

BIRMINGHAM CITY COMMISSION MINUTES

JULY 11, 2016

MUNICIPAL BUILDING, 151 MARTIN

7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Rackeline J. Hoff, Mayor, called the meeting to order at 7:33 PM.

II. ROLL CALL

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

Administration: City Manager Valentine, City Attorney Currier, Clerk Pierce, Police Chief Clemence, City Planner Ecker, Finance Director Gerber, Deputy Treasurer Klobucar, City Engineer O'Meara, DPS Director Wood, Building Official Johnson, HR Manager Taylor, Assistant to the Manager Haines

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

07-213-16 CITIZEN'S ACADEMY PLAQUE PRESENTATION

Jack Burns, representing the Citizens Academy, presented a plaque to the City in recognition of the first class of participants in the Academy.

07-214-16 REGIONAL TRANSIT AUTHORITY REPRESENTATIVE

The Mayor announced that the Regional Transit Authority Representative presentation has been postponed.

07-215-16 APPOINTMENT TO THE GREENWOOD CEMETERY ADVISORY BOARD

MOTION: Motion by Bordman:

To appoint Linda Buchanan, 1280 Suffield, to the Greenwood Cemetery Advisory Board to serve a three-year term to expire July 6, 2019.

MOTION: Motion by Nickita:

To appoint Margaret Suter, 1795 Yosemite, to the Greenwood Cemetery Advisory Board to serve a three-year term to expire July 6, 2019.

VOTE ON NOMINATION OF BUCHANAN:

Yeas, 7

Absent, None

VOTE ON NOMINATION OF SUTER:

Yeas, 7

Absent, None

07-216-16 APPOINTMENT TO THE MUSEUM BOARD

MOTION: Motion by Bordman:

To appoint Judith Keefer, 505 East Lincoln, #4, to the Museum Board to serve a three-year term to expire July 5, 2019.

VOTE: Yeas, 7

Absent, None

The Clerk administered the oath to the appointed board members.

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.

07-217-16 APPROVAL OF CONSENT AGENDA

The following items were removed from the consent agenda:

- Item B (Minutes of June 27, 2016) by Commissioner Sherman
- Item F (Agreement for IT Services) by Mayor Hoff
- Item K (Contract for Skating Director) by Mayor Hoff
- Item L (Special Event Request – Winter Markt) by Commissioner Harris

MOTION: Motion by DeWeese, seconded by Boutros:

To approve the consent agenda as follows:

- A. Approval of City Commission/Planning Board workshop minutes of June 20, 2016.
- C. Approval of warrant list, including Automated Clearing House payments, of June 29, 2016 in the amount of \$747,133.71.
- D. Approval of warrant list, including Automated Clearing House payments, of July 6, 2016 in the amount of \$723,771.57.
- E. Resolution approving the purchase of 36A hot asphalt mix at \$58.00/ton and \$59.00/ton, UPM cold patch (delivered) at \$115.00/ton and \$116.00/ton and UPM cold patch (picked up) at \$111.00/ton and \$112.00/ton for fiscal years 2016-2017 and 2017-2018; respectively from Cadillac Asphalt LLC to be charged to account #s 202-449.003-729.0000, 203-449.003-729.0000, 590-536.002-729.0000 and 591-537.005-729.0000.
- G. Resolution setting Monday, August 8, 2016 at 7:30 PM for a Public Hearing to consider the proposed Lot Rearrangement of 976 Arden Ln. and 1058 Arden Ln.
- H. Resolution approving the Birmingham Police Departments participation in the amended Oakland County Law Enforcement Mutual Aid Agreement. Further, directing the Chief of Police to submit a copy of the approved resolution to the Oakland County Association of Chiefs of Police.
- I. Resolution recognizing FAR Conservatory of Therapeutic and Performing Arts, 1669 West Maple, Birmingham, Michigan 48009 as a 501(c) (3) non-profit organization for the

purpose of obtaining a State of Michigan Gaming License with the State of Michigan Charitable Gaming Division. Furthermore, authorizing the City Clerk to complete the Local Governing Body Resolution Form, forwarding same to the Charitable Gaming Division, Lansing, Michigan.

