

**BIRMINGHAM CITY COMMISSION MINUTES**  
**JUNE 25, 2018**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

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

Mayor Harris called the meeting to order at 7:30 p.m.

**II. ROLL CALL**

ROLL CALL: Present, Mayor Harris  
Mayor Pro Tem Bordman  
Commissioner Boutros  
Commissioner DeWeese  
Commissioner Hoff  
Commissioner Sherman (arrived at 7:34)

Absent, Commissioner Nickita

Administration: City Manager Valentine, City Attorney Currier, IT Director Brunk, Planning Director Ecker, Finance Director/Treasurer Gerber, Assistant City Manager Gunter, Library Director Koschik, City Clerk Mynsberge, City Engineer O'Meara, Human Resources Manager Taylor, Director of Public Services Wood

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

**06-174-18 ANNOUNCEMENTS**

Mayor Harris announced:

- City Offices and the Baldwin Public Library will be closed on Wednesday, July 4th for Independence Day.
- Birmingham's In the Park free concert series continues on Wednesday, June 27th, in Shain Park at 7 p.m., with a pop/rock performance by Steve Acho. There will be no concert on July 4th.

Mayor Harris recognized State Senator Marty Knollenberg. Senator Knollenberg provided a brief legislative update, which included highlights of the state's recently completed budget.

**06-175-18 APPOINTMENTS TO THE AD HOC MASTER PLAN SELECTION COMMITTEE**

Recommendations, as approved by the subject boards and committees, were presented for representatives of the Planning Board, Multi-Modal Transportation Board, Advisory Parking

Committee, Parks and Recreation Board, Historic District Commission, and the Architectural Review Committee.

The City Commission interviewed Tom McDaniel, a resident and former Commission member, Steve Sollish, a resident, and Gordon Rinschler, a resident and former Commission member.

**MOTION:** Motion by Commissioner DeWeese:

To appoint Tom McDaniel to the Ad Hoc Master Plan Selection Committee as a resident representative who is a former City Commissioner to serve for the duration of the consultant selection process.

VOTE:           Yeas,     6  
                  Nays,     0  
                  Absent, 1 (Nickita)

**MOTION:** Motion by Commissioner Sherman:

To appoint Steve Sollish to the Ad Hoc Master Plan Selection Committee as a resident representative to serve for the duration of the consultant selection process.

VOTE:           Yeas,     6  
                  Nays,     0  
                  Absent, 1 (Nickita)

**MOTION:** Motion by Commissioner Sherman:

To concur with the recommendations from the subject boards and committees and appoint to the Ad Hoc Master Plan Selection Committee to serve for the duration of the consultant selection process:

- Robin Boyle and Stuart Jeffares as representatives of the Planning Board;
- Amy Folberg as a representative of the Multi-Modal Transportation Board;
- Al Vaitas as a representative of the Advisory Parking Committee;
- Heather Carmona as a representative of the Parks and Recreation Board;
- John Henke as a representative of the Historic District Commission; and
- Christopher Longe as a representative of the Architectural Review Committee.

VOTE:           Yeas,     6  
                  Nays,     0  
                  Absent, 1 (Nickita)

The City Clerk administered the Oath of Office to Mr. McDaniel and Mr. Sollish.

**IV. 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.

**06-176-18 APPROVAL OF CONSENT AGENDA**

The following items were removed from the Consent Agenda:

- Commissioner Hoff: Item G, Cultural Council of Birmingham/Bloomfield 2018-2019 Service Agreement  
Item K, Bituminous Paving Materials Bid Award  
Item Q, Spring Light Pole Painting Project  
Item V, Capital Planning and Consultant Services for Ice Arena
- Mayor Pro Tem Bordman: Item T, 2018 Sewer Inspection Program, Contract 9-18(S)

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner Hoff:  
To approve the Consent Agenda, with Items G, K, Q, T, and V removed.

