

BIRMINGHAM CITY COMMISSION VIRTUAL MEETING MINUTES
SEPTEMBER 14, 2020
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

Watch the entire meeting at: vimeo.com/event/3470/videos/546222144

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Pierre Boutros, Mayor called the meeting to order with the Pledge of Allegiance at 7:30 p.m.

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, Planning Director Ecker, Chief Clemence,
Museum Director Pielak, IT Manager Brunk, City Clerk Designee Bingham

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

ANNOUNCEMENTS:

- Welcome State Senator Mallory McMorrow.
- The Clerk's office would like to remind voters to turn in an absentee ballot applications if they wish to vote by mail for the November 3, 2020 General Election. The Clerk's office will begin mailing ballots to voters that requested them on September 24th. To review your specific voting information visit mi.gov/vote. Persons 16 or older that are interested in learning more about elections and assisting the community could work on Election Day! Visit the elections inspectors tab on the clerk's website for more details bhamgov.org/voting.
- The Birmingham Museum will be featuring an outdoor pop-up exhibit every Friday in September from 1 to 4 PM in the plaza at 556 W. Maple Rd. Historical artifacts of Birmingham women who achieved many local political 'firsts' will be presented with a National Archives display on the nationwide suffrage movement. The exhibit is free to the public; masks and social distancing will be required for close examination of the artifacts and conversation with museum staff.
- The City of Birmingham has been recognized by BarBend.com for ranking high in the top 50 for Michigan cities for fit lifestyles.
- The City would like to thank Joseph Mercurio for the past 3 years of his service to the Design Review Board.
- Commissioner Host's Birthday.

GUESTS:

State Senator Mallory McMorrow presented the following updates:

- August Consensus Revenue Estimating Conference revealed that the effect of COVID19 on Michigan’s revenue was significantly lower than anticipated.
- Tentative agreement between Governor Whitmer and the republican majority in the legislature.
- There were no cuts to K-12 or local municipal revenue sharing.
- Budget meeting on September 28, 2020 @ 1:00 p.m. with a representative from the Non-Partisan Senate Fiscal Agency.
- The upcoming election with an expected unprecedented turnout of absentee and in-person voting has prompted people to ask for the passage of Senate Bill 757; introduced by Senator Ruth Johnson to give Clerks an additional day to process absentee ballots.
- Voter education has been the focus of her office.
- She introduced two bills that will create HOB lanes in Michigan; car pool lanes on I-75.

APPOINTMENTS:

09-165-20 APPOINTMENT OF KEITH DEYER TO THE HISTORIC DISTRICT COMMISSION

The Commission interviewed current member Keith Deyer for appointment.

MOTION: Nomination by Commissioner Hoff:

To appoint Keith Deyer, to the Historic District Commission as a regular member to serve a three-year term to expire September 25, 2023.

Commissioner Baller asked Mr. Deyer’s opinion about the level of communication between the Historic District Board, other boards, and the commission; and is it sufficient.

Mr. Deyer responded that years ago there were joint meetings with the Planning Board and City Commission to assure that plans were in accord with City initiatives. It has not occurred recently so the board relies on staff to provide directives.

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

09-166-20 APPOINTMENT OF KEITH DEYER TO THE DESIGN REVIEW BOARD

City Manager Valentine provided an explanation as to why one person is being considered for to two separate boards. Previously, the boards were combined until there was a mandate to have two separate and distinct boards; the mandate permitted individuals to serve on both boards. While it is not a requirement to serve on both boards, it is allowed.

MOTION: Nomination by Commissioner Hoff:

To appoint Keith Deyer, as a regular member to serve a three-year term to expire September 25, 2023.

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

09-167-20 APPOINTMENT OF MICHAEL S. XENOS TO THE HISTORIC DISTRICT STUDY COMMITTEE

MOTION: Nomination by Commissioner Hoff:
To appoint Michael S. Xenos, as a regular member and representative of a duly organized local historic preservation organization to the Historic District Study Committee to serve a three-year term to expire June 25, 2023.

