

BIRMINGHAM CITY COMMISSION MINUTES
AUGUST 28, 2017
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Mark Nickita called the meeting to order at 7:32 p.m.

II. ROLL CALL

ROLL CALL: Present,	Mayor Nickita Mayor Pro Tem Harris Commissioner DeWeese Commissioner Hoff Commissioner Sherman
Absent,	Commissioner Bordman Commissioner Boutros

Administration: City Manager Valentine, City Clerk Brown, Police Chief Clemence, City Attorney Currier, City Planner Ecker, DPS Manager Filipski, City Engineer O'Meara, Birmingham Museum Director Pielack, DPS Director Wood

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

Mayor Nickita reported the City received a certificate, "In celebration of the 50th anniversary of the National Historic Preservation Act of 1966, the National Park Service, Department of the Interior congratulates Birmingham, Michigan on being a Certified Local Government and partner in the Federal preservation program since February 22, 2010."

Mayor Nickita read a proclamation recognizing September 2017 as National Recovery Month, and called upon citizens, government agencies, public and private institutions, businesses and schools, to recommit Michigan to increasing awareness and understanding of substance use, and the need for appropriate and accessible services to promote recovery. *Full text of the Proclamation appended to these minutes as Attachment A.*

Mayor Nickita read a proclamation extending sincere appreciation to Birmingham's Sister City of Ritto, Japan in recognition of the valuable sister city relationship, and offered Birmingham's best wishes to the residents of Ritto City for continued prosperity and well-being in the years ahead. *Full text of the Proclamation appended to these minutes as Attachment B.*

Mayor Nickita announced:

- The last day to pay taxes without penalty is Thursday, August 31, 2017.
- The Farmers Market continues on Sundays in September beginning at 9:00 a.m. – 2:00 p.m. in Municipal Parking Lot #6 on N. Old Woodward. Of special note, the Farmers Market Harvest Festival, celebrating the bounty of Michigan's harvest, will be held on September 17, 2017.

- The Birmingham Street Art Fair is coming up on Saturday, September 16th from 10:00 a.m. until 6:00 p.m., and Sunday, September 17th from 10:00 a.m. to 5:00 p.m. For more information, visit www.theguild.org.
- Applications for the 2017 Birmingham Citizens Academy are being accepted in the City Manager's Office now through September 22, 2017. The Citizens Academy begins September 25th and runs through November 13th. This interactive eight-week program is open to Birmingham residents 18 years or older and is designed to provide an informative learning experience for people who want a closer look at how the City operates. Classes are on Tuesday nights from 6:00 until 8:30 p.m. and on two Thursday nights. Applications can be found at bhamgov.org/citizensacademy. For more information call 248-530-1808 or email jhaines@bhamgov.org.

Mayor Nickita recognized Senator Marty Knollenberg.

Senator Knollenberg appeared before the Commission to provide an update regarding priorities and accomplishments of the state government. Budget highlights are as follows:

- Revenue sharing is up \$18.8 million, and Birmingham will receive about 2% more than last year.
- Roads funding is up \$231 million, which includes \$131 million for local roads.
 - Birmingham will see a 3.5% funding increase, and it is estimated that will continue for the next few years.
- \$35 million is budgeted for updating underground infrastructure such as water pipes. Birmingham will receive a portion of that.
- School aid has been increased by \$415 million over last year, and Birmingham's funding for at-risk students has also been increased.
- The State is addressing the school retirement system's \$30 billion deficit, but the State will not be telling cities how to manage their local retirement system as long as they are properly funding it.
- The State is working on the opiate epidemic with many bills to bring it to people's awareness.
- A bill was passed in the legislature to help cities save money for state trunkline road projects like I-75. The bill will save Royal Oak, Madison Heights and Troy \$20 million in costs.
 - Please make the Senator aware of similar issues with which he can assist.

