

**Birmingham City Commission Minutes**

**October 24, 2022**

**Municipal Building, 151 Martin**

**7:30 p.m.**

**Vimeo Link: <https://vimeo.com/763779112>**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

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

**II. ROLL CALL**

City Clerk Bingham called the roll.

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

Absent: None

Staff: City Manager Markus; City Clerk Bingham, City Engineer Coatta, Senior Planner Cowan, Planning Director Dupuis, Assistant City Manager Ecker, Parking Systems Manager Ford, Building Official Johnson, City Attorney Kucharek, Parks and Recreation Manager Laird, Human Resources Manager Lambert, Birmingham Shopping District Director Sheppard-Decius, Assistant City Engineer Zielinski

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

**Announcements**

- The City recommends members of the public wear a mask if they have been exposed to COVID-19 or have a respiratory illness. City staff, City Commission and all board and committee members must wear a mask if they have been exposed to COVID-19 or actively have a respiratory illness. The City continues to provide KN-95 respirators and triple-layered masks for attendees.
- The City Clerk's Office will be open on Saturday, November 5, 2022 from 8am-4pm for your last minute absentee voting needs. The deadline to request and receive an absentee ballot by mail is 5pm Friday, November 4. The deadline to obtain an absentee ballot in person at the City Clerk's Office is no later than 4pm on November 7. If you need to register to vote or update your voter registration, all registration actions must take place in person at the City Clerk's office from now through Election Day.
- Happy Birthday Commissioner Haig!
- County Commissioner Comments regarding the County Transit Millage.

**Appointments**

Cassandra McCarthy, applicant for the Historic District Commission, was interviewed by the City Commission. Ms. McCarthy was not nominated.

**10-253-22 Appointment of Pierre Yaldo to the Board of Zoning Appeals**

The Commission interviewed Pierre Yaldo for the appointment.

**MOTION:** Nomination by MPT Boutros:

To appoint Pierre Yaldo as a regular member to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2025.

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

Nays, None

**10-254-22 Appointment of Ron Reddy to the Board of Zoning Appeals**

The Commission interviewed Ron Reddy for the appointment.

**MOTION:** Nomination by Commissioner Schafer:

To appoint Ron Reddy as a regular member to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2025.

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

Nays, None

**10-255-22 Appointment of Richard Lilley to the Board of Zoning Appeals**

Mr. Lilley was unable to attend. The Commission chose to proceed given Mr. Lilley's prior experience on the Board of Zoning Appeals.

**MOTION:** Nomination by Commissioner Host:

To appoint Richard Lilley as a regular member to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2025.

VOICE VOTE: Ayes, Mayor Longe  
MPT Boutros

Commissioner Baller  
Commissioner Haig  
Commissioner Host  
Commissioner McLain  
Commissioner Schafer

Nays, None

**10-256-22 Appointment of Mark Doolittle to the Multi-Modal Transportation Board**

The Commission interviewed Mark Doolittle for the appointment.

**MOTION:** Nomination by Commissioner McLain:  
To appoint Mark Doolittle as a regular member to the Multi-Modal Transportation Board to serve the remainder a three-year term to expire March 24, 2023.

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

Nays, None

**10-257-22 Appointment of Patrick Hillberg to the Multi-Modal Transportation Board**

The Commission interviewed Patrick Hillberg for the appointment.

**MOTION:** Nomination by Commissioner Host:  
To appoint Patrick Hillberg as an alternate member to the Multi-Modal Transportation Board to serve a three-year term to expire October 27, 2025.

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

Nays, None

**10-258-22 Appointment of Gordon Davies to the Multi-Modal Transportation Board**

The Commission interviewed Gordon Davies for the appointment.

**MOTION:** Nomination by Commissioner Haig:

To appoint Gordon Davies as an alternate member to the Multi-Modal Transportation Board to serve a three-year term to expire October 27, 2025.

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

Nays, None

**10-259-22 Appointment of Amy Pohlod to the Birmingham Shopping District**

The Commission interviewed Amy Pohlod for the appointment.

**MOTION:** Motion by MPT Boutros:  
To concur with the City Manager's appointment of Amy Pohlod to the Birmingham Shopping District Board, who has an interest in property in the district, to serve for a 4-year term expiring November 16, 2026.

