

Birmingham City Commission Minutes

June 27, 2022

Municipal Building, 151 Martin

7:30 p.m.

Vimeo Link: <https://vimeo.com/event/3470/videos/720093825/>

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, Planning Director Dupuis, Assistant City Manager Ecker, Assistant to the City Manager Fairbairn, Operations Commander Grewe, City Attorney Kucharek, Human Resources Manager Lambert, Consulting City Engineer Surhigh

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

Announcements

- COVID-19 Update: Per the CDC, Oakland County has a COVID-19 transmission level of HIGH. The City continues to recommend the public wear masks while attending City meetings per CDC guidelines. 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.
- The Clerk's office would like to remind voters to turn in an absentee ballot application if they wish to vote by mail for the August 2, 2022 State Primary Election. Return your absentee ballot to the clerk's office as soon as possible via drop box or mail. To review your specific voting information and preview your ballot visit mi.gov/vote. The online and mail voter registration deadline is July 18th. After July 18th new voters must register in person at the clerk's office.
- Upcoming In The Park Summer Concert Series in Shain Park on Wednesday starting at 7 pm. June 29th is the Birmingham Concert Band (Orchestra) and July 6th is Lisa Mary (Country). Please join us in the park!

- Nominations are being accepted for the 2022 Birmingham Bloomfield cultural arts awards by the Cultural Council of Birmingham/Bloomfield. To download the nomination form, see a list of former honorees and see nomination criteria, visit: <https://culturalcouncilbirminghambloomfield.org>

Appointments

06-165-22 Appointment of Andrea Prena to the Historic District Study Committee

The Commission interviewed Andrea Prena for the appointment.

MOTION: Nomination by MPT Boutros:
To appoint Andrea Prena to the Historic District Study Committee as a regular member to serve a three-year term to expire June 25, 2025.

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

Nays, None

06-166-22 Appointment of Jenny Roush to the Historic District Study Committee

Jenny Roush was unable to attend the meeting. The Mayor noted that Ms. Roush was a sitting member on the HDSC.

MOTION: Nomination by Commissioner McLain:
To appoint Jenny Roush to the Historic District Study Committee as a regular member to serve a three-year term to expire June 25, 2025.

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

Nays, None

06-167-22 Appointment of Thomas Loafman to the Historic District Study Committee

Thomas Loafman was unable to attend the meeting. The Mayor noted that Mr. Loafman was a sitting member on the HDSC.

MOTION: Nomination by Commissioner Haig:

To appoint Thomas Loafman to the Historic District Study Committee as a regular member to serve a three-year term to expire June 25, 2025.

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

Nays, None

06-168-22 Appointment of Jim Robb to the Board of Ethics

The Commission interviewed Jim Robb for the appointment.

MOTION: Nomination by MPT Boutros:
To appoint Jim Robb to the Board of Ethics as a regular member to serve a three-year term to expire June 30, 2025.

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

Nays, None

06-169-22 Appointment of Patrick J. Hughes to the Museum Board

Patrick J. Hughes was unable to attend the meeting. The Mayor noted that Mr. Hughes was a sitting member on the Museum Board.

MOTION: Nomination by MPT Boutros:
To confirm the City Manager’s appointment of Patrick J. Hughes to the Museum Board as a regular member who is a business owner to serve a three-year term to expire July 5, 2025.

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

Nays, None

06-170-22 Appointment of Judith Keefer to the Museum Board

Judith Keefer was unable to attend the meeting. The Mayor noted that Ms. Keefer was a sitting member on the Museum Board.

MOTION: Nomination by Commissioner Host:
To appoint Judith Keefer to the Museum Board as a regular member to serve a three-year term to expire July 5, 2025.

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

Nays, None

CC Bingham swore in the present appointees.

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

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.

06-171-22 Consent Agenda

The following items were pulled from the Consent Agenda:
Commissioner Host: Item I – Follow up on Joint City Commission / Planning Board Meeting

MOTION: Motion by MPT Boutros, Commissioner Schafer:
To approve the Consent Agenda excluding Item I.

