

**Birmingham City Commission Minutes**  
**May 22, 2023**  
**Municipal Building, 151 Martin**  
**7:30 p.m.**  
**Vimeo Link: <https://vimeo.com/824941849>**

**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 McLain  
Commissioner Baller  
Commissioner Boutros  
Commissioner Haig  
Commissioner Host  
Commissioner Schafer

Absent: None

Staff: City Manager Markus; Information Technology Assistant Abdullaah, City Clerk Bingham, Information Technology Manager Brunk, Information Technology Assistant Carrick, City Engineer Coatta, Planning Director Dupuis, Assistant City Manager Ecker, Parking Systems Manager Ford, Finance Director Gerber, Deputy Treasurer Katz, City Attorney Kucharek, Museum Director Pielack

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

**Announcements**

- Proclamation declaring the first Friday in June to be National Gun Violence Awareness Day
- Thank you for joining us at the DPS Open House on May 13th! Your presence made it a day of family fun and community engagement. We appreciate your support, enthusiasm, and interest in meeting our City staff, exploring equipment displays, and learning from informational exhibits. A special thanks to all city staff and volunteers who helped make this event a resounding success.
- Thank you to all the parade participants, vendors, and visitors who took part in the Celebrate Birmingham Parade and Party in Shain Park. We are grateful to the sponsors of the event and the multiple City departments and organizations that worked together to present this family-focused gathering. For a glimpse into the memorable moments, please visit [www.bhamgov.org/parade](http://www.bhamgov.org/parade) to view photos and videos.

**Appointments**

**05-110-23 Appointment to the Advisory Parking Committee**

Michelle Moody was interviewed by the Commission for the appointment.

**MOTION:** Nomination by MPT Boutros:

To appoint Michelle Moody to the Advisory Parking Committee as a regular member who is a resident to serve the remainder of a three-year term to expire September 1, 2025.

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

Nays, None

The Mayor noted for the public that the Advisory Parking Committee had additional openings.

CC Bingham swore in Ms. Moody.

**Employee Recognition**

1. Gavin Carrick, IT Assistant
2. Mazumder Abdullaah, IT Assistant

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

The Mayor announced that public comments during the evening’s proceedings would be limited to three minutes each.

**V. CONSENT AGENDA**

**05-111-23 Consent Agenda**

The following items were pulled from the Consent Agenda:

- CC Bingham and Commissioner Host:
  - Item C – City Commission Regular Minutes of May 8, 2023
- Commissioner Haig:
  - Item H – Collection Deaccession-Birmingham Museum School Yearbooks
- Commissioner Host:
  - Item L – 2023 North Old Woodward Parking Structure Repair Project Award

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner Schafer: To approve the Consent Agenda excluding Items C, H, and L.

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

Nays, None

- A. Resolution to approve the City Commission Budget Hearing meeting minutes of April 29, 2023.
- B. Resolution to approve the City Commission workshop meeting minutes of May 8, 2023.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated May 11, 2023 in the amount of \$1,176,829.18.
- E. Resolution to approve the warrant list, including Automated Clearing House payments, dated May 18, 2023 in the amount of \$1,326,509.93.
- F. Resolution to approve a special event permit as requested by the Schools Offer Support to hold the Strides for SOS Race on October 1, 2023 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.
- G. Resolution to opt into Oakland County’s Urban County Community Development Block Grant (CDBG) programs for the years 2024, 2025 and 2026. Furthermore, to remain in Oakland County’s Urban County Community Development programs, which shall be automatically renewed in successive three-year qualification periods of time, or until such time that it is in the best interest of the City to terminate the Cooperative Agreement.