- J. Resolution accepting the resignation of Jeff Wilmot from the Museum Board, thanking Mr. Wilmot for his service.

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

V. UNFINISHED BUSINESS

**07-218-16 OUTSIDE AGENCY AGREEMENTS
 BIRMINGHAM BLOOMFIELD COMMUNITY COALITION,
 BIRMINGHAM YOUTH ASSISTANCE, COMMON GROUND, HAVEN
 DEAF & HEARING IMPAIRED SERVICES, INC**

Commissioner ~~Bordman~~ Bordman commented that the City requires a level of information that justifies the expenses from the organizations. She stated that she expects to receive much more detail from the agencies next year.

Mayor Hoff explained that the agencies used to have to make a presentation to the Commission. City Manager Valentine confirmed that the current process is consistent with last year.

MOTION: Motion by Bordman, seconded by DeWeese:
To approve the 2016-2017 outside agency contracts for Birmingham Bloomfield Community Coalition in the amount of \$3,000, Birmingham Youth Assistance in the amount of \$18,000, Common Ground in the amount of \$1,500, Haven in the amount of \$2,000, and, further authorizing and directing the mayor and city clerk to sign the agreements on behalf of the city.

The following representatives briefly described the services they offer:
Martha Moyer, Haven
Carol Mastroianni, Birmingham Bloomfield Community Coalition
Nikki Keller and Dick Stasys, Birmingham Youth Assistance
Heather Rae, Common Ground

VOTE: Yeas, 7
 Nays, None
 Absent, None

MOTION: Motion by Bordman, seconded by DeWeese:

To approve the service agreement with Deaf & Hearing Impaired, Inc. in the amount of \$2,400.00 for services described in Attachment A of the agreement for fiscal year 2016-2017, account number 101-215.000-811-0000. Further, directing the Mayor and City Clerk to sign the agreement on behalf of the City.

VOTE: Yeas, 7
 Nays, None
 Absent, None

VI. NEW BUSINESS

**07-219-16 PUBLIC HEARING OF CONFIRMATION
 SPECIAL ASSESSMENT DISTRICT
 VILLA AVENUE – SEWER LATERALS**

Mayor Hoff opened the Public Hearing of Confirmation – S.A.D. #877 – Villa Ave. Water Main Project Sewer Laterals at 8:08 PM.

Deputy Treasurer Klobucar recommended adoption of the roll.

The Mayor closed the Public Hearing at 8:09 PM.

MOTION: Motion by Sherman, seconded by Boutros:

To confirm Special Assessment Roll No. 877 for the Villa Ave. Water Main Project Sewer Laterals, and instructing the City Clerk to endorse said roll, showing the date of confirmation thereof, and certifying said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement:

WHEREAS, Special Assessment Roll, designated Roll No. 877, 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-interest of property to be assessed, and

WHEREAS, the Commission has deemed it practicable to cause payment of the cost thereof to be made at a date closer to the time of construction and

Commission Resolution 06-198-16 provided it would meet this 11th day of July 2016 for the sole purpose of reviewing the assessment roll, and

WHEREAS, at said hearing held this June 27, 2016, 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 as determined in Section 94-9 of the Code of the City of Birmingham,

NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 877 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 assessments 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 four and a half percent (4.5%) on all unpaid installments.

VOTE: Yeas, 7
Nays, None
Absent, None

**07-220-16 RESIDENTIAL PERMIT PARKING ON
SOUTH GLENHURST BETWEEN LINCOLN AND MIDVALE**

Police Chief Clemence explained that a petition was received for residential permit parking on South Glenhurst between Lincoln and Midvale from 7:00 AM – 4:00 PM to address the school parking issue. He noted Glenhurst is the first street east of the high school that does not have residential ~~permit~~-parking restrictions.