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

Nays, None

**10-260-22 Appointment of Caroline Ashleigh to the Museum Board**

The Commission interviewed Caroline Ashleigh for the appointment.

**MOTION:** Nomination by Commissioner Baller:  
To appoint Caroline Ashleigh to the Museum Board as a regular member to serve the remainder of a three-year term to expire July 5, 2023.

VOICE VOTE:           Ayes, Mayor Longe  
                              Commissioner Baller

Nays, Commissioner Schafer  
                              Commissioner Host  
                              Commissioner McLain  
                              MPT Boutros  
                              Commissioner Haig

The Mayor encouraged Ms. Ashleigh to apply for the alternate position vacated by Ms. Harris.

**10-261-22 Appointment of Alexandra Harris to the Museum Board**

The Commission interviewed Alexandra Harris for the appointment.

**MOTION:** Nomination by Commissioner Host:  
To appoint Alexandra Harris to the Museum Board as a regular member to serve the remainder of a three-year term to expire July 5, 2023.

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

Nays, Mayor Longe  
Commissioner Baller

The City Clerk swore in all present appointees. It was noted that the City Clerk would contact any appointees who were absent to be sworn in at a later date.

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

A resident of 1468 Southfield asked the Commission to consider raising the minimum condition standards for older residential buildings in the community.

Cindy Summers spoke about an issue relating to the Baldwin House and asked the Commission to consider implementing an ordinance protecting the 'right to renew' for residential tenants.

Mary Ryan Taras and Linda Solomon spoke about an issue relating to the Baldwin House.

Tim Hunt, Chief Operating Officer of the Community House, spoke about an issue relating to the Baldwin House.

**V. CONSENT AGENDA**

**10-262-22 Consent Agenda**

The following items were pulled from the Consent Agenda:  
CA Kucharek: Item F – POWERPHONE Services for Emergency Medical Dispatching

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

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

Nays, None

- A. Resolution to approve the City Commission workshop meeting minutes of October 3, 2022.
- B. Resolution to approve the City Commission meeting minutes of October 3, 2022.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated October 5, 2022, in the amount of \$438,162.55.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated October 12, 2022, in the amount of \$2,678,898.53.
- E. Resolution to approve the warrant list, including Automated Clearing House payments, dated October 19, 2022, in the amount of \$2,074,761.24.
- G. Resolution to approve the payment of \$35,000.00 to Wiss, Janney, Elstner Associates, Inc. (WJE) for Change Order Fees related to the 2021 Parking Structure Construction Period Services and charge the following accounts:

<u>Account #</u>	<u>Description</u>	<u>Amount</u>
514.1-594.003-977.0000	Park Street - Buildings	\$2,000.00
514.1-594.004-977.0000	Peabody Street - Buildings	\$8,70.00
514.1-594.005-977.0000	North Woodward - Buildings	\$11,170.00
514.1-594.008-977.0000	Chester Street - Buildings	\$13,130.00
	Total:	\$35,000.00

- H. Resolution to approve the purchase of a Brush Bandit Intimidator 15XP, from Bandit Industries, Inc., located at 6750 Millbrook Road, Remus, MI 49340, through the State of Michigan MiDeal extendable purchasing contract #171-190000000301, in the amount not to exceed \$55,944. Funds for this purchase are available in the FY 2022-2023 Auto Equipment Fund account #661.0-441.006.971.0100.
- I. Resolution to approve the purchase of one (1) Toro Proforce Debris Blower from Spartan Distributors, through the OMNIA Cooperative Purchasing Agreement #2017025, for an amount not to exceed \$9,829.56. Funds for this purchase are available in the FY 2022-2023 Auto Equipment Fund account #661.0-441.006.971.0100.
- J. Resolution to approve the purchase of a one-year subscription of Cartegraph Solutions Software with Cartegraph Systems for a cost not to exceed \$31,360. Funds are available from the Sewage Disposal account, #590.0-538.000-811.0000, Water System account #591.0-545.000-811.0000, and General Fund, Parks Other Contractual Service account, # 101.0-751.811.0000 for this service. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of notarized signatures and proof of required insurance from Cartegraph.
- K. Resolution to approve the purchase and planting of one hundred and forty-four (144) trees from KLM Landscape for the Fall 2022 Tree Purchase and Planting Project for a total project cost not to exceed \$64,260.00. Funds are available from the Local Streets Fund-Forestry Service Contract account #203.0-449.005-819.0000, the Major Streets Fund-Forestry Service Contract account #202.0-449.005-819.0000, the Local Streets Fund-Operating Supplies account #203.0-449.005-729.0000, the Major Streets Fund-Operating Supplies account #202.0-449.005-729.0000 for these

services. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.

