December 18, 2019 in the amount of \$567,686.36.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated January 8, 2020 in the amount of \$3,376,128.65.
- E. Resolution delegating to the Birmingham City Clerk and her authorized assistants, those being the members of her staff, the following duties of the election commission for the March 10<sup>th</sup> Presidential Primary Election, August 4th, 2020 Primary Election and November 3rd, 2020 General Election:
  - Preparing meeting materials for the election commission, including ballot proofs for approval and a listing of election inspectors for appointment;
  - Contracting for the preparation, printing and delivery of ballots;
  - Providing candidates and the Secretary of State with proof copies of ballots;
  - Providing notice to voters in the case of precinct changes/consolidations;
  - Providing election supplies and ballot containers; and
  - Preliminary logic and accuracy testing.
- F. Resolution designating Finance Director Mark Gerber, Assistant Finance Director Kim Wickenheiser, DPS Director Lauren Wood, Building Official Bruce Johnson, Assistant Building Official Mike Morad, Birmingham Museum Director Leslie Pielack, and Police Commander Scott Grewe as representatives for Election Commission members Mayor Pierre Boutros, Mayor Pro Tem Therese Longe, and Commissioners Clinton Baller, Rackeline Hoff, Brad Host, Mark Nickita and Stuart Sherman for the purpose of conducting the Public Accuracy Tests of the electronic tabulating equipment which will be used to count votes cast at the March 10, 2020, August 4, 2020 and November 3, 2020 elections.

- H. Resolution appointing Assistant City Engineer Austin Fletcher as representative, and Assistant City Engineer Theresa Bridges as alternate representative, for the City of Birmingham, on the Southeastern Oakland County Water Authority Board of Trustees for the period starting January 13, 2020.
- I. Resolution approving the Amended and Restated Professional Services Agreement with McKenna Associates, Inc. for inspection, code enforcement and support services as planned in the current fiscal year, and thereafter, as budgeted. Further, directing the Mayor and City Clerk to sign the agreement on behalf of the City.
- K. Resolution awarding the Video Inspection – Maple Road to M-1 Studios of Ferndale, MI in the amount of \$28,400.00 to be charged to the various accounts as detailed in this report.
- L. Resolution awarding the Maple Road Traffic Signal Mast Arm Materials Contract to Farr & Faron Associates of Brighton, MI in the amount of \$95,429.00 to be charged to Major Street Fund (Traffic Control) 202-303.001-977.0100.

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

  Nays,                   None

**01-006-20                   RESOLUTION APPROVING THE REGULAR CITY COMMISSION MEETING MINUTES OF DECEMBER 16, 2019 (ITEM A)**

Commissioner Host pulled this item to clarify his comment on page 9 regarding the 26 miles of unimproved roads in the City. The comment is missing a key phrase “that asphalt should be offered as a choice”. Remove the phrase “express their opinions”.

**MOTION:**                   Motion by Commissioner Host, seconded by Commissioner Hoff:  
 To approve the regular City Commission meeting minutes of December 16, 2019 as amended.

VOTE:                   Ayes,                   7  
   Nays,                   0

**01-007-20                   RESOLUTION APPROVING THE AD HOC CLERK SELECTION COMMITTEE MEETING MINUTES OF JANUARY 3, 2020 (ITEM B).**

Commissioner Sherman pulled this item because the minutes were not contained in the Agenda. City Manager Valentine explained that the omission was in error and a hard copy was provided to each commissioner at the table tonight.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Hoff To approve the Ad Hoc Clerk Selection Committee meeting minutes of January 3, 2020.

VOTE:                   Ayes,               7  
                              Nays,               0

**01-008-20                   RESOLUTION APPROVING COST SHARING AGREEMENT WITH BLOOMFIELD TOWNSHIP (ITEM G)**

Commissioner Hoff pulled this item because the initial project cost split was estimated at 50% between the City of Birmingham and Bloomfield Township.

