

BIRMINGHAM CITY COMMISSION MINUTES
FEBRUARY 25, 2019
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Patty Bordman called the meeting to order at 7:30 PM.

II. ROLL CALL

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

 Absent: Commissioner Sherman

Administration: City Manager Valentine, Assistant City Manager Gunter, City Attorney Currier, Police Chief Clemence, Planning Director Ecker, Finance Director Gerber, Building Official Johnson, Library Director Koschik, City Engineer O'Meara, City Clerk Mynsberge, Birmingham Shopping District Executive Director Tighe

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

02-041-19 ANNOUNCEMENTS

Mayor Bordman announced:

- Registration for Ice Skating Lessons at the Birmingham Ice Sports Arena will take place on Wednesday, February 27, from 5:00 until 7:00 pm and again on Saturday, March 2, from 10:00 am until 1:00 pm. For more information visit www.bhamgov.org and navigate to the Ice Arena page.
- Wendy Carriveau, Stroke Coordinator at Beaumont Hospital in Royal Oak, will share tips for stroke prevention on Tuesday, March 5 at 7:00 p.m. The event will take place in the lower level meeting room at the Baldwin Public Library.
- The Friends of the Baldwin Public Library are now collecting gently used handbags, purses, totes, and wallets for their Books, Bags, and Bagels sale on Sunday, March 24 from 1-4:00 p.m. All proceeds from the sale will support the Friends of the Baldwin Public Library in their ongoing efforts to support programs, services, and the annual summer reading program at the Baldwin Public Library.
- Celebration of Commissioner DeWeese's birthday.

02-042-19 RECOGNITION OF 2018 STUDENT REPRESENTATIVES TO CITY BOARDS AND COMMITTEES

Mayor Bordman recognized the following eleven student representatives for their service in 2018 on Birmingham boards and committees:

Planning Board	Madison Daminato Sam Fogel Ellie McElroy	Seaholm High School Seaholm High School Seaholm High School
Parks & Recreation Board	Jakob Sayer CeCe Cousins	Seaholm High School Seaholm High School
Museum Board	Joy Tenjeras	Groves High School
Public Arts Board	Cole Wolhfiel Amelia Berry	Seaholm High School Seaholm High School
Advisory Parking Committee	Ajnay Yaple	International Academy
Historic District Commission and Design Review Board	Ava Wells Grace Donati	Seaholm High School Seaholm High School

02-043-19 APPOINTMENT OF STUDENTS AS NON-VOTING MEMBER FOR CALENDAR YEAR 2019

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Boutros:
To thank the students who served on City boards and committees in 2018 and to appoint the following students as non-voting members for calendar year 2019:

Planning Board:	John Utley Sophia Trimble	Seaholm High School Seaholm High School
Parks & Recreation Board:	John Butcher	Seaholm High School
Museum Board:	Meredith Weddell	Seaholm High School
Multi-Modal Transportation Board:	Bennett Pompei Chris Capone	Seaholm High School Seaholm High School
Historic District Commission and Design Review Board:	Klea Ahmet	Seaholm High School

VOTE: Yeas, 6
 Nays, 0

City Clerk Mynsberge administered the oath of office to the Student Board Representatives.

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.

02-044-19 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Commissioner Hoff Item K; On Street Valet Services Program Vendor Recommendation

MOTION: Motion by Mayor Pro Tem Boutros, seconded by Commissioner Harris:
To approve the Consent Agenda, with the exception of Item K.

ROLL CALL VOTE: Ayes: Mayor Bordman
 Mayor Pro Tem Boutros
 Commissioner DeWeese
 Commissioner Harris
 Commissioner Hoff
 Commissioner Nickita
 Nays: None

- A. Resolution approving the City Commission meeting minutes of February 11, 2019.
- B. Resolution approving the warrant list, including Automated Clearing House payments, dated February 13, 2019 in the amount of \$3,281,975.47.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated February 20, 2019 in the amount of \$572,646.86.
- D. Resolution approving a special event permit as requested by the Birmingham Shopping District to hold the 2019 Movie Nights on Fridays, June 14, July 12, and August 23, 2019, with rain dates scheduled on Saturdays, June 15, July 13, and August 24, 2019. Approval is 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.
- E. Resolution approving a request from the Birmingham Shopping District to hold the 2019 Day on the Town special event on Saturday, July 27, 2019 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.
- F. Resolution approving a request from the Birmingham Shopping District to hold the 2019 Birmingham Cruise special event, with the expanded footprint, on Saturday, August 17, 2019 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.
- G. Resolution approving a special event permit as requested by the Birmingham Shopping District to hold the 2019 Santa House beginning the week-end of November 30, 2019 through December 24, 2019 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.

- H. Resolution approving a special event permit as requested by the Birmingham Shopping District to hold the 2019 Winter Markt Friday, December 6 – Sunday, December 8, 2019 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.
- I. Resolution approving Attachment 2 to the Uniform Video Service Local Franchise Agreement with Comcast, effective April 27, 2015 through April 26, 2025, accepting the name change of the entity holding the cable franchise from Comcast of Colorado/Florida/Michigan/New Mexico/Pennsylvania/Washington, LLC to Comcast of Florida/Michigan/New Mexico/Pennsylvania/Washington, LLC, effective January 2, 2019, and authorizing the Mayor and City Clerk to execute same on behalf of the City.
- J. Resolution approving the 2019 annual flower purchase from Crowell Greenhouse Inc. in the amount not to exceed \$17,812.85. Funds are available from the General Fund – Property Maintenance – Operating Supplies account #101-441.003-729.0000.
- L. Resolution that the City Commission shall meet on Monday, March 25, 2019 at 7:30 P.M., for the purpose of conducting a public hearing of necessity for the creation of a special assessment district to reconstruct the pavement, update street lighting, and add dumpster screens and wayfinding signs for the Pierce St. Alley, from Pierce St. to E. Merrill St.;

AND

If necessity is determined on March 25, setting a public hearing on April 8, 2019, at 7:30 P.M. to review the assessments and to confirm the roll.