- L. Resolution to approve the purchase of two (2) 2023 Ford Explorers from Garno Ford, located at 22025 Allen Road, Woodhaven, MI 48183, under the State of Michigan MiDeal Cooperative Purchase Agreement #4WDU-00S0A, in the amount not to exceed \$79,104 for both vehicles. Funds for this purchase are available in the FY 2022-2023 Auto Equipment Fund account #661.0-441.006.971.0100.
- M. Resolution to approve the purchase of (355) meter replacement batteries in the amount not to exceed \$182,825 from Etna Supply Company located at 2158 Gratiot Avenue, Detroit, MI 48207. Funds for this purchase are available in the Meter Shop- Meter account #591.0-541.000-747.0000.
- N. Resolution to approve the purchase of the fertilizers and other turf products for Lincoln Hills and Springdale Golf Courses from Harrell's for \$24,000, Target Specialty Products for \$24,000, and Great Lakes Turf for \$9,000, with the total amount of all purchases not to exceed \$57,000 from all three vendors combined. Funds for this purchase are available in #584.1-753.001-729 and 584.2-753.001-729.
- O. Resolution to confirm the City Manager's authorization for the emergency expenditure related to sewer repair north of Warren Court by D'Angelo Brothers Inc., which is located at 30836 West 8 Mile Road, Farmington Hills, MI 48336, for a cost of \$14,334.04 to be charged to Sewer Fund account #590.0-538.000-811.0000, pursuant to Sec. 2-286 of the City Code.
- P. Resolution to confirm the City Manager's authorization for the emergency expenditure related to sewer repair along the south side of Redding Road west of Pilgrim Avenue by D'Angelo Brothers Inc., which is located at 30836 West 8 Mile Road, Farmington Hills, MI 48336, for a cost of \$7,293.23 to be charged to Sewer Fund account #590.0-538.000-811.0000, pursuant to Sec. 2-286 of the City Code.
- Q. Resolution to approve the project budget increase for Contract #10-22 (SW), 2022 Trip Hazard Elimination Program, by \$50,000.00 to a total budget of \$245,000.00, for work to be completed through June 30th, 2023. Funding for this project has been budgeted in account # 101.0-444.000-981.0100.
- R. Resolution to authorize the City Clerk to complete the Local Approval Notice at the request of BHIP Townsend Hotel, LLC to approve the request of BHIP Townsend Hotel, LLC to transfer the ownership in the Townsend Hotel which holds the Class B Hotel and SDM License with Sunday Sales (AM and PM), One Outdoor Service Area Permit and One Outdoor Service Area on Public Property Permit, Dance/Entertainment Permits, catering Permits, Six additional Bar Permits and Official Permit (Food) located at 100 Townsend, Birmingham, Oakland County, MI from THC Investors Limited Partnership to BHIP.
- S. Resolution to approve the lease between the City of Birmingham and THC Investors Limited Partnership for the leasing of public property for valet services for the Townsend Hotel on Merrill and Townsend Street, in the amount of \$23,328 per year, with a one-year term, with the addition of the illustration presented as Exhibit A; and further, to direct the Mayor and City Clerk to sign the lease agreement on behalf of the City.  
AND  
Resolution to approve the assignment of the Townsend Hotel lease agreement from THC Investors Limited Partnership to BHIP Townsend Hotel, LLC; and further, to direct the Mayor and City Clerk to sign the assignment of the lease agreement on behalf of the City.

- T. Resolution to set a public hearing date of December 5th, 2022 to consider the proposed Zoning Ordinance Amendment to Article 3, Section 3.04(D)(3) of the Downtown Overlay Parking Requirements to allow nonresidential uses in the D4 Zone located outside of the former parking assessment district to reduce or eliminate parking requirements under the provision of a Special Land Use Permit.
- U. Resolution to set a public hearing date of November 28th, 2022 to consider ordinance amendments to Article 1, Table B of the Sign Ordinance to add language to permit projecting signs to be located no higher than the sign band and no less than 8 ft. above grade.

