

Birmingham City Commission Minutes

May 23, 2022

Municipal Building, 151 Martin

7:30 p.m.

Vimeo Link: <https://vimeo.com/showcase/6708293/video/708062004>

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
Commissioner Baller
Commissioner Haig
Commissioner Host
Commissioner McLain
Commissioner Schafer

Absent: Mayor Pro Tem Boutros

Administration: Assistant City Manager Ecker, City Clerk Bingham, Planning Director Dupuis, City Attorney Kucharek, Parks and Recreation Manager Laird, Consulting City Engineer Surhigh, Department of Public Services Director Wood, Assistant City Engineer Zielinski

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

Announcements

Per the CDC, Oakland County has a COVID-19 Community level and transmission level of **HIGH**. The City continues to highly recommend the public wear masks while attending City meetings per CDC guidelines. These precautions are due to COVID-19 transmission levels remaining high in Oakland County that have led to an increase in infections of City employees and board members. All City employees, commissioners, and board members must wear a mask while indoors when 6-feet of social distancing cannot be maintained. This is to ensure the continuity of government is not affected by an exposure to COVID-19 that can be prevented by wearing a mask. The City continues to provide KN-95 respirators and triple-layered masks for all in-person meeting attendees.

Thank you to all the participants, vendors, volunteers and visitors at the Celebrate Birmingham Parade and Party in Shain Park. Many thanks to the sponsors of the event and the multiple City departments and organizations who worked together to present this family-focused event. To view photos and video of the event go to www.bhamgov.org/parade.

APPOINTMENTS

05-140-22 Appointment of Dani Torcolacci to the Brownfield Redevelopment Authority

The Commission interviewed Dani Torcolacci for the appointment.

MOTION: Appointment by Mayor Longe:
To concur with the Mayor’s appointment of Dani Torcolacci as a regular member to the Brownfield Redevelopment Authority to serve a three-year term to expire May 23, 2025.

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

Nays, None

CC Bingham swore in Ms. Torcolacci.

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

Daniel Teahan of Hall & Hunter reviewed his petition requesting that vehicles coming from Ann Street north of Frank be allowed to either turn right on Frank or to continue south on Ann for the duration of S. Old Woodward construction, if not beyond.

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.

05-141-22 Consent Agenda

The following items were pulled from the Consent Agenda:

Commissioner Haig: Item B – City Commission Minutes of May 9, 2022

Commissioner McLain:

Item E – First Amended Interlocal Agreement for the Mental Health Co-Response Team

Mayor Longe: Item G – Bituminous Paving Materials Bid Award

MOTION: Motion by Commissioner Baller, Commissioner McLain:
To approve the Consent Agenda excluding Items B, E, and G.

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

Nays, None

- A. Resolution to approve the City Commission Budget Workshop meeting minutes of May 7, 2022.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated May 11, 2022, in the amount of \$399,839.99.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated May 18 2022, in the amount of \$595,828.42.
- F. Resolution to set a public hearing date of June 27th, 2022 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 588 S. Old Woodward – Phoenicia.
- H. Resolution to provide additional funding for the purchase of a 2021 Case CE 821G front-end loader 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 \$221,789.42. Funds for this purchase are available in the FY 2021-2022 Auto Equipment Fund account #641-441.006.971.0100.)
- I. Resolution to appoint Consulting Engineer Jim Surhigh as Representative and City Manager Thomas M. Markus as Alternative Representative of the City of Birmingham on the SOCWA Board of Trustees for the fiscal year starting July 1, 2022.
- J. Resolution to appoint City Manager Thomas M. Markus as Representative and DPS Director Lauren Wood as Alternate Representative of the City of Birmingham on the SOCRRA Board of Trustee for the fiscal year starting July 1, 2022.
- K. Resolution to delegate to the Birmingham City Clerk and her authorized assistants, those being the members of her staff, the following duties of the election commission for the August 2, 2022 and November 8, 2022 elections:
 - Preparing meeting materials for the election commission, including ballot proofs for approval and a listing of election inspectors for appointment;
 - Contracting for the preparation, printing and delivery of ballots;
 - Providing candidates and the Secretary of State with proof copies of ballots;
 - Providing election supplies and ballot containers; and
 - Preliminary logic and accuracy testing.
- L. Resolution to set a public hearing date of June 27, 2022 to consider the removal of Aaron Black from the Advisory Parking Committee for cause to be determined at the public hearing.

