

Birmingham City Commission Minutes

March 22, 2021

7:30 P.M.

Virtual Meeting

Meeting ID: 655 079 760

Vimeo Link:

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

Alexandra Bingham, City Clerk, called the roll.

Present: Mayor Boutros (location: Boca Raton, FL)
Mayor Pro Tem Longe (location: Birmingham, MI)
Commissioner Baller (location: Denver, CO)
Commissioner Hoff (location: Birmingham, MI)
Commissioner Host (location: Birmingham, MI)
Commissioner Nickita (location: Birmingham, MI)
Commissioner Sherman (location: Birmingham, MI)

Absent: None

Administration: City Manager Markus, City Clerk Bingham, Police Chief Clemence, City Attorney Kucharek, Planning Director Ecker, Finance Director Gerber, Interim HR Director/Assistant City Manager Hock, Building Official Johnson, City Attorney Kucharek, DPS Director Wood

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

Appointments

Elyse Germack, applicant for the Parks and Recreation Board, was not in attendance.

Jessica Newman, applicant for the Parks and Recreation Board, was interviewed by the Commission. She was nominated by Commissioner Sherman. Since Ms. Carmona, Ms. Collins, and Mr. Rusche were nominated before Ms. Newman, and were voted into the three available positions on the Parks and Recreation Board, no vote was taken on Ms. Newman's candidacy.

Jeffrey Bozell, applicant for the Planning Board, was interviewed by the Commission. Since J. Bryan Williams, Stuart Jeffares, and Daniel Share were incumbents re-appointed into the three available positions on the Planning Board, no vote was taken on Mr. Bozell's candidacy.¹

03-064-21 Appointment of Heather Carmona to the Parks and Recreation Board

The Commission interviewed Heather Carmona for the appointment.

MOTION: Nomination by Commissioner Nickita:
To appoint Heather Carmona to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2024.

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

Nays, None

03-065-21 Appointment of Susan Collins to the Parks and Recreation Board

The Commission interviewed Susan Collins for the appointment.

MOTION: Nomination by Mayor Pro Tem Longe:
To appoint Susan Collins to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2024.

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

Nays, Commissioner Sherman

03-066-21 Appointment of John Rusche to the Parks and Recreation Board

The Commission interviewed John Rusche for the appointment.

MOTION: Nomination by Commissioner Host:
To appoint John Rusche to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2024.

¹ As corrected at the April 12, 2021 meeting.

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

Nays, None

03-067-21 Appointment of Jacqueline Patt to the Museum Board

The Commission interviewed Jacqueline Patt for the appointment.

MOTION: Nomination by Commissioner Hoff:
To appoint Jacqueline Patt to the Museum Board as a regular member to serve a three-year term to expire July 5, 2023.

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

Nays, None

03-068-21 Appointment of Katie Schafer to the Multi-Modal Transportation Board

The Commission interviewed Katie Schafer for the appointment.

MOTION: Nomination by Commissioner Nickita:
To appoint Katie Schafer as a regular member to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2024.

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

Nays, None

03-069-21 Appointment of Doug White to the Multi-Modal Transportation Board

The Commission interviewed Doug White for the appointment.

MOTION: Nomination by Mayor Pro Tem Longe:
To appoint Doug White as a regular member to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2024.

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

Nays, None

03-070-21 Appointment of J. Bryan Williams to the Planning Board

The Commission interviewed J. Bryan Williams for the appointment.

MOTION: Nomination by Commissioner Host:
To appoint J. Bryan Williams to the Planning Board as a regular member to serve a three-year term to expire March 28, 2024.

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

Nays, None

03-071-21 Appointment of Stuart Jeffares to the Planning Board

~~The Commission interviewed Stuart Jeffares for the appointment.~~ Stuart Jeffares was absent from the meeting.²

MOTION: Nomination by Mayor Pro Tem Longe:
To appoint Stuart Jeffares to the Planning Board as a regular member to serve a three-year term to expire March 28, 2024.

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

² As corrected at the April 12, 2021 meeting.