Commissioner Sherman expressed concern that one street after the other is asking for permit parking. He commented that this problem may disappear down the road as the school district is planning to expand the parking lot. He noted that the previous Commission had asked for an in-depth study for how to deal with this as opposed to on a street by street basis.

City Manager Valentine explained that residential permit parking is intended to be included with the Citywide master plan update as a component to look at parking throughout the City and address these issues comprehensively.

Commissioner Sherman suggested putting a one-year limit on the request. He pointed out that all these streets are public streets and the issue needs to be addressed.

Mayor Pro Tem Nickita agreed that the a parking strategy in the neighborhood is needed. Commission Bordman agreed and stated that the schools must address this more urgently.

Steve Gretchko, resident on Glenhurst, expressed support of the permit parking and noted the permit is the only mechanism the residents have to deal with this.

Richard Widerstedt, 936 South Glenhurst, expressed support of the request. He explained the difficulty in getting out of his driveway and having the trash picked up due to all the students cars parked on the street.

Commissioner DeWeese and Mayor Pro Tem Nickita agreed that there should be a one year time limit on the permit. Commissioner Boutros questioned why a time limit would be crucial. He stated that the pressure should be on the City, not the residents, for a solution. Commissioner Harris stated that he would not support a time limit on the permit.

MOTION: Motion by Nickita, seconded by Sherman:

To approve residential permit parking on Glenhurst, between Lincoln and Midvale, 7:00 AM – to 4:00 PM School Days Only. Further to direct the Chief of Police and the City Clerk to sign the traffic control order on behalf of the City establishing residential permit parking on Glenhurst between Lincoln and Midvale 7:00AM to 4:00 PM School Days Only with the addition of a one year review of all permit parking in the area of Seaholm to determine the circumstances and how the circumstances have been altered.

Commissioner Harris stated that he is voting against the motion as it does not cover the entire City.

VOTE: Yeas, 6

Nays, 1 (Harris)
Absent, None

**07-221-16 RESIDENTIAL PERMIT PARKING ON
FRANK STREET BETWEEN BATES AND CHESTER**

Police Chief Clemence explained the request for residential permit parking on Frank St. between Bates and Chester to address the encroachment of employees from the downtown businesses parking on their street. Chief Clemence confirmed for Mayor Hoff that only one resident has an address on Frank, but there are four residents that are on that particular block.

Commissioner Bordman commented that the parking issue is in the evening and late afternoon. She suggested changing the timeframe to late afternoon and add a review of all parking permits in the City. Commissioner Harris suggested extending the two hour time limit to 10:00 PM.

MOTION: Motion by Bordman, seconded by Harris:
To extend the residential parking 2-hr time limit from 8:00 AM – 10:00 PM for Frank Street between Bates and Chester. In addition that we put a one-year review provision for all permit parking in the City of Birmingham.

Chief Clemence confirmed for Dan Teehan, 187 Chesterfield, that the two hour time limit is monitored by marking tires.

~~Darlene Gehringer, 1108 West Maple commented that if a resident has a parking complaint, they should contact the City to send out parking enforcement.~~

Darlene Gehringer, 1108 West Maple, explained that in the past, she has contacted the City Police Department, the dispatch non-emergency number, if someone is blocking the road and they will send out one of the parking enforcement officers to either ask them to move or to write them a ticket. The resident needs to call and complain. She sees it as a very simple solution rather than having them constantly patrol the area.

VOTE: Yeas, 7
 Nays, None
 Absent, None

**07-222-16 WEST MAPLE ROAD RECONFIGURATION
FINAL REPORT**

Police Chief Clemence explained that the key findings of the West Maple Road Reconfiguration Study shows a reduction in the crash data as well as an overall reduction of accidents by 38%. The traffic volume remained unchanged. The average speed was reduced and the cut-through traffic was reduced with the exception of two streets Lake Park and Pleasant. The level of service as to how the intersections function was not reduced and the travel time increased which is related to the slower movement of traffic and the closing of Big Beaver Road. He noted that, based on the data, Fleis & Vandenbrink recommended the road be changed to a three lane road.