Mayor Pro Tem Harris inquired about the State Law that requires school districts to begin school after Labor Day unless they have filed a waiver with the Michigan Board of Education, and whether there is movement to change that. The Senator replied that he is Vice-Chair of Education, and he recently introduced legislation to allow school districts to begin before Labor Day if they so choose. All Oakland County schools will be eligible to start before Labor Day beginning in 2018. Waivers submitted under this legislation would last three years before requiring renewal.

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.

08-236-17 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Commissioner Sherman: Abstained from Item I based on discussion with the City Attorney.
- Commissioner Hoff: Item F, DPS Facility Generator Replacement
- Commissioner Deweese: Item A, Approval of August 14, 2017 minutes

MOTION: Motion by Commissioner Sherman, seconded by Mayor Pro Tem Harris: To approve the Consent Agenda, with items A and F removed, and Commissioner Sherman's abstention from voting on Item I, Liquor License Transfer for Birmingham Teatro, noted.

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

- B. Approval of warrant list, including Automated Clearing House payments, of August 16, 2017 in the amount of \$626,029.98.
- C. Approval of warrant list, including Automated Clearing House payments, of August 23, 2017 in the amount of \$6,105,028.10.
- D. Resolution approving the Contract for Ice Show Director with Brenda Willhite effective September 5, 2017 up to and including May 10, 2018. Further, authorizing the Mayor and City Clerk to sign the Contract on behalf of the City of Birmingham upon receipt of all required insurances.
- E. Resolution approving the purchase of one (1) new 2018 Ford Police Interceptor Utility from Gorno Ford through the State of Michigan extendable purchasing contract #071B1300005 in the amount of \$30,637.00 from account #641-441.006.971.0100.
- G. Resolution approving the purchase of holiday lights from Wintergreen Corporation for a total cost not to exceed \$23,350.00. Funds are available from the General Fund-Community Activities Operating Supplies account #101-441.004-729.0000 for this purchase.
- H. Resolution delegating to the Birmingham City Clerk and her authorized assistants, those being the members of her staff, the duties of the election commission for the November 7, 2017 General Election. *Formal resolution appended to these minutes as Attachment C.*
- I. Resolution authorizing the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and approving the liquor license transfer for Birmingham Teatro that requests a transfer of Class C License issued under MCL 436.1521(A)(1)(B) located at 211 S. Old Woodward, Birmingham, Oakland County, MI 48009. Furthermore, pursuant to Birmingham City Ordinance, authorizing the City Clerk to complete the Local Approval Notice at the request of Birmingham Teatro approving the liquor license transfer request of Birmingham Teatro for the transfer of a Class C License to be issued under MCL 436.1521 (A)(1)(B) located at 211 S. Old Woodward, Birmingham, Oakland County, MI 48009.
- J. Resolution approving the contract for 2017-2018 pavement marking handwork with Hart Pavement Striping Corporation in the amount of \$87,690.00 for combined fall 2017 and spring 2018 paintings; further authorizing and directing the mayor and city clerk to sign

the contract on behalf of the city; further authorizing this budgeted expenditure from account number 202-303-001-937.0200.

- K. Resolution extending the 2015-16 agreement with PK Contracting, Inc. for painting yellow centerline and white long line pavement markings in the amount of \$10,027.00 for the 2017-2018 fiscal year; further authorizing and directing the mayor and city clerk to sign the agreement on behalf of the city; further authorizing this budgeted expenditure from account number 202-303-001-937.0200.

The Commission agreed to discuss items removed from the Consent Agenda at this time

08-237-17 DPS FACILITY GENERATOR REPLACEMENT (ITEM F)

Commissioner Hoff questioned offsetting the purchase of a \$126,000 emergency generator by deferring a vehicle purchase previously budgeted for the 2017-2018 year.