City Manager Valentine explained that the scope of work is larger in Birmingham than in Bloomfield Township and the existing split appropriately reflects the distinction.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Nickita To approve the cost sharing agreement with Bloomfield Township to proceed with the installation of a new Woodward Ave. crosswalk on the south leg of the Woodward Ave. and Quarton Rd./Big Beaver Rd. intersection at the estimated amount of \$65,320.50, to be charged to the General Sidewalk Fund Capital Improvements, 101-444.001-981.0100. Also, directing the Mayor to sign the agreement on behalf of the City. Further, approving the appropriation and amendment to the fiscal year 2019-2020 General Fund budget.

VOTE:                   Ayes,               7  
                              Nays,               0

**01-009-20                   EMPLOYEE RECOGNITION**

City Manager Valentine recognized Mr. O’Meara for over 29 years of service as he prepares for Retirement; his last day of work will be Friday, January 17, 2020. Everyone applauded his service to the City.

**01-010-20                   RESOLUTION APPROVING THE USE OF SIX PARKING SPACES IN THE RIGHT-OF-WAY ADJACENT TO 707-717 S. ETON ST. (ITEM J)**

Commissioner Hoff pulled this item to get an understanding of why this facility would need additional parking spaces and who would be using the extra spaces.

Director Ecker explained that the facility is now a medical facility from a law office and the office needed additional parking for patients.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Sherman: To approve the use of six parking spaces in the right-of-way adjacent to the property located at 707-717 S. Eton to fulfill the parking requirements per Article 4, section 4.43 (G)(4) of the Zoning Ordinance, subject to the recommended repairs being completed as required by the Engineering Department.

VOTE:                   Ayes,               7

**V. UNFINISHED BUSINESS**

None

**VI. NEW BUSINESS**

**01-011-20 PUBLIC HEARING TO CONSIDER ZONING ORDINANCE AMENDMENTS – OVERLAY DISTRICTS**

Mayor Pro Tem Longe recused herself from this item on advice from legal counsel due to a conflict of interest. She left the room at 8:26 p.m.

Mayor Boutros opened the Public Hearing at 8:26 p.m.

Director Ecker presented this item.

Mayor Boutros opened the hearing to public comments at 9:07 p.m.

- Rick Radner Rattner,<sup>1</sup> 380 N. Old Woodward, represents the 555 and is in support of the D5.
- David Bloom commented on potential parking issues.
- Jim Arpin, 411 S. Old Woodward, expressed appreciation for the work put into this Amendment, and asked how this project fit into the Master Plan. He further asked why the Merrilwood building was left out.
  - Director Ecker and City Manager Valentine addressed and answered his questions.
- Paul Reagan commented on his attendance at the D5 meetings and observations as to the intent of the original D5 ordinance.

Mayor Boutros closed the public hearing at 9:20 p.m.

**MOTION:** Motion by Commissioner Host, seconded by none:

To amend the suggested resolution to include that this only applies to the three granddaddy buildings, and not to any other building.

There was no second, motion failed.

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

To approve the suggested resolution for following amendments to Chapter 126, Zoning:

1. Article 3, Overlay Districts, section 3.04(A) to amend the building height standards in the D5 zone of the Downtown Birmingham Overlay District; And,
2. Article 9, Definitions, section 9.02 to add a definition for the term abutting.

Commissioner Hoff expressed that she would not support the motion due to the potential of more buildings expanding to D5.

<sup>1</sup> As corrected on January 27, 2020.

Commissioner Sherman clarified that this would not create new D5 zoning properties. It is a correction of language to the ordinance.

Commissioner Nickita further clarified that it would give the City more control and clarifies language used in the ordinance.

Commissioner Host commented that D5 would legitimize non-conformity.

Mayor Boutros commented that without this amendment, any building on Old Woodward could request re-zoning of D5; and is in support of this motion.

Commissioner Baller agrees that there are problems with D5 zoning, but encouraged support for this motion.

Mr. Bloom, Birmingham Resident, agreed with Commissioner Baller.

Mr. Reagan, Birmingham Resident, commented that it does provide for more restriction and would like the ordinance amended.