- I. Resolution to approve the purchase of (3) 2023 GMC Sierra 1500 Trucks from Todd Wenzel Buick GMC of Westland, located at 35100 FORD RD, WESTLAND, MI 48185, through State of Michigan MiDeal Contract # 071B7700184, MiDeal Spec # 0073-4WDL, in the amount not to exceed \$45,301.70 per truck for total amount not to exceed \$135,905.10. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funds for this purchase are available in the FY 2022-2023 Auto Equipment Fund account #661.0-441.006.971.0100.
- J. Resolution to award the project to ProPump & Controls, Inc. in the amount not to exceed \$24,583.05. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for this project is available in account #584.2-753.001-981.0100.
- K. Resolution to approve an agreement with McKenna for the preparation of the City's Parks and Recreation Master Plan update in the amount not to exceed \$68,500. 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 # 101.0-751.000-811.0000.

**05-112-23 City Commission Regular Minutes of May 8, 2023 (Item C)**

Commissioner Host requested that the word 'urgent' be added to the Woodward noise item.

CC Bingham said her Staff would review the recording. She noted that '9:25 a.m.' at the end of the minutes should be changed to '9:25 p.m.'

**MOTION:** Motion by Commissioner Baller, seconded by Commissioner Haig:  
To approve the Commission regular meeting minutes of May 8, 2023.

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

Nays, None

**05-113-23 Collection Deaccession-Birmingham Museum School Yearbooks (Item H)**

MD Pielack answered two brief informational questions about the project.

**MOTION:** Motion by Commissioner Haig, seconded by Commissioner Host:  
To approve the deaccession and disposal of 87 redundant and damaged school yearbooks from the Birmingham Museum's permanent collection in accordance with the Birmingham Museum Collection Policy.

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

Nays, None

**05-114-23 2023 North Old Woodward Parking Structure Repair Project Award (Item L)**

Commissioner Host noted that on July 5, 2019, WJE said that the City had neglected \$6.2 million of maintenance on the N. Old Woodward parking deck over the prior ten years. He noted that with this present motion the City would still be short \$4 million from the 2019 estimate.

PSM Ford answered a brief informational question about the parking deck improvements.

Commissioner Host spoke in support of the item and commended PSM Ford and CM Markus for their continued efforts to improve the parking decks.

**MOTION:** Motion by Commissioner Host, seconded by Commissioner McLain:  
To award the contract to RAM Construction for the proposed work at the North Old Woodward Parking Structure in the amount of \$803,286.00; further, to authorize the Mayor and City Clerk to sign the contract on behalf of the city.

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

Nays, None

**VI. UNFINISHED BUSINESS**

**05-115-23 Public Hearing – Proposed Amendments to Chapter 126 (Zoning) – Outdoor Dining**

The Mayor opened the public hearing at 7:53 p.m.

PD Dupuis presented the item.

Public Comment

Kelly Allen, attorney for Toast and Social, thanked the City on behalf of her clients and said the proposed ordinance amendments were a great result.

Seeing no further public comment, the Mayor closed the public hearing at 8:07 p.m.

PD Dupuis, CM Markus, and CA Kucharek answered informational questions from the Commission.

Commissioner Baller said, regarding the furnishing zone, the Planning Board usually likes to have specific standards so they can make objective judgments on whether a feature should be allowed.

Commissioner Haig observed that any structure with an HVAC system could not be considered a temporary structure.

Commissioner Boutros thanked those who were involved in crafting the ordinance amendments. He described the proposed ordinance amendments as fair and meeting the needs of both the public and the business owners in the City.

MPT McLain noted that the intent of the ordinance was to provide clear guidelines and to allow for a balanced and consistent application of those guidelines. She encouraged residents to communicate with Staff about any potential obstructions or problems they encounter with outdoor dining.

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner Haig:  
To adopt an ordinance to amend Chapter 126 (Zoning), Article 3, Section 3.04, Article 3, Section 3.16, Article 4, Section 4.44, and Article 9, Section 9.02 to provide clear and enforceable outdoor dining standards.

AND

To adopt an ordinance to amend Chapter 98 (Streets, Sidewalks and Other Public Places), Articles 2 and 3 to add language for outdoor dining facilities on public property.

Commissioner Host thanked the Planning Board for their extensive work on the item and offered his support for increasing conformity among outdoor dining locations in the City.

