

BIRMINGHAM CITY COMMISSION MINUTES
MARCH 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 Hoff Commissioner Nickita Commissioner Sherman
	Absent:	Commissioner DeWeese Commissioner Harris

Administration: City Manager Valentine, City Attorney Currier, Police Chief Clemence, Planning Director Ecker, Assistant City Engineer Fletcher, Deputy Treasurer Klobucar, City Engineer O'Meara, HR Manager Myers, City Clerk Mynsberge, DPS Director Wood

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

03-065-19 ANNOUNCEMENTS

Mayor Bordman announced:

- The City Commission will hold a workshop to receive an update on the N. Old Woodward Parking Structure and Bates Street development project on March 26, 2019 at 5:00 p.m. in the Commission Room.
- Author Adriana Trigiani will be speaking on April 2 at Temple Beth El and April 3 at Adat Shalom Synagogue at 7:00 p.m. as part of the 2019 Everyone's Reading program. Tickets to each event are available at the Baldwin Public Library.
- The Birmingham City Commission wishes to thank Lilly Stotland for her service on the Parks and Recreation Board since December 2015.
- In an effort to promote severe weather safety preparedness, Oakland County will conduct a special test of the Outdoor Warning System on Wednesday, March 27 at 1:00 p.m. The purpose of this test is to raise the awareness level of citizens and offer schools and businesses an opportunity to test their internal disaster plans during normal business hours.

03-066-19 APPOINTMENT TO THE MULTI-MODAL TRANSPORTATION BOARD

The Commission interviewed current member Johanna Slanga.

MOTION: Motion by Mayor Pro Tem Boutros:
To appoint Johanna Slanga as a regular member who has traffic-focused education and/or experience to the Multi-Modal Transportation Board to serve a three-year term to expire March 24, 2022.

VOTE: Yeas, 5
Nays, 0

03-067-19 APPOINTMENTS TO THE PARKS AND RECREATION BOARD

The Commission interviewed current regular member Therese Longe and current alternate member Dominick Pulis.

MOTION: Motion by Commissioner Hoff:
To appoint Therese Longe to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2022.

VOTE: Yeas, 5
Nays, 0

MOTION: Motion by Mayor Pro Tem Boutros:
To appoint Dominick Pulis to the Parks and Recreation Board as a regular member to serve a three-year term to expire March 13, 2022.

VOTE: Yeas, 5
Nays, 0

03-068-19 APPOINTMENTS TO THE PLANNING BOARD

The Commission interviewed current regular members Robin Boyle and Scott Clein.

MOTION: Motion by Commissioner Hoff:
To appoint Robin Boyle to the Planning Board as a regular member to serve a three-year term to expire March 28, 2022.

VOTE: Yeas, 5
Nays, 0

MOTION: Motion by Mayor Pro Tem Boutros:
To appoint Scott Clein to the Planning Board as a regular member to serve a three-year term to expire March 28, 2022.

VOTE: Yeas, 5
Nays, 0

City Clerk Mynsberge administered the oath of office to the appointees.

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.

03-069-19 APPROVAL OF CONSENT AGENDA

No items were removed from the Consent Agenda.

Mayor Pro Tem Boutros noted he will abstain from voting on Item 4B because he was absent from the meeting of March 18, 2019.

MOTION: Motion by Commissioner Sherman, seconded by Mayor Pro Tem Boutros:
To approve the Consent Agenda, noting that Mayor Pro Tem Boutros is abstaining from voting on Item 4B.

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

- A. Resolution approving the City Commission meeting minutes of March 11, 2019.
- B. Resolution approving the Special City Commission meeting minutes of March 18, 2019.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated March 13, 2019 in the amount of \$1,573,817.22.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated March 20, 2019 in the amount of \$620,146.09.
- E. Resolution awarding the Parking Lot #6 Rehabilitation Project, Contract #4-19 (PK) to Asphalt Specialists, Inc. in the amount of \$642,864.50, to be charged to the Parking Fund, account number 585-538.006-981.0100, contingent upon execution of the agreement and meeting all insurance requirements.
- F. Resolution approving the agreement between the City of Birmingham and DTE Energy and authorizing the expenditure of \$44,501.40 to DTE Energy, for the relocation of three (3) existing street lights, the manufacture and installation of three (3) new street lights, in conjunction with the rehabilitation of Parking Lot #6 and the replacement of nine (9) existing luminaires with LED luminaires. The work will be charged to account number 585-538.006-981.0100.
- G. Resolution awarding the 2019 Storm Drain Improvements Project, Contract #7-19(S) to Sitework Services, LLC, in the amount of \$82,225, to be charged to the Local Streets Fund, account number 203-449.001-981.0100, contingent upon execution of the agreement and meeting all insurance requirements, and further approving the appropriation and amendment to the fiscal year 2018-2019 Local Street Fund budget.
- H. Resolution adopting the new Street Acceptance Resolutions for Forest Hills Lane and Martin Street respectively and forward certified copies of their resolutions to the Michigan Department of Transportation for inclusion on Act 51 distributions. (*Complete resolutions are appended to these minutes as Attachments A & B*).
- I. Resolution accepting the resignation of Lori Eaton from the Birmingham Museum Board, thanking her for her service, and directing the City Clerk to begin the process of filling the vacancy.

