

Birmingham City Commission Minutes

March 28, 2022

Municipal Building, 151 Martin

7:30 p.m.

Vimeo Link: <https://vimeo.com/688217515>

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Therese Longe, Mayor, opened the meeting with the Pledge of Allegiance.

II. ROLL CALL

Alexandria Bingham, City Clerk, called the roll.

Present: Mayor Longe
Mayor Pro Tem Boutros
Commissioner Baller
Commissioner Haig
Commissioner Host
Commissioner McLain
Commissioner Schafer

Absent: None

Administration: City Manager Markus, City Clerk Bingham, Assistant City Manager Ecker, City Attorney Kucharek, Parks and Recreation Manager Laid, Department of Public Services Director Wood

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

Announcements

Per the CDC, COVID-19 Community Level for Oakland County is currently Low. The City continues to recommend the public wear masks while attending city meetings. These precautions are recommended while risks for COVID-19 transmission remain from new variants. All City employees, commissioners and board members must wear a mask while indoors when 6-feet of social distancing cannot be maintained. The City continues to provide KN-95 respirators for all in-person meeting attendees.

The community is encouraged to submit non-emergency concerns or questions to the city via the new GovAlert mobile app. The free app is fast and user-friendly. Simply download the app, available for both iOS and Android devices, and follow the prompts. At this time we will play a short video that explains how to use the app. You may also view this video at www.bhamgov.org/govalert.

Proclamation naming April 2022 as National Arab American Heritage Month

Orderly and Efficient Conduct of Meetings of Public Bodies by City Attorney Kucharek

Appointments

Douglas Christensen, applicant for the Parks & Recreation Board, Brian Palmeri, applicant for the Planning Board, and Maria Chirco, applicant for the Board of Review, were interviewed by the Commission. Messrs. Christensen, Palmeri, and Ms. Chirco were not nominated. The Mayor asked the applicants to keep an eye out for future opportunities to serve.

Michael Kopmeyer, applicant for the Multi-Modal Transportation Board (MMTB), was nominated by Commissioner Host. Since Messrs. Long, Zane, Peard, Hocker, St. Germain, and Doolittle were nominated before Mr. Kopmeyer, and were voted into the six available positions on the MMTB, no vote was taken on Mr. Kopmeyer's candidacy.

Since Kristy Barrett was unable to be present for an interview, the Commission agreed to interview her for a potential appointment to the Museum Board at a future meeting.

03-074-22 Appointment of Anne Lipp to the Parks & Recreation Board

The Commission interviewed Anne Lipp for the appointment.

MOTION: Nomination by MPT Boutros:

To appoint Anne Lipp to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2025.

VOICE VOTE: Ayes, MPT Boutros
 Commissioner Baller
 Commissioner McLain
 Commissioner Schafer
 Mayor Longe
 Commissioner Haig
 Commissioner Host

Nays, None

03-075-22 Appointment of Steve Sweeney to the Parks & Recreation Board

The Commission interviewed Steve Sweeney for the appointment.

MOTION: Nomination by Commissioner Schafer:

To appoint Steve Sweeney to the Parks and Recreation Board as an alternate regular¹ member to serve a three-year term to expire March 13, 2025.

VOICE VOTE: Ayes, MPT Boutros
 Commissioner Baller
 Commissioner McLain
 Commissioner Schafer
 Mayor Longe
 Commissioner Haig
 Commissioner Host

¹ Transcription error

Nays, None

03-076-22 Appointment of Kyle Goulding to the Parks & Recreation Board

The Commission interviewed Kyle Goulding for the appointment.

MOTION: Nomination by Commissioner Host:
To appoint Kyle Goulding to the Parks and Recreation Board as an alternate member to serve the remainder of a three-year term to expire March 13, 2023.

VOICE VOTE: Ayes, MPT Boutros
Commissioner Baller
Commissioner McLain
Commissioner Schafer
Mayor Longe
Commissioner Haig
Commissioner Host

Nays, None

03-077-22 Appointment of Anthony Long to the Multi-Modal Transportation Board

The Commission interviewed Anthony Long for the appointment.

MOTION: Nomination by MPT Boutros:
To appoint Anthony Long to the Multi-Modal Transportation Board as a regular member to serve the remainder of a three-year term to expire March 24, 2025.