ROLL CALL VOTE:    Yeas,                    Mayor Pro Tem Bordman  
                                                                                 Commissioner Boutros  
                                                                                 Commissioner DeWeese  
                                                                                 Mayor Harris  
                                                                                 Commissioner Hoff  
                                                                                 Commissioner Sherman  
                                                                                 None  
                                                                                 Commissioner Nickita  
                                                                                 Absent,

- A. Resolution approving the City Commission meeting minutes of June 4, 2018.
- B. Resolution approving the warrant list, including Automated Clearing House payments, dated June 6, 2018 in the amount of \$583,519.61.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated June 13, 2018 in the amount of \$1,494,189.50.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated June 20, 2018 in the amount of \$831,180.14.
- E. Resolution setting Monday, July 23, 2018 at 7:30 PM for a public hearing to consider the Final Site Plan & Design and a Special Land Use Permit Amendment at 33588 Woodward to allow the addition of a new accessible bathroom to the existing Shell gasoline service station. (complete resolution in agenda packet)
- F. Resolution setting Monday, July 23, 2018 at 7:30 PM for a public hearing to consider a Special Land Use Permit Amendment & Final Site Plan Review for 260 N. Old Woodward – The Morrie, to allow the operation of a restaurant, serving alcoholic liquors, and providing live entertainment with a dancing area. (complete resolution in agenda packet)
- H. Resolution approving the Tree Care and Removal Agreement with J. H. Hart Urban Forestry, for five years commencing July 1, 2018 and ending June 30, 2023 in the amount

set forth in Attachment C – Cost Proposal, with all other terms and conditions remaining the same. Funds are available in each of the following accounts for these services: Major Street Fund – Street Trees – Tree Trimming Contract account #202-449.005-819.0000; Local Street Fund – Street Trees – Tree Trimming Contract account #203-449.005-819.0000; Parks – Tree Trimming Contract account #101-751.000-819.0000; and Property Maintenance – Tree Trimming Contract account #101- 441.003-819.0000. Further, authorizing the Mayor and City Clerk to sign the Agreement upon receipt of all required insurances.

- I. Resolution approving the purchase of ten (10) Dumor benches and fourteen (14) trash receptacles for a total purchase price of \$34,055.00 from the sole source vendor, Penchura, LLC. Further, waiving the formal bidding requirements. Funds have been budgeted in fiscal year 2017-2018 Capital Projects Fund- Park Benches & Trash Cans for Streetscapes account #401-901.009-981.0100 for this equipment purchase.
- J. Resolution approving the purchase of five (5) Murdock drinking fountains in the amount of \$21,756.00 from the sole source vendor, Diversified Spec Sales. Further, waiving the formal bidding requirements. Funds have been budgeted in fiscal year 2017-2018 Capital Projects Fund-Drinking Fountains account #401-901.009-981.0100 for this equipment purchase.
- L. Resolution approving the purchase and installation of three (3) new Carrier Comfort Series furnaces from Great Dane Heating and Cooling in the amount of \$8,995.00 from account #401-901.013-977.0000.
- M. Resolution awarding the Maple Staircase Retaining Wall contract to Rockworks, LLC in an amount not to exceed \$52,000.00. Funds for this project are available in the following accounts: #401-441.003-981.0100-Capital Projects in the amount of \$45,000.00 and #101-441.003-811.0000-Property Maintenance-Other Contractual Service in the amount of \$7,000.00. Further, authorizing the Mayor and Clerk to sign the agreement upon receipt of the required insurance.
- N. Resolution approving the five-year extension of the Metro Act Right of Way Permit for Michigan Bell Telephone Company d/b/a AT&T. (complete resolution in agenda packet)
- O. Resolution delegating to the Birmingham City Clerk and her authorized assistants, those being the members of her staff, the following duties of the election commission for the August 7, 2018 Primary Election and the November 6, 2018 General Election:
  - Preparing meeting materials for the election commission, including ballot proofs for approval and a listing of election inspectors for appointment;
  - Contracting for the preparation, printing and delivery of ballots;
  - Providing candidates and the Secretary of State with proof copies of ballots;
  - Providing notice to voters in the case of precinct changes/consolidations;

- Providing election supplies and ballot containers; and
  - Preliminary logic and accuracy testing.
- P. Resolution approving a 24-month service agreement renewal with Logicalis, Inc. effective July 1, 2018 for City Information Technology services. Further, directing the City Manager to sign the renewal agreement on behalf of the City.
- R. Resolution adopting the "Vehicle Use" Policy Amendment as a City policy and authorizing the HR Department to implement and enforce accordingly.
- S. Resolution approving the purchase of one (1) new 2018 RAM ProMaster City Tradesman van from Galeana's Van Dyke Dodge through the State of Michigan extendable purchasing contract #071B7700182 in the amount of \$19,488.74 from account #641-441.006.971.0100.
- U. Resolution authorizing the IT department to purchase the recommended count of Microsoft Office Suite Standard 2016 and Microsoft Server Standard 2016 Software Licenses from SHI using the Select plus Pricing Agreement. The purchase price not to exceed 26,304.60. Funds are available in the IT Computer Software fund account #636-228.000-742.0000

**06-177-18                    CULTURAL COUNCIL OF BIRMINGHAM/BLOOMFIELD 2018-2019 SERVICE AGREEMENT (ITEM G)**

Cultural Council Representative Laurie Tenant stated that in FY 2016-2017 and 2017-2018 the Cultural Council was restructuring its board, did not have a quorum, and missed the deadline to apply for funds from Birmingham.