VOTE:           Ayes,           3 <sup>4</sup> (Commissioners Baller, Nickita, Sherman, and Mayor Boutros)  
                  Nays,           2 (Commissioners Host and Hoff)  
                  Recused,       1 (Mayor Pro Tem Longe)

Mayor Pro Tem Longe rejoined the meeting at 9:30 p.m.

**01-012-20                   SPECIAL LAND USE PERMIT AMENDMENT – DICK O’DOW’S –  
  160 W. MAPLE**

Director Ecker presented this item.

**MOTION:**           Motion by Commissioner Sherman, seconded by Mayor Pro Tem Longe:  
To approve the applicant’s request to waive the application fees and expedite the request for a SLUP Amendment for Dick O’Dows at 160 W. Maple to allow the applicant to temporarily relocate the outdoor dining area at the rear of the building during the 2020 outdoor dining season.

Commission Hoff inquired if residents would be notified of the change. Director Ecker affirmed.

VOTE:           Ayes,           7  
                  Nays,           0

---

<sup>2</sup> As corrected January 27, 2020.

**01-013-20                    2020 LEAD AND COPPER COMPLIANCE TESTING SAMPLING PROPOSAL**

Director Wood presented this item.

**MOTION:**                    Motion by Commissioner Host, seconded by Commissioner Hoff:  
To approve the 2020 Lead and Copper Compliance Testing Sampling proposal from HydroCorp, Inc. using Paragon Laboratories at the cost of \$48.00 per site for a total amount not to exceed \$35,088.00; and approving the quote from Paragon Laboratories at the cost of \$41.00 per site for a total amount not to exceed \$29,971.00, contingent upon receipt of proper insurance. Further, waiving the formal bidding requirements. In addition, approving the appropriation and amendment to the fiscal year 2019-2020 Water Fund budget.

Pam Graham, Birmingham Resident, commented that she has a lead service line and was initially disappointed with the way the City was sharing the news; but is now pleased with the actions taken and supports this resolution.

VOTE:                            Ayes,                    7  
                                      Nays,                    0

**01-014-20                    PUBLIC COMMENT DISCUSSION**

Melissa Fairbairn, Intern, presented this item.

- Birmingham’s procedures have been that the public may comment on each agenda item as it is addressed, and may comment when the meeting is opened to the public for items not printed on the agenda.
- The State of Michigan Open Meeting Act states that the public body, known as the commission, has discretion as to when the public comment is scheduled.
  - The commission may place a time limit on each individual’s comment but not set any limits to the overall time used for public comment. This would allow anyone who would like to speak to do so.
  - In reviewing other community practices, there were no consensus on how to best practice public comment. It is based on each community’s political climate and dynamics.
  - The most common practice was placing public comment in the middle of the agenda. That would be following Consent and prior to New Business.
  - The least common practice was allowing for two public comment periods; one for all agenda items at the beginning of the meeting and a second period at the end of the meeting for non-agenda items.
- Ann McFarland, Professional Registered Parliamentarian, offered the following
  - Commission Meetings are for the commission to conduct its business.
  - It is not a question and answer session between the commission and the public.
  - The best practices are as follows:
    - Listen to the comments from the public and address their questions in the future.
    - Print the guidelines for public comment in each agenda. Setting expectations and educating the public on how the meeting will proceed would result in a smooth and efficient process. □ Pros and Cons of two different times of public comment:



- Moving public comment prior to consent agenda
  - P = Members of the public are not sitting through the entire meeting before commenting.
  - C = May delay the commission business meeting. ○ Maintaining public comment at the end of meetings
  - P = Allows the commission to address City business
  - C = May have residents who choose to leave due to the long wait time.

Summarized, the City follows many of the best practices associated with public comment. Members of the public have an opportunity to speak as each agenda item is addressed and they are encouraged to comment. In general, the City does not place a time limit on individual comment.

Intern Fairbairn offered the following suggested actions for the commission's consideration including sample language for guidelines to set the public's expectations at future meetings.