- J. Resolution approving an extension of the Old Woodward Sewer Video Inspection Contract, to conduct similar work on the Maple Rd. Reconstruction Project area, at 2017 contract prices, to Pipetek Infrastructure Services, Inc., in the amount of \$8,530.00, contingent upon submittal of the required updated insurance certificate. All costs shall be charged to account number 590-536.001-981.0100.
- K. Resolution approving the purchase and planting of 66 trees from KLM Landscape for the 2019 Spring Tree Purchase and Planting Project for a total project cost not to exceed \$23,425.00. Funds are available from the Local Streets Fund-Forestry Service Contract account #203-449.005-819.0000, the Major Streets Fund-Forestry Service Contract account #202-449.005-819.0000, the Local Streets Fund-Operating Supplies account #203-449.005-729.0000, the Major Streets Fund-Operating Supplies account #202-449.005-729.0000, the Parks Other Contractual Services account #101-751.000-811.0000, and the Parks Operating Supplies account, #101-751.000-729.0000 for these services. Further, authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.
- L. Resolution approving an agreement with L.G.K. Building Inc. in the amount not to exceed \$44,000.00 to perform the project titled Adams Fire Station Locker Room from the Adams Fire Station Capital Improvement Account #401-339.000-977.0000; directing the Mayor and City Clerk to sign the agreement on behalf of the City; and approving the appropriation and amendment to the fiscal year 2018-2019 Capital Projects Fund budget.
- M. Resolution approving an agreement with Tech Mechanical Inc. in the amount not to exceed \$58,075.00 to perform the project titled New Chiller for City Hall from the City Hall and Grounds Capital Improvement Account 401-265.001-977.0000; directing the Mayor and City Clerk to sign the agreement on behalf of the City; and approving the appropriation and amendment to the fiscal year 2018-2019 Capital Projects Fund budget.
- N. Resolution setting Monday, May 6, 2019 at 7:30 PM for a public hearing to consider an amendment to Article 4, Section 4.74 SS-01 of Chapter 126, Zoning, of the Code of the City of Birmingham to establish standards regulating projections in the public right-of-way.
- O. Resolution setting Monday, May 6, 2019 at 7:30 PM for a public hearing to consider the following amendments to Chapter 126, Zoning, of the Code of the City of Birmingham to clarify the board review process for the renovation and new construction of buildings:
1. Article 7, Processes, Permits and Fees, Section 7.08, Design Review Requirements and;
 2. Article 7, Processes, Permits and Fees, Section 7.25; Site Plan Review.
- P. Resolution setting Monday, May 6, 2019 at 7:30 PM for a public hearing to consider the proposed lot combination of 411 and 425 Hanna Street, Parcel # 1936182005 & #1936156006.

V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

03-070-19 PUBLIC HEARINGS TO CONSIDER RENEWAL OF LIQUOR LICENSES FOR THE 2019 LICENSING PERIOD

Mayor Bordman noted:

- On February 25, 2019 the City Commission reviewed the results of the annual investigation of each establishment in the City which holds a Class B, Class C, or microbrewery liquor license. Sixteen establishments were found to be in violation of Chapter 10, Sec. 10-40 of the Birmingham Code of Ordinances and therefore public hearings were set for those 16 businesses.
- The establishments were given notice of the public hearings and informed if the violations were resolved prior to the March 25th hearing, the owner would not be required to attend.
- The violations at 15 of the 16 establishments have been resolved as verified by the Community Development Department and the Finance Department.
- The 16 public hearings, having been scheduled, must be held.