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

Nays, None

- A. Resolution to approve the City Commission workshop meeting minutes of June 13, 2022.
- B. Resolution to approve the City Commission meeting minutes of June 13, 2022.

- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated June 15, 2022, in the amount of \$657,037.54.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated June 22, 2022, in the amount of \$929,872.69.
- E. Resolution to approve a request by the Birmingham Museum to hold the Underground Railroad Commemoration special event on September 17, 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.
- F. Resolution designating Deputy Treasurer Jack Todd, Assistant Finance Director Kim Wickenheiser, DPS Director Lauren Wood, Building Official Bruce Johnson, Assistant Building Official Mike Morad, Birmingham Museum Director Leslie Pielack, and Police Chief Mark Clemence as proxy representatives of Election Commissioners Mayor Therese Longe, Mayor Pro Tem Pierre Boutros, Commissioner Clinton Baller, Commissioner Brad Host, Commissioner Andrew Haig, Commissioner Elaine McLain, and Commissioner Katie Schafer, for the purpose of conducting the Public Accuracy Tests of the electronic tabulating equipment which will be used to count votes cast at the August 2, 2022 election.
- G. Resolution appointing election inspectors, absentee voter counting board inspectors, receiving board inspectors and other election officials as recommended by the City Clerk for the August 2, 2022 State Primary Election pursuant to MCL 168.674(1), and further grant the City Clerk the authority to make emergency appointments of qualified candidates should circumstances warrant in order to maintain adequate staffing in the various precincts, counting boards and receiving boards. And further, to increase Election Inspectors rate of pay to the proposed amounts, budgeted in account 101.262-000.815-0100, as presented in the staff report.
- H. Resolution to approve the Birmingham City Commission 2023 Meeting Schedule as submitted.
- J. Resolution to approve the Indemnification and Hold Harmless Agreement between Canelle Patisserie licensee Canelle, LLC, 159 N. Eton property owner Beach Escape, LLC, and the City of Birmingham.
- K. Resolution to set a public hearing date of July 25th, 2022 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 1160 Grant St. – Ortiz Educare.
- L. Resolution to set a public hearing date of July 25th, 2022 to consider the Special Land Use Permit, Final Site Plan and Design Review application for 36877 Woodward Ave – Gasow Veterinary Clinic.
- M. Resolution to set a public hearing date of July 25, 2022 to review the outdoor dining at 220 Merrill – 220 Restaurant for compliance.
- N. Resolution to approve an agreement with Johnson Sign Co. for the fabrication and installation of via wayfinding signs in the amount not to exceed \$19,200. 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 # 101-721.000-825.0100.
- O. Resolution to amend the Schedule of Fees, Charges, Bonds and Insurance for changes in sewer and storm water rates effective for bills with read dates on or after July 1, 2022 as recommended in this report, contingent on the Oakland County Water Resources Commissioner adopting the revised Great Lakes Water Authority rates at their June 28th meeting.
 - 1. Letter from Oakland County dated June 9, 2022 re: GLWA

- P. Resolution to approve the outside agency service agreements for services described in Attachment A of the agreement for fiscal year 2022-23 with Birmingham Bloomfield Community Coalition in the amount of \$3,000, Birmingham Youth Assistance in the amount of \$18,000 and Common Ground in the amount of \$1,500. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding has been budgeted for these agreements in account #101-301.000.-811.0000
- Q. Resolution to approve an agreement with Etna Supply Company located at 2158 Gratiot Avenue, Detroit, MI 48207, for the purchase of Sensus Meter replacement parts, in the amount of \$71,665. Funds for this purchase are available in the FY 2021-2022 Water Supply System Fund, account #591-537.001-747.0000; and further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

06-172-22 (Item I) Follow up on Joint City Commission / Planning Board Meeting

Commissioner Host said he considered this a small step in the right direction. He said he would like to see food trucks in more residential areas in order to enhance residents' sense of community. He recommended Pembroke and Barnum Parks as good potential locations.