Commissioner Nickita
Mayor Boutros
Commissioner Baller

Nays, None

03-072-21 Appointment of Daniel Share to the Planning Board

The Commission interviewed Daniel Share for the appointment.

MOTION: Nomination by Commissioner Nickita:
To appoint Daniel Share to the Planning Board as a regular member to serve a three-year term to expire March 28, 2024.

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

Nays, None

03-073-21 Appointment of R. David Eick to the Cablecasting Board

The Commission interviewed R. David Eick for the appointment.

MOTION: Nomination by Commissioner Host:
To appoint R. David Eick to the Cablecasting Board as a regular member to serve a three-year term expiring March 30, 2024.

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

Nays, None

03-074-21 Appointment of George Abraham to the Cablecasting Board

The Commission interviewed George Abraham for the appointment.

MOTION: Nomination by Mayor Pro Tem Longe:

To appoint George Abraham to the Cablecasting Board as a regular member to serve a three-year term expiring March 30, 2024.

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

Nays, None

Mayor Boutros thanked all the applicants and appointees.

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

In reply to Jonathon Hofley, Mayor Boutros said the Commission was aware of a letter sent by himself and former CM Valentine in the Summer of 2020 to RH.

In reply to David Bloom, Mayor Boutros said he could not recall whether the Commission was made aware of the aforementioned letter during a public meeting, and that he could not recall whether the Commission took official action to approve sending the letter.

Andrew Haig asked the City Attorney to, at some future date, provide a 'structured answer' explaining:

- How the City would have provided RH the terms and conditions offered in the aforementioned letter; and,
- Whether the Planning review process for RH would have been streamlined relative to the City's usual Planning review processes.

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.

03-075-21 Consent Agenda

The following items were pulled from the Consent Agenda:

- Commissioner Host: Item E – Fertilizer Buggy Purchase
- Commissioner Hoff: Item F – Common Ground Art Fair
Item H – DPS Equipment Upgrade

MOTION: Motion by Commissioner Host, seconded by Mayor Pro Tem Longe:
To approve Consent Agenda items A, B, C, D and G.

ROLL CALL VOTE: Ayes, Commissioner Host
Mayor Pro Tem Longe

Commissioner Sherman
Commissioner Nickita
Commissioner Hoff
Mayor Boutros
Commissioner Baller

Nays, None

- A. Resolution to approve the City Commission Workshop meeting minutes of March 8, 2021.
- B. Resolution to approve the City Commission meeting minutes of March 8, 2021.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 10, 2021, in the amount of \$2,211,995.98.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 17, 2021, in the amount of \$1,110,203.20.
- G. Resolution to approve a request from Eisenhower Dance Detroit to hold their Youth Ensemble Performance on the stage at Shain Park on May 23, 2021, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any modifications 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.

03-076-21 (Item E) Fertilizer Buggy Purchase

DPS Director Wood explained that the purchase of this fertilizer buggy would expedite a number of DPS' internal operations. She said it would be used on smaller areas throughout the City, and that larger areas would still be serviced by external contractors.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Hoff:
To approve the purchase of one (1) 2020 Ex Mark Spreader/Sprayer S-Series Kohler Stand On from Weingartz in the amount of \$7,999.00 from the Auto Equipment Fund, account #641-441.006.971.0100.

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

Nays, None

03-077-21 (Item F) Common Ground Art Fair

In reply to Commissioner Hoff, Karen Delhey of The Guild stated Art Birmingham in Spring 2021 would be held in Shain Park. Commissioner Hoff wanted to make sure that both the spring and fall art fairs would not be on Old Woodward since they can be disruptive for business owners.

Commissioner Hoff asked City Clerk Bingham to make sure that the couple getting married in Shain Park during the Common Ground Art Fair is aware that the Art Fair would be occurring on Old Woodward at the same time.

Mayor Boutros concurred with Commissioner Hoff.

CM Markus said he would sit down with Staff to create an approximate schedule of regularly occurring events in the City so that conflicts between personal reservations of City spaces and larger events do not arise again in the future.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Nickita:
To approve a request from Common Ground to hold the Art Fair on S. Old Woodward on September 18 & 19, 2021 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any modifications 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.