The \$4,200 being requested from Birmingham is to insure temporary art loaned to Birmingham.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Boutros: To approve the service agreement with the Cultural Council of Birmingham/Bloomfield in the amount of \$4,200 for services described in Attachment A of the agreement for fiscal year 2018-2019; charging account number 101-299.000-811.0000 for this expenditure; and further to direct the Mayor and City Clerk to sign the agreement on behalf of the City.

VOTE:            Yeas,            6  
                      Nays,            0  
                      Absent,        1 (Nickita)

**06-178-18                    BITUMINOUS PAVING MATERIALS BID AWARD (ITEM K)**

DPS Director Wood stated that Birmingham staff must pick up the hot asphalt mix because delivery service is not available.

Commissioner Hoff said there is a material available that lasts longer than hot asphalt mix and cold patch and that she would do further research into the material.

**MOTION:** Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman:  
To approve the purchase of 36A hot asphalt mix at \$72.50/ton (2018-2019) and \$76.50/ton (2019-2020) and UPM cold patch (delivered) at \$119.00/ton (2018-2019) and \$123.00/ton (2019-2020) from Cadillac Asphalt LLC for a two year period for the fiscal years 2018-2020 to be charged to accounts #202-449.003-729.0000, #203-449.003-729.0000, #590-536.002-729.0000 and #591-537.005-729.0000.

VOTE:           Yeas,       6  
                  Nays,       0  
                  Absent,    1 (Nickita)

**06-179-18                   SPRING LIGHT POLE PAINTING PROJECT (ITEM Q)**

DPS Director Wood said painting the Lot Six and West Maple light poles will be scheduled so as not to conflict with construction in those two areas. If conflict is unavoidable, the light pole painting in these two areas will either be delayed or deleted from the project.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner DeWeese:  
To approve the painting of 109 light poles in Downtown Birmingham with Seaway Painting, LLC in the amount not to exceed \$26,125.00. Funds are available in the Street Lighting Maintenance account #202-449.003-937.0500 in the amount of \$21,085.00; Local Streets Maintenance, Other Contractual Service account #203-449.003-937.0500 in the amount of \$3,150.00 and the Parking Fund account #585-538.006-811.0000 in the amount of \$1,890.00 for a total project cost of \$26,125.00. Further, to waive the normal bidding requirements because Seaway is a DTE selected contractor. Further, to authorize the Mayor and City Clerk to sign on behalf of the City upon the receipt of the required insurance.

VOTE:           Yeas,       6  
                  Nays,       0  
                  Absent,    1 (Nickita)

**06-180-18                   BIRMINGHAM ICE ARENA CONSULTANT (ITEM V)**

Paul Wills of Plante & Moran CRESA, LLC (CRESA) explained the company:

- Employs approximately 100 people in the areas of architecture, engineering, and construction.
- Performed similar facility assessments for Novi, Farmington, and Southfield, as well as private ice arena projects including a recent project for Little Caesar's Arena.

**MOTION:** Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman:  
To approve the proposal from Plante & Moran CRESA, LLC in the amount not to exceed \$21,000, plus out-of-pocket expenses for the purpose of assisting with capital planning and operational review consulting services for the Birmingham Ice Arena; contingent upon receipt of proper

insurance. Further, to waive the formal bidding requirements. Funds for this purchase are available from General Fund – Parks – Other Contractual Service account #101-751.000-811.0000.

VOTE:           Yeas,       6  
                  Nays,       0  
                  Absent,    1 (Nickita)

**06-181-18 2018 SEWER INSPECTION PROGRAM, CONTRACT 9-18(S) - (ITEM T)**

City Engineer O'Meara said this is a maintenance program which will only include cleaning and inspecting.