Commissioner Haig said the ordinance amendments were offering minimum standards for outdoor dining. He said that Birmingham is an aspirational community and part of that is maintaining standards. He said the ordinance amendments were a change for the better.

The Mayor thanked the Planning Board and Staff for their work on the item. She noted the many competing interests in crafting the ordinance amendments listing the aims of maintaining the community's health, safety, and welfare; maintaining public assets for the public good; having a welcoming, lively, and entertaining downtown; attracting visitors; and, supporting businesses. She said the ordinance amendments were a good balance of those interests.

Public Comment

David Bloom said it would be appropriate to prohibit the continued use of a preexisting nonconformity after a transfer of ownership.

Joe Bongiovanni, proprietor of four restaurants in the City, said ACM Ecker should have been more involved in the process of amending these ordinances, that the impetus for these amendments was a City survey demonstrating the popularity of outdoor dining and direction from the Commission to find ways of increasing outdoor dining, and that he hoped the community saw that nonconforming establishments bring value to the City.

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

Nays, None

**VII. NEW BUSINESS**

**05-116-23 Public Hearing – Confirmation of Special Assessment District Roll 904 Brown Street Paving – Sidewalk and Streetscape**

The Mayor opened the public hearing at 8:55 p.m.

FD Gerber introduced DT Katz. DT Katz presented the item.

Seeing no public comment, the Mayor closed the public hearing at 8:58 p.m.

There was no Commissioner comment or inquiry on the item.

**MOTION:**                   Motion by Commissioner Boutros, seconded by Commissioner Host:  
WHEREAS, Special Assessment Roll, designated Roll No. 904, has been heretofore prepared for collection, and

WHEREAS, notice was given pursuant to Section 94-7 of the City Code, to each owner or party-in-interest of property to be assessed, and

WHEREAS, the Commission has deemed it practicable to cause payment of the cost thereof to be made after the time of construction and

WHEREAS, The Commission Resolution 05-104-23 provided it would meet this 22nd day of May, 2023 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this May 22, 2023, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 904 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.

BE IT FURTHER RESOLVED, that special assessment shall be payable in ten (10) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of nine and one quarter percent (9.25%) on all unpaid installments.

All Parcel ID/Sidwell numbers as listed on page three of Item 7A of the Agenda.

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

Nays,   None

**05-117-23   Brown Street Paving Project Contract # 5-23 (P) Contract Award**

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

Commissioner Baller noted that the City was making it safer to cross a State road and was not receiving any funds from the State to do so. He said that the area will become a higher-traffic pedestrian area and raised concerns about using concrete planter boxes.

Commissioner Haig recommended the City consider bell bollards to protect the planter boxes.

In reply to Commissioner Baller, the Mayor said she was sure the City would address issues with permit parking access to the Peabody Deck if such issues arose.

**MOTION:**                    Motion by Commissioner Boutros, seconded by Commissioner Host:  
To approve the construction project budget and award Brown Street Paving Project #5-23 (P) to V.I.L. Construction in the amount of \$1,832,529.69 and not to exceed \$1,924,156.18. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City after the review of V.I.L. Construction’s insurance and bonds, contingent upon execution of the agreement and meeting all insurance and bonding requirements. Funding for this project has been budgeted in the accounts as stated in Item 7B, pages three and four.

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

Nays,   None

**05-118-23   Public Hearing – The Birmingham Plan 2040**

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

PD Dupuis introduced Matt Lambert of DPZ, Laura Haw of McKenna, and Planning Board Members Clein, Emerine, Share, and Boyle. He thanked Planning Department Staff, the City Commission, and City Administration for their support of the master planning process. He then presented the item.

The Mayor commended PD Dupuis on the presentation.

Public Comment

Larry Lyng said he and some other residents of Bird Avenue would prefer that the north side of 14 Mile between Grant and Woodward remain zoned only for single-family residential. He provided the Commission with a petition to that effect.