CM Markus explained that there is a noticing requirement for special events and said that is critical. He said the Commission could consider shortening the noticing period in the initial phase to encourage participation, with the caveat that it would be appropriate to return to the regular noticing period later.

CM Markus also said the City had become aware of a food truck operator currently operating outside the permitting process. He asked the operator to go through the regular permitting process in the interest of public health, safety, and welfare.

CM Markus noted that there concerts in the parks and other ways for people to come out and participate in the community, and opportunities for neighborhoods to host block parties as well. He recommended that Commissioner Host encourage the neighborhood associations to sponsor food trucks in the parks if they are interested in doing so. He said he was reluctant to have the City itself sponsoring food trucks in the residential areas due to liability and other considerations.

In reply to Commissioner Schafer, CC Bingham explained the costs for a Special Event Permit and a Vendor/Peddler License.

CM Markus stated the permit fees are correlated to the costs incurred by the City, as per State Law. He said it might be possible for some food trucks to receive a Master Permit that would allow them in different parks on different days.

In reply to Commissioner Haig, CM Markus said the BSD usually reports back on how their events go, and that he could also request DPSD Wood to provide feedback on any DPS-sponsored events with food trucks.

MOTION: Motion by Commissioner Host, seconded by MPT Boutros:
To direct the City Manager to encourage all City sponsored special events to include the use of local food trucks within the event area when and where appropriate;

AND

To request that the Birmingham Shopping District consider including the use of local food trucks in all BSD

sponsored special events;

AND

To request the Birmingham Shopping District to consider organizing and sponsoring a rotation of special events to be held on days or evenings on streets closed off to vehicular traffic.

Commissioner Baller recommended the City Manager be directed to return with a new type of streamlined special event application for events with food trucks.

CM Markus said he would make the recommendation that food truck applications be expedited as part of the approval by the Commission.

Public Comment

In response to Paul Reagan, CM Markus noted that food trucks would be encouraged for events sponsored by the BSD, City Departments, and neighborhood associations to encourage food trucks in a variety of areas throughout the City.

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

Nays, None

VI. UNFINISHED BUSINESS

None.

VII. NEW BUSINESS

06-173-22 Public Hearing – To consider the removal of Aaron Black from the Advisory Parking Committee

The Mayor opened the public hearing at 7:59 p.m.

CC Bingham summarized the item.

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

MOTION: Motion by MPT Boutros, Commissioner Host:
To accept the resignation of Aaron Black and to thank him for his time and service.

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

Commissioner Haig

Nays, None

06-174-22 Public Hearing - 588 S. Old Woodward - Phoenicia – Special Land Use Permit, Final Site Plan and Design Review

The Mayor opened the public hearing at 8:00 p.m.

PD Dupuis presented the item.

Victor Saroki, architect, spoke on behalf of the item.

Seeing no public comment, the Mayor closed the public hearing at 8:06 p.m.

Samy Eid, owner of Phoenicia, also spoke on behalf of the item.

In reply to Commissioner Baller, CM Markus said the City would monitor parking near Phoenicia to ensure that the 20 leased parking spaces in the 555 Building are being used and that Phoenicia's parking is not spilling over into the public areas.

In reply to CM Markus, Mr. Eid confirmed he understood the potential consequences if he could not renew the lease for the 20 parking spaces once the present five-year lease expires.

Commissioner Haig encouraged Mr. Eid to use the 20 spaces in the 555 Building since he is paying for them. The Commissioner also agreed with CM Markus, advising Mr. Eid to maintain the agreement with the 555 Building in order to continue using the addition to the restaurant.

Mr. Eid agreed.

In reply to the Mayor, Mr. Eid said he was unsure why the lease provided by the 555 Building was written for five years instead of ten.

MOTION: Motion by Commissioner Haig, MPT Boutros:
To approve the Special Land Use Permit, Final Site Plan and Design Review application for 588 S. Old Woodward – Phoenicia with the following condition:

- The applicant submit a signed parking lease agreement for 20 parking spaces or obtain a variance for required parking spaces from the BZA.