City Attorney Currier clarified:

- The City would prefer to have easements from residential properties for this work.
- The information acquired through this program will allow the City to prepare to service the neighborhoods in question correctly.
- Residences in the past that have not granted the City easements have still allowed the City onto their property to do this as a preventative measure.
- Lining sewers is different from this program because a lining project adds something to the sewer, and affects a residence's laterals, which are directly connected to the residence.
- A test sample of titles within the Quarton Lake Estate subdivision demonstrates that approximately one-third of the properties have easements of adequate size, approximately one-third of the properties have easements not of adequate size, and approximately one-third of the properties have no easements whatsoever.

Mayor Pro Tem Bordman stated that when individual residences do not sign an easement to Birmingham it poses a serious infrastructure issue and jeopardizes every residence on that block.

City Engineer O'Meara said if evidence of impending sewer collapse is found through this program, the relevant homeowners will be notified.

**MOTION:** Motion by Mayor Pro Tem Bordman, seconded by Commissioner DeWeese:

To award the 2018 Sewer Inspection Program, to Doetsch Industrial Services of Warren, MI in the amount of \$345,224.89 to be charged to account number 590- 536.001-981.0100. Further, to approve the appropriation and budget amendment as follows:

Sewer Fund:

Revenues:

Draw from Net Position	590-000.000-400.0000	\$ 34,522.49(City Share)
State Grant	590-000.000-540.0000	\$310,702.40 (Grant share)
Total Revenues		\$345,224.89

VOTE:           Yeas,       6  
                  Nays,       0  
                  Absent,    1 (Nickita)

**V. UNFINISHED BUSINESS**

None.

**VI. NEW BUSINESS**

**06-182-18 PUBLIC HEARING FOR SPECIAL LAND USE PERMIT AND FINAL SITE PLAN AT 191 N. CHESTER – THE JEFFREY**

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

Planning Director Ecker reviewed the April 13, 2018 Community Impact Study and Site Plan Review submitted by the applicant to the Planning Department and the June 15, 2018 memo written to City Manager Valentine outlining the proposal.

Planning Director Ecker stated:

- The patio will face Chester and Willits and will be slightly below the grade of the sidewalk.
- The building is two stories and fits within the height zoning requirements for TZ2 because there are no proposed changes to the height of the building.
- A traffic study found no concerns resulting from these changes. This study was performed by the applicant and approved by the City's traffic consultant.

City Engineer O'Meara said the Chester Street Lot currently has a waiting list for parking permits.

Sam Surnow, applicant and representative from Chester Street Partners LLC, explained The Jeffrey's parking will be supplied through 40 paid parking permits in the Chester Street Lot plus 11 on-site spaces.

There being no further comment, Mayor Harris closed the public hearing at 8:18 p.m.

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner Hoff: To approve a Special Land Use Permit & Final Site Plan Review for 191 N.Chester–TheJeffrey, to allow office use over 3,000 sf. ft. in the TZ2 zone district. *(Formal resolution appended to these minutes as Attachment A.)*

VOTE:           Yeas,       6  
                       Nays,        0  
                       Absent,    1 (Nickita)

**06-183-18 PUBLIC HEARING FOR 34977 WOODWARD – HAZEL RAVINES DOWNTOWN – SPECIAL LAND USE PERMIT AND FINAL SITE PLAN & DESIGN REVIEW**

Mayor Harris opened the public hearing at 8:19 p.m.

Planning Director Ecker reviewed the April 13, 2018 Special Land Use Application – Economic Development License (EDL) submitted to the City by the applicant and the June 14, 2018 memo written to City Manager Valentine outlining the proposal.



Planning Director Ecker and City Manager Valentine noted that the May 2, 2018 memo regarding the issue incorrectly described Hazel Ravines as pursuing a Bistro License. In actuality, Hazel Ravines Downtown is pursuing an EDL, which is reflected accurately in the proposed resolution.

Mayor Pro Tem Bordman shared concern that:

- Two previous establishments were not able to last in this location;
- 'Hazel Ravines Downtown' does not indicate the fact that this establishment is a restaurant; and,
- Thus the name may be too vague to attract potential patrons.

Beth Hussey, co-owner of Hazel Ravines Downtown, explained the inspiration behind the name and noted that she owns other non-traditionally named restaurants that have been successful. She noted that the full name of the restaurant would be "Hazel Ravines and Downtown, Casual Fine Dining", which will appear in all related marketing.

Mayor Pro Tem Bordman voiced approval of the 'Casual Fine Dining' specification.