**VI. UNFINISHED BUSINESS**

**VII. NEW BUSINESS**

**10-263-22 Public Hearing of Necessity - Birmingham Shopping District Special Assessment District Renewal**

The Mayor opened the public hearing.

ACM Ecker presented the item.

Sam Surnow, member of the Birmingham Shopping District (BSD) Board, spoke in support of the request.

Public Comment

Kamran Karimpour, owner of Birmingham Design Studio, said he would like to see more marketing on behalf of the businesses along S. Old Woodward.

CM Markus encouraged Mr. Karimpour work with the BSD Board on possibly increasing the marketing of S. Old Woodward businesses.

Mr. Surnow concurred with CM Markus, and added that attracting significant retailers and maintaining the City's aesthetics benefit all Birmingham businesses.

Ms. Pohlod, member of the BSD Board, concurred with Mr. Surnow. She also invited Mr. Karimpour to attend the BSD's marketing meetings.

The Mayor closed the public hearing.

In reply to Commission comment, ACM Ecker stated she would have to let the Commission know the retail and office occupancy rates for 2021 and the BSD's total revenue with the proposed budget increase would be approximately \$1.2 million.

Commissioner Baller voiced his support of the request. MPT Boutros concurred.

**MOTION:** Motion by MPT Boutros, seconded by Commissioner Haig:  
 To declare necessity and approve a Special Assessment District with special assessments levied in accordance with benefits that will be derived for the properties within such assessment district. The City Commission further directs the Manager and City staff to follow all the prescribed requirements and steps detailed in City Code Chapter 94 for Special Assessments. The Special Assessment District shall include all properties within the Birmingham Shopping Districts 1 and 1A. And, the City Commission will meet on



Monday, November 14, 2022 at 7:30 P.M. for the purpose of conducting the Confirmation of the Assessment Roll for the Birmingham Shopping District Special Assessment for properties within the Birmingham Shopping Districts 1 and 1A.

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

Nays, None

**10-264-22 Public Hearing for 100 Townsend – Townsend Hotel – Special Land Use Permit Amendment (Ownership Change)**

The Mayor opened the public hearing.

PD Dupuis presented the item.

Kelly Allen, attorney, and Sheldon Yellen, one of the principals of BHIP Townsend Hotel, LLC spoke on behalf of the request.

Ms. Allen thanked Staff for their work on this item.

Mr. Yellen briefly spoke about his history with the City and his excitement about being part of the Townsend's ownership team.

Seeing no public comment, the Mayor closed the public hearing.

**MOTION:** Motion by MPT Boutros, seconded by Commissioner Haig:  
To adopt a resolution to approve a Special Land Use Permit Amendment for 100 Townsend – Townsend Hotel – to allow the transfer of ownership and the existing Special Land Use Permit from THC Investors Limited Partnership to BHIP Townsend Hotel, LLC; and further to direct the Mayor and City Clerk to sign the Special Land Use Permit agreement on behalf of the City.

MPT Boutros congratulated Mr. Yellen.

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

Nays, None

**10-265-22 Public Hearing to amend Article 3, Section 3.04, Article 3, Section 3.09,**

**Article 4, Section 4.90 and Article 9, Section 9.02 of the Zoning Ordinance to revise the window standards to adjust the definition of clear glazing and to eliminate lightly tinted glazing**

The Mayor opened the public hearing.

PD Dupuis presented the item.

Seeing no public comment, the Mayor closed the public hearing.

PD Dupuis then answered brief informational questions from the Commission.

The Mayor noted that this change would allow new construction to have reduced energy consumption moving forward.

Commissioner Baller thanked PD Dupuis for linking to the relevant agendas and minutes as part of his report. The Mayor commented that linking the the agendas and minutes instead of excerpting them directly was also a more environmentally friendly option.