Linda Schrenk said some people had the impression that allowing multi-family homes to be built near single family homes lowers the value of single family homes. She said she heard from some single family homeowners concerned about that possibility. She asked about a perceived discrepancy between the 2040 Plan anticipating an increase in the City's population and the Birmingham School Board reporting a decrease in children attending the City's public schools.

Norm Cohen spoke in opposition to accessory dwelling units (ADUs) being allowed on Bird Avenue. He said there could be issues with increased parking demand, decreased privacy, and a change in the present homeowners' views.

Kevin Kozlowski said that increasing residential and light mixed-use development would help the City's residents achieve their sustainability, traffic, infrastructure, and safety goals through increased walkability. He said that the elimination or reduction of minimum parking requirements needed to be studied in order to make Birmingham more walkable. He spoke in favor of more detail in the cycling plan and said that while the 2040 Plan spoke to the benefits of commercial destinations in the neighborhoods, it proposed few zoning changes to allow them. He said the Commission should determine whether Birmingham aims to truly be a walkable city, and if so the 2040 Plan should be revised with that aim in mind.

Michael Shock raised concerns about potential future upzoning of Oakland Ave. He also reported having the impression that allowing multi-family homes to be built near single family homes lowers the value of single family homes. He suggested that the single family homes on Oakland provide a better buffer between Woodward and the Little San Francisco neighborhood.

Larry Bertollini said he was concerned that the 2040 Plan would allow properties abutting single family homes to be developed to similar densities as properties further from single family homes. He said properties abutting single family homes should be treated uniquely, with more limitations on the permitted density.

Denise Rumzey asked whether many City infrastructure projects would require bonds, which would require a public vote. She questioned the proposed zoning for the Adams Square area. She asked the City to maintain the green space at Eton and Lincoln since there was presently no park in the Torry neighborhood.

In reply to Mr. Bertollini and Ms. Rumzey, PD Dupuis said the appropriateness of zoning for an area would be considered as part of any future potential zoning change process.

~~Mr. Bloom commented on the seams, access zone, R-2 and R-3 zones, commercial destinations in parks, ADUs, Haynes Square, and the process of zoning changes. said that the City should speak with residents in the potential future TZ 3, R 7, and R 6 zones about said residents' preferences, that he was concerned with portions of the proposed access zone, that some homes in the R 2 and R 3 zones exceed the height allowances, that commercial destinations in parks should likely be limited to kiosks or food trucks, that ADUs would need to be studied carefully, that the City should study plans for Haynes Square carefully and consider potential alternative plans, and that staying aware of potential zoning changes would require effort and attention from residents who do not spend extra money to live in Birmingham to have to have that pressure and stress on them.~~<sup>1</sup>

Peggy Peterson said she was concerned about the new mixed use development on Adams because of present traffic congestion from Haynes to Maple and from Haynes to Woodward.

In reply to an inquiry from Ms. Peterson, PD Dupuis explained that the aforementioned development on Adams, like all larger developments in the City, submitted a Community Impact Study (CIS). He explained that the CIS includes a Transportation Impact Study. He explained those studies are reviewed by the Planning Board as part of the project consideration process.

Paul Reagan Regan<sup>2</sup> said that the 2040 Plan's vision was one of increased density, which he said was unnecessary and out of the character of the City.

Kim Delgrosso asked whether the 2040 Plan could be described as similar to a '15 Minute City' plan.

<sup>1</sup> As amended at the June 5, 2023 meeting.

<sup>2</sup> As amended at the June 26, 2023 meeting.

PD Dupuis explained that a '15 Minute City' aims to create areas where civic, commercial, and recreational destinations could be reached from one's home within 15 minutes. He said there was some similarity between that concept and the 2040 Plan.

In reply to a further inquiry from Ms. Delgrosso, the Mayor said she did not believe the 2040 Plan was designed to control public behavior.

The Mayor noted that there were late correspondences received by the Commission from Mr. Bertollini, which he spoke to during the present meeting, from Robert Gibbs regarding the benefits of multi-family housing, from Mr. Colosanti and Mr. Rider requesting that ADUs be considered for R-1, R-2, and R-3 zoning, and a letter from Paul Sebold regarding changes over time. She noted that the City Clerk would file all received correspondences.