Commissioner DeWeese suggested reaching out to the City in the future to explore the possibility of outdoor dining between the building and Woodward in order to emphasize the restaurant's presence.

Roman Bonislowski, architect, described the changes being implemented with an eye towards attracting future business. He noted that:

- The amount of noise at the intersection is prohibitive to open windows.
- There will be a small patio and an entryway where pastries and coffee can be purchased. This will allow a broader range of transactions with the restaurant beyond sit-down dining in order to create a more approachable, casual, and hospitable experience.

Planning Director Ecker said:

- The patio is open-air, but also under a roof because the second floor of the building extends above it.
- The picket-fence was approved by the Planning Board because it will be installed over a garden, so any rust it produces will not be on the sidewalk.

Ms. Hussey stated that the restaurant did not plan to offer valet at this time, noting that the two lots on Peabody are largely vacant at night and would provide more than enough parking for restaurant patrons.

Emmele Herrold, chef, shared a bit about her experience in the restaurant industry, including being head chef at One Eyed Betty's and Pop's for Italian, both in Ferndale, MI. She also described the vision for the restaurant, emphasizing the need for good casual dining in Birmingham.

There being no further comment, Mayor Harris closed the public hearing at 8:46 p.m.

**MOTION:** Motion by Commissioner DeWeese, seconded by Commissioner Boutros: To approve a Special Land Use Permit Amendment for 34977 Woodward to allow a new restaurant, Hazel Ravines Downtown, to open in the former Stand restaurant, and to allow for design and signage changes for the new restaurant (*Formal resolution appended to these minutes as Attachment B.*);

**AND**

To authorize the Chief of Police to sign the MLCC Police Investigation Report (LLC-1800) and to approve the liquor license transfer request of Hazel & Ravines LLC that requests a transfer of a Class C License to be issued under MCL 436.1521(A)(1)(B) and SDM License with Outdoor Service (1 Area) to be located at 34977 Woodward Avenue, Birmingham, Oakland County, MI 48009;

**AND**

Furthermore, pursuant to Birmingham City Ordinance, to authorize the City Clerk to complete the Local Approval Notice at the request of Hazel & Ravines LLC approving the liquor license transfer request of Hazel & Ravines LLC that requested a Class C License transfer to be issued under MCL 436.1521 (A)(1)(B) & SDM License with Outdoor Service (1 Area) to be located at 34977 Woodward Avenue , Birmingham, Oakland County, MI 48009.

VOTE:           Yeas,       6  
                  Nays,       0  
                  Absent,    1 (Nickita)

**06-184-18                   BALDWIN LIBRARY YOUTH ROOM RENOVATION**

City Manager Valentine:

- Reminded the Commission of the library's presentations during the City's Long-Range Planning Session and Budget Hearing regarding Phase Two of the Library's renovation project, which would expand and renovate Youth Services.
- Explained that this evening the Commission would be reviewing the Library Board's Request for Proposals (RFP) for Phase Two.

Library Director Koschik:

- Reviewed his June 21, 2018 memo to City Manager Valentine regarding the RFP for the design development aspect of the planned youth services renovation and expansion.
- Said design development must occur before the construction project itself can be bid out.
- Stated the design development of<sup>1</sup> the renovation and expansion of youth services is anticipated to be 9% of the total cost of the renovation project.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Boutros:

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<sup>1</sup> As amended at the July 9, 2018 Commission Meeting.

To authorize the issuance of the Request for Proposals as recommended by the Library Board to finalize designs and prepare for the expansion and renovation of the Youth Services section of the Baldwin Public Library, with the necessary funds to be paid by the Library.

VOTE:           Yeas,       6  
                  Nays,       0  
                  Absent,   1 (Nickita)

**06-185-18                   PROFESSIONAL SERVICES CONTRACT RECOMMENDATION –  
DEVELOPMENT CONSULTANT FOR N. OLD WOODWARD AVENUE /  
BATES STREET PROJECT**

Assistant City Manager Gunter reviewed her June 21, 2018 memo outlining the recommendation of Jones Lang LaSalle (JLL), Inc. as development consultant for the N. Old Woodward Avenue/Bates Street Project.

Assistant City Manager Gunter explained:

- She and City Manager Valentine requested quotes from development consultants known to have recently completed projects similar to the N. Old Woodward Ave./Bates St. Project.
- Four development consultants were contacted, and three were interested in offering quotes.
- Many development consultants in the area have experience with either parking structures or mixed-use development. Very few have experience in both realms.