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

220 Merrill Restaurant

The Mayor opened the public hearing for 220 Merrill Restaurant at 7:47 p.m. Planning Director Ecker confirmed all issues have been resolved.

The Mayor closed the public hearing at 7:50 p.m.

MOTION: Motion by Commissioner Sherman, seconded by Mayor Pro Tem Boutros:
To approve, for the 2019 licensing period, the liquor license held by 220 Merrill Restaurant.

VOTE: Yeas, 4
 Nays, 0
 Recused, 1 (Nickita)

Toast Birmingham, LLC

Mayor Bordman opened the public hearing for Toast Birmingham, LLC at 7:50 p.m. and noted the number of seats were not compliant with the site plans, the hours of operation were not compliant with the Special Land Use Permit, and a SLUP amendment is required for a change in ownership. All issues are violations of Sec. 10-40(5) of the Birmingham Code of Ordinances.

Planning Director Ecker confirmed the seating issue has been resolved and that Toast submitted a SLUP amendment request to remove dinner hours and address the change in ownership issue. The owners of Toast have also submitted the information to the Birmingham Police Department for a background check of the new owners, and submitted their documentation to the Planning Board to update and amend their SLUP. She added that the SLUP amendment documentation was submitted February 25, 2019 and was updated to include the ownership

change on March 21, 2019. The Planning Board will likely be hearing the petition from Toast on April 25, 2019.

City Manager Valentine advised the Commission that the present meeting would be the last opportunity to recommend approval or disapproval of Toast's liquor license before the MLCC's March 31, 2019 deadline.

Commissioner Sherman suggested recommending the renewal of the liquor license to the State, and then continuing to deal with the Commission's concerns around the restaurant's non-compliance. He noted that the change in hours is of particular concern, since they do not reflect the City's goals in issuing bistro licenses. He also said that if the issue were to continue, the Commission would have the option to have a hearing and revoke Toast's SLUP at a later date.

City Manager Valentine confirmed Toast cannot operate without its SLUP, as the agreement stipulates "the failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit".

Kelly Allen, attorney representing Toast, noted Tony Minicilli, General Manager, was also present and that the owner, Reagan Bloom, should be on her way shortly. Ms. Allen continued:

- Ms. Bloom had her hands full going through an intense divorce, during which time she also took ownership of Toast and brought on new partners. Ms. Bloom was not aware that removing the dinner hours would be in violation of the bistro license. Toast's model is most appropriately breakfast, brunch and lunch.
- Toast promptly went through the process of filing all change of ownership information with the MLCC. This was completed mid-February 2019.

Mayor Bordman said it was disappointing that Toast knew to address the ownership issue with the MLCC but ignored the City's requirements, and also noted disappointment that the City was unaware of Toast's additional partners until Ms. Allen spoke of them this evening.

Commissioner Sherman shared that the Commission had dealt exclusively with Thomas Bloom from the beginning of its relationship with Toast, and not with Ms. Bloom. He explained that this would be a plausible reason for Ms. Bloom's initial ignorance of the particularities of the SLUP requirements.

Ms. Allen confirmed Commissioner Sherman's statement. She added that the MLCC changed its policies to only require local approval for brand-new licenses. Birmingham was one of the first cities in 2012 to expand the notification requirements locally, but Ms. Allen explained that most lawyers who do not practice frequently in Birmingham would not be aware of that. While Ms. Bloom did her due diligence by having counsel for the MLCC issue, that counsel was not aware of Birmingham's specific requirements.

Mayor Pro Tem Boutros explained that any new business owner should know fully what the requirements are of running their business. SLUPs protect both the business and the City, and Birmingham takes them very seriously.

In reply to Commissioner Hoff, Ms. Allen explained that Mr. Minicilli was indeed in touch with the Planning Department regularly from January 2019, but that their correspondence had been

regarding the seating and the hours. She clarified that Mr. Minicilli had no awareness of the SLUP's requirements in regards to an ownership change.

Commissioner Hoff pointed out that the Planning Department had requested a new SLUP application in regards to the hours issue. She observed that if the application had been submitted in a timely manner the City would have become aware of the ownership issue at that time, and both issues could have been addressed before the liquor license renewal came before the Commission. In addition, Commissioner Hoff noted that it is an owner's responsibility to know their legal obligations.

Ms. Allen emphasized the effort Ms. Bloom is putting forth to resolve all the issues now that she is aware of them.