**MOTION:** Motion by Commissioner Baller, seconded by Commissioner McLain:  
To adopt an ordinance to amend Article 3, Section 3.04, Article 3, Section 3.09, Article 4, Section 4.90 and Article 9, Section 9.02 of the Zoning Ordinance to revise the window standards to adjust the definition of clear glazing and to eliminate lightly tinted glazing.

Commissioner Host said it was nice to see this item completed.

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

Nays, None

**10-266-22 Public Hearing to amend Article 3, Section 3.04, Article 3, Section 3.09, Article 4, Section 4.90 and Article 9, Section 9.02 of the Zoning Ordinance to revise the window standards to adjust the definition of clear glazing and to eliminate lightly tinted glazing.**

The Mayor opened the public hearing.

PD Dupuis presented the item.

Seeing no public comment, the Mayor closed the public hearing.

BO Johnson and PD Dupuis answered brief informational questions from the Commission.

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

To adopt an ordinance to amend Article 4, Section 4.03 of the Zoning Ordinance to add language to permit air conditioning units in the required side yard under certain conditions.

Commissioner Host complemented PD Dupuis and BO Johnson on recommending this change.

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

Nays, None

PD Dupuis credited CP Blizinski with the majority of the work on preparing this item.

**10-267-22 W. Brown Street & Chester Street Enhanced Safety Features**

SP Cowan presented the item and answered brief informational questions from the Commission.

**MOTION:** Motion by MPT Boutros, seconded by Commissioner Host:  
To adopt a resolution to approve the striping of eastbound Brown Street to delineate the existing parking lane with a solid white line from Stanley to Chester Street, add a "Turning Vehicles Yield to Pedestrians" sign on the southbound Chester St. approach, add "Pedestrian Crossing Ahead" signs in advance of the Chester St. and Henrietta Street intersections, and reduce the traffic lanes of Chester Street from 4 lanes to 2 lanes between Townsend Street and W. Brown by adding metered on-street parking in place of the former vehicular lanes.

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

Nays, None

**10-268-22 W. Brown Street & Chester Street Enhanced Safety Features**

SP Cowan presented the item and answered brief informational questions from the Commission.

Commissioner Baller recommended the Commission explore opening Chester at W. Brown in the future.

**MOTION:** Motion by MPT Boutros, seconded by Commissioner Host:  
To adopt a resolution to approve the striping of eastbound Brown Street to delineate the existing parking lane with a solid white line from Stanley to Chester Street, add a "Turning Vehicles Yield to Pedestrians" sign on the southbound Chester St. approach, add "Pedestrian Crossing Ahead" signs in advance of the Chester St. and Henrietta Street intersections, and reduce the traffic lanes of Chester Street from 4 lanes

to 2 lanes between Townsend Street and W. Brown by adding metered on-street parking in place of the former vehicular lanes.

Commissioner McLain advised the public that the evening's agenda packet had more information explaining the reasoning behind these changes.

Commissioner Baller said he was surprised not to see anyone from the neighborhood speaking on the proposal since it could allow for the opening of Chester at W. Brown in the future.

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

Nays, None

**10-269-22           Brown Street Lane Reduction between S. Old Woodward & Woodward Avenue**

SP Cowan presented the item.

SP Cowan, ACE Zielinski, Brad Strader, MKSK, and Julie Kroll, F&V, answered brief informational questions from the Commission.

Ms. Kroll clarified that the right turn cut-in to the Jax Kar Wash parking lot would be present in both Alternative A and Alternative B, even though the right turn was inadvertently omitted from the diagram of Alternative B.

It was noted that the aforementioned right turn would be for employees only to access employee parking.

The Mayor recommended that the aforementioned right turn be signed to notify Jax patrons that a left turn should not be made into that portion of the parking lot.

ACE Zielinski noted that the proposed small traffic island would make it much more difficult for vehicles to make an illegal left into the parking lot.

Commissioner Baller said these proposed changes would represent a significant improvement to this area. He said he would be willing to support Alternative B because the parking spaces could be useful in that area and the City's consultants did not advise against new spaces.

Ms. Kroll confirmed that if the two parking spaces shown in Alternative B were restricted to short-term parking, the spaces would be appropriate for the present land use and would pose no hazard.

CM Markus said adding the two spaces would be inconsistent with the City's policy of not providing on-street parking for a specific use. He noted that the two spaces would also remove existing green space, and that there was a parking deck right across the street from the two proposed spaces.