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

09-168-20 APPOINTMENT SUSAN COLLINS TO THE PARKS AND RECREATION BOARD

The Commission interviewed current alternate member Susan Collins.

MOTION: Nomination by Commissioner Host:
To appoint Susan Collins, to the Parks and Recreation Board as a regular member to serve the remainder of a three-year term to expire March 13, 2021.

Commissioner Baller asked if she is familiar with the plan to ask voters to approve the Parks and Recreation bond with the underlying Parks Master Plan.

Ms. Collins acknowledged that she is familiar with the bond issue.

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

Mayor Boutros congratulated the appointees and instructed them to contact the City Clerk Designee to arrange the final step of administration of the oath.

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

- Heidi Martin, Smith Avenue resident, brought awareness to the flooding problem for many residents that occurred on Friday, August 28, 2020 resulting in:
 - Significant Damage
 - Devastating Loss
 - Diminished Property ValueShe asked what is being done to compensate Birmingham residents for their losses and what the next steps are.
 - City Manager Valentine directed her to the City's website for a claim form that will be filed with the City's insurance carrier.
- Mr. Haig asked if City Manager Valentine received his email about the shallow design of the curb on Maple and Southfield.
 - City Manager Valentine acknowledged the communication and expressed that the cones are in place and the corner is being evaluated.
- David Bloom commented that flooding in the aforementioned area could be a result of excess over development, and should be addressed by the City.

V. CONSENT AGENDA

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

09-169-20 CONSENT AGENDA

The following items were removed from the Consent Agenda:

Commissioner Host:	Item A – Meeting Minutes of August 24, 2020
Commissioner Hoff:	Item F – 2020 Winter Market Special Event Permit
	Item J - Parking Meters Competitive Bid Waiver
	Item K – Contract Addendum, Hart Pavement Striping Corp.

- B. Resolution approving the warrant list, including Automated Clearing House payments, dated August 26, 2020 in the amount of \$11,021,908.68.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated September 2, 2020 in the amount of \$3,020,582.22.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated September 9, 2020 in the amount of \$849,094.79.
- E. Resolution to set a public hearing date for October 12, 2020 to consider a Revised Final Site Plan and Design and Special Land Use Permit Amendment at 525 N. Old Woodward to allow expansion of the existing Luxe bistro into the vacant storefront space to the south. (Complete Resolution in Agenda packet)
- G. Resolution to approve a special event permit as requested by the Birmingham Shopping District to hold the 2020 Santa House beginning the week-end of November 28, 2020 through December 24, 2020 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be

deemed necessary by administrative staff leading up to or at the time of the event due to public health and safety measures.

- H. Resolution to award the project for Finance Department Renovation and Office Furniture Purchase to Vari, Inc., contingent upon meeting all insurance requirements, in the amount of \$15,460.00, to be charged to the Finance Department's Machinery and Equipment account #101-191.000-971.0100.
- I. Resolution to approve the 2020 Emergency Management Performance Grant and federal funds for \$28,361.00. Further, to direct the Mayor to sign the agreement on behalf of the City and any required quarterly reports or surveys associated with the grant.
- L. Resolution to approve the Interlocal Agreement between Oakland County and the City of Birmingham, for Appointments of Arraignment-only Attorneys in the Oakland County Jail and to authorize the Mayor and Clerk to sign the Agreement on behalf of the City.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:
To approve the consent agenda excluding Items A, F, J and K.

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

09-170-20 (ITEM A) CITY COMMISSION MEETING MINUTES OF August 24, 2020

Commissioner Host removed this item from the Consent Agenda to correct the following:

- Page 12, paragraph 3 to read "a meeting to prioritize topics for future agendas" as opposed to "a long range planning meeting".