1. Revise public comment section of the commission agenda to move public comment prior to the consent agenda for a 6-month trial period and include the suggested guidelines for public comment.
2. Revise the public comment section of the commission agenda to move public comment prior to the consent agenda including the suggested guidelines for public comment with no trial period.
3. Maintain the public comment section at the current location on the agenda and include the suggested guidelines for public comment.

Commissioner Host thanked Intern Fairbairn for a comprehensive report.

Commissioner Baller clarified what he and Commissioner Host were trying to achieve. He provided a fourth alternative that leaves public comment at the end and adding a 20 minute time period before or after the consent agenda for public comment to be reevaluated after 6 months.

Attorney Currier confirmed that per the Open Meetings Act, a time limit must not be placed on the period of time allowed for public comment during a meeting.

Commissioner Sherman noted most of Commissioner Baller's suggestions would not conform with best practices; including the commission engaging in a question and answer session. Again, he reiterated that these are public meetings for the commission to do the business of the public. It is not a meeting of the public as Commissioner Baller is trying to create. It is not fair to the citizenry who have worked through the process to come before the commission and are on the agenda. Commissioner Sherman informed Commissioner Baller that there are forums and alternate methods to address the public's questions. He went further to say that the commission must always follow best practices in carrying out the business of the City.

Commissioner Nickita concurred with the staff putting together a thorough document with information to assist the commission in making a logical, thoughtful, and helpful determination on this issue. He expressed that the current format has been in place a long time, and asked for documentation as to why and how it would be improved before trying to improve it. He went on

to say that during his ten years on the commission level, he did not recall a time when there was a significant amount of public comment. Without clearly understanding that there is a problem, he does not support changing the format. Commissioner Nickita would like to know the actual demand for additional public comment.

Commissioner Hoff also expressed that she wanted to look at some quantitative measures supporting a change to the format. She selected two years and researched the agendas for 25 meetings held in 2016 and the same in 2017. Commissioner Hoff's research resulted in 5 public comments in 2016; and in 2017 there were 3 meetings with public comments. The comments were very specific pertaining to the individual and not about overall problems with the City. Commissioner Hoff recalled that the public comments were always civil and very brief. Time limits were not required. She went on to suggest that the process currently in place is working and there is no evidence to the contrary. Commissioner Hoff reminded the commission that every person that communicates with the City Administration or City Commission receives a response. She went on to say that the Birmingham residents know they are listened to and that their opinions are valued.

Commissioner Host addressed the senior members of the commission. He expressed that all of their comments were interesting. He wants the commission to do what is needed to create more communication, credibility, and responses to the public. Commissioner Host went on to say that he has asked for this change at every meeting and believes that the customers are not feeling trust. He believes that there should be very simple rules for the public because the commission serves them. He ended by saying that last year was an abomination.

Commissioner Nickita, piggy backing off Commissioner Hoff's comments, affirmed that there are many ways to communicate with the commission and get a response. A good example is in the current agenda packet relating to the alleyway behind the Townhouse restaurant. He further supports having data on the number of people commenting to move forward with a change in the agenda.

Mayor Pro Tem Longe expressed that Commissioner Hoff's research was interesting, but suggested that the reason for so few comments is that piece is at the end of meetings. She supports adding public comment to the beginning of the meeting for the suggested trial period.

Commissioner Baller just does not understand the resistance to this issue. He commented that the intern did not address if other communities had been sued in Federal Court for shutting down citizens. He mentioned that a history teacher at Seaholm High School came before the commission to request that public comment be moved to the front of the meeting. Commissioner Baller then proceeded to read his proposed verbiage for future agendas into record.

City Manager Valentine expressed that it has not been the policy or practice of the City to engage in dialog relating to pending litigation because it could influence said pending litigation against the City. It might be used in the actions filed against the City.

Commissioner Hoff commented that in an effort to move forward, in the spirit of cooperation and good will, she is willing to try this on a limited basis. She asked how would it be determined if it is effective?

Commissioner Host believes that this is a real simple thing to do because it is entirely at the Mayor's discretion; and he expressed that to Commissioner Hoff.