VOICE VOTE: Ayes, MPT Boutros
Commissioner Baller
Commissioner McLain
Commissioner Schafer
Mayor Longe
Commissioner Haig
Commissioner Host

Nays, None

03-078-22 Appointment of Joe Zane to the Multi-Modal Transportation Board

Joe Zane was recently interviewed by the Commission for an appointment to the Multi-Modal Transportation Board and accordingly was not present for his potential re-appointment.

MOTION: Nomination by Commissioner Baller:
To appoint Joe Zane to the Multi-Modal Transportation Board as a regular member to serve the remainder of a three-year term to expire March 24, 2025.

VOICE VOTE: Ayes, MPT Boutros
Commissioner Baller

Commissioner McLain
Commissioner Schafer
Mayor Longe
Commissioner Haig
Commissioner Host

Nays, None

03-079-22 Appointment of David Hocker to the Multi-Modal Transportation Board

The Commission interviewed David Hocker for the appointment.

MOTION: Nomination by Commissioner Host:
To appoint David Hocker to the Multi-Modal Transportation Board as a regular member to serve the remainder of a three-year term to expire March 24, 2025.

VOICE VOTE: Ayes, MPT Boutros
Commissioner Baller
Commissioner McLain
Commissioner Schafer
Mayor Longe
Commissioner Haig
Commissioner Host

Nays, None

03-080-22 Appointment of Tom Peard to the Multi-Modal Transportation Board

The Commission interviewed Tom Peard for the appointment.

MOTION: Nomination by Commissioner ~~Host~~ Schafer²:
To appoint Tom Peard to the Multi-Modal Transportation Board as a regular member to serve the remainder of a three-year term to expire March 24, 2025.

VOICE VOTE: Ayes, MPT Boutros
Commissioner Baller
Commissioner McLain
Commissioner Schafer
Mayor Longe
Commissioner Haig
Commissioner Host

Nays, None

03-081-22 Appointment of Michael St. Germain to the Multi-Modal Transportation Board

The Commission interviewed Michael St. Germain for the appointment.

² As amended at the April 11, 2022 meeting.

MOTION: Nomination by Commissioner Haig:
To appoint Michael St. Germain to the Multi-Modal Transportation Board as a regular member to serve the remainder of a three-year term to expire March 24, 2023.

VOICE VOTE: Ayes, MPT Boutros
Commissioner Baller
Commissioner McLain
Commissioner Schafer
Mayor Longe
Commissioner Haig
Commissioner Host

Nays, None

03-082-22 Appointment of Mark Doolittle to the Multi-Modal Transportation Board

The Commission interviewed Mark Doolittle for the appointment.

MOTION: Nomination by Commissioner Schafer:
To appoint Mark Doolittle to the Multi-Modal Transportation Board as an alternate member to serve the remainder of a three-year term to expire October 27, 2022.

VOICE VOTE: Ayes, Commissioner Baller
Mayor Longe
MPT Boutros
Commissioner Schafer

Nays, Commissioner Host
Commissioner McLain
Commissioner Haig

03-083-22 Appointment of Scott Clein to the Planning Board

The Commission interviewed Scott Clein for the appointment.

MOTION: Nomination by Commissioner Schafer:
To appoint Scott Clein to the Planning Board as a regular member to serve a three-year term to expire March 28, 2025.

VOICE VOTE: Ayes, Commissioner Baller
Mayor Longe
Commissioner Host
Commissioner McLain
Commissioner Haig
MPT Boutros
Commissioner Schafer

Nays, None

03-084-22 Appointment of Robin Boyle to the Planning Board

The Commission interviewed Robin Boyle for the appointment.

MOTION: Nomination by MPT Boutros:
To appoint Robin Boyle to the Planning Board as a regular member to serve a three-year term to expire March 28, 2025.

VOICE VOTE: Ayes, Commissioner Baller
Mayor Longe
Commissioner Host
Commissioner McLain
Commissioner Haig
MPT Boutros
Commissioner Schafer

Nays, None

03-085-22 Appointment of Jim Cleary to the Cablecasting Board

The Commission interviewed Jim Cleary for the appointment.

MOTION: Nomination by Commissioner Host:
To appoint Jim Cleary to the Cablecasting Board as a regular member to serve a three-year term expiring March 30, 2025.