- M. Resolution approving the Title VI Non-Discrimination Plan update incorporating the change of Title VI Coordinator designation to Benjamin I. Myers, Human Resources Manager. Further, authorizing the Mayor and City Manager to sign the appropriate sections of the plan.
- N. Resolution approving the agreement with Saber Window Cleaning DBA Transparent Window Cleaning in the amount not to exceed \$48,360.00 to perform window cleaning services to the City of Birmingham facilities and charge these services to the respective department accounts; and directing the Mayor and City Clerk to sign the agreement on behalf of the City.
- O. Resolution approving an agreement with Mechanical Design & Installation, LLC. in the amount not to exceed \$226,318.00 from the City Hall and Grounds Capital Improvement Account #401-265-001-977-0000 to perform the New Boilers and Controls Upgrade for City Hall; and directing the Mayor and City Clerk to sign the agreement on behalf of the City.

02-045-19 ON STREET VALET SERVICES PROGRAM VENDOR RECOMMENDATION (ITEM K)

Assistant City Manager Gunter clarified:

- 'Week 1' as referred to in the report fell in the middle of August 2018 when the Old Woodward construction concluded. Following that week was the demonstration period, concluding at the end of 2018.

- Valet services park cars in reserved areas in the City's parking garages.
- There have been a few complaints about perceived underutilization of the reserved valet spaces in the morning. Around 10:30 a.m. as the lunch and shopping crowd starts coming in the spaces are utilized by valet services. Once the process was explained to the concerned parties, they understood the need to reserve the spaces.
- Lunch time is peak use time.
- There are four on-street metered spaces reserved in front of the Rivage Day Spa for valet operations. There are three spaces on Hamilton.
- Beyond the reserved spaces for the operation of the valet stands, it is not a City-approved practice to park cars on the street in metered spaces. Whenever there is a concern about valet parking on the street, Assistant City Manager Gunter addresses it immediately.
- Assistant City Manager Gunter provided the Commission with corrected copies of the contract stating the term begins March 1, 2019 and concludes February 28, 2020, with options to renew one year at a time.
- The City will be more heavily advertising the available valet services if it becomes a permanent program.
- The money paid by individuals using the valet services goes to In-House Valet.

Steve Ferich of In-House Valet explained:

- If a car is very occasionally parked in the street by valet services, it is because a valet patron has indicated they were running a five-minute or less errand nearby, such as withdrawing money from a bank.
- In-House Valet provides private valet services at the Townsend Hotel, the Community House for special events, Cameron's, Forest Grill and 220 Merrill.
- He is mindful of the City's intent to be pedestrian friendly, and is confident in his ability to manage valet services in a way that is supportive of that goal.
- Valet services are provided 10 a.m. to 6 p.m. All-day service is merited because there is frequent use throughout the day.
- He is aware of upcoming construction and will be working with Assistant City Manager Gunter to accommodate those changes.
- The location of the two valet stands are working very well.
- There is no valet stand on Maple St. because Birmingham Police have determined it would not be a safe location.

Commissioner Hoff said she would like to see valet use numbers from after the holidays in order to get a sense of more routine use.

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Boutros:
To approve the agreement with In-House Valet, Inc. for City sponsored on street valet services in the amount of \$78,000 from account #585-538-001-811.0000, and further directing the Mayor to sign the agreement on behalf of the City.

VOTE: Yeas, 6
 Nays, 0

Commissioner Hoff said she would like to monitor the progress of the valet stands to make sure they are being used.

Assistant City Manager Gunter said she could add the weekly usage numbers to the parking utilization report moving forward.

City Manager Valentine noted:

- This is part of a larger strategy to make valet services an integral part of Birmingham, especially in light of the upcoming major construction projects in the City. The goal is to have people know there will be valet parking when they come to visit Birmingham.
- Valet services provide a convenience to people visiting and working in Birmingham. This allows a higher turnover of visitors to Birmingham.

Mayor Pro Tem Boutros said he has heard a lot of positive feedback regarding the provision of valet services. He also encouraged Mr. Ferich to stay in touch with the BSD for the purpose of publicizing valet services. Mr. Ferich confirmed that Assistant City Manager Gunter and BSD Director Tighe are frequently in touch with him and working to publicize the valet services.

Assistant City Manager Gunter confirmed for Commissioner Harris the renewal options are held by the City, not the contractor, and the same price would remain in effect for the second year should the City choose to renew the contract.

V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

02-046-19 BALDWIN LIBRARY PHASE 2 REQUEST FOR PROPOSALS (RFP)

Library Director Koschik presented the request for authorization to issue the RFP.