Commissioner Sherman commented that it seems that traffic has sped up in the area of the merge lanes from Cranbrook toward the City. He questioned why the merge lane is so long.

Chief Clemence noted that extra signage will be added. Commissioner Bordman agreed that the merge lane is the biggest problem that she has observed.

Mike Labadie, traffic consultant, stated that for the merge to work correctly, it has to be that long. Mayor Pro Tem Nickita suggested hatching the road to make it clear that it is a zone that one is not allowed to drive on.

Commissioner Boutros commented on the congestion heading east toward Southfield. He stated that the closing of Big Beaver Road has affected the congestion as well. He suggested the City explore the option to extend the right turn lane after Baldwin Road because a center lane is not needed after Baldwin.

Mayor Hoff noted that the Commission received about thirty letters and most are in favor of the three lanes. Those objecting are on Lincoln and Oak.

The following residents spoke in support of the three lanes:

- Tom Lynch, 1580 West Lincoln
- Jill Wilkinson, 690 Kimberly
- Mike Clawson, 139 Pilgrim
- Darlene Gehringer, 1108 West Maple

The following individuals commented on the congestion on Maple:

- Dan Teahan, 187 Chesterfield
- Melanie Teehan 187 Chesterfield

MOTION: Motion by Nickita, seconded by Bordman:

To accept the final report that West Maple Road, between Cranbrook Road and Southfield Road, be reconfigured from four lanes of traffic to three lanes of traffic on a permanent basis as part of the City of Birmingham's plan to re-surface the road.

VOTE: Yeas, 7
 Nays, None
 Absent, None

**07-223_-16 ORDINANCE AMENDMENT TO
 REPEAL SECTION 74-5 FORTUNETELLING**

Police Chief Clemence explained that after a review of section 74-5 of the Birmingham City Code, Fortunetelling, has been determined to be unconstitutional based on a Supreme Court ruling.

MOTION: Motion by DeWeese, seconded by Boutros:

To adopt an ordinance repealing City Code, Chapter 74, Offenses, Article I In General, Section 74-5 Fortunetelling, in its entirety. Furthermore, authorizing the Mayor and City Clerk to sign the ordinance for the removal of behalf of the City.

VOTE: Yeas, 7
 Nays, None
 Absent, None

07-224-16 ORDINANCE AMENDMENT TO SECTION 74-324

MINOR IN POSESSION

Police Chief Clemence explained that the ordinance amendment would add a term of probation as a sentencing option for the judge.

MOTION: Motion by Sherman, seconded by DeWeese:

To adopt an ordinance amending Part II of the City Code, Chapter 74 Offenses, Article VII Offenses Against Public Morals, Division 5 Controlled Substances, Subdivision II Alcoholic Liquors Generally, Section 74-324 Persons under 21, unlawful purpose, consumption or possession, section (2) and (3) to add "complete a term of probation" and authorizing the Mayor and City Clerk to sign the ordinance on behalf of the City.

VOTE: Yeas, 7
Nays, None
Absent, None

07-225-16 SMART PARKING METER 30-DAY TRIAL

Police Chief Clemence explained that the City is looking at reconstructing Old Woodward in the downtown area. Staff felt that, at this time, the parking meters should be reviewed to determine whether they could be replaced with a multi-spaced system or remain using single spaced meters. It was the opinion of the Advisory Parking Committee that the single spaced smart meters were a better option. The users of the meters could use coins, credit cards, or park mobile. Both vendors offered a thirty-day trial period.

Mayor Pro Tem Nickita expressed support of the study. He noted that the idea of looking at a parking system needs to be considered longer term. He explained that downtown Detroit eliminated all the meters and implemented zones. He stated it is good for the City to update the meters, but going forward do a broader review and rethink technology.