VOICE VOTE: Ayes, Commissioner Baller
Mayor Longe
Commissioner Host
Commissioner McLain
Commissioner Haig
MPT Boutros
Commissioner Schafer

Nays, None

03-086-22 Appointment of Jill Stress to the Board of Review

The Commission interviewed Jill Stress for the appointment.

MOTION: Nomination by MPT Boutros:
To appoint Jill Stress to the Board of Review as a regular member to serve the remainder of a three-year term to expire December 31, 2022.

VOICE VOTE: Ayes, Commissioner Baller
Mayor Longe
Commissioner Host
Commissioner McLain

Commissioner Haig
MPT Boutros
Commissioner Schafer

Nays, None

CC Bingham swore in the present appointees. It was noted that those appointees appearing virtually would be sworn in at a later date.

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

David Bloom submitted a written comment that was included in the agenda packet.

Gordon Rinschler, resident and former Commissioner, commended CA Kucharek for her memorandum on conduct at public meetings and said that the layperson's summary is that Commissioners should not be expected to endure personal slights during Commission meetings.

Charlie Cavell, Birmingham's new Oakland County Commissioner, introduced himself and summarized the Oakland County Commission's current focuses and initiatives.

Dan Marsh, executive director of the Birmingham YMCA, gave an overview of the Birmingham Y's recent successes and upcoming programming. He noted that financial assistance is available for YMCA programming.

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.

03-087-22 Consent Agenda

The following items were pulled from the Consent Agenda:

- Commissioner Haig: Item J – Set Public Hearing for 100 Townsend – Rugby Grille – Special Land Use Permit, Final Site Plan & Design Review
- Item L – Set Special Joint Meeting - The Birmingham Plan 2040 – Second Draft Review

MOTION: Motion by MPT Boutros, seconded by Commissioner Host:
To approve the Consent Agenda excluding Items J and L.

ROLL CALL VOTE: Ayes, MPT Boutros
Commissioner Host
Commissioner McLain
Commissioner Schafer
Mayor Longe
Commissioner Baller
Commissioner Haig

Nays, None

- A. Resolution to approve the City Commission workshop meeting minutes of March 14, 2022.

- B. Resolution to approve the City Commission meeting minutes of March 14, 2022.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 16, 2022, in the amount of \$501,146.91.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 23, 2022, in the amount of \$882,073.73.
- E. Resolution to approve a Special Event Permit as requested by the Schools Offer Support to hold the Strides for SOS Race on October 9, 2022 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.
- F. Resolution to approve a Special Event Permit as requested by Eisenhower Dance Detroit to hold its Youth Ensemble Performance on May 26, 2022, in Shain Park 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.
- G. Resolution to approve the purchase of one (1) Case 721G Zbar T4 (Vehicle #30), as quoted through the State of Michigan MIDEAL extendable purchasing contract #071B7700089, awarded to Southeastern Equipment Company located at 48545 Grand River, Novi, MI 48374, in the amount not to exceed \$208,341.98. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641-441.006.971.0100.
- H. Resolution to approve the purchase of one (1) 2022 Freightliner 114SD (Vehicle #160) supplied with a 2100i PD 18" vacuum and 15-yard debris combo, as quoted, from Jack Doheny Company, in the amount not to exceed \$420,030.00. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641-441.006.971.0100.
- I. Resolution approving a 3-year contract (through November 7, 2024) with Michigan Automatic Sprinkler, Inc., for irrigation services in an amount not to exceed \$61,575. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for this project has been budgeted for using funds from the following other contractual services accounts: \$25,000 in Parks (101-751.000-811.0000), \$25,000 in Property Maintenance (101-441.003-811.0000) and Major Streets (202-449.003-937.0400).
- K. Resolution of the City of Birmingham demonstrating support of the project and submittal of the application to MDOT for FY 2025 funding assistance under their Local Bridge Program, as presented.
- M. Resolution directing City staff and the Planning Board to consider allowing the operation of food trucks within the City.

AND

Resolution directing City staff and the Planning Board to consider the creation of a Social District to allow for the outdoor consumption of alcohol within a defined area adjacent to two or more licensed establishments.

03-088-22 (Item J) Set Public Hearing for 100 Townsend – Rugby Grille – Special Land Use Permit, Final Site Plan & Design Review

In reply to brief concerns raised by Commissioner Haig, Mayor Longe noted those concerns could be raised and addressed at the public hearing. She noted that the present motion was only to set the public hearing.