Comments/Clarification

Library Director Koschik said:

- The \$2.4 million figure includes money for furniture, fixtures, equipment and landscaping. The RFP being issued, however, is for construction and landscaping. The Library will be issuing a separate RFP for furniture, fixtures, and equipment.
- Building Official Johnson will be the Construction Manager on the project.
- The ADA ramp will be available during construction and there will be something to protect the ramp during construction.
- The restrooms on the main floor will be out of commission for 6-8 weeks during this phase of construction. Patrons will still have access to bathrooms on the second floor or in the basement.
- Programming will be somewhat curtailed during this period, but the Community House has volunteered to provide the Library with space for programming. The Library intends to offer programs off-site.

MOTION: Motion by Commissioner DeWeese, seconded by Mayor Pro Tem Boutros:
To authorize the issuance of the Request for Proposals included with the Library Director's February 19th memo for the renovation of the Youth Room section of the Baldwin Public Library.

VOTE: Yeas, 6
 Nays, 0

02-047-19 LIQUOR LICENSE REVIEW AND RENEWAL

Commissioner Nickita recused himself from discussing and voting on 220 Merrill and Toast due to business relationships with the owners of both establishments.

City Clerk Mynsberge presented the item.

Commissioner Hoff thanked staff for the clarity of the submitted reports.

Comments/Clarification

Planning Director Ecker explained:

- Elie's Mediterranean filled out their liquor license application incorrectly in regards to numbers, but upon the Planning Department on-site review it was clear that Elie's was actually in compliance

City Clerk Mynsberge confirmed:

- Rojo and Sidecar share an owner and together owe the City \$16,325 in taxes and water bills. The owner entered into a payment plan with the City for the water bills on February 25, 2019 by paying a portion and agreeing to continue making regular payments on the debt. The outstanding taxes for both establishments remain unpaid.

Mayor Bordman invited Stephen Simon, owner of Rojo and Sidecar, to speak to the Commission.

Mr. Simon explained both Rojo and Sidecar were purchased in bankruptcy court in June 2018. There are current talks with the City and Oakland County as to whether the July 2018 taxes are due from the current or previous owner. In addition, the company's accountant has indicated that the assets purchased were only about \$20,000, which would free the business from owing taxes.

City Attorney Currier said with respect to the delinquent taxes he was unsure because he was not familiar with the bankruptcy filing. He could not say whether that was a matter the bankruptcy court was taking into consideration, but that it would have some priority with respect to payment in the bankruptcy court. If the priority stays as-is, eventually the property will go to tax sale.

Commissioner Harris suggested setting a March 25, 2019 public hearing date to encourage a speedy resolution of the matter on the part of the previous owner and Mr. Simon.

Mayor Bordman concurred and advised Mr. Simon that the tax liability may fall to him if he intends to keep the restaurants. She said this was not legal advice, but that it seemed to her that if the previous owner were mandated to pay by the court that Mr. Simon would be reimbursed.

Commissioner DeWeese said Toast has been slow in addressing issues with the City, including the fact that Toast is in violation of its Special Land Use Permit (SLUP) because it is not currently operating in the evenings.

Planning Director Ecker explained:

- Toast had been subject to code enforcement for not providing dinner hours as per their SLUP. The owners then came to a pre-application meeting with the Planning Department to discuss either providing dinner hours or applying for a SLUP amendment.
- Toast ultimately submitted an application and attendant fee for a SLUP amendment earlier in the day on February 25, 2019, hoping not to provide regular dinner hours but to provide evening space for cooking classes and other activities instead.
- Toast would not likely receive a public hearing regarding their application with the Planning Board before the end of April 2019.

Toast representative Tony Minicilli came forward to address the Commission. He explained:

- Toast's hours were changed in October 2018, and they were unaware their SLUP was contingent on having dinner hours. He said that he believed Toast was the only restaurant that had a SLUP requiring evening hours.
- When Toast was made aware that they were in violation of their SLUP, Toast was advised to re-apply.
- He is the Director of Operations, and neither he nor the current owner were part of the SLUP process when it was originally granted to Toast by Birmingham. Toast was originally owned by married couple Thom and Regan Bloom, and they since divorced with Regan retaining ownership of the restaurant along with investors.

Mayor Bordman stated:

- SLUPs require any change in ownership be reviewed by the City Commission.
- Since Toast did not submit their change in ownership for review to the City Commission, the restaurant has now made the City aware of an additional violation of their SLUP.
- Given the major problems with the operation of the restaurant, she recommended setting a public hearing for Toast on March 25, 2019.

Commissioner Hoff noted there were several restaurants with discrepancies between the number of seats allowed and the number of seats the Planning Department found upon inspection. She added that as of the submission of the information to the City Commission, many of those discrepancies had not been resolved. She asked Mayor Bordman if the Commission could speak with representatives from the establishments in violation present this evening to see whether the discrepancies have since been resolved.

Mayor Bordman concurred, suggested reviewing the discrepancies one establishment at a time, and asked whether a representative from Bella Piatti was present.

Nino Cutraro introduced himself as the owner of Bella Piatti.

Mayor Bordman asked Mr. Cutraro why he had not responded to contact from the City regarding the issue with the number of seats in Bella Piatti.

Mr. Cutraro said he never saw any communication from the City regarding the matter.

Mayor Bordman invited Planning Director Ecker to confirm that attempts to contact Bella Piatti had occurred.

Planning Director Ecker confirmed that both a letter and an email were sent, and that City Planner Nicholas Dupuis also stopped by Bella Piatti in person.

Mr. Cutraro then said he did have the letter.

In response to Mayor Bordman's question, Planning Director Ecker explained Bella Piatti had been approved for 52 indoor seats plus 10 at the bar. Bella Piatti is in violation because at last inspection by the Planning Department the restaurant had 63 indoor seats plus 11 at the bar.