MOTION: Motion by Nickita, seconded by Sherman:

To direct the Police Department to proceed with 30 day trials of (16) each IPS Group M5 and CivicSmart Liberty smart meters and vehicle detection sensors to be installed on Martin Street between Pierce and Henrietta, further authorizing the mayor to sign the agreements on behalf of the city.

Mayor Hoff questioned the use of the credit card at a meter. Chief Clemence explained that there would be an additional charge – the City would receive its dollar and the credit card fees would be paid to a third party by the consumer.

The Commission discussed the pay by space parking versus the zone parking.

Darlene Gehringer expressed opposition to this as parking should not be a profit center. She commented that you can go to a mall and park for free. She stated that she does not want to have to pull out a charge card to make a five minute stop. She stated that the meter should not reset to zero as it is illogical. If the next person has three minutes left of her time, then they have won the lottery for the day. She stated that to spend a half a million dollars may not sound like a lot of money, but she thinks it is. Ms. Gehringer stated that if the meters are working fine, why change them.

VOTE: Yeas, 7
Nays, None

Absent, None

**07-226-16 GREENWOOD CEMETERY ADVISORY BOARD
2015 ANNUAL REPORT
& GREENWOOD CEMETERY CONTRACT UPDATE**

The Commission received the Greenwood Cemetery Advisory Board 2015 Annual Report and the Greenwood Cemetery Report/Contractor Update submitted by City Clerk Pierce.

City Clerk Pierce presented the 2015 Greenwood Cemetery Advisory Board (GCAB) Annual Report. Ms. Pierce explained that the GCAB addressed three major items in 2015 which include space availability and the sale of graves, ground penetrating radar, and updating the rules and regulations. She explained that 103 graves were sold in 2015, 44 of which were sold in Sections B & C. Once 200 graves are sold in Sections B & C, the GCAB will discuss whether to continue selling graves in those sections and a recommendation will be given to the Commission. Ms. Pierce presented the financial information from the sale of the newly designated graves.

Commissioner DeWeese suggested including a breakdown of where the non-residents are from who have purchased graves and whether they are former residents or have some connection with the City. He requested an update on Public Act 13 in terms of the perpetual care fund and maintaining historical markers.

Commissioner Bordman suggested the contractor is responsible for the upkeep in the cemetery and that repair should be borne by the contractor. City Manager Valentine explained that the structural maintenance of the cemetery still resides with the City. He explained that the perpetual care fund will effectively be used as the source of funding for the ongoing care and maintenance in the future once significant principal is established in that fund. He stated that the contractor handling the headstones was not part of the contract.

Commissioner DeWeese suggested the GCAB consider recommending steps to make a Friends of Greenwood Cemetery 501c(3) that could be used as a fundraising and support arm similar to the library and museum.

Finance Director Gerber explained that Public Act 13 allows cities to invest some of the cemetery perpetual care funds in mutual funds. The requirement in the Act is that the mutual fund be rated in the top two tiers of a nationally recognized mutual fund rating agency and no more than 60% of the funds fund balance can be invested in equity securities. He cautioned that as with any investment in the market, there is a potential for market loss. The way the City currently invests its funds is very secure, but does limit the interest income.

Mr. Valentine pointed out that the Finance Director is working on developing a policy to allow for this more risky type of investment. The policy will be presented to the Commission with parameters in place by which the City manages its funds.

Mayor Hoff stated that reclamation is a way of getting grave sites that no one is ever going to use and do not know they even have in their family. It is a research and ~~data~~ data information process. Mr. Valentine explained that, to alleviate the concern of the grave owners, there was no direction given by the Commission to proceed with reclamation. It was rather to proceed with the spaces available existing in the cemetery.

Commissioner Bordman expressed support of starting the process to discover how many spaces have not been used in a number of decades and proceeding to inquire, not take, but inquire of any family members whether those spaces are ever going to be used. If the answer is no, they could sell them back to the City for the going rate instead of creating new spaces.

Commissioner Sherman explained the discussion held by the former Commission regarding reclamation and the concern from individuals who had plots within the cemetery. He pointed out that there is space available in the cemetery and reclamation is not a pressing need.