DPS Manager Aaron Filipski replied that the replacement of an aerial truck was budgeted at \$220,000 for the 2017-2018 year. After consulting with a mechanic, however, they determined DPS can use the truck for one more year, and so DPS is deferring its replacement in order to offset the costs of purchasing the emergency generator.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner DeWeese:
To approve the service agreement with McNulty Electric, Inc. for the purchase, installation, and configuration of an emergency standby generator for the Department of Public Services facility in an amount not to exceed \$126,000.00 from account #641-441.006-971.0100. Further, directing the Mayor and City Clerk to sign the agreement on behalf of the City

VOTE: Yeas, 5
 Nays, 0
 Absent, 2 (Bordman, Boutros)

08-238-17 APPROVAL OF AUGUST 14, 2017 CITY COMMISSION MEETING MINUTES (ITEM A)

Commissioner DeWeese asked that the vote for Resolution 08-228-17, Birmingham Theater Special Land Use Permit and Final Site Plan, recorded on Page 16 of the minutes be amended to change "Abstain" to "Recused".

Moved by Commissioner DeWeese, seconded by Mayor Pro Tem Harris:
To approve the August 14, 2017 City Commission meeting minutes as amended.

VOTE: Yeas, 5
 Nays, 0
 Absent, 2 (Bordman, Boutros)

V. UNFINISHED BUSINESS

08-239-17 MULTI-MODAL TRANSPORTATION CONSULTING SERVICES REQUEST FOR PROPOSALS

From City Planner Ecker's staff report to City Manager Valentine dated August 16, 2017:

- The Multi-Modal Transportation Board (MMTB) was charged with overseeing all City street projects, ensuring that they complied with the new Master Plan. They also were charged with overseeing new initiatives of a multi-modal nature, particularly those

recommended in the Master Plan. Finally, the new Board was charged with taking over the duties of the former Traffic & Safety Board.

- In 2014 the firm of Fleis and Vandenbrink was selected as the City's traffic consultant. This contract has now expired.
- On July 24, 2017, the City Commission extended the previous contract with Fleis and Vandenbrink for six months to allow staff time to go through the RFP process, and directed staff to issue a Request for Proposals (RFP) to seek qualified consulting firms.
- On August 3, 2017, the MMTB reviewed the draft RFP. The MMTB requested that language be added in the context sensitive planning section of the RFP encouraging creativity, innovation, and best practices. Board members also asked that the italics be removed from the headings, and that the word advice on the first page should be changed to advise. The MMTB voted unanimously to recommend approval of the RFP to the City Commission.
- On August 14, 2017, the City Commission requested the following modifications to the RFP, which are now included:
 - Under Consultant Skills and Experience change the introductory paragraph to read, "The successful multimodal transportation consultant submitting a proposal under this RFP must be able to demonstrate professional knowledge and experience in the following areas of expertise to assist the City of Birmingham, *in order of importance*".
 - Under Consultant Skills and Experience re-prioritize the three categories in order of importance:
 1. Context-Sensitive Planning and Urban Design.
 2. Multi-Modal Mobility Planning
 3. Traffic Engineering
 - Under Context-Sensitive Planning and Urban Design, change the second sentence to, "The consultant's team must include an urban design professional who has the skill set to conceptualize, design and graphically communicate multiple approaches, strategies and solutions for critical infrastructure projects, to be determined by the City Manager."

Commissioner Hoff expressed concern about the RFP only including a consultant regarding urban interests and wondered about including a representative for residential interests.

City Planner Ecker explained that "urban" is used to describe Birmingham as a whole because Birmingham is an urban market. On the MMTB there are three residents-at-large so the residential perspective is represented. The use of "urban" encompasses residential, multi-family, commercial, industrial and other uses, not just the downtown.

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Sherman:
To direct staff to issue the Request for Proposals for the solicitation of qualified firms to provide multi-modal transportation consulting services to assist the MMTB and the City Commission in reviewing all transportation-related projects with the changes noted.

