

Birmingham City Commission Minutes

June 13, 2022

Municipal Building, 151 Martin

7:30 p.m.

Vimeo Link: <https://vimeo.com/722674767>

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 Haig
Commissioner Host
Commissioner McLain
Commissioner Schafer

Absent: Commissioner Baller

Administration: City Manager Markus, City Clerk Bingham, Planning Director Dupuis, Assistant City Manager Ecker, Finance Director Gerber, City Attorney Kucharek

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.

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

Daniel Teahan of Hall & Hunter reiterated his request that vehicles coming from Ann Street north of Frank be allowed to either turn right on Frank or to continue south on Ann, and described his interactions with Staff regarding the matter since he spoke at the Commission's May 23, 2022 meeting.

State Senator Marshall Bullock stated he remained committed to serving Birmingham in the State Senate.

Dan Marsh, Executive Director of the Birmingham YMCA, updated the Commission on current Birmingham 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.

06-152-22 Consent Agenda

The following items were pulled from the Consent Agenda:

Commissioner McLain:

Item K – Gap Funding for the CoRe Program and Support for a “Letter of Commitment” from Oakland County Health Network and CoRe Member Agencies to Expand the CoRe Program

Commissioner Haig: Item M – Set Public Hearing to amend Article 4, Section 4.30, Open Space Standards, to add language to permit accessibility ramps in the required open space.

Item P – Special Event: 2022 Birmingham Cruise Event

MOTION: Motion by MPT Boutros, Commissioner Host:
To approve the Consent Agenda excluding Items K, M, and P.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros
Commissioner McLain
Commissioner Schafer
Mayor Longe
Commissioner Haig
Commissioner Host

Nays, None

- A. Resolution to approve the City Commission meeting minutes of May 23, 2022.
- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated May 25, 2022, in the amount of \$1,373,431.15.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated June 1, 2022, in the amount of \$1,399,577.65.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated June 8, 2022, in the amount of \$711,825.41.
- E. Resolution to approve the purchase of a complete set of Holmatro extrication tools and accessories from West Shore Fire in the amount not to exceed \$59,459.63 from Fire Department Machinery and Equipment fund #101-336.000-971.0100 subject to the approval of the annual FY 2022-2023 budget. In addition, to authorize the Mayor, City Clerk, City Manager, City Attorney, Finance Director, and Fire Chief to sign the purchase agreement on behalf of the City.
- F. Resolution to approve the purchase of a MAKO BAM06H Breathing Air Module and SSCFS3-4HP MAKO Three Position SCBA/SCUBA Containment Fill Station from West Shore Fire in the amount not to exceed \$50,637.35 from Fire Department Machinery and Equipment fund #101-336.000-

971.0100 subject to the approval of the annual FY 2022-2023 budget. In addition, to authorize the Mayor, City Clerk, City Manager, City Attorney, Finance Director and Fire Chief to sign the agreement on behalf of the City.

- G. Resolution to approve the purchase of a QuantiFit2 Respirator Fit Test System from OHD, LLLP in the amount not to exceed \$8,920.00 from Fire Department Machinery and Equipment fund #101-336.000-971.0100 subject to the approval of the annual FY 2022-2023 budget. In addition, to authorize the Fire Chief to approve the purchase order on behalf of the City.
- H. Resolution to purchase thirteen (13) APX6000 portable radios with required accessories from Motorola in the amount of \$87,732.00 from the State of Michigan MI Deal purchasing contract #190000001544 and \$6,250 for licensing rights from Michigan Public Safety Communication System (MPSCS) not to exceed a total of \$93,982.00 from Fire Department Machinery and Equipment fund #101-336.000-971.0100 and Emergency Management Miscellaneous fund #101-337.000-962.0000 subject to the approval of the annual FY 2022-2023 budget. In addition, to authorize the Fire Chief to approve the purchase order on behalf of the City.
- I. Resolution to approve an agreement with L.G.K. Construction, Inc., for Birmingham Museum-Allen House Visitor Doors Refinishing Project in the amount not to exceed \$12,850. 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 #101-804.002-811.0000.
- J. Resolution approving a one-year contract between the City and Oakland County for assessing services for the period of July 1, 2022 through June 30, 2023 and authorize the mayor and the City clerk to sign the agreement on behalf of the City.
- L. Resolution to set a public hearing date of July 11, 2022 to amend Article 2, Sections 2.04, 2.06, 2.08 and 2.10 of the Zoning Ordinance to modify the minimum front yard setback requirement.
- N. Resolution to set a public hearing date of July 11th, 2022 to consider the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 185 N. Old Woodward – Bell Bistro – to allow for interior and exterior renovations at an existing bistro and the addition of a new outdoor dining area on public/private property on N. Old Woodward.
- O. Resolution to set a public hearing date of July 11th, 2022 to consider the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 310 E. Maple – Casa Pernoï to allow for the expansion of the outdoor seating arrangement.
- Q. Resolution to approve a request by the Birmingham Shopping District to hold the 2022 Santa House special event beginning the weekend of November 26, 2022 through December 24, 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.
- R. Resolution to approve a request from the Birmingham Shopping District to hold the 2022 Winter Markt special event on Friday, December 2 – Sunday, December 4, 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.
- S. Resolution to authorize the Mayor to sign the National League of Cities Open Letter to Congress on Gun Violence Prevention.