Commissioner Harris agreed with the Commission's decision in August and expressed support of the status quo. Wait to see if there is a demand, then balance it against the concern with reclamation. He commented that the figures are low and show a potential lack of demand.

Darlene Gehringer, chairperson of the GCAB, expressed concern with the payment plan and noted that the payment plan is not part of the contract. She commented that Elmwood has been offering this payment plan without knowledge or approval by the GCAB or by the City Commission and a payment plan is not part of the contract.

Ms. Gehringer ~~She~~ also expressed concern with the Lot Resale Policy where the City pays 100% of the repurchase price. She commented that if a lot is sold at \$3,000 and the owner wants to sell the grave, it is not available to sell on the open market. That has been changed by the City Commission. The City will repurchase the grave for \$1,500 and then the City can resell it again for \$3,000. The contractor is getting 25% on both sales, but they are not paying 25% on the repurchase price. She stated that she thinks the contractor should pay. If you are sharing in the profits, you should share in the cost and the loss as well. She stated that the contractor should share in that as well. She recommended that this be reviewed and noted it is up to the Commission's discretion what to do with it.

Ms. Gehringer ~~She~~ noted that the Board has requested an RFP for ground penetrating radar be done on the entire cemetery which would help in the reclamation process—and part of that is to identify perhaps what looks like an empty grave, but may actually have remains from the early 1800's or an unidentified grave. She stated that she is in favor of the reclamation process. She stated that the reclamation process has changed so it is less than a year now— She stated that the reclamation process does not take seven years. It has been changed and can take less than a year. She suggested we might give it a little bit longer to let people respond, but it no longer legally takes seven years to do a reclamation process.

Commissioner Boutros questioned how Ms. Gehringer obtained that information. Ms. Gehringer responded that the information came from Mr. Stern who is very knowledgeable with cemetery procedures. She explained that in her opinion, the initial part is to go through ground penetrating radar to make sure what we think is an empty grave is in fact an empty grave, then proceed from there.

Ms. Pierce explained that the ground penetrating radar request is planned to be presented in the 2017-18 budget year. She explained the payment plan and noted that the City Attorney reviewed the contract and the rules and regulations and found that neither speak to the methodology of sale. Ms. Pierce explained the Lot Resale Policy only addresses graves sold after October 1, 2014. If someone owned a grave prior to that date, they could sell it privately.

George Stern, resident & GCAB member, expressed concern with the payment plan. He suggested the Commission ask the GCAB to discuss whether the City should have a regulation permitting the payment of graves over time, should it include interest, and a time limit for payment. He expressed concern with the location of the newly designated graves and suggested the Commission ask the GCAB to revisit this regulation. He stated that the City is doing a disservice to its residents by offering this precious and rare commodity, the graves at the cemetery, to non-residents at the same enticing prices as offered to residents. He suggested the possibility of not selling graves to non-residents. Mr. Stern suggested the Commission move to adopt Public Act 13 speedily. He encouraged the Commission to move forward with reclamation under Public Act 215.

City Attorney Carrier explained that the courts have ruled that one cannot exclude non-residents. He explained that the cemetery is not supported by taxes, therefore the ability to have a differential in fees is not there.

City Clerk Pierce presented the Greenwood Cemetery Update/Contractor Update. She explained that the City entered into an agreement with the Historic Elmwood Cemetery for Cemetery Management Services in 2013. She pointed out that the care, maintenance, and operation of the Cemetery remain under the supervision and control of the City Manager. Ms. Pierce presented a breakdown of the responsibilities of the City before and after the contract and the contractor's current responsibilities. She presented the financial information since the inception of the contract as well. She noted that the labor costs are not tracked separately by the City and the Contractor.

Ms. Pierce explained the Grave Interest List and the process used by the contractor to contact the individuals on that list. She explained that a payment plan is offered by the contractor. She pointed out that once the payment plan is fulfilled, the City will receive its 75% portion of the sale. Burials cannot occur until the payment plan is paid in full.