A number of the commenters thanked those involved for their work on the 2040 Plan.

The Mayor closed the public hearing at 10:32 p.m.

Staff answered informational questions from the Commission.

Comments from Commissioners were as follows:

- The change to the recommended zoning to the area off northwest at<sup>3</sup> Lincoln and Eton might not be considered non-substantive to the residents who requested the change. The Planning Board and Staff spent a substantial amount of time and energy on the master planning process. The Commission had limited opportunity to ask questions or discuss the draft 2040 Plan. Aspects of the draft 2040 Plan were welcome, including maintaining neighborhood character. Some aspects of the draft 2040 Plan may be superfluous given that Birmingham is already a flourishing community. The joint Commission-Planning Board meeting for June 12, 2023 should have remained scheduled in order to provide further time to discuss the draft 2040 Plan. There were no estimated costs for the proposals in the draft 2040 Plan. Some of the aspects of the draft 2040 Plan reflect a pre-Covid-19 context. The City has recently approved residential development that would accommodate a large percentage of the projected 25 year population increase in Birmingham. The process of approving the draft 2040 Plan should not be rushed;
- The draft 2040 Plan was written for the benefit of younger generations. It was possible for Commissioners to get their questions answered along the way if they so choose. Rezoning processes have to go through extensive reviews, some of which would require supermajorities if there were certain objections raised to the proposal. The draft 2040 Plan could be discussed further or could be approved presently, depending on the Commission's preferences. Sufficient information was available to approve the draft 2040 Plan presently. Gratitude was owed to all members of the public who participated in the process;
- The Planning Board and consultants invested a significant amount of effort into the master planning process. Commissioners were able to participate in the master planning process at every step along the way as members of the public. Every comment from members of the public were taken very seriously. Implementation of any aspect of the draft 2040 Plan would have to undergo thorough review. Those who worked on the draft 2040 Plan have endeavored to answer all questions that arose throughout the master planning process. The draft 2040 Plan as presented was fair, transparent, and well-studied in terms of providing the City direction over the next 20 years. The draft 2040 Plan should be approved presently;
- While the Commission had not had much opportunity to comment on the draft 2040 Plan during Commission meetings, the Commission had access to each iteration of the draft 2040 Plan and every aspect of the master planning process. The draft 2040 Plan sets forth a high-level concept, and does not rezone any parcel in the community. The Planning Board was tasked with doing the majority of the work for the draft 2040 Plan, and the Commission was responsible for trusting the Planning Board and noting any obvious issues with the draft 2040 Plan. There were no obvious issues with the draft 2040 Plan. The northeast parcel at Lincoln and Eton, the seams, and the vision for the draft 2040 Plan changed throughout the master planning process. Staff, consultants, and the Planning Board were to be thanked for their work. The public should endeavor to trust that any

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<sup>3</sup> As amended at the June 26, 2023 meeting.



rezoning processes would be subject to review by both the Planning Board and the Commission. The draft 2040 Plan should be approved presently;