Mayor Bordman stated that Toast was notified about its SLUP violation regarding hours of operation on December 17, 2018.

Planning Director Ecker told the Commission that Mr. Minicilli attended a pre-application discussion with the Planning Board regarding the issue on January 9, 2019.

Ms. Allen confirmed for Mayor Bordman that Toast's intention is not to provide dinner service while the SLUP amendment is pending.

Mayor Bordman emphasized that the bistro licenses were in large part intended to activate the City streets at night. Since it is not Toast's intent to have dinner service, Mayor Bordman suggested Toast may be required to pursue another type of license in order to remain open only during daytime hours. She asked the other Commissioners for their opinions.

Commissioner Sherman concurred with Mayor Bordman. He recommended approving the liquor license for now, while also suggesting the Commission should put Toast on notice that the new SLUP application will not be approved without dinner service.

Ms. Allen clarified that the requirements of breakfast, lunch and dinner service as part of Toast's bistro license was because it was one of the first licenses issued. She noted that since then other bistro licenses have been issued without the requirement of evening hours, and that Toast does a service to Birmingham by being open in the mornings which brings shoppers into the downtown. She explained that it is not in Toast's best interest to offer dinner service, but that if it is a requirement in order to stay in business they likely will.

Mayor Pro Tem Boutros asked for clarification as to whether the bistro ordinance requires certain hours of operation. City Manager Valentine pointed out Toast's SLUP has specific provisions as to hours.

Commissioner Hoff said she wants Toast to stay open and sees it as an asset on Pierce. That said, she noted that Ms. Bloom, as the owner and responsible party, should be present at more of these meetings. She noted she would very much like Toast to work with the City and come into compliance on all fronts.

The Mayor closed the public hearing at 8:21 p.m.

MOTION: Motion by Mayor Pro Tem Boutros, seconded by Commissioner Sherman:
To approve, for the 2019 licensing period, the liquor license held by Toast Birmingham, LLC.

VOTE: Yeas, 4
 Nays, 0
 Recused, 1 (Nickita)

Adachi Restaurant Group LLC

The Mayor opened the public hearing for Adachi Restaurant Group LLC at 8:22 p.m. Planning Director Ecker confirmed all issues have been resolved.

The Mayor closed the public hearing at 8:22 p.m.

Bella Piatti

The Mayor opened the public hearing for Bella Piatti at 8:22 p.m. Planning Director Ecker confirmed all issues have been resolved.

The Mayor closed the public hearing at 8:22 p.m.

Bistro Joe's

The Mayor opened the public hearing for Bistro Joe's at 8:22 p.m. Planning Director Ecker confirmed all issues have been resolved.

The Mayor closed the public hearing at 8:22 p.m.

Cameron's Steakhouse

The Mayor opened the public hearing for Cameron's Steakhouse at 8:23 p.m. Planning Director Ecker confirmed all issues have been resolved and noted the dumpster has been relocated within the building as originally approved.

Keith Kirkwood, Regional Vice President of Landry's, noted the dumpster location was corrected over the weekend. Landry's created a plan to build an enclosure for the dumpster but discovered it would not meet the City's needs. He added that Landry's acquired Cameron's in 2015, and the dumpster has been in the outdoor location since before the acquisition.

The Mayor closed the public hearing at 8:26 p.m.

Fleming's Prime Steakhouse

The Mayor opened the public hearing for Fleming's Prime Steakhouse at 8:26 p.m. Planning Director Ecker confirmed all issues have been resolved.

The Mayor closed the public hearing at 8:26 p.m.

Forest Grill 2, LLC

The Mayor opened the public hearing for Forest Grill 2, LLC at 8:27 p.m. Planning Director Ecker confirmed all issues have been resolved.

The Mayor closed the public hearing at 8:27 p.m.

La Strada Cafe, LLC

The Mayor opened the public hearing for La Strada Cafe, LLC at 8:27 p.m. Planning Director Ecker confirmed all issues have been resolved.

The Mayor closed the public hearing at 8:27 p.m.

Luxe Bar & Grill

The Mayor opened the public hearing for Luxe Bar & Grill at 8:27 p.m. Planning Director Ecker confirmed all issues have been resolved.

The Mayor closed the public hearing at 8:27 p.m.

Mad Hatter Bistro (Tea Parlor, Inc.)