Commissioner Haig acknowledged the Mayor’s comments and moved the motion.

CM Markus invited Commissioner Haig to also provide Staff with comments before the public hearing in order to make sure those issues are addressed at the public hearing.

MOTION: Motion by Commissioner Haig, seconded by MPT Boutros:
To set a public hearing date of April 25, 2022 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 100 Townsend – Rugby Grille – to allow the addition of a new outdoor dining platform in the Townsend right-of-way.

ROLL CALL VOTE: Ayes, Commissioner Haig
MPT Boutros
Commissioner Host
Commissioner McLain
Commissioner Schafer
Mayor Longe
Commissioner Baller

Nays, None

03-089-22 (Item L) Set Special Joint Meeting - The Birmingham Plan 2040 – Second Draft Review

Commissioner Haig noted that April 18, 2022 might be observed as Easter Monday by some Commission and Planning Board members. He suggested that the Commission consider scheduling the meeting before a regular Commission meeting.

Commissioner Baller said he was not in favor of holding the joint meeting before a regular Commission meeting. He said he was willing to attend a joint meeting held on a day other than a Monday.

After brief further Commission discussion, Commissioner Baller said he would move the resolution, suggesting that conversion about scheduling continue only if the motion failed.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Schafer:
To set a special joint meeting of the City Commission and the Planning Board on April 18, 2022 to finalize the review of the second draft of the Birmingham 2040 Plan.

VOICE VOTE: Ayes, MPT Boutros
Commissioner Host
Commissioner McLain
Commissioner Schafer
Mayor Longe
Commissioner Baller

Nays, Commissioner Haig

VI. UNFINISHED BUSINESS

None.

VII. NEW BUSINESS

03-090-22 Special Event Application: Sanctuary Worship in the Park

CC Bingham summarized the item.

Kristin Snyder, representing the First Baptist Church, spoke on behalf of the request.

CA Kucharek explained her legal review of the request.

The Mayor noted that two letters were received in opposition to the request and would be included in the meeting minutes.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Schafer:
To deny a Special Event Permit as requested by the First Baptist Church to hold the Sanctuary Worship in the Park on Sundays June 12 - September 4, 2022.

In reply to MPT Boutros, CM Markus said a conversation about the Church's alternative options could occur but should be separate and distinct from the current topic.

Public Comment

Ms. Snyder asked whether one Sunday a month during the summer or one Sunday in total during the summer might be an option. She stated that in the past she had managed two similar events in Shain Park, with one held one day out of the summer and the next held one day during the following summer. She stated that no noise complaints stemmed from either of those events.

CM Markus addressed Ms. Snyder's comments, noting that the policy of the City has moved away from allowing Shain Park to be used for private events. He explained that granting even the one-day request in this case could establish a precedent for allowing other religious organizations to hold services in Shain Park as well. He noted that Shain Park is a heavily-utilized park by the public.

ROLL CALL VOTE: Ayes, MPT Boutros
Commissioner Host
Commissioner McLain
Commissioner Schafer
Mayor Longe
Commissioner Baller
Commissioner Haig

Nays, None

The Mayor encouraged Ms. Snyder to reach out to CM Markus to discuss other potential options.

03-091-22 Adams Park Development Project Contractor

DPSD Wood presented the item.

CM Markus addressed the cost increases between the estimates and the bids, and described some potential ways of mitigating the project's costs.

Commissioner McLain and MPT Boutros both spoke in favor of moving forward with the project.

Commissioner Haig noted that Southeast Michigan Council of Governments (SEMCOG) was offering a grant for green infrastructure and recommended Staff consider applying to get funding for the rain garden aspect of the project. He said he was in favor of moving the project forward either way, but that the grant could be helpful.

MOTION: Motion by MPT Boutros, seconded by Commissioner Host:
To approve the award of the Adams Park Improvement project contract to Michigan Recreational Construction, in the amount of \$1,046,576.00 to be funded from account number 408-751.000-979.0000, to have the Mayor sign the contract on behalf of the City, and further to approve the appropriation and amendment to the 2021-2022 budget as follows:

Park System Construction Fund:

Revenues: Draw from Fund Balance 408-000.000-400.0000 \$346,580.00

Expenditures: Land Improvements 408-751.000-979.0000 \$346,580.00

Public Comment

Geri Rinschler, Vice-President of the S. Poppleton Homeowners' Association, said many in the S. Poppleton neighborhood would be enthusiastic about the opportunity to purchase naming rights and participate in other modes of fundraising for Adams Park.