MOTION: Motion by Commissioner Host, seconded by Mayor Pro-Tem Longe:
To approve the City Commission meeting minutes of August 24, 2020 as amended.

Public Comment

David Bloom, resident, clarified his comments during Public Comment for Matters not on the Agenda at the last meeting.

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

09-171-20 (ITEM F) 2020 WINTER MARKET

Commissioner Hoff removed this item from the Consent Agenda to ask if there will be a tree lighting ceremony associated with the Winter Market.

City Manager Valentine replied that due to existing COVID19 orders in effect by the Governor, he does not anticipate a tree lighting ceremony.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Nickita:
To approve a special event permit as requested by the Birmingham Shopping District to hold the 2020 Winter Market Friday, December 4 – Sunday, December 6, 2020 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff leading up to or at the time of the event due to public health and safety measures.

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

09-172-20 (ITEM J) PARKING METERS

Commissioner Hoff removed this item from the Consent Agenda to ask the following questions:

- Will this be an upgrade to existing equipment or replacement?
- Why the City did not buy these meters three years ago when this technology was introduced, instead of the existing meters?
- Have the 132 LNG meters, currently in use, been purchased?
- Other communities reported negative comments about the system, what is the City doing to mitigate those issues.

Commissioner Clemence affirmed that it would be just an upgrade to a 4G modem. The current meters were what the provider offered at the time of the City's purchase. The new technology became available after the purchase was complete. He further affirmed that the City owns the LNG meters, noting that they were given in trade due to the inaccuracies in performance of the system. Chief Clemence has meter techs assigned to identifying problems at the beginning of their shift and addressing those issues by the end of their shift for reliability.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Host:
Resolution to waive the competitive bidding process and approve the purchase of 1,150 LNG single space meters from CivicSmart, Inc., a sole source vendor; further charging this expenditure in the amount of \$115,000.00 to the Automobile Parking System Fund capital outlay parking meters account # 101-301.002-971.0200.

Commissioner Baller asked Chief Clemence to pass on compliments to Ellen DeView for her efforts in interviewing and reporting on the issue.

Mayor Boutros asked would new meters be installed on Maple Road along the new construction.

Chief Clemence replied that the meters along Maple Road were taken down during construction and the housing was restored and/or refurbished and will receive the technical updates. Restoring existing meters proved more cost efficient than new purchases.

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

09-173-20 (ITEM K) PAVEMENT MARKINGS

Commissioner Hoff removed this item from the Consent Agenda to express her concern about defining the total amounts of both contractors' bids.

Chief Clemence acknowledged that it was simply an omission and agreed to amend the supporting documents to include the omission.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Host:
To approve the addendum to extend the contract for 2020-21 handwork pavement markings with Hart Pavement Striping Corporation in the amount of \$107,000.00 for combined fall 2020 and spring 2021 applications; further to approve the addendum to extend the contract for pavement marking longlines with PK Contracting, Inc. in the amount of \$10,027.00 for spring 2020; further to authorize and direct the mayor and city clerk to sign the addendums on behalf of the city; further to authorize these budgeted expenditures from account number 202-303-001-937.0200.

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

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

09-174-20 BIRMINGHAM MUSEUM STRATEGIC PLAN 2021-2024

Museum Director Pielak presented this item.

Commissioner Hoff asked what changes have been made from previous strategic plans. She also suggested that the museum host more events for increased exposure when it is safe to do so; including City meetings.

Museum Director Pielak identified the following changes:

- Increased internet capacity
- Enhanced digital storage
- Developing a landscape master plan and restoration changes to the grounds.
- Implementation of interpretive planning.
- Social media and virtual contact with the Museum’s audiences.

Museum Director Pielak welcomed the suggestion with enthusiasm to host more events at the museum.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Hoff:
To accept the proposed 2021-2024 Birmingham Museum Strategic Plan.

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

09-175-20 ALTERNATE STRUCTURES FOR MANAGING PARKING SYSTEMS

City Manager Valentine presented this item.