VOTE: Yeas, 5
 Nays, 0
 Absent, 2 (Bordman, Boutros)

From Museum Director Pielack's staff report to City Manager Valentine dated August 28, 2017:

- For replacement and repair of the Allen House siding and trim, Jackie Hoist, AIA of H2A Architects, who is a Michigan Historical Architect per Secretary of Interior Standards 36CFR61, provided professional architectural services to the City of Birmingham to create drawings and bid documents according to required standards applied by the State Historic Preservation Office for the treatment of historic properties in preparation for an RFP.
- Her consultant role for the City includes approval of all contractor-provided materials and on site review of the project work in progress in collaboration with city staff.
- On July 19, 2017 the Historic District Commission reviewed and unanimously approved the documents.
- Two bids were received in response to the RFP; the Building Maintenance Supervisor and Museum Director made an initial review of the bids in consultation with the architect. Both bidders met the requirements of the bid.
- The two bids were widely disparate; L.G.K. Building, Inc., \$ 57,430 vs. Grunwell-Cashero Co., \$ 175,900.
- References were checked on the low bidder and all were positive.
- Further steps were then taken for additional meetings with both bidders. The architect, Building Maintenance Supervisor and Museum Director were in attendance; bidders were asked to give additional clarifications and understanding of the project. Both bidders attended and provided the information requested.
- A final review of all information with the architect confirmed that the low bidder, L.G.K. Building, Inc., was qualified to complete the project and should be recommended to receive the contract award.
- Per usual procedure, the bidder provided a signed agreement with city contract requirements. These include the required liability insurance certificate, and a performance bond. The performance bond is held by a third party, usually a bank or insurance company, in the contract amount as insurance that the contract will be satisfactorily completed per the specifications of the contract.
- At its meeting on August 14, 2017, the City Commission requested additional information about the recommended contractor due to the disparity between the two bids, to include a Dun and Bradstreet credit report, information on any tax liens or unpaid obligations, and additional references on recent comparable projects and projects on historic buildings
- The Oakland County Register of Deeds office was contacted and indicated there are no tax liens on record for this company.
- A Dun and Bradstreet report was acquired and showed low risk. Additional references were contacted.
- In addition, the architect provided a written report of her assessment of the recommended bidder as qualified to complete this project

In summary, Birmingham Museum Director Pielack stated that the initial city contractor review process, in combination with additional research by city staff, confirms that L.G.K. Building, Inc. has no outstanding credit or liability concerns, is highly recommended by references for past projects of a similar nature, meets all requirements for the project as determined by the architectural drawings and specifications, has provided a performance bond and certificate of liability insurance, and is the lowest qualified bidder.

Commissioner Hoff commented:

- She is still not comfortable, but will not vote against the project.
- She believes the architect to be very credible, but they have not worked with this specific contractor and have no prior knowledge of their qualifications.
- Because all the requested due diligence has been performed, she will accept the proposal.

Mayor Nickita noted the information has been double-checked, and the Commission has the ability to amend the process if it is not proceeding as desired. He believes there is merit to the concerns, but due diligence has been done and hopefully this will be a successful project.

Mayor Pro Tem Harris affirmed the Mayor's sentiments and acknowledged Commissioner Hoff's concerns. He also noted that the architect's letter made mention of L.G.K. Building, Inc.'s painting of the Hunter House 25 years ago, and that the job had turned out well, which provided him with comfort regarding this project moving forward.

MOTION: Motion by Commissioner DeWeese, seconded by Mayor Pro Tem Harris:

To approve a service agreement with L.G.K. Building, Inc., for the replacement of Siding and Trim for the Allen House in the amount of \$ 57,430.00, to be charged to account 401-804.002- 977.0000, and to direct the Mayor and City Clerk to sign the agreement on behalf of the City; further, to approve the appropriation and amendment to the 2017-2018 Capital Projects Fund budget as follows:

Capital Projects Fund

Revenues

Draw from Fund Balance 401-000.000-400.0000 \$ 57,430

Expenditures:

Buildings – Allen House 401-804.002-977.0000 \$ 57,430

VOTE: Yeas, 5
 Nays, 0
 Absent, 2 (Bordman, Boutros)

VI. NEW BUSINESS

08-241-17 PUBLIC HEARING FOR 375 S. ETON – DISTRICT LOFTS, SPECIAL LAND USE PERMIT AND FINAL SITE PLAN

Mayor Nickita recused himself due to business dealings with the applicant teams, based upon discussion with the City Attorney and City Manager. Mayor Nickita left the Commission room.