05-142-22 (Item B) City Commission Minutes of May 9, 2022

In reply to Commissioner Haig, CA Kucharek said the memorandum referenced during Item 05-134-22 describing CM Markus’ major concerns about the request did not need to be included as an attachment.

Commissioner Haig stated he was asking whether it needed to be included as an attachment since it was handed out to the Commission and the applicants at the meeting and not included in that evening’s agenda packet.

ACM Ecker noted that CM Markus reviewed the memorandum at the meeting as well, so any interested parties could review the specifics of the memorandum via the meeting’s video recording.

MOTION: Motion by Commissioner Haig, seconded by Commissioner McLain:

To approve the City Commission meeting minutes of May 9, 2022 as submitted.

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

Nays, None

05-143-22 (Item E) First Amended Interlocal Agreement for the Mental Health Co-Response Team

Commissioner McLain said she applauded this effort and hoped this interlocal agreement would be a template for similar agreements between Birmingham and other municipalities going forward.

Commissioner Baller said he was also impressed by this program and that it represents what policing ought to be.

MOTION: Motion by Commissioner McLain, seconded by Commissioner Baller:
To approve the First Amended Interlocal Agreement for the Mental Health Co-Response Team between the City of Birmingham, the Township of Bloomfield, the City of Auburn Hills and the Oakland County Health Network (OCHN). In addition, to authorize the Mayor and the Chief of Police to sign the agreement on behalf of the City.

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

Nays, None

05-144-22 (Item G) Bituminous Paving Materials Bid Award

ACM Ecker reviewed corrections to the item. She noted that purchases of asphalt materials typically cost the City about \$80,000 annually, that legal review of the item was required and that the item was approved by the City Attorney, and that the bid from Cadillac Asphalt would not keep the same price through FY 2022.

MOTION: Motion by Mayor Longe, seconded by Commissioner Haig:
To approve a two-year agreement for fiscal years 2022-2024 with Cadillac Asphalt LLC for the purchase of 36A hot asphalt mix at \$91.50/ton (2022-2023) and \$91.50/ton (2023-2024) and UPM cold patch (delivered) at \$150.00/ton (2022-2023) and \$150.00/ton (2023-2024). 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 in account accounts #202-449.003-729.0000, #203-449.003-729.0000, #590-536.002-729.0000 and #591-537.005-729.0000.

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

Nays, None

VI. UNFINISHED BUSINESS

None.

VII. NEW BUSINESS

05-145-22 Public Hearing: 2225 E. 14 Mile - Our Shepherd Special Land Use Permit

The Mayor opened the public hearing at 7:51 p.m.

PD Dupuis presented the item.

Mark Abanatha, architect, spoke on behalf of the applicant.

Seeing no public comment, the Mayor closed the public hearing at 8:00 p.m.

In reply to Commissioner Haig, Mr. Abanatha confirmed that there would be a pass-through to the Eton Academy parking lot.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Haig:
To approve the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 2225 E. 14 Mile – Our Shepherd – to allow new parking lot landscaping, signage and new covered entries at an existing religious institution in the R2 zoning district with the following condition:

- The applicant must submit final sign design plans to the Planning Division that reflect the outcome of the Board of Zoning Appeals review. In the event that a signage variance is not granted, the applicant must submit revised plans that meet the requirements of the Sign Ordinance.

Commissioner Baller called the proposal a real improvement and said it was the kind of project the City is looking for.

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

Nays, None

05-146-22 35106 Woodward – Whole Dental Wellness – Right-of-Way Parking Request

PD Dupuis presented the item.

In reply to Commissioner Host, ACM Ecker noted that maintenance of this right-of-way is the responsibility of the neighboring property owners and that it would be reasonable to require that they replace the concrete per the Engineering Department's recommendation.

In reply to Mayor Longe, ACM Ecker said that there are multiple instances where businesses have been required to maintain their adjacent right-of-way.