The Mayor opened the public hearing for Mad Hatter Bistro (Tea Parlor, Inc.) at 8:27 p.m. Planning Director Ecker confirmed all issues have been resolved.

The Mayor closed the public hearing at 8:27 p.m.

Rojo Mexican Bistro

The Mayor opened the public hearing for Rojo Mexican Bistro at 8:27 p.m. Deputy Treasurer Klobucur confirmed all issues have been resolved.

The Mayor closed the public hearing at 8:28 p.m.

Sidecar Slider Bar

The Mayor opened the public hearing for Sidecar Slider Bar at 8:28 p.m. Deputy Treasurer Klobucur confirmed all issues have been resolved.

The Mayor closed the public hearing at 8:29 p.m.

Salvatore Scallopini

The Mayor opened the public hearing for Salvatore Scallopini at 8:29 p.m. Planning Director Ecker confirmed all issues have been resolved.

The Mayor closed the public hearing at 8:29 p.m.

Tallulah Wine Bar & Bistro

The Mayor opened the public hearing for Tallulah Wine Bar & Bistro at 8:30 p.m. Planning Director Ecker confirmed all issues have been resolved.

The Mayor closed the public hearing at 8:30 p.m.

Townhouse Kitchen and Bar, LLC

The Mayor opened the public hearing for Townhouse Kitchen and Bar, LLC at 8:30 p.m. Planning Director Ecker confirmed all issues have been resolved.

The Mayor closed the public hearing at 8:31 p.m.

MOTION: Motion by Mayor Pro Tem Boutros, seconded by Commissioner Nickita:
To approve, for the 2019 licensing period, the liquor licenses held by Adachi Restaurant Group LLC, Bella Piatti, Bistro Joe's, Cameron's Steakhouse, Fleming's Prime Steakhouse, Forest Grill 2, LLC, La Strada Café, LLC, Luxe Bar & Grill, Mad Hatter Bistro (Tea Parlor, Inc.), Rojo Mexican Bistro, Sidecar Slider Bar, Salvatore Scallopini, Tallulah Wine Bar & Bistro, and Townhouse Kitchen and Bar, LLC.

Commissioner Hoff said the onus for the maintenance of these issues is on both the business owners and the City. She said business owners should comply with the terms of their SLUP agreements, and the City should also be doing more routine checks to ensure compliance.

Mayor Bordman agreed and said monitoring is a code enforcement issue.

Commissioner Nickita noted that SLUP issues have been found by the City outside of the liquor license renewal process. He reiterated his comments from the prior Commission meeting that SLUPs are a binding legal agreement between business owners and the City which help protect the interests of the businesses, the community, and the City. He emphasized SLUPs should be treated by business owners as such.

VOTE: Yeas, 5
 Nays, 0

**03-071-19 PUBLIC HEARING OF NECESSITY FOR PIERCE STREET ALLEY
 SPECIAL ASSESSMENT DISTRICT**

Mayor Bordman opened the public hearing at 8:37 p.m.

City Engineer O'Meara presented the proposed project and special assessment district (SAD).

Clarifications/Comments

Commissioner Sherman said having the trash compactor at the terminating vista will mean that sanitation vehicles will routinely traverse the area. He shared concern about the likely negative impact this traffic will have on the cleanliness and the integrity of the exposed aggregate of the area.

City Engineer O'Meara acknowledged that the exposed aggregate could still be negatively impacted, and said he would work with the City's landscape architect to propose a suitable feature that could withstand the increased vehicular traffic.

Commissioner Nickita suggested the City should be looking to replicate the enhancements done in Willits Alley in the Pierce Alley plan, saying the enhancements took the appearance of the Alley from utilitarian to intentionally pedestrian-friendly. He continued:

- In Hamilton Alley, the exposed aggregate and the concrete largely blended together in color making the enhancements less noticeable and the Alley less obviously pedestrian-oriented.
- For Pierce Alley, the City should explore variations on aggregate coarseness, tinting, use of other materials, or other possibilities in order to make the enhancements more apparent. The articulations should also appear more frequently, because the proposed distance between them makes them seem visually disparate as opposed to a connected

path. These changes could make a big difference in how Pierce Alley will be perceived by pedestrians, and he would like to see the City do more towards that.

