

**BIRMINGHAM CITY COMMISSION MINUTES**  
**AUGUST 13, 2018**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

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

Andrew M. Harris, Mayor

**II. ROLL CALL**

ROLL CALL:	Present,	Mayor Harris Mayor Pro Tem Bordman Commissioner Boutros Commissioner DeWeese Commissioner Hoff Commissioner Nickita (arrived at 7:40 p.m.) Commissioner Sherman
	Absent,	none

Administration: City Manager Valentine, City Attorney Currier, Planning Director Ecker, City Engineer O'Meara, Birmingham Museum Director Pielack, Department of Public Services Director Wood

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

**08-215-18 ANNOUNCEMENTS**

- The Baldwin Public Library is excited to introduce Kanopy, an on-demand movie streaming service featuring over 30,000 titles. Kanopy specializes in award-winning, foreign language, documentary, and hard-to-find films. Patrons can watch Kanopy on all of their devices. Visit [baldwinlib.kanopy.com](http://baldwinlib.kanopy.com) to get started.
- The Birmingham Museum will hold a family-friendly open house entitled "A Walk in the Park," on the museum grounds on Sunday, September 9, from 1:30 to 3:30 pm to share plans for the historic landscape and receive public feedback.

County Commissioner Shelley Goodman Taub:

- Apologized to the City for the ballot shortages during the August 7, 2018 Michigan primary.
- Said that had Oakland County officials requested more funding for ballots, the County Board of Commissioners would have provided it.
- Said it was the worst election situation she had ever seen in her tenure as a County Commissioner.
- Specifically thanked City Clerk Mynsberge for her work in procuring additional ballots for Birmingham's citizens during the shortage.

Commissioner Sherman thanked County Commissioner Goodman Taub. Commissioner Sherman was troubled that County Clerk Lisa M. Brown went to the media to blame other parties before investigating the situation. He further said:

- The County Clerk owes all Oakland County municipal clerks, as well as the public, an apology.
- The County Clerk's public relations campaign regarding the issue was a disaster.
- County Clerk Brown should attend a Birmingham City Commission in order to apologize to City Clerk Mynsberge and the public for the untrue statements made to the media regarding the ballot shortages.

Mayor Harris thanked County Commissioner Goodman Taub for appearing before the Commission and for clarifying that neither Birmingham nor City Clerk Mynsberge were responsible for the ballot shortages.

County Commissioner Goodman Taub reiterated that the Oakland municipal clerks were blameless in the ballot shortages, and stated they work very hard for their respective communities.

**08-216-18 RESOLUTION REQUESTING OAKLAND COUNTY BOARD OF COMMISSIONERS CONDUCT INVESTIGATION REGARDING SHORTAGE OF BALLOTS IN THE AUGUST 7, 2018 PRIMARY ELECTION**

City Manager Valentine explained the countywide ballot shortage during the August 7, 2018 primary election. He continued that:

- Birmingham acknowledges its frustration regarding the ballot shortage through this resolution.
- Birmingham calls on the County Commissioners to do a thorough investigation into how the ballot shortage occurred, and how to prevent it from occurring again.
- Protecting citizens' right to vote is paramount.

**MOTION:** Motion by Commissioner DeWeese, seconded by Mayor Pro Tem Bordman: To adopt the resolution requesting the Oakland County Board of Commissioners conduct a thorough investigation into the Oakland County Clerk's Office actions resulting in a shortage of ballots in the August 7, 2018 Primary Election.

**MOTION:** Motion by Mayor Pro Tem Bordman, seconded by Commissioner Boutros: To amend the motion by adding "to appoint an independent investigator".

Mayor Pro Tem Bordman noted that this amendment could help prevent the investigation from becoming politically motivated.

VOTE:           Yeas,           7  
                  Nays,           0  
                  Absent,        0

County Commissioner Goodman Taub stated:

- The County Board of Commissioners has already appointed a bipartisan committee to investigate the ballot shortage.

- The issue is not a partisan one and the Board of Commissioners will not allow it to be treated as one. This is about guaranteeing every citizen the right to vote.