Mr. Strader noted that the MMTB's recommendation was based on the same facts CM Markus was highlighting. Mr. Strader explained that Police Department was also not in favor of creating a short-term parking enforcement zone for those two spaces.

Commissioner Host noted that adding the two parking spaces could increase the possibility of vehicular conflict.

Mr. Strader confirmed that would be possible.

Commissioner Haig said he was not in favor of Alternative B for the reasons described by CM Markus.

**MOTION:** Motion by Commissioner Haig, seconded by Commissioner Host:  
To adopt a resolution to approve the reconfiguration of E. Brown Street reduced to one lane eastbound at Woodward Ave with an extended sidewalk, a midblock pedestrian crossing, and an additional median as illustrated in Alternative A.

Commissioner Host said these changes would make the area safer and more walkable.

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

Nays, None

**10-270-22 Lease Agreement with Hunter House Hamburgers**

CA Kucharek presented the item.

Commissioner Baller stated he supported the proposal. He also noted this would allow the use of public property for the benefit of a specific business.

CM Markus reiterated the fact that the City would have the right to unilaterally sever the agreement with 30 days notice at any time. He noted that this agreement should not be construed as favoring either side in the broader conversation between Hunter House and Select Commercial Assets Hospitality.

The Mayor concurred, stating that this arrangement would merely allow the City to collect fees for Hunter House's present use of public property.

In reply to Commissioner Host, CM Markus stated that making the lease month-to-month from the outset could help indicate the City's desire to see the property developed.

MPT Boutros said he was supportive of development beginning on the site soon, and said he only supported this proposal in order to receive payment for Hunter House's use of public property.

Commissioner Haig advocated preventing further use of the public space by Hunter House rather than entering into a lease. He said the City should avoid participation in any aspect of the issue between Hunter House and Select Commercial Assets Hospitality.

ACM Ecker confirmed for the Mayor that Hunter House would not need additional parking if they were not granted a lease of the public space because Hunter House is a non-conforming use.

CA Kucharek clarified that the non-conforming use would cease if Hunter House were to gain City approval for any changes to the property.

#### Public Comment

Kelly Cobb, owner of Hunter House, said closing off the public space would both pose challenges to the operation of the Hunter House and to safe traffic flow on-site and in the area. He noted that the granting of this lease would not preclude development of the site. He said Hunter House would not be able to operate without a lease of the public space due to the need to store items in that area. He thanked Staff for their work on the item.

Robert Weisberg, attorney for Select Commercial Assets Hospitality, said the Commission should not now lease this property to Hunter House since they previously denied a lease of the same property to Select Commercial Assets Hospitality. He said doing otherwise would seem like choosing sides between Hunter House and Select Commercial Assets Hospitality. He said the City should not favor Hunter House, a non-landowner, over Select Commercial Assets Hospitality, the adjoining landowner. He noted that patrons of Hunter House would still be able to park in the City's other available parking in order to patronize the establishment.

Hesham Gayar, owner of Select Commercial Assets Hospitality, spoke about his intentions for the property and his efforts to move the development forward. He said he wanted fair treatment in this process.

The conversation returned to the Commission.

The Mayor noted that Dr. Gayar could still develop his property independent of the adjacent public space.

CM Markus explained that would not be the most efficient way to develop land. He continued that allowing Dr. Gayar to develop his property along with the adjacent public space would align with the Master Plan recommendation to eliminate surface lots. He noted that the development would also provide the parking required for the on-site uses. He proposed the creation of a three-party lease that would allow Hunter House the lease of the space only until Select Commercial Assets Hospitality begins development, at which time the lease would move over to Select Commercial Assets Hospitality.

Commissioners Host, McLain, and Baller supported CM Markus' recommendation.

Commissioner Haig said he would not be in favor of CM Markus' recommendation without some kind of date certain. He also stated that three-party agreements can be very difficult.

MPT Boutros concurred with Commissioner Haig, Mr. Weisberg and Dr. Gayar. He said that Dr. Gayar was presenting a project that met the City's goals for the area and wanted to invest in the City, and that Dr. Gayar should be permitted to do so.