Pam Graham, member of the S. Poppleton Homeowners' Association and the Parks and Recreation Board, encouraged the Commission to approve the resolution.

Gordon Rinschler agreed with Ms. Rinschler that the neighborhoods near Adams would be enthusiastic about the opportunity to fundraise for Adams Park.

In reply to the Mayor, DPSD Wood confirmed that the naming opportunities would be priced and listed clearly on the website in short order.

Commissioner Host spoke in favor of the project.

ROLL CALL VOTE: Ayes, MPT Boutros
Commissioner Host
Commissioner McLain
Commissioner Schafer
Mayor Longe
Commissioner Baller
Commissioner Haig

Nays, None

03-092-22

Public Hearings of Liquor License establishments with Resolved and Outstanding Violations

The Mayor opened the public hearing at 9:18 p.m.

The Mayor asked ACM Ecker to begin by discussing the establishments now in compliance, with the exceptions of the Daxton and 220 Merrill.

ACM Ecker reviewed the item.

The Mayor closed the public hearing at 9:21 p.m.

Commissioners Haig and Host asked Commissioner Baller whether he has business with any of the listed establishments.

Commissioner Baller said he would have noted a conflict were there one.

MOTION: Motion by MPT Boutros, seconded by Commissioner Schafer:

To approve the renewal of liquor licenses for the 2022 licensing period, for the following establishments holding a Class B, Class C or Microbrewery Liquor License that are now in compliance with Chapter 10, Alcoholic Liquors of the City Code:

- Adachi Restaurant
- All Seasons Of Birmingham
- Bella Piatti
- Birmingham 8 Theater
- Birmingham Pub
- Churchill's Bistro/Cigar Bar
- Griffin Claw Brewing Company
- Hyde Park Prime Steakhouse
- Luxe Bar And Grill
- Mare
- Papa Joe's Gourmet Market Place Birmingham
- Phoenicia
- Salvatore Scallopini
- Slice/Shift/Sidecar
- Social Kitchen And Bar
- Tallulah Wine Bar & Bistro
- The Townsend
- Toast
- Townhouse

ROLL CALL VOTE: Ayes, MPT Boutros
Commissioner Host
Commissioner McLain
Commissioner Schafer
Mayor Longe
Commissioner Baller
Commissioner Haig

Nays, None

03-093-22 Public Hearing of Liquor License Renewal for 220 Merrill

The Mayor recused herself from the discussion and vote on 220 Merrill at 9:23 p.m.

The Mayor Pro Tem opened the public hearing at 9:23 p.m.

ACM Ecker reviewed the item.

The Mayor Pro Tem closed the public hearing at 9:24 p.m.

MOTION: Motion by Commissioner Haig, seconded by Commissioner Schafer:
To approve the renewal of a liquor license for the 2022 licensing period for 220 Merrill as an establishment that holds a Class B, Class C or Microbrewery Liquor License and is now in compliance with Chapter 10, Alcoholic Liquors of the City Code.

ROLL CALL VOTE: Ayes, MPT Boutros
 Commissioner Host
 Commissioner McLain
 Commissioner Schafer
 Commissioner Baller
 Commissioner Haig

Nays, None

03-094-22 Public Hearing of Liquor License Renewal for the Daxton

The Mayor rejoined the meeting and resumed facilitation at 9:24 p.m.

The Mayor Pro Tem recused himself from the discussion and vote on the Daxton at 9:24 p.m. citing a business relationship with the applicant.

The Mayor opened the public hearing at 9:24 p.m.

ACM Ecker reviewed the item.

The Mayor closed the public hearing at 9:25 p.m.

MOTION: Motion by Commissioner Schafer, seconded by Commissioner Haig:
To approve the renewal of a liquor license for the 2022 licensing period for the Daxton as an establishment that holds a Class B, Class C or Microbrewery Liquor License and is now in compliance with Chapter 10, Alcoholic Liquors of the City Code.