MPT Boutros commended Mr. Eid, noted Phoenicia's longevity in the community, and said tying the business to the lease of the parking spaces shows Mr. Eid's commitment to the community.

In reply to additional comment by MPT Boutros, CM Markus briefly summarized how the Board of Zoning Appeals evaluates whether a variance from the zoning ordinance should be granted.

CM Markus recommended that Mr. Eid continuously evaluate opportunities to maintain Phoenicia's required parking in case changes occur in the 555 Building's circumstances.

ROLL CALL VOTE: Ayes, MPT Boutros
 Commissioner Baller

Commissioner McLain
Commissioner Schafer
Commissioner Host
Mayor Longe
Commissioner Haig

Nays, None

06-175-22 Pedestrian Crosswalk Installation Guidelines

OC Grewe introduced the item.

Brad Strader, consultant from MKSK, presented the item.

In reply to Commissioner Baller, Mr. Strader said the proposed guidelines would be used to evaluate the City's crosswalks. Those evaluations would then be used to either help update the City's Multi-Modal Transportation Plan or to make recommendations for certain areas in the City.

In reply to Commissioner Haig, Mr. Strader and CM Markus clarified that the RCOC is responsible for Bloomfield Township and Bloomfield Hills roads that abut Birmingham.

In reply to MPT Boutros, Mr. Strader said the guidelines would also help in the ongoing pedestrian safety conversations between the City and MDOT.

MOTION: Motion by MPT Boutros, Commissioner Baller:
To adopt the Crosswalk Installation Guidelines for pedestrian crosswalk installation as depicted in the flowchart "Exhibit A".

Public Comment

In reply to Steve Torack, CM Markus said it was not yet clear how many new crosswalks would be recommended by the guidelines.

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

Nays, None

06-176-22 Brown Street Lane Reduction from Peabody Street to Woodward Avenue

Mr. Strader, consultant from MKSK, presented the item.

In reply to Commissioner Haig, Mr. Strader said MDOT would be in charge of any signal changes that would need to be made if this lane reduction is recommended.

In reply to Commissioner Baller, Mr. Strader said Staff, consultants, and the Multi-Modal Transportation Board will make future recommendations for restriping Brown if this item is advanced.

Commissioner Schafer said she was heartened that MDOT is working on making this area safer and said she was looking forward to future iterations.

Commissioner McLain emphasized that drivers must stop for pedestrians in crosswalks.

MOTION: Motion by Commissioner Haig, MPT Boutros:
To approve the reduction of vehicular travel lanes on eastbound Brown Street between Peabody Street and Woodward Ave from two lanes down to one lane;

AND

To direct the Multi-Modal Transportation Board to evaluate permanent road designs incorporating one eastbound vehicular travel lane for Brown Street from Peabody Street to Woodward Ave to recommend to City Commission at a later date.

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

Nays, None

06-177-22 Westwood, Raynale & Oak Street Project Interim Report for City-Initiated Unimproved Street Project

CCE Surhigh presented the item.

In reply to the Mayor, CM Markus explained:

- The City has been evaluating streets holistically, including condition and all the utilities. He said the water lines, hydrants, and stormwater issues are driving the need to improve the infrastructure of these streets;
- He strongly advised the Commission not to consider Suggested Commission Action C;
- He did not recommend altering the City's street standards because wider streets create more impervious surfaces, more runoff, and cost more for the City's taxpayers to maintain once the streets are improved; and,
- Even though residents in certain areas may not experience flooding, their water infrastructure helps contribute to the flooding and overflow in other parts of the City.

The Mayor noted that if the Commission recommends the current street widths be maintained - as requested by a number of residents - in conjunction with Suggested Commission Action A, that the special assessment costs would be approximately 15% higher than if the streets were reconstructed to the standard 26-foot width. In contrast, Suggested Commission Action B would essentially update the utilities and sidewalk and otherwise leave the street as-is.

In reply to Commissioner Haig, CCE Surhigh stated that there is no sewer cross-connection between Bloomfield Township and Birmingham.