Commissioner Schafer said she did not want to be party to the broader conversation between Hunter House and Select Commercial Assets Hospitality. She said she would rather have them return with an agreement for the site.

The Mayor said she would be willing for the City Manager and City Attorney to take a short period of time to try and construct a three-party lease that would force movement towards a solution. She said she was disappointed to hear from Mr. Cobb that Hunter House and Select Commercial Assets Hospitality have not spoken since the last time they both appeared before the Commission.

In reply to the Commission, CM Markus said Staff could likely return with a proposal for a three-party lease at the next Commission meeting.

In reply to the Commission, CA Kucharek recommended the Commission give the parties until November 30, 2022 to either agree to a three-party lease or for Hunter House to vacate the public space in question.

In reply to Commissioner Baller, CM Markus said the lease would convey the right to develop the property to Select Commercial Assets Hospitality, with the understanding that the Hunter House can use the property and pay the lease amount until the development begins.

The Mayor said there would also be a date certain in the lease.

In reply to Commissioner Haig, CM Markus stated that third-party concerns about Dr. Gayar's proposal would not prevent the City from approving the development as long as the development applies with all requisite laws, codes, and ordinances.

**MOTION:** Motion by MPT Boutros, seconded by Commissioner McLain:  
To direct the City Manager and City Attorney to draft a three-party agreement resolving the use of the City's property.

CM Markus confirmed a date certain would be included in the proposed three-party agreement.

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

Nays, None

**10-271-22                    2022 Parking Equipment Recommendation**

CM Markus introduced the item. PSM Ford presented the item.

In response to Commissioner Baller, CM Markus stated that the City was looking at whether SP+ would continue handling payment processing for parking on an ongoing basis.

Rob Puhr of Traffic and Safety Control Systems stated that cameras were not part of the RFP. He noted that credentials would be restricted to a single parking deck. He noted that the City could also choose not to allow a phone number as a credential.

PSM Ford and Mr. Puhr answered brief informational questions from the Commission.

**MOTION:** Motion by Commissioner McLain, seconded by MPT Boutros:  
To adopt a resolution to approve an agreement with Traffic and Safety Control Systems for the purchase and installation of new TIBA parking equipment at all five City structures in the amount not to exceed \$654,856. Additionally, to approve a five-year agreement with Traffic & Safety Control Systems for software fees which include eValidations, monthly permit management system and required equipment software in an amount not to exceed \$169,720 and to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

MPT Boutros said this system offered more of the experience that the public wanted.

The Mayor said the Commission hoped these changes would allow the public to be less frustrated in their interactions with Birmingham's parking decks.

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

Nays, None

**10-272-22                    770 S. Adams / FHS Birmingham Construction Staging Area and Construction Coordination Agreement**

The Mayor recused herself from the item citing a business relationship between her spouse and FHS Birmingham.

MPT Boutros assumed facilitation of the meeting.

CE Coatta presented the item. CE Coatta and CM Markus answered brief informational questions from the Commission.

Commissioner McLain said she was impressed with how the project area was organized with pedestrian safety in mind.

Rick Rattner, attorney, was present on behalf of the project.

**MOTION:** Motion by Commissioner Baller, seconded by Commissioner Schafer:  
To adopt a resolution to approve an agreement with FHS Birmingham L.L.C. and Frank Rewold & Sons, Inc. for the coordination of construction activities related to 770 S. Adams on S. Adams Road, Haynes Street, S. Worth Street, and the 16' public alley and to authorize the Mayor and the City Clerk to sign the agreement on behalf of the City.



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

Nays, None

**10-273-22 MS4 Separate Storm System Ordinance Amendment**

The Mayor rejoined the meeting and resumed facilitation.

CE Coatta presented the item and answered brief informational questions from the Commission.

**MOTION:** Motion by Commissioner Baller, seconded by Commissioner Haig:  
To adopt an ordinance to amend Part II of the City Code, Chapter 114 – Utilities, Article III. – Sewer Service, Division 5. – Separate Storm Water Sewer System, to include post construction stormwater standards for water quality.

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

Nays, None

**10-274-22 2023 Insurance Carrier Change – Blue Cross Blue Shield**

HRM Lambert presented the item.

The Mayor commended HRM Lambert for his work on the item.