City Engineer O'Meara told the Commission:

- The City will offer property owners the opportunity to have the smaller, privately-owned parking areas in the Alley updated with concrete and scored differently so they do not appear to be public property. If the owners decline, then those areas will be repaired with asphalt.
- No Parking signs will be installed in the Alley in consultation with the Police Department.
- The Varsity Shop project will delay the start date until the City is finished with the Pierce Alley upgrades. At the south end of the job the City will be leaving the asphalt intact, and the Varsity Shop will come back at their own expense and add concrete to that area once the building is finished.
- The alley project is slated to begin August or September 2019.
- The possibility of putting in vines that would go up the sides of the buildings is being considered. Upkeep of the greenery would be the responsibility of the property owners, and a similar arrangement was not successful in another part of the City. In addition, the Alley is not exposed to much natural light.

Mayor Bordman closed public hearing at 9:53 p.m.

- MOTION:** Motion by Commissioner Sherman, seconded by Mayor Pro Tem Boutros:
- WHEREAS, The City Commission has endorsed the rehabilitation and improvement of its public alleys within the Central Business District; and
- WHEREAS, The City Commission is of the opinion that construction of the improvement herein is declared a necessity; and
- WHEREAS, The City Commission has not declared it practicable to cause estimates of cost thereof and plans to be made at this time, now therefore be it,
- RESOLVED, that there be constructed an improvement to be hereinafter known as:
PIERCE ST. ALLEY – PIERCE ST. TO E. MERRILL ST.
consisting of the construction of An 18 foot wide concrete pavement (face to face) with exposed aggregate concrete accents, be it further
- RESOLVED, that at such time as the Assessor is directed to prepare the assessment roll, one-hundred percent (100%) of the estimated cost be levied against the assessment district; be it further
- RESOLVED, that there be a special assessment district created and special assessments levied in accordance with benefits against the properties within such assessment district, said special assessment district shall be all properties, both public and private, within the following district:
- “Assessor’s Plat No. 24”**
Lots 1-6 inclusive, lot 7 except for the northerly 79.26 ft. of the easterly 80.46 ft., lots 8- 18 inclusive.

be it further RESOLVED, that the Commission shall meet on Monday, April 8, 2019, at 7:30 P.M., for the purpose of conducting a public hearing to confirm the roll for the paving of the Pierce St. Alley, Pierce St. to E. Merrill St.

VOTE: Yeas, 5
 Nays, 0

City Engineer O'Meara confirmed all adjacent property owners were notified and the City has received no comment from them on the project. He said he would incorporate the comments from the evening's meeting and have updated designs by Friday, March 29, 2019.

Mayor Bordman recommended delaying the placement of the via signage in the Alley until the Varsity Shop project is completed. City Engineer O'Meara agreed.

**03-072-19 PUBLIC HEARING OF CONFIRMATION FOR PARK STREET
STREETSCAPE WITHIN THE LIMITS OF THE PARK STREET
PAVING PROJECT**

Mayor Bordman opened the public hearing at 8:57 p.m.

Deputy Treasurer Klobucar recommended adoption of the resolution confirming SAD Roll 888 Park Street Paving Project Oakland to Hamilton Streetscape and Street Lights over a 10 year period at 6.5%.

Mayor Bordman closed the public hearing at 8:58 p.m.

MOTION: Motion by Commissioner Hoff, seconded by Commission Nickita:
To confirm and ratify Special Assessment Roll No. 888 to defray the cost of streetscape and street lights within the limits of the Park Street Paving Project and instructing the City Clerk to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement. Further, special assessments shall be payable in ten (10) payments as provided in Section 94-10 of the Code of the City of Birmingham, with an annual interest rate of six and a half percent (6.5%) on all unpaid installments.

VOTE: Yeas, 5
 Nays, 0

**03-073-19 PARK STREET PAVING PROJECT – OAKLAND BLVD. TO
HAMILTON AVE. – STREETSCAPE DESIGN**

City Engineer O'Meara presented the item.

Commissioner Nickita stated:

- Two northbound lanes are not necessary long-term, and represent remnants of the City's ring road.
- While Maple is being redone, three lanes should be maintained in order to deal with the overflow traffic. Once the Maple project is complete, the City should perform a traffic analysis to explore reducing the street to one northbound lane, one southbound lane,

and parking along the west side of the street. If reducing the street to two lanes would be beneficial, the changes could be made through striping.

- The City has to consider how the proposed changes for this street relate to Park Street, and how changes to the Hunter House will affect both this project and Park Street.

Commissioner Sherman concurred with Commissioner Nickita.