Mr. Cutraro said he eliminated two tables and the extra seat at the bar, and offered to show the Commission a photo as proof.

Addressing Mr. Cutraro and other establishment representatives, Mayor Bordman stated that the liquor licenses granted by the Commission are valuable to both the establishments and to Birmingham. She continued:

- Liquor licenses are one of the drivers to bring in guests to Birmingham.
- The Commission takes these liquor licenses very seriously, which includes the SLUPs the establishments agree to.
- Discovering that at least eight establishments in Birmingham have violated the allowable number of seats has been very disappointing.
- The Commission would be putting pressure on these establishments to come into compliance by setting public hearings to determine whether or not the City will object to the renewal of liquor licenses for the establishments currently in violation.

Commissioner Hoff noted that seat discrepancies are easy fixes. She suggested that the establishments come into compliance and then contact the Planning Department to set up an inspection for the purpose of confirming their compliance. Then, at the public hearing, the Planning Department can provide confirmation that each establishment is in compliance and the matter can be resolved more expeditiously.

Mayor Bordman commented that because these discrepancies are such an easy fix, these issues should have been resolved far in advance of tonight's meeting.

Planning Director Ecker clarified not all bistros have an allowance of 65 indoor seats and 10 at the bar. She explained seating allowances vary according to a number of different factors. She also confirmed that any bistros with over 65 indoor seats are indeed in violation.

Commissioner Nickita asked for clear data on the seating discrepancies, Class C license holders, and Bistro license holders for the March 25, 2019 so the Commission can best see where the discrepancies are. Mayor Bordman agreed and requested as much information as possible.

Commissioner Nickita said the fundamental question is what was agreed to as part of each establishment's Special Land Use Permit, and where each establishment is in violation.

Mr. Cutraro told the Commission is that he is currently in compliance. He asked whether he was allowed 52 people or 52 chairs.

Planning Director Ecker clarified that Bella Piatti is permitted 52 chairs. In addition, people are allowed to stand in a small bar area which was marked on the plans when they were approved. This means there could be 52 indoor seats, ten people seated at the bar, and three or four additional people standing in the defined bar area.

Mayor Bordman then went through each establishment listed as non-compliant in terms of seats as of the City's last inspection. If Planning Director Ecker confirmed non-compliance for a given establishment, Mayor Bordman asked that representatives plan to attend a public hearing on March 25, 2019.

Planning Director Ecker confirmed Bella Piatti, La Strada, Luxe, Mad Hatter, Salvatore Scallopini, Townhouse, Bistro Joe's, Forest Grill and Tallulah were non-compliant as of their last inspections by the City.

Planning Director Ecker confirmed Adachi is still non-compliant because they have not pulled permits for two A-frame signs on their sidewalk.

John Henke, Adachi representative, said the Adachi owners would be in on February 28, 2019 to pull permits for the two A-frame signs.

Planning Director Ecker stated that Cameron's Steakhouse may have a code violation vis-a-vis some unscreened dumpsters with contested ownership.

Planning Director Ecker confirmed Fleming's has a sign without a permit, that 220 Merrill has an outdoor propane storage unit which is a violation, and outdoor tables and chairs are being stored on the outdoor platform at Rojo which is a violation.

Mayor Bordman stated the City's ordinances promote the most appealing atmosphere in the City's establishments, and that compliance with the ordinances benefits both the establishments and the City.

Commissioner Nickita agreed with Mayor Bordman's point, adding that the bistro ordinance was formulated specifically to allow a different kind of establishment to have a liquor license without having to acquire a Class C license. In order to allow this, however, the parameters for a bistro license must be tightly monitored and tightly adhered to. This ensures that the legal relationships between various establishments and the City are fair and accomplishing what they were designed to do.

Mayor Bordman asked for public comment.

Mr. Henke suggested that establishments that come into compliance regarding seat discrepancies before March 25, 2019 could possibly be left off the public hearing list for that meeting.

Mayor Bordman said that any establishments non-compliant as of this meeting would have a public hearing set for March 25, 2019. If the establishment comes into compliance before then, then the public hearing will be expedited for the establishment.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Harris:
To approve the renewal for the 2019 licensing period, of all Class B, Class C, and microbrewery liquor licenses for which a current year application was received, except for the license(s) held by the following establishments for which a public hearing has been set:

- 220 Merrill Restaurant
- Adachi restaurant Group LLC
- Bella Piatti
- Bistro Joe's
- Cameron's Steakhouse
- Fleming's Prime Steakhouse
- Forest Grill 2, LLC
- La Strada Caffè, LLC
- Luxe Bar & Grill
- Mad Hatter Bistro (Tea Parlor, Inc.)
- Rojo Mexican Bistro
- Salvatore Scallopini
- Sidecar Slider Bar
- Tallulah Wine Bar & Bistro
- Toast Birmingham, LLC
- Townhouse Kitchen and Bar, LLC

VOTE: Yeas, 6
 Nays, 0

220 Merrill Restaurant

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Boutros:
To set a public hearing for 7:30 PM on Monday, March 25, 2019 in Room 205 of the Birmingham Municipal Building, 151 Martin, Birmingham, MI 48009, to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of **220 Merrill Restaurant** pursuant to Sec. 10-40 (3)a of the Birmingham Code of Ordinances:

Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes, specifically an outdoor propane display which is not allowed in the B-4 Zoning District;

Further, to direct the City Manager to notify the owners/operators of **220 Merrill Restaurant**, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