Commissioner Baller expressed some perplexity that a very large wedding could possibly be scheduled in the City with no review process while other events are subjected to a lengthy review process.

Commissioner Sherman expressed confusion that Shain Park was scheduled for weddings when it was his recollection that Shain Park previously could not be reserved for private events.

Commissioner Baller asked the City Manager to include which City parks should permit private events and what the review process for such events should be when he sits down with Staff to review other aspects of this item.

CM Markus confirmed that was his intent.

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

Nays, None

03-078-21 (Item H) DPS Equipment Upgrade

Commissioner Hoff commended the IT Department on their work on this item, and also thanked the Cable Board for their grant to the City that would partially cover the costs of this item.

Mayor Boutros echoed Commissioner Hoff's comments.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Host:
To authorize the IT department to enlist Advanced Lighting and Sound to upgrade the Audio Visual equipment and install additional cameras in the DPS conference room, total cost not to exceed \$12,782.00; to charge this project to account number 636-228.000-971.0100 Machinery and Equipment; and approve

the appropriation and amendment to the fiscal year 2020-2021 Computer Equipment Fund budget as follows:

Computer Equipment Fund

Revenues:

636-000.000-401.0000	Draw from Fund Balance	<u>\$(6,000)</u>
636-000.000-588.0000	Cable Board Grant	<u>12,790</u>
Total Revenue		<u>\$ 6,790</u>

Expenditures:

636-228.000-971.0100	Machinery and Equipment	<u>\$ 6,790</u>
Total Expenditures		<u>\$ 6,790</u>

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

Nays, None

VI. UNFINISHED BUSINESS

In reply to Commissioner Hoff, CM Markus confirmed that all the previously outstanding issues for which these public hearings had been scheduled were now resolved.

03-079-21 Public Hearing – Birmingham Sushi

The Mayor opened the public hearing at 8:33 p.m., and seeing no comment, closed it at 8:33 p.m.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
 To renew the liquor license for Birmingham Sushi for the 2021 licensing period.

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

Nays, None

03-080-21 Public Hearing – Community House

The Mayor opened the public hearing at 8:33 p.m.

CM Markus noted for the record that, subsequent to the Commission's February 22, 2021 meeting, Staff determined that neither the Community House nor the Rugby Grille were actually at fault for non-payment of invoices. Consequently, neither establishment should have been included on the list for public hearings of liquor license renewals.

CM Markus explained how the mistake occurred. During part of 2020, the City deferred invoicing for special assessments. A Staff member erroneously marked sidewalk improvements outside the Community House and the Rugby Grille as special assessments. As a result of the deferred invoicing for special assessments, the invoices for those improvements were not sent out. Since accounts receivable did not have the improvements erroneously marked as special assessments, those amounts were designated in accounts receivable as owed and past due. This mismatch was discovered when CM Markus spoke to the Executive Director for the Community House, who said he never received the invoice.

CM Markus apologized on behalf of the City to both Community House and the Rugby Grille for creating the impression that either establishment had neglected to pay their outstanding balances with the City. He stated that both establishments paid the City as soon as they were made aware of the existence of the invoices.

The Mayor apologized on behalf of himself and the Commission for the mistake as well. He said he was glad both establishments are part of the Birmingham community.

The Mayor closed the public hearing at 8:37 p.m.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Nickita:
To renew the liquor license for the Community House for the 2021 licensing period.

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

Nays, None

03-081-21 Public Hearing – Hazel Ravines & Downtown

The Mayor opened the public hearing at 8:38 p.m., and seeing no comment, closed it at 8:38 p.m.

MOTION: Motion by Commissioner Nickita, seconded by Commissioner Hoff:
To renew the liquor license for Hazel Ravines & Downtown for the 2021 licensing period.

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

Commissioner Baller

Nays, None

03-082-21 Public Hearing – Hyde Park Prime Steakhouse

The Mayor opened the public hearing at 8:39 p.m., and seeing no comment, closed it at 8:39 p.m.