**MOTION:** Motion by Commissioner McLain, seconded by Commissioner Host:  
To adopt a resolution to authorize Gallagher & Associates, to proceed with implementing Blue Cross Blue Shield insurance for the City’s insurance members, starting on January 1, 2023.

Commissioner McLain noted that there would be no lifetime dollar maximum, which she said is very important.

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

Mayor Longe

Nays, None

**10-275-22                    South Well Sites/Well Sites**

PRM Laird and CM Markus presented the item.

In reply to Commissioner Baller, CM Markus stated that the planning process, which includes a public engagement aspect, determines what uses would be most appropriate for different parks.

Commissioner Haig noted that the public property of the southern parcel includes the northern part of the parking strip.

CM Markus recommended that portion remain parking because it also provides ingress and egress for the two side streets.

Commissioner Haig said he thought that appropriate and asked if it should be designated as parking.

CM Markus recommended that the Parks and Recreation Board be allowed to return with a recommendation for that area.

In reply to Commissioner Host, CM Markus said the northern parcel should likely retain a parking area as well to prevent parking from going into the neighborhoods. He noted that ultimately the Parks and Recreation Board would make a recommendation for that area as well.

**MOTION:**                    Motion by Commissioner Haig, seconded by Commissioner Host:  
To designate South Well sites as parks, and further direct the City Manager to have additional research conducted, prepare recommendations to the Parks and Recreation Board for their deliberations, and recommendation to the City Commission.

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

Nays, None

**10-276-22                    Banner Background Info**

**MOTION:**                    Motion by Commissioner Baller, seconded by Commissioner Host:  
To pend Item M to the next convenient meeting.

ROLE CALL VOTE:                    Ayes, Commissioner Schafer  
   Commissioner Host  
   Commissioner McLain  
   MPT Boutros

Commissioner Haig  
Commissioner Baller  
Mayor Longe

Nays, None

**Commission Items for Future Discussion  
Commission Discussion On Items From A Prior Meeting**

**VIII. REMOVED FROM CONSENT AGENDA**

**IX. COMMUNICATIONS**

**X. REPORTS**

A. Commissioner Reports

Commissioner Haig reported on Fire Ops 101. He commended the Fire Department Staff and IT & Media Specialist Jamil Kim for providing media coverage of the experience.

Commissioner Host said he would report on the MML Convention at the Commission's next meeting.

Commissioner Baller and the Mayor both spoke positively about the Big Night Out, which benefited NEXT.

The Mayor stated the Michigan Council for Arts and Cultural Affairs awarded the Birmingham Bloomfield Arts Center (BBAC) two grants, and said the BBAC expressed gratitude to the City for its support of the BBAC's grant applications.

B. Commissioner Comments

Commissioner McLain said she would be attending the Civility Project at Oakland University and would report back on it at a future meeting.

Commissioner Host said he wanted the two charts from Appendix 2 of The Birmingham Plan (1980) put on the record.

CC Bingham noted that the two charts were included with the City's archives for the October 4, 2022 Commission meeting.

CM Markus, Commissioner Host, and Commissioner Haig briefly got into a discussion of the charts' significance.

It was noted that topic was not on the evening's agenda and was beyond the scope of Commissioner Comments.

The Mayor acknowledged the members of the public who spoke earlier in the evening about an issue relating to the Baldwin House. She asked CA Kucharek to address what action the City was empowered to take regarding the issue.

CA Kucharek briefly summarized the City's ongoing actions regarding the issue.

The Mayor commented that former Mayor Dorothy Conrad is a beloved member of the community and was well-represented in the Baldwin House matter.

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

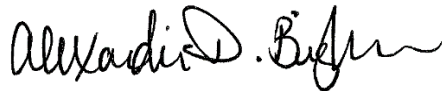
CM Markus recommended the Commission look at the Surnow's development of the former Christian Science Church and the Boji Group's development of the Panera Building. He commended both developers on their work in preserving Birmingham's historic resources.

Commissioner Baller also commended the City and the boards for insisting that Birmingham's historic resources be preserved.

INFORMATION ONLY

**XI. ADJOURN**

Mayor Longe adjourned the meeting at 12:28 a.m.



Alexandria Bingham  
City Clerk



Laura Eichenhorn  
City Transcriptionist