In reply to Commissioner Baller, PD Dupuis stated parking spaces may only be allocated to a directly adjacent business.

Iden Kalabat, engineer, and Whitney Weiner, owner, spoke on behalf of the request.

In reply to Commissioner Baller, Mr. Kalabat stated that allowing the business to count the requested parking spaces would allow the business to increase its size by approximately 1.5 times.

There was brief discussion about whether the concrete adjacent to the business needed to be replaced.

ACM Ecker said that the Commission could either deny the request if the applicant was unwilling to meet the Engineering Department's request to replace the concrete, or postpone the item in order to give the applicant and the City an opportunity to engage in further dialogue. She reiterated that the right-of-way is public property and that the applicant is required to maintain it if it is to be used specifically for the applicant's benefit.

CA Kucharek concurred with ACM Ecker, adding that the Commission also had discretion to approve the request without a requirement to repair the adjacent right-of-way if they saw fit to do so. She noted that if the Commission chose to postpone the request she would recommend that it be postponed to the next Commission meeting.

Mr. Kalabat said the applicant was willing to engage in further dialogue with the Engineering Department to determine the extent of the needed repairs.

In reply to Commissioner Haig, ACE Zielinski stated that there is an area in worse repair adjacent to the area that would be the applicant's responsibility, but not within the applicant's area of responsibility. He stated that the City is assessing opportunities to improve that adjacent area.

ACE Zielinski stated that the right-of-way in front of the applicant's business has poor ride quality. He said without the quality of the subgrade cannot be known without removing the slabs. He said there may be a need to repair the sidewalks as well.

In reply to Mr. Kalabat, ACM Ecker said the applicant would only have to complete the repairs on the right-of-way before the addition gets its certificate of occupancy finalized since the current space meets the parking requirements. She noted that it is also in the MDOT right-of-way so the applicant would also have to get MDOT approval.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Schafer:
To approve the right-of-way parking request for 35106 Woodward – Whole Dental Wellness – to permit 4 public parking spaces to be counted towards the required off street parking total of the subject site pursuant to Article 4, Section 4.45 (G)(1) with the condition that the concrete be replaced in front of the building for all panels that touch parking spaces that the building will use. Concrete in common includes

the integral curb, through the parking spaces and drive lanes, the Woodward edge sidewalk peninsula, subject to an MDOT permit in addition to a City obstruction permit.

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

Nays, None

Ground Lease between Select Commercial Assets Hospitality and the City of Birmingham

CA Kucharek presented the item.

Commissioner Baller said:

- He wanted a more substantive presentation from Staff regarding the history of the property and the issues surrounding the development;
- A discussion of this item should be conducted as a public hearing since it involves the potential leasing of public property;
- The Commission should use its discretion to ensure that this proposal would yield sufficient public benefit;
- The packet lacked a high resolution site plan or any graphic indication of what land would be leased;
- He does not like the lack of pedestrian activation facing Woodward of 685 E. Maple and 1 Peabody St., and sees the plans for this particular parcel as being similar despite ongoing efforts to make Woodward more pedestrian friendly; and,
- He wants to see the plans be more pedestrian-oriented towards Maple and Woodward.

The Mayor and Commissioner Host concurred with Commissioner Baller. The Mayor said she was unenthused about the view a pedestrian crossing Woodward from the east would see with the currently proposed project.

ACM Ecker said Staff could put together a more substantive presentation and said she preferred it be postponed indefinitely instead of a date certain given the amount of work that such a presentation would entail.

CA Kucharek advised that they could take no action on the item if they agreed to Commissioner Baller's request.

Commissioner Haig said he wanted the developer and Hunter House Hamburgers to resolve their issues before the City allows construction to begin. He said he wanted to avoid construction being halted at an unsightly point in the center of the City as the result of a lawsuit between the two parties.

Commissioner McLain said she was supportive of the developer and Hunter House Hamburgers resolving their differences.