MOTION: Motion by Commissioner Baller, seconded by Mayor Pro Tem Longe:
To renew the liquor license for Hyde Park Prime Steakhouse for the 2021 licensing period.

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

Nays, None

03-083-21 Public Hearing – Mad Hatter Bistro

The Mayor opened the public hearing at 8:40 p.m., and seeing no comment, closed it at 8:40 p.m.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Hoff:
To renew the liquor license for Mad Hatter Bistro for the 2021 licensing period.

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

Nays, None

03-084-21 Public Hearing – Pernoi

The Mayor opened the public hearing at 8:41 p.m., and seeing no comment, closed it at 8:41 p.m.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To renew the liquor license for Pernoi for the 2021 licensing period.

ROLL CALL VOTE: Ayes, Commissioner Baller
 Commissioner Host
 Commissioner Nickita

Commissioner Hoff
Mayor Boutros
Mayor Pro Tem Longe
Commissioner Sherman

Nays, None

03-085-21 Public Hearing – Social Kitchen & Bar

The Mayor opened the public hearing at 8:42 p.m., and seeing no comment, closed it at 8:42 p.m.

MOTION: Motion by Commissioner Nickita, seconded by Mayor Pro Tem Longe:
To renew the liquor license for Social Kitchen & Bar for the 2021 licensing period.

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

Nays, None

03-086-21 Public Hearing – Tallulah Wine Bar & Bistro

The Mayor opened the public hearing at 8:43 p.m., and seeing no comment, closed it at 8:43 p.m.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To renew the liquor license for Tallulah Wine Bar & Bistro for the 2021 licensing period.

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

Nays, None

03-087-21 Public Hearing – Rojo Mexican Bistro & Sidecar

The Mayor opened the public hearing at 8:44 p.m. The Mayor closed the public hearing at 8:45 p.m.

It was confirmed for Commissioner Nickita that although Rojo is no longer in operation, the liquor license should be renewed since it is tied to the location, not to the occupying business.

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

To renew the liquor license for Rojo Mexican Bistro & Sidecar for the 2021 licensing period.

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

Nays, None

03-088-21 Public Hearing – Rugby Grille

The Mayor opened the public hearing at 8:45 p.m. The Mayor closed the public hearing at 8:46 p.m.

CM Markus requested that the following be noted: subsequent to the Commission's February 22, 2021 meeting, Staff determined that neither the Community House nor the Rugby Grille were actually at fault for non-payment of invoices. Consequently, neither establishment should have been included on the list for public hearings of liquor license renewals.

Further clarification regarding the billing error on the part of the City can be found in the present meeting minutes under Item 03-080-21, Public Hearing – Community House.

CM Markus apologized on behalf of the City to both Community House and the Rugby Grille for creating the impression that either establishment had neglected to pay their outstanding balances with the City.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Hoff:
To renew the liquor license for Rugby Grille for the 2021 licensing period.

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

Nays, None

03-089-21 Public Hearing – Vinoteca

The Mayor opened the public hearing at 8:47 p.m., and seeing no comment, closed it at 8:47 p.m.

MOTION: Motion by Commissioner Nickita, seconded by Commissioner Sherman:
To renew the liquor license for Vinoteca for the 2021 licensing period.

ROLL CALL VOTE: Ayes, Commissioner Nickita
Commissioner Sherman

Commissioner Host
Commissioner Hoff
Mayor Boutros
Mayor Pro Tem Longe
Commissioner Baller

Nays, None

03-090-21 Public Hearing – 34350 Woodward Avenue and 907-911 Haynes Street

The Mayor opened the public hearing at 8:51 p.m.

CM Markus noted that while Staff was working with the applicant to create some potentially mutually agreeable proposals, all proposals would have to be reviewed by, and gain the approval of, the appropriate City boards and commissions.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Host:
To postpone the proposed lot combination hearing to April 12, 2021 and to direct City staff to continue to work with the applicant on a mutually acceptable agreement for future review by the City Commission.

Commissioner Baller asked if that would be enough time.

CM Markus said he recommended April 12, 2021 out of respect for the applicant's desire to move to process along, while noting that the Commission could always postpone the public hearing again if appropriate.