Commissioner Baller complimented City Manager Valentine on the reports provided and acknowledged that this is what he expected when requesting this discussion. He expressed that he is partial to the third suggested resolution.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To direct staff to solicit a proposal from Nelson Nygard to amend their September 2018 Downtown Parking Plan to study alternate management structures and best practices for managing parking systems and present a report with recommendations to the City Commission.

Commissioner Hoff expressed that the motion was premature because of the lack of discussion by the Commission prior to the motion. She further stated that Nelson Nygard did one of the other studies in New Jersey and asked if they did study any other cities. Commissioner Hoff asked what would the charge be for revisiting the management of Birmingham parking systems. She also asked for identification of the perceived problems that the City needs to address.

City Manager Valentine affirmed that they studied Trenton, New Jersey as well. He estimated cost would be approximately \$20,000 for consulting on the management structure, but if the option is approved, he would return with real numbers. City Manager Valentine expressed that this is a topic that the Commission should discuss for clarity on the scope of work.

Commissioner Baller expressed that when a fragmented management structure exist, there is no single source of management and there is some value in having a specialized team per the Durham report. He went on to suggest a goal setting session as the first step in the process when the consultant is engaged.

City Manager Valentine explained to Commission Baller how the process works to achieve desired outcomes.

Commissioner Nickita expressed that he is questioning the driver of this initiative. In his opinion, there is a successful existing structure here in Birmingham, consisting of the City Manager, Assistant City Manager, SP Plus, as well as a citizen and public component. He added that while there is always room for improvement, he would like to know what is wrong with the current structure. Currently, the system is altered due to COVID19, it may be the new normal so how would a new scope be properly evaluated.

Commission Hoff commented on the differences in the City's organizational structure and the premise that the Durham study relied on for a report. Additionally, the commission had not made a decision to move in the direction of changing the management structure of the existing system, so she asked why would anyone be studying the Durham report. The only complaint has been the lack of parking and is concerned why it is important to entertain this project now.

Commissioner Baller expressed his want to pursue this issue now due to the luxury of time that the pandemic has provided because he does not agree that the current parking system is operating well.

Commissioner Sherman explained that consultants are traditionally hired to help the City resolve a defined problem. While it is not a bad idea to look at alternate management structures that can be used within the existing system, cost should be examined before considering moving forward.

Mayor Boutros concurred with Commissioner Sherman. He further stated that it could be useful to look at this issue in terms of post pandemic realities with a consultant.

Commissioner Hoff noted that the commission must have goals and objective identified to engage a consultant.

Mayor Boutros countered that the consultants could help define goals.

City Manager Valentine offered that part of the consultants' scope could be to facilitate a goals and objectives session with the commission to assist in that part of the process.

Commissioner Sherman pointed that options for other various systems within the City have been studied in the past to insure efficient operations within the constraints of municipal government; and this could be the goal for this system as well. He went on to reiterate that cost would be the deciding factor.

Commissioner Hoff expressed that she could go along with having the Birmingham Parking Management System evaluated by Nelson Nygard for best practices including comparisons.

Commissioner Baller suggested that the motion covers all of the concerns expressed by the commissioners and called for the previous question.

Public Comment

Mr. Reagan, resident, commented that there is a need for an assessment of the current system and a benchmark for best practices. Due to the losses from free parking, he asked is cost really a concern.

David Bloom, resident, pointed out that the Planning Board in reference to the master plan discussed potentially offering free parking spaces to developers to incentivize housing development in downtown Birmingham. He supported having the right systems in place to evaluate the current parking situation.

Commissioner Sherman suggested striking the word alternative from the motion, thereby studying the current structure as well as alternate structures to resolve the debate.

Commissioner Baller agreed to the suggested amendment.

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

To direct staff to solicit a proposal from Nelson Nygard to amend their September 2018 Downtown Parking Plan to study alternate management structures and best practices for managing parking systems and present a report with recommendations.