Zarah Broglin, Senior Project Manager with JLL, stated she has:

- Been with JLL for three years, and in the construction industry for fifteen years.
- Two Masters' Degrees, one from Virginia Polytechnic Institute in Biological Systems Engineering and one from Pennsylvania State University in Architectural Engineering.
- Experience doing a wide variety of construction projects, in addition to due diligence consulting services.

Timothy Kay, Managing Director at JLL, stated JLL is the largest provider worldwide of public-private partnership (P3) consulting services. He continued that:

- He is personally currently providing oversight for a JLL P3 project for University of Michigan's North Campus, and for a JLL P3 project for Bowling Green State University.
- The goal of this work is to reduce project risk as much as possible in order to enable a successful development.
- The references provided were complex, local projects involving parking structures.
- JLL did a bit of work for the Daxton Hotel opening in Birmingham, has worked with each individual involved with Walbridge/Woodward Bates Partners (Walbridge) with the exception of Walbridge's developer, and has worked with Walker Consulting.

City Manager Valentine explained that the City begins with a previously-set concept plan, clarifies the details of that plan into a proposed development agreement that will outline the specific terms

and conditions of a development plan, which will then come back before the Commission for approval.

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner Sherman:

To authorize the City to engage the firm of Jones Lang LaSalle, Inc. to provide development consulting services for an amount not to exceed \$91,240 utilizing the Parking Enterprise Fund account #585-538.001-811.0000. Further, to direct the Mayor and City Clerk to sign the agreement on behalf of the City contingent upon receipt of required Insurance Certificates. Also, to authorize the City to engage the legal services of Miller Canfield to serve as the development attorney and bond counsel.

Commissioner DeWeese said:

- There must be more steps between a consultant developing an RFP for the City and awarding the project to the same firm in order to make sure the City's interests are fully represented.
- While he is fine with engaging the legal services of Miller Canfield, he is uncomfortable with the lack of maximum payment outlined in the resolution.
- The City needs an independent view to make sure its interests are being represented, so he will be supporting the motion.

Mayor Harris said he was also uncomfortable approving a contract for legal services without knowing Miller Canfield's billable rates.

Joseph Fazio, attorney with Miller Canfield, stated that his rate is \$450/hour but that he will be working with a team of younger attorneys, which will bring the rate down substantially.

Commissioner Sherman reiterated that:

- This project grew out of a parking study;
- This development project may not be in the City's best interest; and,
- One of the consultant's tasks here is to evaluate whether this is an appropriate project for Birmingham to pursue.

Commissioner Hoff said it is very important that JLL proceed neutrally in order to evaluate whether this project is in Birmingham's best interest.

Mayor Harris noted that part of JLL's package included looking for potential conflicts of interest and the firm found none. Mr. Kay confirmed this.

VOTE:           Yeas,       6  
                  Nays,       0  
                  Absent,    1 (Nickita)

**06-186-18                   PARKING LOT #6 EXPANSION**

Assistant City Manager Gunter reviewed the June 25, 2018 memo to City Manager Valentine regarding the Parking Lot #6 expansion.

Mayor Pro Tem Bordman said it would be a real loss if the expansion made it so that families could not access the river by the Birmingham Farmer's Market with their children.

City Engineer O'Meara replied that Mayor Pro Tem Bordman's feedback would be integrated into the process. He continued that the expansion would be a quick project, with only a few days affecting the entire lot.

Assistant City Manager Gunter explained that Birmingham would not likely be awarded a grant by the Michigan Department of Environmental Quality (MDEQ) if Birmingham begins the project without receiving input from MDEQ.

Al Vaitas, Chairman of the Advisory Parking Committee, thanked the Commission for considering the expansion of Lot #6.

City Engineer O'Meara told resident Drew Dettling that the proposed removal of 20 trees is an accurate figure but the City will be doing a study to make sure no high-quality trees are removed unnecessarily.

Resident Drew Dettling said:

- The Birmingham zoning ordinances require landscaping in parking lots, and that Lot #6 should also have to meet those requirements unless the City goes to the Board of Zoning Appeals to receive a variance.
- Between the Edison easement project last year and this expansion, 50 trees will have been removed from this area in the last three years, which seems excessive.