ROLL CALL VOTE: Ayes, Mayor Longe
 Commissioner Host
 Commissioner McLain
 Commissioner Schafer
 Commissioner Baller
 Commissioner Haig

Nays, None

03-095-22 Public Hearing to consider the renewal of the liquor license for Dick O'Dow's at 160 W. Maple

The Mayor Pro Tem rejoined the meeting at 9:26 p.m.

The Mayor opened the public hearing at 9:26 p.m.

ACM Ecker reviewed the item.

Mitch Black, owner of Dick O'Dow's, said it was his intent to comply with the City's requirements.

The Mayor closed the public hearing at 9:31 p.m.

In reply to Commissioner Host, CM Markus said he would recommend taking Mr. Black at his word at this point and proceeding as if the outstanding issue would be resolved within the next 25 days.

MOTION: Motion by MPT Boutros, seconded by Commissioner Host:
To approve the renewal of a liquor license for the 2022 licensing period for Dick O'Dow's as an establishment that holds a Class B, Class C or Microbrewery Liquor License and is now in compliance with Chapter 10, Alcoholic Liquors of the City Code.

Commissioner Haig said he was comfortable with the 'trust but verify' approach recommended by CM Markus at this time. He advocated, however, that establishments only be given one chance to remediate encroachment into the five-foot clear path before the matter is dealt with more severely in the future.

CM Markus noted that encroachment into the five-foot clear path could also result in liability for the City. He agreed that 'trust but verify' accurately described his recommended approach.

ROLL CALL VOTE: Ayes, Mayor Longe
 Commissioner Host
 Commissioner McLain
 Commissioner Schafer
 Commissioner Baller
 Commissioner Haig
 MPT Boutros

Nays, None

03-096-22 Public Hearing to consider the renewal of the liquor license for Maple Road Tap Room in Whole Foods at 2100 E. Maple

The Mayor opened the public hearing at 9:38 p.m.

ACM Ecker and CM Markus reviewed the item. CM Markus recommended that if a public hearing is scheduled that it be scheduled for the beginning of May 2022, which is when the applicant should be operational again.

Kelly Allen, attorney, was present on behalf of the applicant. She said the applicant closed down their bistro due to the pandemic, and were in the process of cleaning all the equipment and re-staffing now.

The Mayor closed the public hearing at 9:43 p.m.

In reply to MPT Boutros, CM Markus said the Commission would have the option to continue the hearing in the future if deemed necessary.

In reply to Commissioner Haig, CA Kucharek confirmed that the Commission would have the option to revoke the SLUP for the Maple Road Tap Room if desired because of the violations. CM Markus noted that the circumstances of the pandemic caused confusion for many establishments and suggested that the best course of action would be to have this bistro up and running again.

MOTION: Motion by Commissioner Baller, seconded by Commissioner McLain:
To approve the renewal of the liquor license for the 2022 licensing period for Maple Road Tap Room in Whole Foods, holding a Class B, Class C or Microbrewery Liquor License that is now in compliance with Chapter 10, Alcoholic Liquors of the City Code and to set a public hearing on the SLUP for May 9, 2022.

ROLL CALL VOTE: Ayes, Mayor Longe
Commissioner Host
Commissioner McLain
Commissioner Schafer
Commissioner Baller
Commissioner Haig
MPT Boutros

Nays, None

03-097-22 Public Hearing to consider the renewal of the liquor license for Casa Perno at 310 E. Maple

The Mayor opened the public hearing at 9:50 p.m.

ACM Ecker reviewed the item.

Kelly Allen, attorney, and Luciano Delsignore, owner, spoke on behalf of the request.

The Mayor closed the public hearing at 9:55 p.m.

Commissioner Haig said he would support letting Casa Perno continue operation while a solution is sought that would satisfy all parties. He noted that part of his support was contingent on the fact that the area with the eisenglass is both on private property and out of public view.

CM Markus recommended the Commission allow the business to continue operations with the eisenglass in use as long as it commits to pursuing a SLUP amendment and a variance. He noted that the Commission retains the right to review the SLUP if the establishment does not pursue a SLUP amendment and a variance and remains out of compliance.

CM Markus added, in reply to Ms. Allen, that it may be worthwhile for the City to consider an ordinance amendment regarding the restrictions to outdoor dining on private property. He observed that the five foot clear path would still need to be maintained.

In reply to Commission inquiry, Ms. Allen stated that the SLUP amendment documentation was already filed and that she would commit to filing a variance request immediately. She said she would also work with Staff on a potential ordinance amendment. She said she also appreciated the City Manager's offer to allow the establishment to operate with its eisenglass in place while a solution is sought.