Mayor Pro Tem Harris opened the public hearing at 8:12 p.m.

From City Planner Ecker's staff report to City Manager Valentine dated August 18, 2017:

- The subject site, District Lofts, is located at 375 S. Eton, on the east side of Eton north of Villa.
- The parcel is zoned MX, Mixed Use.
- The applicant is applying for a Special Land Use Permit (SLUP) to allow a commercial use greater than 6000 sq.ft. in the Mixed Use (MX) zoning district. The proposed commercial use is a 10,039 sq.ft. office for Oppenheimer Financial. This space was previously proposed to be used as retail/residential, broken up into four tenant spaces, with each one under 6000 sq.ft. in size.

- Article 2, section 2.39, MX District requires that any permitted principal use with a total floor area greater than 6,000 sq.ft. shall obtain a SLUP.
- Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and SLUP, and then obtain approval from the City Commission for the Final Site Plan and SLUP.
- The Planning Board voted unanimously to recommend approval to the City Commission of the SLUP and Final Site Plan for 375 S. Eton, District Loft, on the condition that the applicant adds one or more entrances along S. Eton and obtains administrative approval for same.

City Planner Ecker added that changes to the exterior include some door modifications and adding 31 sq. ft. of stainless steel signage which meets ordinance requirements. There is sufficient parking for any uses on this site.

Commissioner Hoff requested further information on parking, observing that:

- 166 parking spaces are required for Big Rock.
- 90 spaces are required for The Reserve, but The Reserve has a capacity of 540 people.
- The ratio of spaces-to-people might contribute further to the parking problem in that area. Residents have expressed concerns about patrons parking on neighborhood streets, and the Commission is considering eliminating parking on one side of Eton, which would create the need for more spaces.

In addition, Commissioner Hoff expressed:

- Concerns that the timing of the shift from retail/residential to office-use zoning is not good.
- Curiosity as to whether there is a mix of uses required in the district, and if so, is first floor retail is required.

City Planner Ecker replied:

- Reviews are based on ordinance requirements.
- With regards to the subject space, the ordinance requires 33 parking spaces be provided.
- For the development as a whole, it would be necessary to supply 348 parking spaces according to the zoning requirements, and 430 are being supplied.
- Oppenheimer's clients will use parking spaces during the day, while parking for The Reserve will primarily be on evenings and weekends.
- A parking study performed in October 2016 found that 2500 parking spaces are available in the rail district, and the parking deck is vastly underutilized.
- There is a mixed-use requirement for the district, but it does not require first-floor retail. In the MX district there is no first-floor retail requirement like there is in the downtown and redline retail districts. The only prohibition in the MX district on the first-floor is single-family residential.

Victor Saroki appeared before the Commission representing the architects for District Lofts. Norm LePage, Owner of Big Rock, The Reserve, and District Lofts, along with John Kelley and J.C. Cataldo, both contractors and managers of the property, were also in attendance.

Mr. Saroki explained:

- The gross area of the ground floor of the building is 12,350 sq. ft.
- The usable area, which Oppenheimer will occupy, is approximately 10,000 sq. ft.

- The remaining space is the residential lobby, common area, stairs, and elevators.
- When coming in to do a project and propose some uses on a drawing before the Planning Board, it is not uncommon to leave some space designated for unidentified tenants.
- Oppenheimer is a good tenant, and while they had been previously considering a move to Bloomfield Hills, renting this space will keep them in Birmingham.
- An office user is a commercial user, and commercial space is being provided on the ground floor.
- The Reserve only actually accommodates 250 people, not 540 as previously quoted.
- Big Rock is a nighttime function, although they do a light lunch service, and The Reserve is entirely a nighttime function.
- Oppenheimer only uses the parking spaces 8:00 a.m. – 4:00 p.m.
- The users need parking spaces at different peak times.