City Manager Valentine explained this project is being undertaken now to provide a sufficient bypass for the upcoming Maple Road project.

MOTION: Motion by Commissioner Hoff, seconded by Mayor Pro Tem Boutros:
To direct the Engineering Dept. to proceed to final design of the Park St. Paving Project, Oakland Blvd. to Hamilton Ave., per the streetscape design concept plan, including Option 1 for the northwest corner of Park St. and Hamilton Ave., pending final review by the Architectural Review Committee.

VOTE: Yeas, 5
 Nays, 0

Commissioner Nickita said he would support the motion with the understanding that it will be a temporary solution which will be re-evaluated and updated at the end of the Maple reconstruction project.

03-074-19 RESOLUTION TO MEET IN CLOSED SESSION PURSUANT TO SECTIONS 8(H) AND 8(E) OF THE OPEN MEETINGS ACT

MOTION: Motion by Commissioner Nickita, seconded by Commissioner Sherman:
to meet in closed session for a strategy and negotiation session connected with the negotiation of a collective bargaining agreement pursuant to Section 8(c) of the Open Meetings Act, MCL 15.261 – 15.275.

(A roll call vote is required and the vote must be approved by a 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 Hoff
 Commissioner Nickita
 Commissioner Sherman
 Nays: None

VII. REMOVED FROM CONSENT AGENDA

No items were removed from the Consent Agenda.

VIII. COMMUNICATIONS

None

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

03-075-19 MICHAEL SCHNEIDER REGARDING GREENWOOD CEMETERY

Mr. Schneider said his parents are buried in Greenwood Cemetery and that he wanted to comment on the recent rule change regarding above ground monuments in the north section. He noted that previously only markings flush with the ground were allowed in that section, and that in 2017 the City accommodated someone looking to install an above ground marker in that area. He said that changing the rule was a mistake. He opined that when people purchased plots in that section before 2017, it was not just a prohibition on above ground monuments but also a promise to the purchasers that the area would be free of above ground monuments. He said flush markers have an openness, peacefulness, and an unassuming dignity about them. He said that flush markers had long allowed him to visit his loved ones without being distracted by large monuments nearby. The installation of a large above ground monument near his parents' graves has destroyed the openness and tranquility that was there before. He noted people with family buried in the north section of the Cemetery were not notified of the City's decision to change the monument rules, and their wishes were not taken into account.

Mr. Schneider reported that Cheri Arcome, the representative for Elmwood, told him that two other families had also complained about the allowance of above ground monuments in the north section. He said many more people are likely unhappy with the change and that many of them will not speak out.

Mr. Schneider said the City made a promise five decades ago, and that when a family buries a loved one in the Cemetery they should be able to rely on the promises that were made. He requested the City reinstate the reservation of that section for only flush markers, and that the City require the above ground monument placed there recently be replaced with a flush marker. He acknowledged it would be difficult to request the removal of the above ground monument, but that the majority of people with family buried in that section would be unhappy to see that monument there.

City Manager Valentine told Mr. Schneider that the City Clerk's office has mailed a letter addressing his concerns. City Manager Valentine added that the people who owned plots in the north section were surveyed before the rule was changed, and they voted in favor of allowing above ground monuments.

Mr. Schneider said he understood, but that the family members of people buried in the section were not surveyed if they were not listed as purchasers. He said most of the people affected were not likely surveyed.

Mayor Bordman recommended that Mr. Schneider review the letter sent by the City Clerk's office and said the Commission may discuss the issue further.

X. REPORTS

03-076-19 COMMISSIONER REPORTS

The City Commission will appoint one regular member to the Museum Board on May 6, 2019.

03-077-19 COMMISSIONER COMMENTS

Mayor Bordman reported that within the next four years NEXT will have reached capacity at their facility.

Mayor Bordman received communication from a resident following the last Commission meeting that expressed some disappointment that the residents did not have sufficient time to express their concerns because of the time limitation.

Commissioner Hoff said she did not give a two-minute limit when she was Mayor. She said it was consistently effective to ask a speaker to conclude when their statements were becoming repetitive.

Commissioner Nickita said time limits have usually been imposed when there is a surplus of public comment but not otherwise. In his experience as both Mayor and Chair of the Planning Board, there can be a lot of repetition when many people want to speak on the same side of an issue. When it is just a few people who want to speak he has not imposed a time limit. He acknowledged that it may be frustrating to some people to be subject to a time limit, but it keeps an orderly meeting when many people need to talk, and most people can get their point across within the two minute window.