Commissioner Hoff asked for specifics on evaluating the systems.

City Manager Valentine elaborated on the amended motion, in terms of scope of work, as follows:

- Assessment with the Commission to define goals.
- Review existing condition
- Identifying alternative models for consideration of best practices.
- Evaluating recommendations for improvement.

Public Comment

Mr. Reagan, resident, underscored that consultants look for key words in RFP's and the word assessment has a clear meaning. Due to the quantitative nature of assessing, it drives costs exponentially.

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

ORIGINAL MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To direct staff to solicit a proposal from Nelson Nygard to amend their September 2018 Downtown Parking Plan to study management structures and best practices for managing our parking systems and present a report with recommendations to the Commission.

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

09-176-20 CITY COMMISSION 2021 MEETING SCHEDULE

City Clerk Designee Bingham presented this item.

Commissioner Baller asked if there is any discretion in the schedule.

Commissioner Hoff questioned the timing of the Joint Workshop with the Planning Board and asked if other options were available.

City Manager Valentine expressed that the Charter requires a set number of meetings per month and City policy considers holidays in meeting the requirement. With respect to the Joint Planning Meeting, it has been traditionally coordinated with the need for the Commission to review the Planning Boards action list for approval.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Host:
 To approve the Birmingham City Commission 2021 Meeting Schedule as presented.

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

09-177-20 LEGAL SERVICES

Mayor Boutros presented this item and acknowledged legal counsel, Beier Howlett, who the City has retained for over 50 years. He recognized the value of the institutional knowledge that they bring to this organization.

Mayor Pro-Tem Longe suggested reviewing the ~~50-year-old~~ 1956¹ agreement between the City and Beier Howlett to insure that it still suits both parties; just as any other City Contract is periodically reviewed.

MOTION: Motion by Mayor Pro-Tem Longe, seconded by Commissioner Baller:
 To direct the City Manager to give the Commission options for hiring an outside legal counsel that is not conflicted in relationship to the City currently or to Beier Howlett currently, and to advise on matters related to the procurement of legal services.

¹ As corrected on September 21, 2020.

Commissioner Sherman expressed that while he understands the motion, he does not know how to get to that point without understanding how Section 9 of the Birmingham City Charter is applicable in addition to section cited by Mayor Boutros. He went on to note that the general accounting office is questioning whether it makes sense to change both accounting and legal firms regularly. With respect to the Sarbanes-Oxley Act of 2002, justification for the changes has been found to not be the best practices for some organizations; especially where experience would save taxpayer dollars that would be used to onboard these services regularly. He went on to say that the motion may be beyond the Commission's scope of allowable acts.

Commissioner Baller offered that Commissioner Sherman's comments are precisely why outside legal counsel is needed to interpret the City Charter.

Commissioner Sherman reiterated that the motion exceeds the scope of what is being suggested. Outside legal counsel is reasonable to answer the question at hand, or the other items in the motion are irrelevant; for this reason, he does not support the motion. Commissioner Sherman further offered that the real question is whether the Commission has authority to change the arrangement with the City Attorney.

Mayor Boutros expressed that the Commission is not trying to change the existing arrangement; the motion is to get an interpretation of the Charter.

Commissioner Hoff pointed out that the motion is not asking legal counsel to interpret City Charter in regard to hiring a City Attorney. The motion should be specific.

Commissioner Nickita concurred; he further pointed out Charter requirements in terms of the roles and responsibilities of the City Manager and City Commission regarding this issue must be interpreted; and the motion is not addressing interpretation of the Charter.

Mayor Pro-Tem Longe argued that the motion does cover the issue specifically because the process would include City Charter review.

Commissioner Sherman disputed that the motion is consistent with the Mayor's comments as he presented this item. He reiterated that the motion encompasses more issues that are beyond the scope of whether the Charter provides for the City Commission with the power to terminate or evaluate the City Attorney. It appears that the authority lies with the City Manager.