Mr. Saroki also noted that the ordinance was designed to discourage big-box retailers or supermarkets from overwhelming the area with traffic by moving in, but that if the space had been divided into two 5,000 sq. ft. office users on each side, it would have conformed to the ordinance and would not have required a SLUP.

Commissioner DeWeese asked how easy it would be in the future to revert this space to its original intent.

Mr. Saroki explained that it would be very easy because the building will not have interior load-bearing walls. It is a steel frame building with columns so there is flexibility for tenant mix.

Mr. Saroki added that Oppenheimer employees will park in the parking structure, residents will use the underground parking, and clients of Oppenheimer will have access to six surface spots or to street parking on Villa. Oppenheimer does a lot of its business online, and does not anticipate much traffic from clients.

Commissioner Hoff mentioned the previous issue with Griffin Claw employee parking, and Mr. LePage assured the Commission that the employees are now parking in the structure.

City Planner Ecker confirmed for Commissioner Hoff that office use is permitted in the MX district on the first floor.

Mayor Pro Tem Harris clarified that Villa Road parking is on the east side of S. Eton, not on the west, neighborhood-side of S. Eton.

Mayor Pro Tem Harris closed the public hearing at 8:34.

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Sherman:
To approve the Final Site Plan and Special Land Use Permit for 375 S. Eton to allow a commercial use greater than 6,000 sq.ft. on the ground floor at 375 S. Eton. *Formal resolution is appended to these minutes as Attachment D.*

Mayor Pro Tem Harris commented that he did take heed of Commissioner Hoff's parking concerns, but is persuaded by the applicant's compliance with the parking requirements set forth in the zoning ordinance. He also commented that if this presents a problem moving

forward, there will be multiple opportunities to revisit the situation as the Commission looks at the rail district.

Commissioner Hoff said she will support the motion despite some concerns, and believes that everything Mr. LePage has done is an asset to the rail district. City Planner Ecker confirmed for Commissioner Hoff the Commission has the option of rescinding the SLUP if there are issues by setting a public hearing to consider termination.

VOTE: Yeas, 4
 Nays, 0
 Absent, 2 (Bordman, Boutros)
 Recused, 1 (Nickita)

Mayor Nickita returned to the Commission room and resumed the Chair.

08-242-17 RESOLUTION TO MEET IN CLOSED SESSION TO DISCUSS AN ATTORNEY/CLIENT PRIVILEGE COMMUNICATION IN ACCORDANCE WITH SECTION 8(H) OF THE OPEN MEETINGS ACT.

(A roll call vote is required and the vote must be approved by a 2/3 majority of the commission. The commission will adjourn to closed session after all other business has been addressed in open session and reconvene to open session, after the closed session, for purposes of taking formal action resulting from the closed session and for purposes of adjourning the meeting.)

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Hoff:
To meet in closed session to discuss an attorney/client privileged communication in accordance with Section 8(H) of the Open Meetings Act.

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

Mayor Nickita did not anticipate any action coming from the closed session.

VII. REMOVED FROM 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

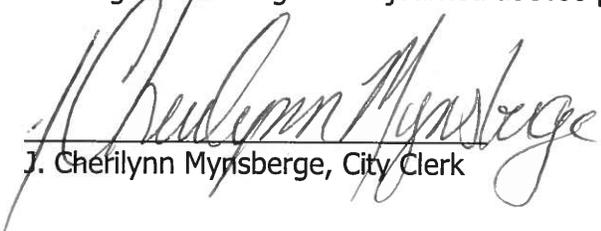
08-243-17 CITY STAFF REPORTS

The Commission received the Parking Utilization Report, submitted by City Engineer O'Meara. Mayor Nickita pointed out he and the City Manager have discussed the method of documenting and have agreed on a digital monitoring system. Prime times of use are Tuesday, Wednesday, and Thursday between 10:00 a.m. and 2:00 p.m. City Manager Valentine added that future reports will include data representing Tuesday, Wednesday, and Thursday at 1:00 p.m., giving an indication as to the number of spaces available at those peak times.