In reply to Commissioner Baller, CCE Surhigh estimated the costs of street improvements or cape sealing to an average size lot. He explained that the costs of street improvements would be split over ten years.

Commissioner Schafer noted that if these roads are fully improved, there would be no additional assessments to those residents. She noted that cape seal, in contrast, would be charged to the residents every time the roads come up again in the cape seal cycle.

MPT Boutros summarized the work of the Ad Hoc Unimproved Street Study Committee (AHUSSC) and the facts the residents of Westwood, Raynale, and Oak should consider in choosing street improvements or cape seal.

Commissioner Schafer also noted that the AHUSSC considered all the options for dealing with unimproved streets, and that the consensus was that improving streets was drastically preferable to cape seal. She noted that the decision to improve infrastructure and certain streets comes after an immense amount of study on the part of Staff. She said this was a significant opportunity to advance the City's goal of improving its 26 miles of unimproved streets. She said that while she appreciated residents' concerns about costs, this is an opportunity to better the City.

Commissioner Host suggested moving Suggested Commission Action A without Westwood. The motion failed for lack of a second.

Public Comment

Corey Holter, resident of Westwood, said many residents of Westwood would prefer Suggested Commission Action C. He said if that option were not available, however, the residents of Westwood would prefer Suggested Commission Action B. He said if the City wants to fully improve Westwood it should pay for that, since it was a matter of public good and not a specific benefit to the residents of Westwood.

In reply to some of Mr. Holter's comments, CM Markus and the Mayor noted that residents have been paying to improve their streets for decades, after which the City takes over paying for further maintenance. It was noted that if these were improved streets the City would be paying for these repairs. It was also noted that taxpayers in the City are currently paying to maintain these streets in terms of potholes, plowing, and other routine maintenance.

Steve Torok, resident of Westwood, said he was supportive of fixing the water and sewer. He said he was supportive of Suggested Commission Action B. He said Westwood was not in poor enough repair to merit full improvements at this time.

CM Markus concurred that Westwood was in relatively good condition for an unimproved street, and said that is why Suggested Commission Action B was included among the options. He noted that even if Suggested Commission Action B is implemented that the base of the street will be replaced with material of higher quality, thus making a better street even if not fully improving it.

Jerry Vanwyke, resident of Westwood, suggested that the Commission should not vote to advance any work on Westwood until it is clear whether the work would require trenching. He said he would also like to see all residents pay for street improvements in the interest of equity.

Kim Romanosky, resident of Westwood, concurred with Messrs. Holter, Torack, and van White.

Janelle Whipple-Boyce, a member of the former AHUSSC, noted that most every resident is assessed at some point for one reason or another. She noted that while it is not pleasant to pay an assessment, it contributes to the public good and is the appropriate thing to do. She said advancing Suggested Commission Action B indicates that the City prefers cape seal to improved streets. Given the City's adoption of the AHUSSC recommendations, she asked how the Commission could consider advancing any Action but Suggested Commission Action A.

Greg Obloy, resident of Glenhurst, said he would prefer Suggested Commission Action C, and if that option was not available, Suggested Commission Action A because he was in favor of doing the construction appropriately the first time. He questioned the legality of imposing the costs of Suggested Commission Action A, however.

A number of speakers questioned whether Glenhurst is an improved street.

CM Markus said he was confident in former City Engineer William Killeen's description of it as such.

Seeing no further public comment, the Mayor returned the conversation to the Commission.

Commissioner McLain said:

- Improving the water infrastructure in the area was essential for preserving the health, safety, and welfare of the City;
- The Commission is obligated to make decisions that will benefit the whole community;
- When performing infrastructure improvements, it is appropriate to improve the road entirely at that time per the AHUSSC's report;
- A number of City residents' flooding issues begin with Westwood's water infrastructure, and this work would begin to address those issues; and,
- Unimproved roads can cause repeated damage to vehicles, which should not occur.