Mayor Boutros responded that Commissioner Hoff has a valid point and with the language used by Commissioner Baller earlier about meetings being shut down and related lawsuits have affected his openness to supporting this issue on a trial basis; and does not believe that it should be the reason for discussion. It is on the agenda because the commission believed that maybe there is a demand for this earlier public comment period. He went on to say that if it is true that the commission lost public trust because public comments are at the end of the meeting, then he is more than happy to support a trial phase of hearing public comment earlier and restoring the public trust. Mayor Boutros expressed that the proposed change has to be for the right reasons; and openly determine if the trial actually works in the best interest of the City. He asked that everyone come back in three months with an open mind.

Commissioner Sherman agreed with Mayor Boutros that this item is on the agenda because Commissioner Host has an issue with the order of the agenda. He went on to express concern because no matter the outcome of the trial phase, he believes that the biases and negativity backing this motion has already set the stage for failure and Commissioner Sherman is now convinced to pull his support.

Commissioner Host apologized for his negative efforts and went on to say that the intent was for everyone to be opened minded and embracing anything that makes things easier for the City's customers.

Commissioner Nickita expressed concern for a trial phase due to the optics involved. He again, wants tangible data to support this change. He also is skeptical that there would be a fair analysis at the end of any trial. If it is not definable it would be completely subjective and not reflective of a true need to serve the public in that way. Commissioner Nickita went on to point out that the argument that people do not come and comment because it happens too late in the meeting, is a questionable argument because there are many ways to avoid just sitting and waiting in the commission room for public comment; and the meeting does not always go late.

Mayor Boutros suggested a motion on the 1st resolution amended to include a 3 month trial phase.

Commissioner Baller believed that everyone would just know if it works based on the type of public comment at each meeting during the trial phase. He went on to recommend that the commission hear from the public.

Commissioner Host thanked the commission for putting this issue on the agenda for discussion.

Mayor Boutros opened the meeting for public comment.

Pam Graham agreed that it would be helpful for the guidelines to be printed on the agenda. Educating the public on when and how to make a public comment would be appreciated. Regarding the assessment, quality of the feedback would help measure success. She supports the trial phase and instructional language on the agenda.

Andrew Haig expressed that 33% of the remaining 100% of the public who are still here to give numbers to quantify 66% return for Commissioner Hoff. He does not support any thing less than six months to have quantifiers to measure. He suggested charting the number of people attending, staying, and speaking.

David Bloom expressed that Commissioners Host and Baller are heroes and Commissioner Baller's suggested resolution should be adopted. He wants to try it to see if it works. He thinks people have to wait too long for public comment. The guidelines drawn up for instructional language is unacceptable to Mr. Bloom.

**MOTION:** Motion by Commissioner Baller, seconded by Commissioner Host:  
To revise the Commission Agenda to include a 20 minute public comment period prior to the consent agenda, to be reviewed after six (6) months, and to include the following language on the printed agenda:

The Birmingham City Commission welcomes public comment. During public hearings and regular agenda items, the public is given an opportunity to comment. It also is given an opportunity to comment on most motions.

Public comment on matters not on our agenda also are welcome, and two periods are set aside for such comments. Twenty minutes are set aside near the beginning of the meeting for comments from up to 10 persons on a first-come, first-served basis. Persons wishing to comment near the beginning of a meeting should obtain a number from the clerk. Those who cannot be accommodated during the first period of public comment are welcome to comment during the second period, near the end of the meeting.

During any public comment period, your comments may be limited to several minutes, at the mayor's discretion. The commission and City staff may, but are not obligated, to respond to questions and comments.

To comment, approach on of the microphones. Please keep in mind that your comments will be broadcast on Comcast Channel YY and AT&T Channel ZZ, streamed live, and may be stored in perpetuity on the City's website and Vimeo. They also will be recorded in the meeting minutes.

Commissioner Baller amended the motion by adding "subject to legal review"; Commissioner Host agreed to the amendment.

Legal review, per Attorney Currier, would be available at the next regular meeting of the City Commission.

VOTE:                   Ayes,                3  
                          Nays,                4

The amendment failed.