06-153-22

(Item K) Gap Funding for the CoRe Program and Support for a "Letter of

Commitment” from Oakland County Health Network and CoRe Member Agencies to Expand the CoRe Program

Commissioner McLain said she was pleased the City continued to participate in the CoRe Program and said she was glad the program would be expanded with the addition of the City of Rochester. She said the CoRe Program is critical.

Commissioner Host concurred with Commissioner McLain.

The Mayor added her support for the resolution, saying it was an excellent idea.

CM Markus provided a brief summary of the CoRe Program.

MOTION: Motion by Commissioner McLain, seconded by MPT Boutros:
To provide gap funding in the amount of \$18,667.00 to support the continuation of the CoRe program from April 1, 2022 through September 30, 2022. Sufficient funds are available in the police department’s salaries and wages account (account# 101-301.000-702.0001) in both the 2021-2022 budget and the 2022-2023 budget to cover this cost

And

To support the City of Birmingham’s commitment to allocate and dedicate the resources necessary for the continuation and expansion of the CoRe program subject to the additional funding from the “Community Projects” grant as part of the American Rescue Plan Act (ARPA) as detailed in the OCHN “Letter of Commitment”. This plan includes an additional OCHN full time mental health clinician and the addition of the City of Rochester, MI to the CoRe team. Furthermore, to authorize the Chief of Police to sign the “Letter of Agreement” agreement on behalf of the City.)

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros
Commissioner McLain
Commissioner Schafer
Mayor Longe
Commissioner Haig
Commissioner Host

Nays, None

06-154-22 (Item M) Set Public Hearing to amend Article 4, Section 4.30, Open Space Standards, to add language to permit accessibility ramps in the required open space.

In reply to Commissioner Haig, PD Dupuis confirmed the public hearing would include consideration of the phrase ‘and width’ as shown on page 190 of the evening’s agenda packet.

Commissioner Host voiced his support for the proposed ordinance amendment and thanked Staff for their work on the item.

CM Markus briefly summarized the purpose of the proposed ordinance amendment to be considered at the public hearing.

Commissioner McLain noted NEXT has resources to support community members who may need to install a ramp.

MOTION: Motion by Commissioner Haig, seconded by Commissioner Host:
Resolution to set a public hearing date of July 11, 2022 to amend Article 4, Section 4.30 of the Zoning Ordinance to include provisions for accessible ramps that do not unintentionally inhibit persons in need as it relates to open space restrictions.

VOICE VOTE: Ayes, Mayor Pro Tem Boutros
Commissioner McLain
Commissioner Schafer
Mayor Longe
Commissioner Haig
Commissioner Host

Nays, None

06-155-22 (Item P) Special Event: 2022 Birmingham Cruise Event

Commissioner Haig asked if the City could help mitigate the potential traffic and parking impact of this event for residents of Ruffner, Cole, Webster, and Holland.

ACM Ecker stated that vehicles are permitted to park in non-permit parking areas. She noted that parking enforcement could be called for any vehicles parking in front of driveways or in front of yellow curbs zones. She noted that the Fire Department would be paying close attention to those roads to ensure an egress path in case of emergency as well.