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

Nays, None

The public hearing was not closed.

VII. NEW BUSINESS

03-091-21 Public Hearing – 555 S. Old Woodward – Birmingham Pub

The Mayor opened the public hearing at 8:57 p.m.

PD Ecker reviewed the item.

Joseph Shallal, attorney for the applicant, was present on behalf of the item.

PD Ecker stated City precedent allowed for an economic development license to be transferred from a business that earned it to a different business without requiring that the second business meet the EDL requirements.

PD Ecker and Mr. Shallal explained the seating plans proposed were the same as the seating plans for Triple Nickel.

Commissioner Baller said he was disappointed to see that no entertainment was planned. He said he hoped the new owners would work to activate the second floor.

Public Comment

Paul Reagan said there should be better traffic enforcement in this area once Birmingham Pub opens.

Commissioner Baller recommended the City consider installing a crosswalk on the south side of Bowers to increase pedestrian safety.

The Mayor closed the public hearing at 9:22 p.m.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To approve the Revised Final Site Plan and Design and Special Land Use Permit Amendment at 555 S. Old Woodward to allow for the transfer of ownership, name change from Triple Nickel to Birmingham Pub, and site plan and design changes at 555 S. Old Woodward.

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

Nays, None

03-092-21 Liquor License – 555 S. Old Woodward – Birmingham Pub

Discussion occurred as part of the previous item.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Hoff:
To authorize the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and to approve the liquor license request of The Birmingham Pub, LLC that requests a transfer of interest in a Class C License to be issued under MCL 436.1521 (A)(1)(B) & SDM License with Outdoor Service (1 Area) located at 555 S Old Woodward, Birmingham, Oakland County, MI 48009.

Furthermore, pursuant to authorize the City Clerk to complete the Local Approval Notice at the request of The Birmingham Pub, LLC approving the liquor license transfer request of The Birmingham Pub, LLC that requested a Class C License be transferred under MCL 436.1521 (A)(1)(B) & SDM License with Outdoor Service (1 Area) located at 555 S Old Woodward, Birmingham, Oakland County, MI 48009.

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

Mayor Boutros
Mayor Pro Tem Longe

Nays, None

03-093-21 Master Plan First Draft Direction

PD Ecker reviewed the item.

The majority of the Commission felt the agenda packet did not provide enough background information to adequately discuss this item.

After discussion of the Commission's concerns, there was consensus that a special meeting to review this item, during which voting could occur, should be scheduled for April 19, 2021.

CM Markus advised the Commissioners to submit their questions and comments in writing to City Staff so that Staff and the master planning team could be prepared with answers for the April 19 meeting.

The Planning Board would also be notified of the meeting and asked to attend.

MOTION: Motion by Commissioner Host, seconded by Commissioner Baller:
To schedule a special Commission meeting, at which votes could occur, for 7 p.m. on April 19, 2021 to discuss the 2040 Master Plan First Draft.

Public Comment

Andrew Haig asked the Commission not to rush consideration of the master plan draft, and commended all involved on their work thus far.

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

Nays, None

03-094-21 Parks and Recreation Bond Authorization

FD Gerber reviewed the item.

Pat McGow, bond counsel from Miller Canfield, and Robert Bendzinski, financial advisor to the City, were present.

Mr. McGow confirmed that no tax increase would result from the authorization of these bonds since other bonds were recently retired. He stated that the interest rate is set on the day of the bond sale, and that by law the bonds are sold to the bidder offering the lowest interest rate.

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

To approve the bond authorizing resolution for the 2021 unlimited tax general obligation bonds as submitted by bond counsel.

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

Nays, None

03-095-21 Ice Arena Accounting Methodology

FD Gerber & CM Markus reviewed the item. CM Markus stated that neither he nor the City's finance staff recommended an enterprise fund for the Ice Arena.

Commissioner Hoff said she would move the suggested resolution since it could be altered in the future if the Commission was unsatisfied with the proposed financial reporting used.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Nickita:
To direct the City Manager to continue to record ice arena operations in the General Fund and provide a finance report on those operations to the City Commission by October 31st for the preceding fiscal year.