- All the residents who provided comment deserve thanks. All the members of the Commission are Birmingham residents who take their responsibilities very seriously. All aspects of proposals before the Commission are reviewed and considered thoroughly. The draft 2040 Plan provides an opportunity for the public and the Commission to continue to collaborate on making the community a place where everybody can thrive. The draft 2040 Plan provides a template, not rules, for future planning. The master planning process was very public and transparent. The draft 2040 Plan should be approved presently;
- The work of the Planning Board was appreciated. It is not the role of the Commission to re-do the work of any City board. While the Commission is responsible for raising issues as they arise, it would not be appropriate to restart the review process at the Commission table. The City has boards because they do the work, have the expertise, and invest the time. The Commission does not have the history, background, or professional specializations to start over on any recommendation that comes from a City board. The Commission's role is to assess, evaluate, hear comment from the public, to hear from Staff, and to trust the work of the board that brings a recommendation to the Commission. The history of planning in Birmingham shows that a number of plans have been not implemented. Plans provide a horizon and a guide, are not guaranteed to be implemented, and do not include cost estimates. It would take an extended process for any item in the draft 2040 Plan to be implemented, and could be rejected or changed during the process. The draft 2040 Plan provides a vision, not ordinances, laws, or zoning changes. The process was done with transparency, and Staff and the Planning Board integrated many of the recommendations made by the public. It is the role of the Commission and the Staff to evaluate each proposal individually as it becomes relevant. The estimated increase in future population is based on what the Southeast Michigan Council of Governments thinks will happen in the State, and what share of those people might be attributed to Birmingham. That number does not represent an upper limit of the number of people who may want to live in Birmingham. Renters' rights was a recent topic before the Commission. New multi-family developments depress rental increases in older multi-family units through increased competition, which benefits renters. Many aspects of the draft 2040 Plan were wonderful, including sustainability, parks, and maintaining neighborhood character. Aspects that raise concern with the public will be subject to further review. Not all aspects of the 2016 Plan were implemented but allowed Birmingham to remain relevant, vibrant, and to maintain its property values. As a whole, the draft 2040 Plan was a well-written, well-researched, comprehensive document that focuses on improving quality of life, access to amenities, maintaining Birmingham as a destination, and maintaining property values and the school system. The community could be proud of the draft 2040 Plan should it pass presently;
- Staff, the Planning Board, and the consultants should be commended for improving the draft 2040 Plan during the master planning process. The process of approving the draft 2040 Plan should not be rushed. The draft 2040 Plan would be ready for approval with these three items: the seams should be eliminated from the draft 2040 Plan, the language in the draft 2040 Plan should clearly indicate that commercial destinations in the parks are not desired, and ADUs should be prohibited, as they are not compatible with a single family zoned community. Those items should be removed from the draft 2040 Plan because they set a course and define the character of the City's future. The draft 2040 Plan should be approved with those three items removed.

A number of Commissioners commented that they read every iteration of the draft 2040 Plan and attended or watched the discussions and meetings regarding the draft 2040 Plan.

Commissioner Boutros observed that the majority of Commissioners agreed with the majority of the draft 2040 Plan.

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner Schafer: To adopt and approve in its entirety the Birmingham Plan 2040, inclusive of all maps, plats, charts, and other related matter, figures and the Future Land Use Map, as recommended by the hard-working Planning Board.

Commissioner Haig said there were aspects of the draft 2040 Plan that should be reviewed further. He said that the draft 2040 Plan, once approved, would be used to set precedents. He said that a joint Commission-Planning Board meeting could be held in June 2023 to finalize the remaining few points. He said feedback was heard and improvements were made between the

first draft of the 2040 Plan and the present draft of the 2040 Plan and thanked those responsible for integrating those changes.

Commissioner Host said seams, commercial destinations in the parks, and ADUs would be boons to commercial developers and detrimental to the future. He said Birmingham was largely zoned as a single family residential community prior to 1970. He said that potentially impacting people's property values raises concerns.

Commissioner Baller said the City was not conceived of as a single family residential community, and noted that 30% of Birmingham's housing stock was multi-family residences. He said the concerns raised had been addressed. He said he had not heard a proposal for how further review would proceed. He said he would vote to support the motion and that he had not heard a good alternative process offered.

Commissioner Schafer said the Commissioners supporting the draft 2040 Plan felt good about doing so. She said those Commissioners feel a duty to all of the residents, including those who live in multi-family residences.

The Mayor said that regarding seams, commercial destinations in the parks, and ADUs, the Commission represents the entirety of the City and not just those who attend meetings and provide comment. She noted that the survey data and charrettes indicated that ADUs were supported by 50% of Birmingham respondents. She said those three topics would be further discussed should they be raised at the Planning Board level in the future. Regarding the seams, she noted that no one would force residents to sell their property to a developer intent on building multi-family residences. She noted that a recent lot split had three Commissioners vote against it because they did not see the need for an additional unit of housing on that street. She said the opportunity to support, oppose, or come to a consensus on the items set forth in the draft 2040 Plan would continue to exist. She said those processes would be years in the making, so that everyone had time to participate.