Mayor Pro Tem Longe suggested removing the 20-minute period phrase from Commissioner Baller's suggested resolution and changing the suggested resolution on the agenda to say "add" as opposed to "move" and vote on the combined suggested resolution. She further had questions about the guidelines suggested and would like to have the guidelines brought back to a future meeting.

Commissioner Hoff commented and Commissioner Nickita agreed that they had not experienced, in their combined years of serving on this commission, a suggested resolution distributed by a commissioner at a meeting with the expectation of the commission acting on it without prior review, or without it being published on the agenda for public review. Commissioner Baller disputed this claim and held that it has happened.

**MOTION:**                Motion by Commissioner Hoff, seconded by Commissioner Sherman:  
To approve the Resolution revising the public comment section of the commission agenda to move public comment prior to the consent agenda for a three (3) month trial period and to include the suggested guidelines for public comment.

Commissioner Host explained his intention in insisting on adding another public comment section to the agenda.

Mayor Boutros called for a point of order in redirecting the commissioner's focus to the motion that was already on the table.

Commissioner Baller pointed out that the suggested verbiage for future agendas stated that the City of Birmingham welcomes public comment limited to three (3) minutes per speaker. He went on to reflect that he has heard numerous commissioners say that they do not want to place that limitation on the public. He went on to quote that "the commission will take not participate in a question and answer section session and will not take any action on any item not appearing on a posted agenda." He continued with requesting a correction and stating that he does not believe that the commission should be restricting actions. He expressed that he would not support the motion with that verbiage.

Mayor Boutros agreed that he did not like time constraints on public comment. He wants that decision to be at his discretion; primarily because he knows how to control those situations without established limits. He suggested adding an amendment to the motion that is currently on the floor removing the 3-minute limitation.

**MOTION:**                Motion by Commissioner Hoff, agreed to by Commissioner Sherman:  
To amend the suggested resolution as follows:

1. To correct the typographical error in the above quoted verbiage by removing the word "take".
2. The City of Birmingham welcomes public comment limited at the Mayor's discretion on items that do not appear on the printed agenda.

Commissioner Baller commented that the motion/amendment opens the possibility of failure. With no limitations in place, it could go on too long. This was not the intent of the resolution presented.

Public Comment:

David Bloom, resident, expressed that the guidelines proposed are more restrictive than the ones in place. The purpose for moving the public comment was to open dialog and bridges with the community. There has not been a problem with public comment previously, so why now do we need restrictions? Are the commissioners afraid of what people might say?

Mr. Haig, resident, suggested that the commission take this issue off line and hammer out the details and bring back to the next meeting; as to not waste everyone's time. He went on to say that the optics referred to earlier just degraded significantly.

Commissioner Hoff called for question.

AMENDMENT VOTE:	Ayes,	7
	Nays,	0
RESOLUTION VOTE:	Ayes,	7
	Nays,	0

The suggested resolution passed.

**VII. REMOVED FROM CONSENT AGENDA**

None

**VIII. COMMUNICATIONS**

- Communication from Mr. Kojaian regarding the Maple alley.

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

David Bloom commented on:

- The Birmingham School Board's bond proposal for the March 2020 election.
- The City's November 2019 election.

Andrew Haig commented on:

- Consent Agenda Item J.
- How board member's skill sets should be measured.
- Surface friendly snow plows.
- Limiting the number of construction projects in a location.

- Non-resident business owners having a voice in local discussions.

<b>X. REPORTS</b>
-------------------

**01-015-20 COMMISSIONER'S COMMENTS**

Commissioner Host acknowledged City Manager Valentine and Assistant City Manager Gunter for their exceptional work with Greenwood Cemetery. He also acknowledged DPS for their work in controlling the flow of traffic in lieu of traffic lights during the recent power outage. He went further to express that he wants to give the residents who want to improve their roads the choice of using asphalt.

**01-016-20 CITY STAFF**

City Clerk report, submitted by City Manager Valentine

INFORMATION ONLY

<b>XI. ADJOURN</b>
--------------------

Mayor Boutros adjourned the meeting at 11:13 p.m.

---

Cheryl Arft, Acting City Clerk  
/vc