Commissioner Sherman concurred with Commissioner Nickita. He said a time limit is not imposed often but is very effective when required.

Mayor Bordman asked the Commission whether public comment should be moved to the beginning of the Commission meetings in order to not dissuade public comment.

Commissioner Sherman said he prefers public comment where it is. He explained Commission meetings are business meetings, and the business of the City needs to be conducted in an expeditious manner. He suggested that the best way to make public comment earlier is for the Commission to try to make their meetings as efficient as possible, thus reducing the time the public would have to wait.

03-078-19 CITY STAFF

Annual Golf Report as submitted by Golf Manager Brito. Mayor Bordman commended Manager Brito for creating so many events to draw people to the golf courses.

Mayor Bordman added that the City received a communication from the Department of Transportation confirming receipt of the City's Title VI non-discrimination plan.

XI. ADJOURN

Mayor Bordman announced no action is anticipated following the closed session and adjourned the meeting to closed session at 9:34 p.m.

Mayor Bordman reconvened the regular meeting at 9:51 p.m. and, there being no further business, adjourned the meeting at 9:51 p.m.

J. Cherilynn Mynsberge, City Clerk

**Resolution No. 03-069-19a
NEW STREET ACCEPTANCE - FOREST HILLS LANE**

WHEREAS, the City's Act 51 Street Administrator is requesting formal acceptance of Forest Hills Lane; and

WHEREAS, that said street is located within a City right-of-way that is under the control of the City of Birmingham; and

WHEREAS, the City of Birmingham accepts the new concrete pavement constructed by others within said right-of-way; and

WHEREAS, that Forest Hills Lane, as it extends south from E. Lincoln Avenue, is now fully open and utilized by the public since December 31, 2018; and

NOW THEREFORE BE IT RESOLVED by the Birmingham City Commission:

That the center line of the newly accepted Forest Hills Lane is described as follows:

Commencing at the southeast corner of Lot 907 of "Sheffield Estates No. 1" as recorded in Liber 44 of Plats, Page 40, Oakland Co. Records, said point being distant S89°57'28"E 1,311.85 ft. and N00°19'55"E 1,728.45 ft. from the south ¼ corner of Section 31; thence along the east line of said "Sheffield Estates No. 1" N00°19'65"E 489.80 ft.; thence S89°46'01"E 20.00 ft. to the Point of Beginning; thence N00°24'27"E 288.35 ft. to a point on the centerline of E. Lincoln Avenue and Point of Terminus.

That said street is located within a right-of-way dedicated to the City of Birmingham, and is under the control of the City.

That said street is accepted into the City of Birmingham Local Street System, and was open to the public as of December 31, 2018.

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Birmingham of Oakland County, Michigan, at a regular meeting held March 25, 2019 and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, and that the minutes of said meeting have been kept and made available to the public as required by said Act.

J. Cherilynn Mynsberge, City Clerk

**Resolution No. 03-069-19b
NEW STREET ACCEPTANCE – MARTIN STREET**

WHEREAS, the City's Act 51 Street Administrator is requesting formal acceptance of Forest Hills Lane; and

WHEREAS, that said street is located within a City right-of-way that is under the control of the City of Birmingham; and

WHEREAS, the City of Birmingham accepts the new concrete pavement constructed by others within said right-of-way; and

WHEREAS, that Martin Street, between Southfield Road and Chester Street, is now fully open and utilized by the public since December 31, 2018; and

NOW THEREFORE BE IT RESOLVED by the Birmingham City Commission:

That the center line of the newly accepted portion of Martin Street is described as follows:

Commencing at the North ¼ corner of Section 36, thence S88°15'00"W 939.92 feet along the centerline of the north line of said Section 36, thence S01°30'00"E 239.01 feet; thence S01°43'29"E 30.07 feet to the Point of Beginning; thence N88°07'27"W 262.78 feet along the centerline of Martin Street (60 feet wide) to the Point of Terminus.

That said street is located within City right-of-way or City property, and is under the control of the City of Birmingham.

That said street is accepted into the City of Birmingham Local Street System, and was open to the public as of December 31, 2018.

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Birmingham of Oakland County, Michigan, at a regular meeting held March 25, 2019 and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, and that the minutes of said meeting have been kept and made available to the public as required by said Act.

J. Cherilynn Mynsberge, City Clerk