Public Comment

Kelly Cobb, owner of Hunter House Hamburgers and resident of Birmingham, summarized the points of

contention between Hunter House Hamburgers and the applicant. He cautioned the Commission that a vote approving this item could establish a 50 year lease of City property by the applicant for a development that may not occur. He ventured that an affirmative vote on this item would also represent a vote to tear down Hunter House Hamburgers. He concluded that he also did not believe that the lease as-proposed represented a public benefit.

Robert Weisberg, attorney for Commercial Assets Hospitality, stated Mr. Cobb has no real estate or land interest in this property, meaning that only the applicant and the City are parties to this aspect of the development process. Mr. Weisberg said Mr. Cobb may have some contractual claims that he may want to avail himself of. Mr. Weisberg said the applicant would continue to work with the City and said that the proposal represents a public benefit to the City.

Hesham Gayar, owner of Commercial Assets Hospitality, thanked the Commission and City Staff for their work. He echoed his representation's assertion that the issues between the development and Mr. Cobb do not involve the City. He said he had complied with the ordinance and City requests and would continue to comply with reasonable requests. He said he is working to resolve the issues between this development and Mr. Cobb.

ACM Ecker confirmed that while the dispute between the applicant and Hunter House Hamburgers complicates the item, the City is not a party to that dispute.

05-147-22 FEMA Hazard Mitigation Grant Application – Parking Lot #6 Floodwall

CCE Surhigh presented the item.

In reply to Commissioner Baller, CA Kucharek said it might be possible to specially assess the property owners that would benefit from these improvements.

ACM Ecker stated that the Commission would need to pass this motion and commit to providing matching City funds by the submittal deadline of June 17, 2022. She said doing so would not preclude the Commission from later determining how to collect those matching funds.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Haig:
To authorize James J. Surhigh, Consulting City Engineer to submit the grant application to FEMA under their Hazard Mitigation Grant Program for the Parking Lot #6 Floodwall project (HMGP #4494); And to certify that non-Federal matching funds are secured, available, and committed for use in constructing the Parking Lot #6 Floodwall project (HMGP #4494) by approving the project budget as presented in staff report.

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

Nays, None

05-148-22 Cranbrook Non-Motorized Improvements – TAP Grant Project

CCE Surhigh presented the item.

CCE Surhigh confirmed for Commissioner Baller that this project would create sidewalks on both sides of the majority of Cranbrook. There will not be a sidewalk on the east side of Cranbrook adjacent to the Birmingham Country Club (BCC). He stated that there would be a crosswalk to reach the west side of Cranbrook at Northlawn.

In reply to Commissioner Baller, ACM Ecker stated that there are significant grade issues adjacent to the BCC and that the property boundary is different. She stated that the City did not seek an easement to construct a sidewalk on the east side of Cranbrook adjacent to BCC.

CCE Surhigh stated that planning non-motorized improvements entails enhancing connectivity to other communities. He noted that this project takes into account the lack of sidewalks south of 14 Mile through Beverly Hills, an existing sidewalk on the north side of 14 Mile in Bloomfield Township west of Lincoln Hills, a planned sidewalk between Northlawn and Lincoln, and an existing Bloomfield Township sidewalk north of Lincoln.

MOTION: Motion by Commissioner Baller, seconded by Commissioner McLain:
To certify that non-Federal matching funds are secured, available, and committed for use in constructing the Cranbrook Road Non-Motorized Improvements project;

To approve the proposed compensation for temporary and permanent easements required for the project, and to authorize Scott Z. Zielinski, Assistant City Engineer to sign the written offers for said easements on behalf of the City;

Further to approve the appropriations and budget amendments to the Fiscal Year 2021-2022 budget as follows:

Major Streets Fund

Revenues:

Draw from Fund Balance #202-000.000-400.0000	\$ 298,500
Total Revenue Adjustments	\$ 298,500

Expenditures:

Public Improvements #202-449.001-981.0100	\$ 298,500
Total Expenditure Adjustments	\$ 298,500

Sidewalk Fund

Revenues:

Draw from Fund Balance #101-000.000-400.0000	\$ 161,200
Total Revenue Adjustments	\$ 161,200

Expenditures:

Public Improvements #101-444.001-981.0100	\$ 161,200
Total Expenditure Adjustments	\$ 161,200

Commissioner Schafer stated she was on the Multi-Modal Transportation Board three years ago when applying for this Tap Grant was before that board for review.