VOTE: Yeas, 5
 Nays, 0
 Recused, 1 (Nickita)

Adachi Restaurant Group LLC

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Hoff:

To set a public hearing for 7:30 PM on Monday, March 25, 2019 in Room 205 of the Birmingham Municipal Building, 151 Martin, Birmingham, MI 48009, to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of **Adachi Restaurant Group LLC** pursuant to Sec. 10-40 (3)a of the Birmingham Code of Ordinances:

Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including existing violations of building, electrical, mechanical, plumbing, zoning, health, fire or other applicable regulatory codes, specifically an outdoor A-frame sidewalk sign without a permit;

Further, to direct the City Manager to notify the owners/operators of **Adachi Restaurant Group LLC**, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

VOTE: Yeas, 6
 Nays, 0

Bella Piatti

MOTION: Motion by Commissioner Harris, seconded by Commissioner DeWeese:

To set a public hearing for 7:30 PM on Monday, March 25, 2019 in Room 205 of the Birmingham Municipal Building, 151 Martin, Birmingham, MI 48009, to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of **Bella Piatti** pursuant to Sec. 10-40 (5) of the Birmingham Code of Ordinances:

Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license, specifically the number of seats in the restaurant is in non-compliance with the site plans;

Further, to direct the City Manager to notify the owners/operators of **Bella Piatti**, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

VOTE: Yeas, 6
 Nays, 0

Bistro Joe's

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

To set a public hearing for 7:30 PM on Monday, March 25, 2019 in Room 205 of the Birmingham Municipal Building, 151 Martin, Birmingham, MI 48009, to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for

consumption of intoxicating liquor on the premises currently held by the owners/operators of **Bistro Joe's** pursuant to Sec. 10-40 (5) of the Birmingham Code of Ordinances:

Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license, specifically the number of seats in the restaurant is in non-compliance with the site plans;

Further, to direct the City Manager to notify the owners/operators of **Bistro Joe's**, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

VOTE: Yeas, 6
 Nays, 0

Cameron's Steakhouse

MOTION: Motion by Commissioner Harris, seconded by Commissioner Hoff:

To set a public hearing for 7:30 PM on Monday, March 25, 2019 in Room 205 of the Birmingham Municipal Building, 151 Martin, Birmingham, MI 48009, to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of **Cameron's Steakhouse** pursuant to Sec. 10-40 (3)c of the Birmingham Code of Ordinances:

Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining premises, specifically unscreened waste receptacles.

Further, to direct the City Manager to notify the owners/operators of **Cameron's Steakhouse**, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

VOTE: Yeas, 6
 Nays, 0

Fleming's Prime Steakhouse

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

To set a public hearing for 7:30 PM on Monday, March 25, 2019 in Room 205 of the Birmingham Municipal Building, 151 Martin, Birmingham, MI 48009, to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of **Fleming's Prime Steakhouse** pursuant to Sec. 10-40 (3)a of the Birmingham Code of Ordinances:

Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including existing violations of building, electrical, mechanical, plumbing, zoning, health,

fire or other applicable regulatory codes, specifically an outdoor sidewalk sign without a permit;

Further, to direct the City Manager to notify the owners/operators of **Fleming's Prime Steakhouse**, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

VOTE: Yeas, 6
 Nays, 0

Forest Grill 2, LLC

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Nickita:
To set a public hearing for 7:30 PM on Monday, March 25, 2019 in Room 205 of the Birmingham Municipal Building, 151 Martin, Birmingham, MI 48009, to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of **Forest Grill 2, LLC** pursuant to Sec. 10-40 (5) of the Birmingham Code of Ordinances:

Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license, specifically the number of seats in the restaurant is in non-compliance with the site plans;

Further, to direct the City Manager to notify the owners/operators of **Forest Grill 2, LLC**, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

VOTE: Yeas, 6
 Nays, 0

La Strada Caffè, LLC

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Harris:
To set a public hearing for 7:30 PM on Monday, March 25, 2019 in Room 205 of the Birmingham Municipal Building, 151 Martin, Birmingham, MI 48009, to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of **La Strada Caffè, LLC** pursuant to Sec. 10-40 (5) of the Birmingham Code of Ordinances:

Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license, specifically the number of seats in the restaurant is in non-compliance with the site plans;

Further, to direct the City Manager to notify the owners/operators of **La Strada Caffè, LLC**, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person

at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

VOTE: Yeas, 6
 Nays, 0

Luxe Bar & Grill

MOTION: Motion by Commissioner Harris, seconded by Commissioner DeWeese:
To set a public hearing for 7:30 PM on Monday, March 25, 2019 in Room 205 of the Birmingham Municipal Building, 151 Martin, Birmingham, MI 48009, to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of **Luxe Bar & Grill** pursuant to Sec. 10-40 (5) of the Birmingham Code of Ordinances:

Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license, specifically the number of seats in the restaurant is in non-compliance with the site plans;

Further, to direct the City Manager to notify the owners/operators of **Luxe Bar & Grill**, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

VOTE: Yeas, 6
 Nays, 0

Mad Hatter Bistro

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Boutros:
To set a public hearing for 7:30 PM on Monday, March 25, 2019 in Room 205 of the Birmingham Municipal Building, 151 Martin, Birmingham, MI 48009, to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of **Mad Hatter Bistro** pursuant to Sec. 10-40 (5) of the Birmingham Code of Ordinances:

Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license, specifically the number of seats in the restaurant is in non-compliance with the site plans;