Commissioner Baller does not see any reason to limit engagement based on one question and supports the motion.

Commissioner Host commented that the resolution is simple and iterated that whoever reports to the City Manager reports to the City Commission and after 64 years of an arrangement, a review is long overdue.

Public Comment

David Bloom, resident, relative to the interpretation of advice and consent as outlined in the City Charter, the term is clear and used in the U.S. Constitution. He referenced the U.S. Senate webpage to support his point.

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

09-178-20 INFORMATION REQUESTS BY COMMISSIONERS

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:
To request a discussion on the next reasonable agenda to address Commissioner request for information for items that are not being considered by the City Commission.

Commissioner Sherman explained that the purpose is to try to discourage request for voluminous amounts of information that are not related to matters aligned with current discussions and studies that takes up a lot of staff time for others.

Commissioner Baller asked Commissioner Sherman to provide support for his motion.

Commissioner Sherman cited a request by a Commissioner for demolition permits and taxable values for all properties in the City over the last ten years.

City Manager Valentine acknowledged that the request for demolition permits was a matter of a few hours to compile. However, the taxable values request was too voluminous and the requestor was referred to the County to obtain the information.

Commissioner Baller expressed that he would not support the motion; because it is the legislator's prerogative to request information that is in the public's interest.

Public Comment

- David Bloom, resident, expressed surprise that Commissioners should not request information not lined up for discussions.
- Mr. Haig, resident, asked if the issue is not before the Commission, why research for an item to discuss at a later date is not allowed.

City Manager Valentine expressed for public understanding, the process that was adopted a few meetings ago that Commissioner Sherman referenced. The new process is a three-step process as a way to introduce topics before the Commission in a way to decide which topics would be moved forward for discussion at a later meeting as follows:

1. Bring up the issue under New Business on the current agenda.
2. Item would be acknowledged.
3. Support would be given by motion to include the topic on a subsequent agenda for discussion and vote.

ROLL CALL VOTE: Ayes, Commissioner Sherman
Commissioner Nickita
Commissioner Hoff

Nays, Mayor Boutros
Mayor Pro-Tem Longe
Commissioner Baller
Commissioner Host

09-179-20 ORDINANCES

MOTION: Motion by Commissioner Host, seconded by Commissioner Baller:
To review residential ordinances with respect to setbacks, heights, noise, and lights as an agenda item at the next reasonable meeting.
Commissioner Sherman expressed his support for this motion.

Mayor Pro-Tem Longe comment that new ordinances should be discussed, but is hesitant to have discussion on ~~setbacks and noise~~ heights and setbacks² that are being addressed by other bodies.

Public Comment

- Mr. Reagan suggested that in the neighborhoods where construction is active, it appears that there is no code enforcement. Therefore, there should be more ordinance discussed.
- Mr. Haig echoed Mr. Reagan’s comment and asked if specific boards could assist on existing ordinances.

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

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

- A. Letter from Frank Simon in regards to the Pearl Canopy Sign.
- B. Email from Mr. Bloom

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of Intention to appoint to the Board of Zoning Appeals and the Museum Board
- B. Commissioner Comments
 - 1. Commissioner Sherman made the following comments:
 - a. Praised paramedics for taking care of COVID residents
 - b. Praised the Fire Dept. and Police Department for their response to the children injured in recent car/bike accident.
- C. Advisory Boards, Committees, Commissions’ Reports and Agendas

² As corrected on September 21, 2020.

D. Legislation

E. City Staff

1. Financial Update submitted by Finance Director Gerber

2. Birmingham Shopping District Farmers Market Report submitted by Executive Director Tighe

INFORMATION ONLY

XI. ADJOURN

Mayor Boutros adjourned the meeting at 10:17p.m.

Alexandria Bingham, City Clerk Designee
/vc