Commissioner Harris commented on the pace of the contractor contacting individuals on the Grave Interest List. He stated that it seems like a slow and inefficient pace.

Commissioner DeWeese stated that he would like to see a more comprehensive review of all the costs and revenues for the contractor that are associated with the cemetery.

In response to a question from Commissioner Bordman regarding monuments and gravestones, Kevin Desmond, GCAB member, explained that the contractor, any funeral home, and any independent monument dealer could sell monuments and markers. He further explained that the contractor does not sell caskets, vaults or flowers.

Mr. Desmond encouraged the Commission to focus on the fact that new graves would not be available without the contractor. The contractor has mapped out the new spaces and met with the families. It has created a situation for the income to be coming to the City for the creation of the Perpetual Care fund. The cemetery is being managed and the residents are being served at an exceptional level and better than when the City itself was managing it.

George Stern stated that the Community Foundation for Southeast Michigan has a negative return and you can never get the money back and never borrow from it. He commented on his opinion of the contractor's financial information.

Commissioner DeWeese suggested the GCAB create a possible action list for the Commission to review to prioritize some of the different issues. The Commission can make the judgement and prioritize the list.

07-227-16 CURRENT PLANNING ISSUES DISCUSSION

The Commission agreed to postpone the current Planning issues for discussion to the next meeting.

07-228-16 2017 CITY COMMISSION MEETING SCHEDULE

MOTION: Motion by Sherman, seconded by DeWeese:

To approve the proposed schedule of regular City Commission meetings for 2017.

VOTE: Yeas, 7
Nays, None
Absent, None

VII. REMOVED FROM CONSENT AGENDA

07-229-16 MINUTES OF JUNE 27, 2016

Commissioner Sherman requested additional information be added to the minutes regarding the 404 Park discussion. The Commission agreed to return this item to the next meeting.

07-230-16 INFORMATION TECHNOLOGY SERVICES AGREEMENT WITH LOGICALIS

Mayor Hoff questioned when the IT Director position would be filled. HR Manager Taylor explained that the City wants to look at the performance of the contractor first.

MOTION: Motion by DeWeese, seconded by Sherman:

To approve a 12-month service agreement with Logicalis, Inc. for City Information Technology services. Further, directing the City Manager to sign the agreement on behalf of the City.

VOTE: Yeas, 7
Nays, None
Absent, None

07-231-16 SKATING DIRECTOR CONTRACT

Commissioner Hoff noted that the contract stated the position is an interim skating director. DPS Director Wood confirmed that agreement will be modified to remove "interim".

Ms. Wood confirmed for Mayor Hoff that there will be two contractual positions – the Ice Show Manager and the skating director.

MOTION: Motion by DeWeese, seconded by Nickita:

To approve the Contract for Skating Director with Jill Kolaitis effective July 12, 2016 up to and including May 26, 2017 as corrected. Further, to authorize the Mayor and City Clerk to sign the Contract on behalf of the City of Birmingham upon receipt of all required insurances.

VOTE: Yeas, 7
Nays, None
Absent, None

07-232-16

**SPECIAL EVENT REQUEST
WINTER MARKT**

In response to a question from Commissioner Harris regarding the use of a liquor license, City Manager Valentine explained that the City approves the ability to allow it during the event.

Commissioner Harris suggested a sign be placed at the carriage ride boarding area when the horses are on a break.

MOTION: Motion by Harris, seconded by Boutros:

To approve a request from the Birmingham Shopping District to hold the Winter Markt, in Shain Park and surrounding streets from December 2 - 4, 2016 and to allow the use of temporary liquor licenses in Shain Park for this event, 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.

VOTE: Yeas, 7
 Nays, None
 Absent, None

VIII. COMMUNICATIONS

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

X. REPORTS

XI. ADJOURN

The meeting adjourned at 12:14 AM.

Laura M. Pierce
City Clerk