CM Markus said he would express Commissioner Haig's concerns to the Police and Fire Chiefs and would ask them to discuss the matter with their departments.

In reply to the Mayor, ACM Ecker said there has been no further discussion with Papa Joe's.

In reply to Commissioner Haig, CM Markus confirmed that the BSD has liability insurance coverage that includes the adjacent MDOT right-of-way.

MOTION: Motion by Commissioner Haig, seconded by Commissioner McLain:
To approve a request from the Birmingham Shopping District to hold the 2022 Birmingham Cruise special event, on Saturday, August 20, 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, with the addition that Commissioner Haig's comments be conveyed to the Fire and Police Departments for further review.

VOICE VOTE: Ayes, Mayor Pro Tem Boutros
Commissioner McLain
Commissioner Schafer
Mayor Longe
Commissioner Haig
Commissioner Host

Nays, None

VI. UNFINISHED BUSINESS

None.

VII. NEW BUSINESS

06-156-22 Public Hearing - 243 E. Merrill - La Strada Special Land Use Permit

The Mayor recused herself at 7:58 p.m. citing a business relationship between her spouse and the establishment.

MPT Boutros assumed facilitation of the meeting at 7:58 p.m. and opened the public hearing.

PD Dupuis reviewed the item.

John Henke, attorney, was present on behalf of the request.

MPT Boutros closed the public hearing at 8:02 p.m.

In reply to Commissioner Haig, Mr. Henke stated that the area of interior blank space on the plans may accommodate an expanded kitchen in the future, and may accommodate the retail aspect of the business in the interim. He confirmed that there would be no interior seating added to that or any area beyond what the plans allow.

Commissioner Haig said he was satisfied in regards to the SLUP, but was concerned with establishing a precedent by allowing the outdoor dining deck request since the City has no formal policy regarding the allocation of outdoor dining decks. He noted that the Advisory Parking Committee has expressed a need for a formal policy to guide outdoor dining deck recommendations and decisions. He recommended that the topics be handled separately.

CM Markus said the Planning Board was working on such a policy, and that the topic would be before the Commission and the Planning Board at their joint meeting on June 20, 2022. He said the applicant has also been diligent about going through this process appropriately, noting that their outdoor dining deck during the Covid-19 emergency was attentive to maintaining the public walkway and was one of the more compliant decks.

Commissioner Host said that while he was split, La Strada was one of the compliant decks during the Covid-19 emergency and noted there were no issues. He added that the SLUP would allow the Commission to address any potential issues that could arise, and said he was comfortable moving forward on that basis.

Commissioner McLain said that while it would be preferable to have clear outdoor dining deck guidelines, the City is in a period of transition regarding these policies. She noted that there is an adjacent parking deck so the loss of the two parking spaces to the proposed outdoor dining deck would not be significant, that the applicant has appropriately gone through the review process, and that the outdoor dining deck would have a traffic calming effect. She said that she was in favor of the item for those reasons, noting additionally that there would be further conversation regarding outdoor dining decks between the Commission and Planning Board at their joint meeting.

In reply to CM Markus, CA Kucharek clarified that the SLUP could be reopened in the case of a violation by La Strada. She also noted that paragraph three of the SLUP prohibits a change in the number of seats. Consequently, if the SLUP and the outdoor dining deck were split as per Commissioner Haig's request, La

Strada would have to return for a SLUP amendment.

PD Dupuis noted that the recent increase in outdoor dining applications came from establishments that had outdoor dining during the Covid-19 emergency. He said at this point all but one of those establishments has received outdoor dining and that he did not anticipate a similar number of requests to continue.

MPT Boutros expressed that proprietor of La Strada has been a model business owner in the City, and agreed with Commissioner McLain that the applicant appropriately participated in the review process. He said he was supportive of request.

Commissioner Haig said that since he had expressed his policy concerns regarding outdoor dining decks, was supportive of the SLUP, and had heard that this applicant was particularly compliant he would move the suggested resolution.

MOTION: Motion by Commissioner Haig, seconded by Commissioner McLain:
To approve the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 243 E. Merrill – La Strada – to allow for the expansion of the existing bistro and the associated interior renovations and the addition of a new outdoor dining platform in the Merrill St. right-of-way with the following condition:

- The applicant must install city-standard tree grates in the two (2) tree boxes adjacent to their storefront and outdoor dining facilities.