Commissioner Host said the proposed financial reporting method was worth a try. He recommended the Commission ~~review it in~~ try the proposed method of accounting for an initial two years, with a twice-a-year review,³ and suggested that the money saved by not doing an enterprise fund should be spent during the next annual audit to determine the difference between residential and commercial spending in Birmingham.

Mayor Pro Tem Longe said the proposed financial reporting method would increase transparency while not adding extra accounting costs or burdens on the Staff. She stated that similar reporting worked out well for the City's golf courses. She noted that the financial reporting for the golf courses occurs more than once a year, and recommended the City do the same for the Ice Arena.

Commissioner Baller thanked Staff for their work on this ongoing item. He recommended that some of the slides used to present this issue to the Commission be included in the Citizens Academy and new Commissioner training.

Commissioner Hoff noted that the data will not demonstrate the average revenue increases and cost decreases until at least a year after the Ice Arena's updates are concluded.

Public Comment

Mr. Reagan noted that the data would have to be analyzed for places where efficiency could be increased.

Susan Collins thanked the Commission, stated that the Parks and Recreation Board is already working on reviewing financial reporting from the Ice Arena, and reminded all present that the primary clients of the Ice Arena are children who have benefited from the Arena's existence during the pandemic.

³ As updated at the April 12, 2021 meeting.

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

Nays, None

03-096-21 Golf Cart Fleet Lease

Commissioner Baller recommended dispensing with the review of the item and moving the recommended resolution.

MOTION: Motion by Commissioner Baller, seconded by Mayor Pro Tem Longe:
To award the Golf Cart Lease Option #3 for the Birmingham Golf Courses to EZ-Go Textron in the amount not to exceed \$51,338.46 per year or \$256,692.30, over a five-year period. Funds are available in the Equipment Rental or Lease account #584-753.002-941.0000 and #597-753.002-941.0000 for this contract. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of the required insurance coverage.

Commissioner Hoff noted that on page three of the report that 58% profit should have read 78%, per her conversation with Golf Manager Brito. She noted that the expenditure proposed by this item would bring the profit down from 78% to about 70%. She said she was still in support of the proposal because it would benefit the courses' users.

Golf Manager Brito reported that in 2019 the golf courses received 625 memberships sign-ups while running the early sign-on bonus. In 2021, that number has increased to 725 memberships so far.

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

Nays, None

03-097-21 FY 2024 Derby Bridge Funding Support

Consulting City Engineer Surhigh presented the item.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To adopt the Resolution of the City of Birmingham demonstrating support of the project and submittal of the application to MDOT for FY 2024 funding assistance under their Local Bridge Program, as presented.

ROLL CALL VOTE: Ayes, Commissioner Baller

Commissioner Host
Commissioner Sherman
Commissioner Nickita
Commissioner Hoff
Mayor Boutros
Mayor Pro Tem Longe

Nays, None

03-098-21 Grave Price Increase

City Clerk Bingham reviewed the item. She stated that some items in the fee schedule would be recommended for revision by the GCAB in the future.

Commissioner Hoff said she preferred to make the price increase effective 30 days after the motion is passed by the Commission. She noted that raising the price to \$4,000 per grave would make Greenwood Cemetery more expensive than other cemeteries in the area.

Commissioner Baller asked Staff to look at indexing the costs to inflation.

CM Markus said he, FD Gerber and the City Attorney would look at options for doing that with this and some other City fees and would return to the Commission with recommendations. He also said that Greenwood Cemetery is a beautiful resting ground and that he would not worry about the City charging more than other cemeteries in the area.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Host:
To increase the price of the plots in Greenwood Cemetery that accommodate one full burial or up to 3 cremains from \$3000 to \$4000 effective immediately upon passage by the Commission, and for the new rate to be applicable to all currently released graves and future grave releases.

Public Comment

Linda Buchanan, chair of the GCAB, said they recommended the price increase in order to increase the amount the Cemetery could contribute towards the perpetual care fund.

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

Nays, None

03-099-21 Emergency Declaration and Resolution

City Attorney Kucharek reviewed the item.