#### Public Comment

Ms. Schrenk asked that the draft 2040 Plan remove the seams and multi-family units from all neighborhoods.

Mr. Lyng said seams should be eliminated, the language should clearly indicate that commercial destinations in the parks are not desired, and ADUs should be prohibited.

Mr. Bloom raised concerns about passing the draft 2040 Plan presently. He stated that the draft 2040 Plan would significantly change the community, and was being advanced over a number of residents' objections.

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

                                  Nays,   Commissioner Host  
  Commissioner Haig

### **05-119-23   Water/Sewer Rate Changes for 2023-2024**

FD Gerber presented the item.

**MOTION:**                Motion by Commissioner 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, 2023 as recommended in the attached Water/Sewer Rate Changes Report for 2023-2024 by Finance Director Mark Gerber dated May 11, 2023 and approve the appropriation and amendment to the 2023-2024 Sewage Disposal Fund as follows: page 7D, page four.

ROLL CALL VOTE:     Ayes,   MPT McLain  
  Commissioner Boutros

Mayor Longe  
Commissioner Schafer  
Commissioner Baller  
Commissioner Host  
Commissioner Haig

Nays, None

**Commission Items for Future Discussion**

**05-120-23 Parking Deck Enhancements**

**MOTION:** Motion by Commissioner Baller ~~Boutros~~<sup>4</sup>, seconded by Commissioner Host:  
To discuss some mechanism, or directing Staff, to enhance the usability, the aesthetics of the parking system parking decks.

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

Nays, None

**05-121-23 Parking Operations Workshop**

**MOTION:** Motion by Commissioner Host, seconded by Commissioner Haig:  
For a joint workshop on parking operations with the Advisory Parking Committee.

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

Nays, None

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

None

**05-122-23 Closed Session Pursuant to MCL § 15.268 Sec. 8(d) of the Open Meetings Act**

**MOTION:** Motion by Commissioner Baller, seconded by MPT McLain:  
To adopt a resolution to meet in closed session to discuss the potential purchase of real property pursuant to MCL § 15.268 Sec. 8(d) of the Open Meetings Act.

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

Nays, None

The Commission went into closed session at 12:00 a.m.

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<sup>4</sup> As amended at the June 5, 2023 meeting.

The Commission returned from closed session at 12:26 a.m.

**VIII. REMOVED FROM CONSENT AGENDA**

**IX. COMMUNICATIONS**

**X. REPORTS**

- A. Commissioner Reports
  - 1. Notice of Intention to Appoint to the Retirement Board
- B. Commissioner Comments

Commissioner Host observed that when the Mayor requests Commissioner questions on an item, sometimes both questions and comments are posed by the Commissioners. He said he hoped that process could be clarified for the future.

Commissioner Schafer provided recommendations for the Celebrate Birmingham Parade and Party in Shain Park. She offered to continue the dialogue with CC Bingham.

MPT McLain reported back from attending the May 16, 2023 Detroit Ethics Conference and the MML Core Weekender on May 19 and 20, 2023.

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

**05-123-23 Review Item 10E at the Next Commission Meeting**

**MOTION:** Motion by Commissioner Baller, seconded by MPT McLain:  
To move Item 10E to the next agenda.

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

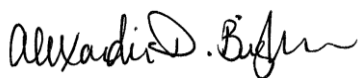
Nays, Commissioner Host

- 1. City Manager's Report
- 2. Letter from Mary Kucharek regarding the Board of Ethics Advisory Opinion Concerning Commissioner Host
  - i. 2023-01 Opinion Robb and Schrot
  - ii. 2023-01 Opinion Fierro-Share

INFORMATION ONLY

**XI. ADJOURN**

Mayor Longe adjourned the meeting at 12:26 a.m.



Alexandria Bingham, City Clerk



Laura Eichenhorn, City Transcriptionist