VOICE VOTE: Ayes, Mayor Pro Tem Boutros
Commissioner McLain
Commissioner Schafer
Commissioner Haig
Commissioner Host

Nays, None

06-157-22 Historic Design Guidelines – Consultant Selection

The Mayor rejoined the meeting and resumed facilitation.

PD Dupuis presented the item.

In reply to Commissioner Host, CM Markus stated that since both firms are qualified, certified by the State Historic Preservation Office, and acknowledged by the Historic District Commission to be comparable, the City in his view is obligated to go with the lower bidder.

In reply to Commissioner Haig, PD Dupuis said he asked the CLG Coordinator why the City received such a wide price range in the bids. He said the CLG Grant Coordinator explained that in the niche field of Michigan historic preservation, there are varying firms sizes, levels of experience, locations, and histories, which result in a wide range of big amounts for projects.

Commissioner Host commended PD Dupuis on receiving the grant.

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

To approve an agreement with Kraemer Design Group for historic services in the amount not to exceed \$20,000. 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 # 101-721.000-811.0000.

VOICE VOTE: Ayes, Mayor Pro Tem Boutros
Commissioner McLain
Commissioner Schafer
Commissioner Haig
Mayor Longe
Commissioner Host

Nays, None

06-158-22 Charter Amendment to Chapter IV of the Birmingham City Charter

CA Kucharek reviewed the item.

MOTION: Motion by MPT Boutros, seconded by Commissioner Haig:
To rescind Resolution 05-136-22 and pass a resolution to change the minimum and maximum qualifying signatures needed for nominating petitions to a minimum of forty (40) and a maximum number of one hundred (100), to be in line with state law and to direct the City Clerk to notify the Attorney General of the rescission of the original Resolution No. 05-136-22.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros
Commissioner McLain
Commissioner Schafer
Commissioner Haig
Mayor Longe
Commissioner Host

Nays, None

06-159-22 Revised Charter Amendment to Chapter VI of the Birmingham City Charter

CA Kucharek reviewed the item.

MOTION: Motion by MPT Boutros, seconded by Commissioner Schafer:
To rescind Resolution No. 05-137-22 previously adopted at the May 9, 2022 City Commission meeting and adopting a revised resolution to amend the City of Birmingham Charter, Chapter VI. – CONTRACTS, Sections 1., 2., and 3., as suggested by the Attorney General’s Office and as attached hereto, and to direct the Mayor’s signature for approval and the Clerk to proceed as dictated by state law.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros
Commissioner McLain
Commissioner Schafer
Commissioner Haig
Mayor Longe
Commissioner Host

Nays, None

06-160-22 2022-2023 Budget Appropriations Resolution

FD Gerber presented the item.

In reply to Commissioner Haig, CM Markus explained how the City generally approaches taxable value and mills. He then stated that while he appreciated the Commissioner’s idea of creating a buffer for a recession, the proposed mechanism would only add about \$14,000 in revenue. He noted he was with Birmingham during a previous recession and that the City has to find ways to balance a recession on the revenue and expense side. He said that it is generally not possible to tax one’s way out of a recession.

In reply to the Mayor, the City Manager said it was not yet known how the new commercial developments in the City would be assessed but said he expects them to be significant.

The Mayor noted the City was fortunate to have developments in the pipeline.

MOTION: Motion by Commissioner Haig, seconded by MPT Boutros:
To approve the budget appropriations resolution, adopt the City of Birmingham’s budget and establish the total number of mills for ad valorem property taxes to be levied for the fiscal year commencing July 1, 2022 and ending June 30, 2023

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros
 Commissioner McLain
 Commissioner Schafer
 Commissioner Haig
 Mayor Longe
 Commissioner Host

Nays, None

06-161-22 Water/Sewer Rate Changes for 2022-2023

FD Gerber presented the item.

Commissioner McLain said the final two slides of FD Gerber’s presentation were extremely helpful in explaining changes and asked that Staff make those two slides more easily accessible by the public.