ROLL CALL VOTE: Ayes, Commissioner Schafer

Mayor Longe
Commissioner Baller
Commissioner McLain
Commissioner Haig
Commissioner Host

Nays, None

05-149-22 Pickleball Project Overview and Update

DPSD Wood presented the item.

In reply to the Mayor, DPSD Wood confirmed that Birmingham's 16 tennis courts are far in excess of what is recommended according to standards by population.

The Mayor said that the City then has an excess of tennis courts, even if the tennis courts are well used. She said that the City could proceed with pickleball and delay other items given the interest in pickleball and the number of people served. She opined that pickleball courts should not be delayed because of finances.

In reply to the Mayor, DPSD Wood said she was not yet sure whether completing the correct pickleball conversion of the tennis courts at Crestview could be completed before winter. DPSD Wood also summarized the Engineering Department's preliminary comments about work that may need to occur near Kenning Park in order to reduce flooding issues on Lincoln and S. Eton.

In reply to the Mayor, ACM Ecker confirmed the Commission could advance all three motion options if they so chose.

ACM Ecker and CCE Surhigh clarified that the Engineering work near Kenning Park is still in the process of being studied.

PRM Laird explained what would be required to correctly convert the Crestview tennis courts to pickleball courts which would include net replacements, crack repair, painting, and resurfacing. She said that there is a current supply chain issue with the paint for the courts which would not be resolved until Fall 2022 at the earliest.

Commissioner Haig asked if option one could be amended to make provisional pickleball courts at Crestview pickleball-only in order to reduce the potential for conflict between pickleball players and tennis players.

It was confirmed that could occur.

The Mayor said proceeding with option three would be inappropriate until the Commission has more information about the potential Engineering work near Kenning. She suggested the Commission could pursue Commissioner Haig's modification of option one and the proposed option two.

Commissioner Baller noted that pickleball has a reputation for generating noise. He noted that there are also best practices for mitigating the noise, which he asked the to City pursue. He noted that both the Crestview and Kenning locations would put pickleball courts within approximately a hundred feet of a number of homes.

Commissioner Haig said he was supportive of pursuing his amendment to option one, noting that other options for creating permanent pickleball courts could be studied during a pickleball trial at Crestview.

Commissioner McLain concurred with Commissioner Haig. She also noted that there are indoor pickleball courts at NEXT that are serviceable and were inexpensive.

MOTION: Motion by Commissioner Haig, seconded by Commissioner McLain:
To direct the City Manager to have lines painted on the Crestview tennis courts in order to offer pickleball courts as a temporary measure instead of tennis courts - players will not be able to play either tennis or pickleball, they will only be able to play pickleball; and, to direct the City Manager to bid out the correct conversion, according to USA Pickleball Association, of tennis courts to pickleball courts at Crestview Park so that the City can understand the budgetary commitment that conversion would require.

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

Nays, None

The Commission took a brief recess at 10:14 p.m.

The Commission returned from recess at 10:19 p.m.

Discussion of Charter Amendment to Chapter III of the Birmingham City Charter

CA Kucharek reviewed the item.

Commissioner Haig said that if \$5 per Commissioner per meeting was established about 35 years ago, with 3% annualized inflation, the inflation-inclusive equivalent would now be \$40 per Commissioner per meeting. He said he was not advocating for a particular amount, but just stating how the math would work out.

Commissioner Haig stated that he does not serve as a Commissioner for the money. He also noted that at the current \$5 per Commissioner per meeting it costs the City more money to process the payments than the payments themselves cost.

Commissioner Baller said the current Birmingham Commission does not serve for the money, and said he would not want to incentivize Commissioners serving for money.

Commissioner Haig noted that may be true in Birmingham but that payment amounts can be an equality issue and that paying more might allow a wider range of people to serve.