Commissioner Baller said he was supportive of the establishment and hoped it reaches a positive conclusion.

MPT Boutros also voiced support for the establishment.

Commissioner McLain acknowledged the difficulties posed by the pandemic while also stating that contracts between the City and establishments must be respected and enforced. She added that she was supportive of Casa Perno.

Commissioner Haig concurred with Commissioner McLain's comment about the necessity of respecting and enforcing contracts between the City and a given establishment. He echoed his previous statement that he was interested in giving operators one chance to remedy a violation.

MOTION: Motion by MPT Boutros, seconded by Commissioner Haig:
To approve the renewal of the liquor license for the 2022 licensing period for Casa Perno, holding a Class B, Class C or Microbrewery Liquor License that is now in compliance with Chapter 10, Alcoholic Liquors of the City Code.

ROLL CALL VOTE: Ayes, Mayor Longe
Commissioner Host
Commissioner McLain
Commissioner Schafer
Commissioner Baller
Commissioner Haig
MPT Boutros

Nays, None

CM Markus stated that the City does not seek to damage any establishments, but to ensure that they comply with their contractual obligations. He explained that when bistros were created the City made commitments to the residents to ensure compliance with the parameters of those licenses. He stated that ACM Ecker and other Staff did a superlative job making sure that all these establishments were either in compliance or returning to compliance as part of this year's liquor license renewal process.

Commissioner Haig recommended that ~~code enforcement~~ establishments³ apply the five 'S's in order to streamline the process of inspecting an establishment.

Commission discussion on items from prior meeting

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.

03-098-22 Filling the City Manager Position

³ As amended at the April 11, 2022 meeting.

MOTION: Motion by Commissioner Host, seconded by MPT Boutros:
To discuss, at the next reasonable agenda, the process of hiring the next City Manager.

VOICE VOTE: Ayes, Mayor Longe
Commissioner Host
Commissioner McLain
Commissioner Schafer
Commissioner Baller
Commissioner Haig
MPT Boutros

Nays, None

03-099-22 Parking Matters

MOTION: Motion by Commissioner Host, seconded by Commissioner Haig:
To discuss the parking decks and the parking situation in the central business district.

VOICE VOTE: Ayes, Commissioner Haig
Commissioner Host

Nays, Mayor Longe
Commissioner McLain
Commissioner Schafer
Commissioner Baller
MPT Boutros

The Commission took at brief recess at 10:42 p.m.

The Commission returned from recess at 10:48 p.m.

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

A. Commissioner Reports

Commissioners Schafer and Haig attended SEMCOG’s general assembly meeting. Commissioner Schafer briefly summarized some of the SEMCOG resources available and some of the topics covered at the meeting.

The Mayor noted that Commissioner Schafer’s notes from the meeting would be included in the next agenda packet.

B. Commissioner Comments

Commissioner McLain summarized her experience at the 2022 Michigan Municipal League Capital Conference in Lansing, noting that ACM Ecker and ATCM Fairbairn were also in attendance.

Mayor Longe thanked DPS Staff for organizing the Ice Arena ribbon cutting ceremony. She stated she and Commissioner Host attended the Birmingham Youth Assistance 'Youth in Service' awards and presented awards and certificates to 22 Birmingham students. She also acknowledged Bella's fifth birthday. Bella is the Birmingham Police Department's Therapy Dog.

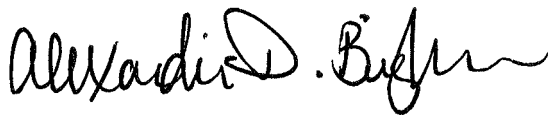
Commissioner Host said he hoped to see the Commission become more proactive about addressing residents' concerns. He also said he believes that developers in Birmingham are benefiting at the expense of Birmingham residents.

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. City Manager's Report
 - 2. Community Development Department/Planning Division Annual Report & Planning Board, Historic District Commission, and Design Review Board Action Lists for 2022-2023, submitted by Planning Director Dupuis

INFORMATION ONLY

XI. ADJOURN

Mayor Longe adjourned the meeting at 11:17 p.m.



Alexandria Bingham
City Clerk



Laura Eichenhorn
City Transcriptionist