MOTION: Motion by MPT Boutros, seconded by Commissioner Host:
To amend the Schedule of Fees, Charges, Bonds and Insurance for changes in water, sewer, storm water, industrial surcharge, and industrial waste control charge rates effective for bills with read dates on or after July 1, 2022 as recommended in the staff report.

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros
 Commissioner McLain
 Commissioner Schafer
 Commissioner Haig
 Mayor Longe
 Commissioner Host

Nays, None

06-162-22 4th Quarter Budget Amendment

FD Gerber reviewed the item.

MOTION: Motion by Commissioner Host, seconded by MPT Boutros:
To approve the appropriations and amendments to the fiscal year 2021-2022 budget as follows:

General Fund:

Revenues:

Licenses & Permits	101-000.000-479.0011	\$ 100,000
Intergovernmental	101-000.000-528.0000	875,000
	101-000.000-574.0001	415,000
	101-000.000-588.0000	200,000
Charges for Services	101-000.000-639.0001	(40,000)
	101-000.000-646.0003	(60,000)
Fines and Forfeitures	101-000.000-657.0000	(550,000)
Interest and Rent	101-000.000-664.0000	(1,100,000)
	101-000.000-666.0001	(100,000)
Other Revenue	101-000.000-672.0101	<u>(100,000)</u>
Total Revenue Adjustments		\$ <u>(360,000)</u>

Expenditures:

Public Safety	101-336.000-702.0002	\$ 135,000
Engineering & Public Services	101-444.002-985.7700	(360,000)
Transfers Out	101-136.000-999.9999	<u>(135,000)</u>
Total Expenditure Adjustments		\$ <u>(360,000)</u>

Major Streets Fund:

Revenues:

Intergovernmental	202-000.000-554.0000	\$ 120,000
Interest & Rent	202-000.000-664.0000	<u>(220,000)</u>
Total Revenue Adjustments		\$ <u>(100,000)</u>

Expenditures:

Traffic Controls	202-303.001-981.0100	\$ (130,000)
Maintenance of Streets & Bridges	202-449.004-941.0000	15,000
Street Trees	202-449.005-819.0000	60,000
Snow & Ice	202-449.006-941.0000	<u>(45,000)</u>
Total Expenditure Adjustments		\$ <u>(100,000)</u>

Local Streets Fund:

Revenues:

Interest & Rent	203-000.000-664.0000	\$ (140,000)
Other Revenue	203-000.000-672.0203	<u>(35,000)</u>

Total Revenue Adjustments		<u>\$ (175,000)</u>
<u>Expenditures:</u>		
Construction	203-449.001-981.0100	\$ (175,000)
Street Trees	203-449.005-819.0000	125,000
Street Maintenance	203-449.003-702.0001	(75,000)
	203-449.003-941.0000	<u>(50,000)</u>
Total Expenditure Adjustments		<u>\$ (175,000)</u>
 Solid Waste:		
<u>Revenues:</u>		
Interest and Rent	226-000.000-664.0000	<u>\$ (60,000)</u>
Total Revenue Adjustments		<u>\$ (60,000)</u>
 <u>Expenditures:</u>		
Other Contractual Services	226-582.000-827.0100	<u>\$ (60,000)</u>
Total Expenditure Adjustments		<u>\$ (60,000)</u>
 Brownfield Redevelopment Fund:		
<u>Revenues:</u>		
Draw from Fund Balance	243-000.000-400.0000	\$ 5,000
Property Taxes	243-000.000-402.0001	59,000
Interest and Rent	243-000.000-664.0000	<u>(5,000)</u>
Total Revenue Adjustments		<u>\$ 59,000</u>
 <u>Expenditures:</u>		
Brownfield Fund	243-691.000-967.0100	<u>\$ 59,000</u>
Total Expenditure Adjustments		<u>\$ 59,000</u>
 Principal Shopping District Fund:		
<u>Revenues:</u>		
Interest and Rent	247-000.000-664.0000	<u>(33,000)</u>
Total Revenue Adjustments		<u>\$(33,000)</u>
 <u>Expenditures:</u>		
Principal Shopping District Fund	247-748.000-702.0001	<u>\$ (33,000)</u>
Total Expenditure Adjustments		<u>\$ (33,000)</u>
 Debt Service Fund:		
<u>Revenues:</u>		
Draw from Fund Balance	308-000.000-400.0000	\$ 8,000
Interest and Rent	308-000.000-664.0000	<u>(8,000)</u>
Total Revenue Adjustments		<u>\$ 0</u>