VOTE ON MOTION AS AMENDED:

Now, therefore, be it resolved the Birmingham City Commission formally requests the Oakland County Board of Commissioners to appoint an independent investigator to conduct a thorough investigation into the actions, causes, and impacts of the role of the Oakland County Clerk's office in administering the 2018 primary election, and be it further resolved the Birmingham City Commission requests a copy of the findings of this investigation be provided to the City of Birmingham as well as all affected communities in Oakland County once completed, and finally be it further resolved that a copy of this resolution be sent to all communities within Oakland County. *(Formal resolution appended to these minutes as Attachment A)*

VOTE:           Yeas,           7  
                   Nays,           0  
                   Absent,       0

**08-217-18 APPOINTMENTS TO THE ADVISORY PARKING COMMITTEE**

The City Commission interviewed new applicant Jennifer S. Yert. Current members Al Vaitas and Anne Honhart were unable to attend.

**MOTION:** Motion by Mayor Pro Tem Bordman:

To appoint Al Vaitas to the Advisory Parking Committee as a regular member who is a representative of a small retail operation within the parking assessment district to serve a three-year term to expire September 4, 2021.

VOTE:           Yeas,           7  
                   Nays,           0  
                   Absent,       0

**MOTION:** Motion by Commissioner Hoff:

To appoint Anne Honhart to the Advisory Parking Committee as a regular member who is a resident who does not qualify under the following categories: downtown commercial representative of large retail, small retail, a professional firm, a building owner, a restaurant owner, or a downtown employee to serve a three-year term to expire September 4, 2021.

VOTE:           Yeas,           7  
                   Nays,           0  
                   Absent,       0

**MOTION:** Motion by Commissioner Boutros:

To appoint Jennifer Yert to the Advisory Parking Committee as an alternate member who is a downtown employee representative to serve the remainder of a three-year term to expire September 4, 2020.

VOTE:           Yeas,           7  
                   Nays,           0  
                   Absent,       0

**08-218-18 APPOINTMENTS TO THE AD HOC SENIOR SERVICES COMMITTEE**

The City Commission interviewed residents Gordon Rinschler and Jack Burns. Mr. Rinschler offered to resign his position on the Board of NEXT should it be construed as a conflict of interest. City Attorney Currier will look into recent Ethics Board opinions.

**MOTION:** Motion by Mayor Pro Tem Bordman:

To appoint Gordon Rinschler as a Birmingham resident representative to the Joint Senior Services Committee.

VOTE:           Yeas,           7  
                  Nays,           0  
                  Absent,        0

**MOTION:** Motion by Commissioner Boutros:

To appoint Mayor Pro Tem Bordman as a Birmingham resident representative to the Joint Senior Services Committee.

VOTE:           Yeas,           7  
                  Nays,           0  
                  Absent,        0

Mayor Harris stated Gordon Rinschler would serve as the resident representative to the Joint Senior Services Committee.

**MOTION:** Motion by Commissioner Boutros:

To appoint Mayor Pro Tem Bordman as an elected official to the Ad Hoc Senior Services Committee.

VOTE:           Yeas,           7  
                  Nays,           0  
                  Absent,        0

**MOTION:** Motion by Commissioner Sherman:

To appoint City Manager Valentine as an ex-officio administration official to the Ad Hoc Senior Services Committee.

VOTE:           Yeas,           7  
                  Nays,           0  
                  Absent,        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.

**08-219-18 APPROVAL OF CONSENT AGENDA**

The following items were removed from the Consent Agenda:

- Commissioner Sherman: Item I, Resolution awarding the S. Eton Rd. Signing and Pavement Marking Improvements, Contract #11-18(P) to PK Contracting, Inc.
- Mayor Pro Tem Bordman: Item E, Resolution accepting the resignation of Ryan Ross from the Parks and Recreation Board as a Regular Member and directing the City Clerk to begin the process of filling the vacancy.  
Item J, Resolution awarding the new lockers for Birmingham Police Department contract to Steel Equipment Company.
- City Manager Valentine: Item K, Rail District Linear Park – Professional Services Agreement, to be removed from the agenda entirely.

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner Nickita: To approve the Consent Agenda with items E, I, and J removed, and Item K removed from the agenda without further consideration.