Further, to direct the City Manager to notify the owners/operators of **Mad Hatter Bistro**, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

VOTE: Yeas, 6
 Nays, 0

Rojo Mexican Bistro

MOTION: Motion by Commissioner Harris, seconded by Mayor Pro Tem Boutros:
To set a public hearing for 7:30 PM on Monday, March 25, 2019 in Room 205 of the Birmingham Municipal Building, 151 Martin, Birmingham, MI 48009, to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of **Rojo Mexican Bistro** pursuant to Sec. 10-40 of the Birmingham Code of Ordinances:

Sec. 10-40 (3)c: Licensee's maintenance of a nuisance upon or in connection with the licensed premises, including failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining premises, specifically outdoor dining chairs stored on dining platform in front of restaurant, which is not allowed. Chairs and tables must be stored indoors between November 16 and March 31; and

Sec. 10-40 (7) Licensee's failure to timely pay its taxes or other monies due the city, specifically personal property taxes.

Further, to direct the City Manager to notify the owners/operators of **Rojo Mexican Bistro**, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

VOTE: Yeas, 6
 Nays, 0

Salvatore Scallopini

MOTION: Motion by Commissioner DeWeese, seconded by Mayor Pro Tem Boutros:
To set a public hearing for 7:30 PM on Monday, March 25, 2019 in Room 205 of the Birmingham Municipal Building, 151 Martin, Birmingham, MI 48009, to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of **Salvatore Scallopini** pursuant to Sec. 10-40 (5) of the Birmingham Code of Ordinances:

Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license, specifically the number of seats in the restaurant is in non-compliance with the site plans;

Further, to direct the City Manager to notify the owners/operators of **Salvatore Scallopini**, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

VOTE: Yeas, 6
 Nays, 0

Sidecar Slider Bar

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Nickita:

To set a public hearing for 7:30 PM on Monday, March 25, 2019 in Room 205 of the Birmingham Municipal Building, 151 Martin, Birmingham, MI 48009, to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of **Sidecar Slider Bar** pursuant to Sec. 10-40 (7) of the Birmingham Code of Ordinances:

Licensee's failure to timely pay its taxes or other monies due the city, specifically personal property taxes.

Further, to direct the City Manager to notify the owners/operators of **Sidecar Slider Bar**, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

VOTE: Yeas, 6
 Nays, 0

Tallulah Wine Bar & Bistro

MOTION: Motion by Mayor Pro Tem Boutros, seconded by Commissioner Hoff:

To set a public hearing for 7:30 PM on Monday, March 25, 2019 in Room 205 of the Birmingham Municipal Building, 151 Martin, Birmingham, MI 48009, to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of **Tallulah Wine Bar & Bistro** pursuant to Sec. 10-40 (5) of the Birmingham Code of Ordinances:

Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license, specifically the number of seats in the restaurant is in non-compliance with the site plans;

Further, to direct the City Manager to notify the owners/operators of **Tallulah Wine Bar & Bistro**, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

VOTE: Yeas, 6
 Nays, 0

Toast Birmingham, LLC

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Hoff:

To set a public hearing for 7:30 PM on Monday, March 25, 2019 in Room 205 of the Birmingham Municipal Building, 151 Martin, Birmingham, MI 48009, to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of **Toast Birmingham, LLC** pursuant to Sec. 10-40 (5) of the Birmingham Code of Ordinances:

Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license, specifically the number of seats in the restaurant is in non-compliance with the site plans, and the hours of operation are in non-compliance with the Special Land Use Permit (SLUP), and a SLUP amendment is required for a change in ownership;

Further, to direct the City Manager to notify the owners/operators of **Toast Birmingham, LLC**, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

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

Townhouse Kitchen and Bar, LLC

MOTION: Motion by Commissioner Nickita, seconded by Mayor Pro Tem Boutros:

To set a public hearing for 7:30 PM on Monday, March 25, 2019 in Room 205 of the Birmingham Municipal Building, 151 Martin, Birmingham, MI 48009, to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of **Townhouse Kitchen and Bar, LLC** pursuant to Sec. 10-40 (5) of the Birmingham Code of Ordinances:

Licensee's failure to comply with the terms of its liquor license or any conditions imposed by the city commission or the liquor control commission at the time of issuance or transfer of the license, specifically the number of seats in the restaurant is in non-compliance with the site plans;

Further, to direct the City Manager to notify the owners/operators of **Townhouse Kitchen and Bar, LLC**, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

VOTE: Yeas, 6
 Nays, 0

02-048-19 KENNING PARK BALLFIELD CONSTRUCTION AWARD

Commissioner Harris told the Commission that he volunteers with the Birmingham Little League. The City Manager and City Attorney advised Commissioner Harris that his volunteering is not grounds for recusal. Commissioner Harris stated he just wanted to disclose the relationship.

There were no objections to Commissioner Harris' participation.

DPS Director Wood presented the item.

Comments/Clarification

DPS Director Wood clarified:

- WCI Contractors, Inc. will remove the backstop and the outfield fence in order to adjust Field 4 for the new season. The two fields on the east edge will be reconstructed, and Field 4 will not be in play during construction. The cost being discussed tonight is for the reconstruction on Fields 2 and 3 and for any incidental changes adjacent fields will require during this process.
- All fields will be in play until June 17, 2019. After that Field 1 will remain in play, Fields 2 and 3 will be reconstructed, and Field 4 will be shifted by about 20 feet to be ready in time for the 2020 Season.
- In July 2018, the City received a single bid for this project for \$794,000. When the project was re-bid, all four bids were in the \$700,000 range.
- The neighborhood group adjacent to the most southerly field was not enthusiastic about the original master plan for the park.