Commissioner Baller said the comparison of what other communities pay their Commissioners was not useful since it did not include types of government, how many meetings per year those communities have, or the last time those communities changed their Commissioner payments. He stated there are other ways compensation could be calculated, including what each Commissioner's time is worth, what costs Commissioners actually incur, or what the value of a 1933 dollar is in 2022 dollars, for examples. He noted

that the matter of Commissioner payment was reviewed in 1991 and not changed at that point in time. He said the Commissioner payment should be gotten rid of completely or should be an amount that reflects some recognition of the time and effort the Commissioners put into their service. He noted that Commissioners could always choose to donate their payments if they see fit.

Commissioner McLain said she ran with the understanding that she would spend a number of hours per week serving as a Commissioner and that the \$5 seemed symbolic. She said she would rather spend the money on community needs than on giving the Commission a raise.

Commissioner Host concurred with Commissioner McLain. He said the Birmingham School Board deals with a larger budget and serves gratis. He said he would not be in favor of putting this on the ballot and antagonizing Birmingham voters.

Commissioner Schafer said she concurred with Commissioners McLain and Host. She said it is not possible to quantify the work the Commission does, and said that consequently there was no reason to raise the Commissioner payment arbitrarily. She said the payment could also be zero.

Commissioner McLain acknowledged the extensive work her fellow Commissioners put into their meetings, and said that she wished they could each be compensated \$200-\$300 per meeting. She said those amounts were not what she agreed to when she ran for the position, however, and were not amounts she was comfortable asking the voters to approve.

The Mayor noted that given the conversation a motion to approve a change in payment would not achieve the five requisite votes, and so the Commission would take no action.

05-150-22 Request for Closed Session Under MCL § 15.268 Sec. 8(e) of the Open Meetings Act

(A roll call vote is required and the vote must be approved by a 2/3 majority of the commission. The commission will adjourn to closed session after all other business has been addressed in open session and reconvene to open session, after the closed session, for purposes of taking formal action resulting from the closed session and for purposes of adjourning the meeting.)

MOTION: Motion by Commissioner Baller, seconded by Commissioner Haig:
To meet in closed session to discuss pending litigation pursuant to MCL § 15.268(e) of the Open Meetings Act regarding *John Reinhart, et al v City of Birmingham; U.S. District Court Case No.: 2:22-cv-11074-MAG-DRG*.

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

Nays, None

The Commission went into closed session at 10:50 p.m.

The Commission reconvened into open session at 11:23 p.m.

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.

05-151-22 Review of the Commission’s Hours of Operation

MOTION: Motion by Commissioner Baller, seconded by Commissioner Schafer:
To review the Commission’s hours of operation.

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

Nays, None

Commission Discussion On Items From Previous Meetings

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

- A. Commissioner Reports
- B. Commissioner Comments

Commissioner Baller said he would like the City to explore improving the pedestrian conditions on Park Street between Maple and Hamilton.

Commissioner Haig thanked the Engineering Department for joining the Commission at a previous meeting. He noted that the Commission does not often get the opportunity to see or thank the Engineering Department.

Commissioner McLain said she was proud to sit on the Commission with her fellow Commissioners, and thanked them.

Commissioner Host said he was sorry he voted for the Townsend Hotel’s outdoor dining deck request on April 25, 2022 because he now believes the City needs a policy for determining which establishments get outdoor dining decks. He said he would have similarly voted no on 220 Merrill’s outdoor dining deck request on May 9, 2022 because of the conditions in that area.

Commissioner Host then complimented the Police Department for its efficiency in operations.

Commissioner Baller stated that Commissioner Host should refrain from criticizing past actions of the Commission.

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
 - D. Legislation
 - E. City Staff
 - 1. City Manager's Report

ACM Ecker reviewed the item.

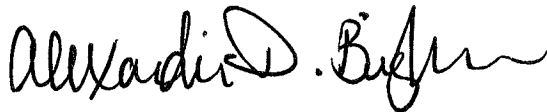
Commissioner McLain noted that there are ongoing issues with the entrance and exit gate payment options in the City's parking structures. She asked Staff to implement temporary solutions to prevent issues and back-ups while the City pursues upgrades to the technology.

- 2. Federal Transportation Grant Opportunity

INFORMATION ONLY

XI. ADJOURN

Mayor Longe adjourned the meeting at 11:23 p.m.



Alexandria Bingham
City Clerk



Laura Eichenhorn
City Transcriptionist