City Engineer O'Meara said that since this is not a new lot, he would suggest that only the expanded part of the lot should be subject to meeting the City's parking lot landscaping ordinance requirements.

Commissioner DeWeese agreed that the City should meet City code when undertaking projects.

Mr. Vaitas noted that the trees slated to be removed as part of this project are either dead or dying.

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman:  
To authorize the restoration and expansion of Parking Lot #6 located near 600 N. Old Woodward. Further, to waive the option of creating a special assessment district to defray the cost of this work, and proceed to the plan preparation phase, charging all costs to the Auto Parking System.

VOTE:           Yeas,       6  
                  Nays,       0

Absent, 1 (Nickita)

**06-187-18 GREENWOOD CEMETERY PAYMENT PLAN POLICY**

City Clerk Mynsberge reviewed the June 15, 2018 memo to City Manager Valentine regarding the Greenwood Cemetery Advisory Board's (GCAB) recommended payment plan policy.

Mayor Harris commented that some of the language regarding the use of the end plot and the allocation of installment payments in the policy was not clear. He continued that the policy does not specify a few items such as whether prepayments are allowed or when payments are due during the month. Mayor Harris said he would like to see those few areas clarified, but if the Commission found the policy sufficiently clear, he would be all right moving it forward.

Commissioner DeWeese expressed dissatisfaction that the Contractor allowed payment plans without approval by the Commission.

City Manager Valentine specified that these are industry norms that the GCAB included in their policy recommendation.

Commissioner Hoff noted that:

- The Contractor should have attended the January 2018 GCAB meeting where this policy was discussed, as they were invited to attend.
- The Contractor should attend other meetings as is appropriate.

Commissioner Boutros suggested it may create a conflict of interest if the Contractor helps design the policy they must follow.

Commissioner DeWeese said the Contractor should ~~participate in the ongoing discussion and provide feedback.~~ Attend as many meetings of the GCAB as possible.<sup>2</sup>

**06-188-18 WATER/SEWER RATE CHANGES FOR 2018-2019**

Finance Director/Treasurer Mark Gerber presented the June 15, 2018 memo to City Manager Valentine regarding the recommended water/sewer rate changes for 2018-2019.

**MOTION:** Motion by Commissioner Sherman , seconded by Mayor Pro Tem Bordman:  
To amend the Schedule of Fees, Charges, Bonds and Insurance, Water and Sewer Service Sections, 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, 2018.

VOTE:           Yeas,       6  
                  Nays,       0  
                  Absent,    1 (Nickita)

**06-189-18 AD HOC JOINT SENIOR SERVICES COMMITTEE**

<sup>2</sup> As amended at the July 9, 2018 City Commission Meeting.

City Manager Valentine reviewed the June 15, 2018 memo to the City Commission regarding a proposed re-introduction of the Joint Senior Services Committee.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Boutros:

To create an Ad Hoc Joint Senior Services Committee to conduct a long term study and evaluation of the necessary funding and governance model to effectively provide adequate senior services to participating residents, and further, to begin solicitation of one resident member to the committee.

VOTE:           Yeas,       6  
                  Nays,       0  
                  Absent,    1 (Nickita)

**VII. REMOVED FROM THE CONSENT AGENDA**

The items removed were discussed earlier in the meeting.

**VIII. COMMUNICATIONS**

None.

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

None.

**X. REPORTS**

None.

**XI. ADJOURN**

Mayor Harris adjourned the meeting at 9:59 p.m.

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J. Cherilynn Mynsberge, City Clerk

THE JEFFREY  
191 N. CHESTER  
SPECIAL LAND USE PERMIT  
2018

- WHEREAS, The owner of the property located at 191 N. Chester filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to allow an office use in the TZ2 zone district in accordance with Article 2, Section 2.43 Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit is sought is located at the southwest corner of the Chester and Willits intersection;
- WHEREAS, The land is zoned TZ2, which permits office use over 3,000 sq. ft. with a Special Land Use Permit;
- WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;
- WHEREAS, The applicant submitted an application for a Special Land Use Permit and Final Site Plan to open an office building at 191 N. Chester, The Jeffrey, with tenant spaces greater than 3,000 sq. ft.;
- WHEREAS, The Planning Board on May 9, 2018 voted to accept the CIS as provided by the applicant for the proposed development at 191 N. Chester, the Jeffrey with the following conditions:
1. Applicant provide mitigation strategies for control of noise vibration and dust;
  2. Applicant will be required to bury all utilities on the site subject to the concurrence of the City Engineer;
  3. Applicant provide space for the separation of recyclables; and
  4. Applicant provide information on all life safety issues and Fire Dept. approval, as well as details on the proposed security system provided to and approved by the Police Dept.
- WHEREAS, The Planning Board on May 9, 2018 reviewed the application for a Special Land Use Permit and Final Site Plan Review and recommended approval of 191 N. Chester, The Jeffrey, with the condition that the applicant submits for administrative approval material samples and specifications to complete the design review for the garage door;