City Manager Valentine explained the most southerly field shown on the concept plan would have required significant tree removal and significant fill-in since the field was in a low-lying area. As a result the concept plan was further refined.

Commissioner Nickita said the concept plan should have been updated to reflect a similar level of detail to the original concept plan. He continued that Birmingham does not implement plans incrementally, and as such a new concept drawing should be provided to indicate all the intended changes to the fields.

Commissioner DeWeese noted that the two fields to be reconstructed remain where they are, and that the new plan does not seem to be a significant deviation from the master plan.

Commissioner Harris agreed with Commissioner DeWeese, saying the only significant change from the 2014 Plan is the choice not to reconstruct the southernmost field for the reasons explained by City Manager Valentine. Once Fields 2 and 3 are complete, the City will have an opportunity to bring Fields 1 and 4 into compliance with the master plan, meaning there is little significant deviation from the original plans.

Commissioner Hoff said it strikes her as a significant deviation because the fields will now be taking up all the space that was originally designated as open space within the park.

City Manager Valentine clarified that the original plan is a concept plan, which will be revised as the process of implementation moves forward. The concept plan works within the confines of what had already been established for the play area, pavilion, picnic area, or the walking path. Only the paths between the fields are likely to be different in any meaningful way.

Pat O'Neill of Birmingham Little League said that the four fields in largely the same positions were agreed upon a year ago. He advised that nothing significant has changed from that agreement.

Tyler Sprague from Johnson Hill Land Ethics Studio stated this is a high-level planning look at the fields and the park. He explained that Fields 2 and 3 are in the same positions they were in as part of the master plan, with their orientations slightly shifted.

DPS Director Wood indicated she is also committed to integrating the concept plan into the current plan as much as possible. She suggested that after construction the City could ask Johnson Hill to hone in on all aspects of the master plan that should be implemented. If the large field is shifted, the City would not include an outfield fence in order to create more open field space.

Mayor Bordman noted the southern corner could also be used for recreational activities, as there would not be a baseball field there. She agreed that many of the neighbors had been unhappy with the original master plan, with their concerns going beyond the possibility of a field in the southern corner of the park. At the same time, she also agreed with Commissioner Nickita's point that there was insufficient information regarding any aspects of the park beyond the baseball fields on the current sketch.

Mr. Sprague explained the plans involve the paths, concrete pads for the dugouts, concrete pads for the bleachers, accessible design, and additional tree plantings.

Mayor Bordman replied her concern was none of those elements were represented on the new sketch.

Mr. O'Neill stated that the Birmingham Little League is sharing in \$315,000 of the costs, and they are just as committed as the Commission to the creation of a beautiful park. He said these updates have to happen this year, however, so everyone will have to work together to get the information required immediately.

DPS Director Wood said she was unsure if the prospective contractor has seen the master plan documents for the park, but that she imagines they have.

Commissioner Harris stated the contractor can be told that to the full extent possible the construction should adhere to the master plan, stating there was nothing preventing the City from doing that.

Commissioner Nickita said the planning process should have an entire concept plan for the park, with subsequent implementation of the first phase of construction. He asserted it should be clear how all the elements are intended to fit together before the work is commenced, and that is not currently how these plans are proceeding. He noted a number of differences between the master plan and the concept plan being presented tonight, including landscape issues, tree placement, the parking lot between the park and the ice arena, and no representation of the tennis court, dumpsters, or parking. The City had already worked to address those issues and none of them were represented in the concept plan that was brought forth. He stated that good planning entails a full plan for the project at the outset, which he would like to see developed for this project.

City Manager Valentine stated that updating the concept plan would not accomplish having a more complete plan for the park, since a concept plan still does not include any of the on-the-ground details that may arise once the contractor is actually on-site. In order to have a detailed plan with all the elements integrated, it would be better to do a complete engineered plan of the site.

City Manager Valentine confirmed for Mayor Pro Tem Boutros that if this item is not approved tonight, a contractor may not be able to meet the City's timeline for the project which would mean the project may not get done this year.

Mayor Pro Tem Boutros suggested the most appropriate way to look at the project is that it is following the master plan, since all of the elements included in the master plan will still be possible to incorporate after the reconstruction of the fields. Trying to integrate everything at once into the plan would require too long a delay on the project, and while he agrees the City should not carry out projects in a piecemeal manner, he does not believe that is occurring.

Commissioner Harris agreed. He added that this plan is completely aligned with the City's planning goals and allows for all aspects of the park's master plan to be implemented at a later date. He also noted that Birmingham Little League is willing to pay 43% of the costs of these updates and that opportunity may be lost if the City starts this process from scratch.

Commissioner Nickita stated that planning fundamentals dictate knowing how the second phase of a project will occur as the first phase begins. The fact that the second phase of the project is not clear at this juncture is inappropriate. He suggested the contractor should be able to combine all the elements to create a more complete concept plan in a timely manner.

Commissioner DeWeese said that the updates being proposed would take the whole year because there would be significant community involvement after the redrawing.

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Harris: To award the Kenning Park Ball Field Construction to WCI Contractors, Inc., in the amount not to exceed \$737,000, to be funded from account 401-751.001-981.0100 and further; approving the appropriation and amendment to the fiscal year 2018-2019 General Fund and Capital Projects Fund budgets as follows. In addition, to authorize the Mayor and the City Clerk to sign the Agreement on behalf of the City upon receipt of required insurances.