XII ADJOURN

Mayor Nickita adjourned the meeting into closed session at 8:41 p.m. and reconvened the regular meeting at 9:00 p.m.

The regular meeting was adjourned at 9:00 p.m.


J. Cherilynn Myrsberge, City Clerk

**CITY OF BIRMINGHAM
PROCLAMATION**

- WHEREAS,** substance use recovery is important for individual well-being and vitality, as well as for families, communities and businesses; and
- WHEREAS,** approximately 21.5 million people aged 12 or older had a substance use disorder in the past year, and 1 in 5 teens abuse prescription drugs before the age of 13; and
- WHEREAS,** last year 2,000 Michiganders died due to an opioid overdose, placing Michigan as the 7th highest number of deaths due to opioid overdose in the nation; and
- WHEREAS,** we will continue to educate and raise awareness of the risks and potential harm associated with prescription drug misuse, and we believe everyone facing substance use disorders deserves the benefit of recovery; and
- WHEREAS,** Friday, September 22, 2017, has been designated for Oakland County's 10th Annual Substance Use Recovery Celebration and Walk; and
- WHEREAS,** stigma and stereotypes associated with substance use disorders often keep people from seeking treatment that could improve their quality of life; and
- WHEREAS,** substance use disorders occur when the recurrent use of alcohol and/or drugs causes clinically or functionally significant impairment, such as health problems, disability, and failure to meet major responsibilities at work, school or home; and
- WHEREAS,** substance use disorder recovery benefits individuals with substance use disorders by focusing on their abilities to live, work, learn, and fully participate and contribute to our society, and also enriches the culture of our community; and therefore,
- BE IT RESOLVED** that I, Mark Nickita, Mayor for the City of Birmingham, hereby recognize September 2017 as National Recovery Month, and call upon our citizens, government agencies, public and private institutions, businesses and schools, to recommit our state to increasing awareness and understanding of substance use, and the need for appropriate and accessible services to promote recovery.

*On behalf of the City Commission and the residents of
Birmingham this 28th day of August, 2017.*

Mark Nickita, Mayor

**CITY OF BIRMINGHAM
PROCLAMATION**

- WHEREAS,** The City of Birmingham and the City of Ritto have been sister cities for the past 41 years; and
- WHEREAS,** The cities of Ritto and Birmingham have enjoyed a valuable sister city relationship which has allowed residents from the two cities the opportunity to share in one another's culture and traditions and to learn a great deal from one another in the process; and
- WHEREAS,** The Sister City program and Goodwill Missions have led to a number of lasting friendships between participants in both nations; and
- WHEREAS,** The City of Birmingham looks forward to continuing this mutually beneficial sister city relationship to foster further growth of friendly relations between the two cities; and
- WHEREAS,** The City of Ritto is located in Shiga Prefecture in the Kansai Region in Japan; and
- WHEREAS,** The Mayor of Ritto, Masahiro Nomura, is a highly respected and honored leader of the City of Ritto; and
- WHEREAS,** The City of Birmingham is grateful for the opportunity to promote cultural awareness and strengthened international relationships; and
- THEREFORE,** With sincere appreciation, I wish to recognize and congratulate Ritto for their many years of cultivating a strong relationship with the city of Birmingham.
- BE IT RESOLVED** that I, Mark Nickita, Mayor for the City of Birmingham, wish to extend my sincere appreciation on behalf of myself, the City Commission, and the Birmingham community to our Sister City of Ritto, in recognition of our valuable sister city relationship, and we offer our best wishes to the residents of Ritto City for continued prosperity and well-being in the years ahead.