WHEREAS, The applicant has agreed to comply with the conditions of approval recommended by the Planning Board;

WHEREAS, The Board of Zoning Appeals, on May 8, 2018 granted the applicant a variance in lieu of one required loading space;

WHEREAS, The Birmingham City Commission has reviewed The Jeffrey's Special Land Use Permit application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that The Jeffrey's application for a Special Land Use Permit and Final Site Plan at 191 N. Chester is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit Amendment is granted subject to the following conditions:

1. The Jeffrey shall abide by all provisions of the Birmingham City Code;
2. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest including, but not limited to, violations of the state law or Birmingham City Code;
3. Applicant provide mitigation strategies for control of noise vibration and dust;
4. Applicant will be required to bury all utilities on the site subject to the concurrence of the City Engineer;
5. Applicant provide space for the separation of recyclables;
6. Applicant provide information on all life safety issues and Fire Dept. approval, as well as details on the proposed security system provided to and approved by the Police Dept.; and
7. Applicant submits for administrative approval material samples and specifications to complete the design review for the garage door.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, The Jeffrey and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended.

Failure of The Jeffrey to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

I, Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on June 25, 2018.

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J. Cherilynn Mynsberge, City Clerk

HAZEL RAVINES DOWNTOWN  
34977 WOODWARD  
SPECIAL LAND USE PERMIT  
2018

- WHEREAS, Hazel Ravines Downtown filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a food and drink establishment in the B4 zone district in accordance Article 2, Section 2.37 of Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit is sought is located on the west side of Woodward Avenue;
- WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits the operation of food and drink establishments serving alcoholic beverages with a Special Land Use Permit;
- WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;
- WHEREAS, The applicant submitted an application for a Special Land Use Permit to open a new establishment serving alcoholic liquors and to make interior and exterior changes and add new signage to the former Stand restaurant space;
- WHEREAS, The Planning Board reviewed the application on May 23rd, 2018 for a Special Land Use Permit and Final Site Plan Review and recommended approval to the Birmingham City Commission with the following conditions:
1. The applicant must remove the evergreen shrub letter sign, as it is in the public right-of-way;
  2. The applicant must bring the signage into compliance in regards to size, and reduce the number of signs to one or obtain a variance from the Board of Zoning Appeals;
  3. The applicant must correct the indoor/outdoor dining area plan to show 20 seats, or adjust the seating calculation to include a 22 seat patio;
  4. The applicant must provide the location of all new lighting fixtures prior to City Commission approval; and
  5. The applicant addresses the requests of all City Departments.
- WHEREAS, The applicant has agreed to comply with the conditions of the Planning Board approval;

WHEREAS, The Birmingham City Commission has reviewed Hazel Ravines Downtown's Special Land Use Permit application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;

NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that Hazel Ravines Downtown's application for a Special Land Use Permit and Final Site Plan at 34977 Woodward is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit is granted subject to the following conditions:

1. The applicant must remove the evergreen shrub letter sign, as it is in the public right-of-way;
2. The applicant must bring the signage into compliance in regards to size, and reduce the number of signs to one or obtain a variance from the Board of Zoning Appeals;
3. The applicant must correct the indoor/outdoor dining area plan to show 20 seats, or adjust the seating calculation to include a 22 seat patio;
4. The applicant must provide the location of all new lighting fixtures prior to City Commission approval;
5. The applicant addresses the requests of all City Departments;
6. Hazel Ravines Downtown shall abide by all provisions of the Birmingham City Code; and
7. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest including, but not limited to, violations of the state law or Birmingham City Code.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, Hazel Ravines Downtown and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of Hazel Ravines and Downtown to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.

MAY IT BE FURTHER RESOLVED that Hazel Ravines Downtown is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises with a Class C Liquor License, at 34977 Woodward Avenue, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

I, Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on June 25, 2018.

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J. Cherilynn Mynsberge, City Clerk