General Fund

Revenues:

101-000.000-400.0000	Draw from Fund Balance	<u>\$422,000</u>
Total Revenue		<u>\$422,000</u>

Expenditures:

101-999.000-999.4010	Transfers Out – Capital Projects Fund	<u>\$422,000</u>
Total Expenditures		<u>\$422,000</u>

Capital Projects Fund

Revenues:

401-751.001-676.0001	Contributions from Other Sources	\$12,000
401-751.001.699.0101	Transfers In – General Fund	<u>\$422,000</u>
Total Revenue		<u>\$434,000</u>

Expenditures:

401-751.001-981.0100	Public Improvements	<u>\$434,000</u>
Total Expenditures		<u>\$434,000</u>

Commissioner Hoff said that while Commissioner Nickita raised very valid points, these changes should have been made much earlier in the process. She suggested that stopping the project post-bidding is not the appropriate time to create a more complete concept plan, especially given the substantial community investment. She suggested that this could be used as a lesson for planning future projects.

VOTE: Yeas, 5
 Nays, 1 (Nickita)

02-049-19 PRIVATE TRENCH MAINTENANCE POLICY AND ORDINANCE

City Engineer O'Meara presented the item.

Comments/Clarification

City Engineer O'Meara explained:

- The expected additional costs for this process would be about \$500. He said he verified the estimate with the City's geotechnical consultant.
- The City is trying to incentivize more expedient maintenance by waiving the inspection fee, which will give the City less to do in the future. Since the City will be saving later in resources and time, the incentive should not be a prohibitive cost. The Engineering Department will be monitoring the process, however, to make sure the City does not lose money.
- This ordinance change will be advertised so that property owners, excavators and builders are all made aware.
- Property owners would have to pay for private geotechnical inspectors, but those prices are usually built into the prices an excavator charges.

Commissioner DeWeese suggested the Engineering Department publicize the ordinance change during the permitting process in order to make all parties aware of the incentive.

MOTION: Motion by Mayor Pro Tem Boutros, seconded by Commissioner DeWeese:
To amend Chapter 98, Streets, Sidewalks and Other Public Places, Article 02, Streets, Section 28, with the revisions presented at the meeting and the correction of "homeowner" to "owner" in Sec. 98-28(e)(1), to revise the inspection requirements during backfill of trenches after water and sewer repairs have been made. (*Ordinance No. 2308 is available in the City Clerk's Office.*)

VOTE: Yeas, 6
 Nays, 0

02-050-19 ORDINANCE AMENDMENTS REGARDING FIREWORKS

Police Chief Clemence presented the item.

MOTION: Motion by Commissioner DeWeese, seconded by Mayor Pro Tem Boutros:
To replace Part II of the City Code, Chapter 74 Offenses, Article VI Offenses Against Public Safety, Division 1 – Generally. Section 74-194 with a revised Sec. 74-194 Use of Consumer Fireworks Prohibited, and authorizing the Mayor and City Clerk to sign the ordinance on behalf of the City. (*Ordinance No. 2309 is available in the City Clerk's Office.*)

VOTE: Yeas, 6
 Nays, 0

02-051-19 RESOLUTION TO MEET IN CLOSED SESSION PURSUANT TO SECTION 8(E) OF THE OPEN MEETINGS ACT

MOTION: Motion by Commissioner DeWeese, seconded by Commissioner Harris:
To adjourn to closed session to review pending litigation in the matter of Darakjian v City of Birmingham pursuant to Section 8(e) of the Open Meetings Act, MCL 15.261 – 15.275.

(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.)

ROLL CALL VOTE: Ayes: Mayor Bordman
 Mayor Pro Tem Boutros
 Commissioner DeWeese
 Commissioner Harris
 Commissioner Hoff
 Commissioner Nickita
 Nays: None

City Manager Valentine announced no action is anticipated following the closed session.

VII. REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda were addressed earlier in the meeting.

VIII. COMMUNICATIONS

None

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

None

X. REPORTS

02-052-19 COMMISSIONER COMMENTS

Commissioner Hoff asked the other Commissioners if they would be interested in having background materials provided electronically instead of printed.

Commissioner DeWeese said he preferred to receive all materials as part of a single packet.

City Manager advised the Commission that if the Commissioners want variations in their agenda materials, staff should be provided with a policy in order to maintain consistency and standards.

City Clerk Mynsberge said this method would also leave more opportunity for error.

Mayor Bordman said that the Commission should leave the agenda preparations as-is.

Commissioner DeWeese said that there would need to be a conversation about which documents would be considered background and would be provided electronically.

02-053-19 CITY STAFF

City Manager Valentine announced that Oakland County Treasurer Meisner had been in attendance for part of the meeting, and wanted to let the public know that the delinquent property tax foreclosure deadline is April 1, 2019. If any Birmingham residents have concerns about possible foreclosure, they should contact the City Treasurer's Office at (248) 858-0611.

The Oakland County Treasurer's Office is also offering a financial boot-camp for entrepreneurs, and more information about this program can be found at the City Clerk's Office and on the City's website.

XI. ADJOURN

Mayor Bordman adjourned the meeting to closed session at 10:41 p.m.

Mayor Bordman reconvened the regular meeting at 11:23 p.m. and, there being no further business, adjourned the meeting at 11:23 p.m.

J. Cherilynn Mynsberge, City Clerk