Commissioner Haig said:

- Before running for Commission, he submitted a proposal to the City that would have shared the costs of street improvements more equitably. The City did not pursue the recommendations in his proposal;
- He lives on an unimproved street that damages vehicles and where the cape seal failed in the first six months;
- He wants the City to have as high an ISO rating as possible;
- The water infrastructure in this area can still contribute to flooding in other areas, even if the residents in this area experience no ill-effects;
- Working with policy requires that policy be used as a guideline while also evaluating a situation's particular circumstances; and,
- He was supportive of Suggested Commission Action B as a compromise between policy, resident preference, and because the surface is decent and the subsurface is the main issue.

CCE Surhigh and CM Markus clarified the difference between Suggested Commission Action B and a fully improved street, which includes drainage, the reconstruction of the base to support the street surface, and the service life of the surface.

Commissioner Host noted that of the 26 miles of unimproved road, some percentage will not want their roads improved. He noted that Westwood seems to be one of those streets. He said if the water infrastructure needs to be done, then the road should be trenched, cape sealed, and maintained at its

present width.

MOTION: Motion by Commissioner Haig, Commissioner Host:
To direct the Engineering Department to proceed with final design of the Westwood, Raynale & Oak Street Project to include the planned improvements to the sewer and water systems, and the replacement of pavement surfaces disturbed by the utility construction with a full cape-seal treatment to be completed upon the conclusion of the other construction.

Public Comment

Mr. Holter said after listening to Commissioner Haig speak he was persuaded that the present motion was likely the best option.

The Everlys, residents of Westwood, said they had not been able to speak earlier but that they supported Suggested Commission Action C. Ms. Everly said if the street was to be improved the City should cover the costs.

In reply to Ms. Romanosky, CCE Surhigh said Suggested Commission Action B would result in estimated costs of \$2,500 to \$3,500 for the average homeowner.

CM Markus explained the next steps if the residents of the streets in question are to be specially assessed. He noted that the residents would have a number of further opportunities to provide comment.

The Mayor noted that the City would be investing well over a million dollars into the area's sewer and water repairs.

Commissioner Baller said he would support this motion because residents seem to be split between Suggested Commission Action B and Suggested Commission Action C, Westwood has sidewalks and curbs, and it is time to re-do the cape seal on the street. He noted that the average home value on the street was relatively high, and said the relatively minor costs stemming from the motion on the floor would likely be easily borne by the residents. He said it was a good compromise, does not establish a precedent, and that the work the AHUSSC did was valuable and will be applied to streets in worse repair.

Commissioner Schafer explained some ways the process of communicating with residents could be improved for the future. She said it should be more clearly communicated to residents moving forward that the MMTB makes a recommendation to the Commission while the Commission makes a final determination. She said residents should be given as much clear and advance notice as possible that their streets are being considered for capital improvements and what that may entail. She said with more advance notice people can expect and plan for full street improvements when they are to occur.

MPT Boutros said he supported the motion because of the condition of the street and because the majority of the residents prefer cape seal to full improvement.

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

 Nays, Commissioner McLain
 Commissioner Schafer

The Commission took a brief recess at 10:40 p.m.

The Commission returned from recess at 10:46 p.m.

06-178-22 2022-23 Compensation Recommendations for Department Heads and Administrative / Management Employees

HRM Lambert presented the item.

MOTION: Motion by Commissioner Baller, MPT Boutros:
To approve a 4.5% salary range adjustment and in-range adjustments based upon performance for full-time and part-time employees in the Department Head and Administrative/Management classifications effective July 1, 2022 and approving a 2.5% performance increment through June 30, 2023 with individual eligibility to be in accordance with the attached merit increase guidelines. Further, to authorize the budget amendments from the wage adjustment account 101-299.000-709.0000 to the appropriate departments.

Commissioner Host said he felt the salary range adjustments being recommended were unfair to the employees covered by the City’s five bargaining units.

CM Markus noted that the wage rate increases negotiated by the City’s five bargaining units were negotiated before inflation began to spike. He explained that establishing the proposed 4.5% salary range adjustments in this case would provide the bargaining units with information about how the City administration intends to approach the issue of inflation for all employees.

The Mayor thanked HRM Lambert and CM Markus for paying attention to the issue of inflation for employees. She noted the current difficult hiring environment, and said this is a step towards remaining competitive with other municipalities.