ROLL CALL VOTE: Ayes, Mayor Pro Tem Boutros
Commissioner McLain
Commissioner Schafer
Commissioner Haig
Mayor Longe
Commissioner Host

Nays, None

06-163-22 Special Event - Dog Days of Summer

The Mayor disclosed that her employer made a philanthropic grant award to the Michigan Humane Society for a dog-bite education program for fiscal year 2022. She stated that the City Attorney recommended disclosure but did not believe the matter rose to a conflict-of-interest.

The City Attorney concurred.

CC Bingham presented the item.

Deb Scola, from Michigan Human, spoke on behalf of the request. She provided a brief overview of the proposed event and described what factors go into making a community pet-friendly.

The Mayor said it would be helpful if Michigan Humane provided information during the event that responsible dog owners walk with leashes.

Ms. Scola agreed.

MOTION: Motion by MPT Boutros, seconded by Commissioner Host:
To approve a special event permit as requested by Michigan Humane to hold the Dog Days of Summer Event on Saturday August 6, 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.

Commissioner Host offered his support for the event.

VOICE VOTE: Ayes, Mayor Pro Tem Boutros
Commissioner McLain
Commissioner Schafer
Commissioner Haig
Mayor Longe
Commissioner Host

Nays, None

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.

06-164-22 Forming a Sustainability Board

MOTION: Motion by Commissioner Schafer, seconded by Commissioner Host:
To draft an ordinance or mission statement for the formation of a Sustainability Board, with representation from certain other City boards and committees and from interested and qualified community members.

Commissioner McLain offered her support.

VOICE VOTE: Ayes, Mayor Pro Tem Boutros
Commissioner McLain
Commissioner Schafer
Commissioner Haig
Mayor Longe
Commissioner Host

Nays, None

Commission Discussion On Items From Previous Meetings

VIII. REMOVED FROM CONSENT AGENDA
--

IX. COMMUNICATIONS

A. 479 South Old Woodward Correspondence

CA Kucharek introduced the topic. She noted that she did not want to go into detail on the topic due to the prospect of litigation.

Stephen Estey, attorney, and Doraid Markus, co-owner of 469-479 S. Old Woodward, spoke regarding the request.

MPT Boutros said he would be willing to hear more about this topic on a future agenda. He described the reasons he was in favor of doing so.

In reply to an inquiry from Commissioner Host, Mr. Estey confirmed there is an approved site plan but said it was not what Mr. Markus was ultimately interested in building on the property.

In reply to the same inquiry from Commissioner Host, CM Markus said that proposal was an acknowledgment of the factual basis of what can be developed on the site.

Commissioner Host said he was not in favor of hearing more about the request at a future meeting since a site plan was already approved.

Commissioner McLain said that while she wanted all parties to have a fair say, the Commission also had an obligation avoid creating legal exposure for the City.

CM Markus and CA Kucharek reviewed some of their reasons for recommending the Commission not grant the request.

Mr. Estey said that if the Commission were to hear more about this item on a future agenda he would agree not to use the content of that discussion in future potential litigation.

The City Attorney noted that even if specific aspects were not cited, Mr. Estey could still prepare his arguments for litigation based off the content of that discussion.

MPT Boutros made a motion to direct the City Manager to place this item on a future agenda. The motion failed for lack of a second.

X. REPORTS

- A. Commissioner Reports
 - 1. Notice of Intention to Appoint to the Greenwood Cemetery Advisory Board
- B. Commissioner Comments

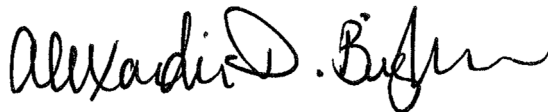
Commissioner Host expressed appreciation for the Birmingham community, noting in particular two residents who had recently been featured in the Birmingham Eccentric.

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. NEXT Resolutions – Update from CM Markus
 - a. Village of Beverly Hills
 - b. Village of Bingham Farms

INFORMATION ONLY

XI. ADJOURN

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



Alexandria Bingham
City Clerk



Laura Eichenhorn
City Transcriptionist