She noted that the extended text of the resolution which the Mayor would sign would be corrected to state that sections 42-31, 42-32, and 42-33 were ordinance sections and not charter sections.

Commissioner Baller asked if this motion would enhance the powers of anyone or abridge the powers of anyone. Commissioner Nickita expressed a similar inquiry.

City Attorney Kucharek said it would do neither.

Commissioner Host thanked Staff for their work on this item.

Mayor Boutros approved the following statement: "Therefore, as the Mayor and Chief Executive of the City of Birmingham, I am ordering the following: 1. A state of local emergency is declared throughout the City of Birmingham. 2. The ability to conduct in person meetings would cause potential harm, illness to human life, and therefore, I extend the ability for the City of Birmingham to conduct all of its meetings virtually as long as all of the requirements of Senate Bill No. 1246 are followed, which is attached to this Declaration and made a part hereof. 3. The local state of emergency will be terminated when the emergency and the pandemic conditions no longer exist. Given under my hand with the authority set forth in me as Mayor and Chief Executive of the City of Birmingham on this 22 day of March 2021 by Pierre Boutros, Mayor and Chief Executive."

The City Attorney said the Commission's resolution would not go into effect until the Mayor signs the declaration.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:
To declare a state of emergency for the City of Birmingham and confirming the Mayor's Declaration of Emergency to continue the ability for virtual meetings during the pandemic as determined by the EMC and the CEO to be effective upon the execution of the declaration of emergency.

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

Nays, None

Commission Discussion on items from prior meetings.

Commission Items for Future Discussion. A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.

Commissioner Host moved to discuss the topics raised in the correspondence from Andrew Haig at the April 26, 2021 Commission meeting. The motion failed for lack of a second.

There was discussion that some of the issues raised in Mr. Haig's letter might be addressed during the Unimproved Streets workshop.

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

To discuss the correspondence from Andrew Haig during 'Commission Discussion from Prior Meetings' at the next Commission meeting, regarding developers damaging streets and the remedial action that can be taken by the City.

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

Nays, None

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

- A. Communication from Andrew Haig
- B. Communication from Cory "King" Holland Sr.

X. REPORTS

- A. Commissioner Reports
- B. Commissioner Comments

CM Markus told Commissioner Hoff there was no way yet to know when City meetings might return to being held in person.

Commissioner Host asked the Planning Board to include outdoor dining and the parking assessment district near the top of their 2021 Action List.

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. 2020 Annual Golf Staff Report
 - 2. Community Development Department Annual Report
 - 3. City Manager Report

CM Markus reviewed his report.

Commissioner Baller said he would like to figure out a way for the Commission to provide feedback on the Community Development Department Annual Report for the future. Regarding the upcoming workshop on the Unimproved Streets Report, he said he hoped Staff's presentation to the Commission would address questions and recommendations stemming from the report rather than reiterating the report's findings. He said he would be submitting his questions and comments regarding the report to Staff in advance and encouraged other Commissioners to do the same.

CM Markus concurred with Commissioner Baller's recommendation regarding submitting comments and questions in advance of the Unimproved Streets workshop.

It was noted that the discussion of Unimproved Streets would likely continue beyond that first workshop.

In reply to Commissioner Sherman, CM Markus confirmed the members of the AHUSSC were welcome to attend the workshop but that the majority of the focus should be on discussion between Commissioners.

Commissioner Nickita noted that Woodward in Ferndale and Pleasant Ridge is very different from Woodward between 14 and 16 Mile. He also said everyone interested in street improvements and traffic safety in Birmingham should read the report by the Birmingham Police Department that was included in the City Manager's report.

There was discussion of the fact that Birmingham could not likely ticket vehicles for excessive noise.


Commissioner Host noted that Bloomfield Hills ticketed vehicles for noise in 2020 and that all those tickets were thrown out.

CM Markus said zoning changes along Woodward might be one way to address noise issues.

INFORMATION ONLY

XI. ADJOURN

Mayor Boutros adjourned the meeting at 11:32 p.m.



Alexandria Bingham, City Clerk
/le