In reply to inquiry from Commissioner Haig, CM Markus and HRM Lambert explained the rationale for making these recommendations, noting particularly the difficult hiring environment and the difficult inflationary pressures at this time.

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

Nays, Commissioner Host

06-179-22 Strategic Planning Services Contract

ATCM Fairbairn presented the item.

MOTION: Motion by Commissioner Host, MPT Boutros:
To approve a 1-year agreement with Lew Bender for strategic planning services in the amount not to exceed \$14,500. 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 101-101.000-962.00.

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

Nays, None

06-180-22 Request for Closed Session 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 MPT Boutros, Commissioner Host:
To meet in closed session to discuss pending litigation pursuant to MCL § 15.268 Sec. 8(e) of the Open Meetings Act regarding John Reinhart, et al the v City of Birmingham; U.S. District Court Case No.: 2:22-cv-11074-MAG-DRG and Privilege Underwriters Reciprocal Exchange/ A foreign Company a/s/o Patrick Carroll v City Of Birmingham/ a Michigan Municipal Corporation Case No.: 2019-173450-ND.

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

Nays, None

The Commission went into closed session at 11:29 p.m.

The Commission returned from closed session at 11:48 p.m.

06-183-22 Action Resulting from Closed Session

The Mayor asked for a motion to authorize the City Attorney to settle up to \$25,000 in the case of Privilege Underwriters Reciprocal Exchange/ A foreign Company a/s/o Patrick Carroll v City Of Birmingham.

MOTION: Motion by MPT Boutros, Commissioner Host:
To settle up to \$25,000 in the case of Privilege Underwriters Reciprocal Exchange/ A foreign Company a/s/o Patrick Carroll v City Of Birmingham/ a Michigan Municipal Corporation Case No.: 2019-173450-ND.

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

Commissioner Host
Commissioner McLain
Commissioner Schafer

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.

Commission Discussion On Items From Previous Meetings

06-181-22 Discussion on Meeting Start/End Times

Commissioner Baller suggested that regular meetings could possibly start at an earlier time, which would possibly also result in an earlier end time.

MOTION: Motion by Commissioner Baller, MPT Boutros:
To direct the City Manager to bring forth a proposed ordinance that would allow the Commission to consider a change in regular meeting start times.

Commissioner Haig voiced his preference for the 7:30 p.m. start time for regular meetings.

Commissioner Host said he was unconcerned about late meetings occurring in the interest of public service.

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

Nays, Commissioner Haig
Commissioner Host

06-182-22 Discussion Regarding a Sustainability Board

Commissioner Schafer suggested the Commission consider the implementation of a Sustainability Board in order to address issues of sustainability in the community.

MOTION: Motion by Commissioner Schafer, MPT Boutros:
To direct Staff to bring back a proposed resolution for creating a Sustainability Board.

Commissioner Baller said it was past due and offered his wholehearted support.

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

Nays, None

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

X. REPORTS

A. Commissioner Reports

Commissioner Schafer reported back from the SEMCOG General Assembly meeting of June 23, 2022.

Commissioner McLain reported back from the MML presentation of June 27, 2022.

Commissioner Host spoke positively about Birmingham's first Heroes' Day, celebrated at the Birmingham Farmers' Market on June 26, 2022.

B. Commissioner Comments

C. Advisory Boards, Committees, Commissions' Reports and Agendas

D. Legislation

E. City Staff

1. City Manager's Report

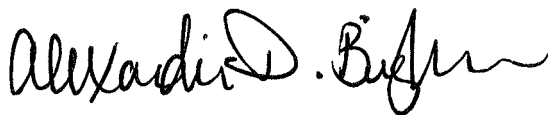
CM Markus reviewed the report.

2. Lead Water Service Replacement Program Update

INFORMATION ONLY

XI. ADJOURN

Mayor Longe adjourned the meeting at 11:49 p.m.



Alexandria Bingham
City Clerk



Laura Eichenhorn
City Transcriptionist