On behalf of the City Commission and the residents of Birmingham this 14th day of August, 2017

Mark Nickita, Mayor

**RESOLUTION
DELEGATING ELECTION COMMISSION DUTIES
AUGUST 28, 2017**

Moved by Commissioner Sherman, seconded by Mayor Pro Tem Harris:

To delegate 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 November 7, 2017 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.

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

I, J. 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 August 28, 2017.

J. Cherilynn Mynsberge, City Clerk

RESOLUTION
THE RESERVE BANQUET FACILITY & THE ETON STREET/DISTRICT LOFTS
SPECIAL LAND USE PERMIT
2017

WHEREAS, The Reserve Banquet Facility applied for and received on September 22, 2003 a Special Land Use Permit to allow construction of a 6,840.75 square foot banquet facility to operate past the hours of 11:00 p.m., such application(s) having been filed pursuant to the City Code;

WHEREAS, The Reserve Banquet Facility applied for and received on September 11, 2006 a Special Land Use Permit Amendment to permanently erect a metal tent structure adjacent to The Reserve, to construct two residential loft buildings containing 42 residential units, 5 live/work units and 7,000 square feet of commercial space, as well as a three story parking structure as amended on July 26, 2006 on the existing Big Rock and The Reserve property;

WHEREAS, the land for which the Special Land Use Permit was originally granted is located on the east side of S. Eton Street between Villa and Maple Road;

WHEREAS, the land is zoned B-2B (General Business) and MX (Mixed Use), which permits banquet facilities, residential lofts, live/work units and accessory parking structures as of right, permits commercial space over 6,000 square feet in size with a Special Land Use Permit, permits tents in connection with any permitted use for longer than ten days as part of a Special Land Use Permit, and which also permits operating hours to extend past 11:00 p.m. with a Special Land Use Permit;

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning, of the City Code requires Special Land Use Permits to be reviewed by the Birmingham City Commission;

WHEREAS, the applicant is requesting approval at this time to combine ground floor commercial units into one 10,039 square feet commercial space to house Oppenheimer Financial in conformance with the attached plan;

WHEREAS, the Planning Board on July 26, 2017 reviewed the application for Final Site Plan Review and a Special Land Use Permit and recommended approval with the following condition:

- 1) The applicant adds one or more entrances along S. Eton and obtain Administrative Approval for same;

WHEREAS, the Birmingham City Commission has reviewed The Reserve's and The Eton Street Lofts application for an amendment to the Special Land Use Permit as well as 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 that this Commission determines that the standards imposed by the City Code have been met;

BE IT FURTHER RESOLVED, that the Birmingham City Commission approves The Reserve's Special Land Use Permit Amendment and the Final Site Plan and Design for 245, 325 and 375 S. Eton to allow the combination of ground floor commercial units into one 10,039 square feet commercial space to house Oppenheimer Financial, subject to the following condition:

- 1) The applicant adds one or more entrances along S. Eton and obtains Administrative Approval for same;

BE IT FURTHER RESOLVED that a failure to comply with any of the above conditions may result in the City taking such action as it deems in its sole discretion to assure compliance with the provisions of the Special Land Use Permit or, taking into consideration the nature of the failure to comply, the termination of the Special Land Use Permit itself.

BE IT FURTHER RESOLVED that The Reserve and The Eton Street Lofts and their heirs, successors and assigns shall be bound by all applicable 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 Reserve and The Eton Street Lofts to comply with all such ordinances of the City may result in the City taking such action as it deems in its sole discretion to assure compliance with the provisions of the Special Land Use Permit or, taking into consideration the nature of the failure to comply, the termination of the Special Land Use Permit itself.

BE IT FURTHER RESOLVED that the only limitations of this special land use permit are those expressly set forth in this Special Land Use Permit.

I, J. 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 by the Birmingham City Commission at its regular meeting held on August 28, 2017.

J. Cherilynn Mynsberge, City Clerk