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

- A. Resolution approving the City Commission meeting minutes of July 23, 2018.
- B. Resolution approving the warrant list, including Automated Clearing House payments, dated July 25, 2018 in the amount of \$1,513,374.31.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated August 1, 2018 in the amount of \$400,750.84.
- D. Resolution accepting the resignation of Jason Canvasser from the Board of Zoning Appeals as an Alternate Member and directing the City Clerk to begin the process of filling the vacancy.
- E. Resolution accepting the resignation of Ryan Ross from the Parks and Recreation Board as a Regular Member and directing the City Clerk to begin the process of filling the vacancy.
- F. Resolution approving a request submitted by the Birmingham Bloomfield Chamber and Junior League of Birmingham requesting permission to hold the annual Halloween Parade and Pumpkin Patch on Sunday, October 28, 2018 in downtown Birmingham, 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 the tree removal agreement with adjacent property owner Linda Bloch for shared cost of \$ 800.00 for removal of three invasive fence line trees, to be

expended from Hunter House Account 101-804.001-811.0000, Other Contractual Services; \$400.00 of which will be reimbursed by Ms. Bloch.

- H. Resolution approving the chemical/fertilizer purchases for Lincoln Hills and Springdale golf courses from Harrell's for \$22,000, Target Specialty Products for \$22,000 and Great Lakes Turf for \$8,000. The total purchase from all vendors will not exceed a total of \$52,000. Funds will be charged to account #s 584/597-753.001-729.0000.
- L. Resolution setting Monday, September 17, 2018 at 7:30 PM for a public hearing to consider the request by the property owner to eliminate the historic designation on 361 E. Maple.

Commissioner Boutros thanked Jason Canvasser and Ryan Ross for their service to Birmingham.

Mayor Pro Tem Bordman thanked Ryan Ross for his six years of service to the City's parks and Little League. Mayor Pro Tem Bordman noted that Jason Canvasser is now serving as a regular member of the Board of Zoning Appeals.

**MOTION:** Motion by Mayor Pro Tem Bordman, seconded by Commissioner Nickita:  
To accept the resignation of Ryan Ross from the Parks and Recreation Board as a Regular Member and directing the City Clerk to begin the process of filling the vacancy.

VOTE:                    Yeas,                7  
                             Nays,                0  
                             Absent,             0

**V. UNFINISHED BUSINESS**

None.

**VI. NEW BUSINESS**

**08-220-18 CANCEL PUBLIC HEARING - 225 E. MAPLE, SOCIAL KITCHEN – SPECIAL LAND USE PERMIT AMENDMENT AND FINAL SITE PLAN & DESIGN REVIEW**

City Manager Valentine said Social Kitchen is working with a new architect, and he anticipates this appearing before the Commission again within the next few months.

**MOTION:** Motion by Commissioner DeWeese, seconded by Commissioner Nickita:  
To cancel the public hearing to consider approval of the Final Site Plan and Special Land Use Permit for 223 - 225 E. Maple, Social Kitchen and Bar, pursuant to Article 7, section 7.34, Zoning, of the Birmingham City Code.

VOTE:                    Yeas,                7  
                             Nays,                0  
                             Absent,             0

**08-221-18 CANCEL PUBLIC HEARING – 469–479 S. OLD WOODWARD – REZONING**

City Manager Valentine reported the applicant wishes to go back to Planning Board.

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

To cancel the public hearing to consider approval of the rezoning of 469–479 S. Old Woodward from B3/D4 to B3/D5 and to refer the matter back to the Planning Board.

VOTE:           Yeas,           7  
                  Nays,           0  
                  Absent,        0

The Commission decided to further discuss during Commissioner Comments:

- How much information needs to be provided to the Commission upon the cancellation of a public hearing; and,
- How to supply Commissioners with previously submitted background information for agenda items.

**08-222-18 BIRMINGHAM MUSEUM GROUNDS GROUP USE RULES, APPLICATION, AND FEES**

Birmingham Museum Director Pielack reviewed her August 3, 2018 memo to City Manager Valentine and stated:

- There are no facilities for food preparation in the museum any longer.
- The back porch of the Allen House is considered part of the grounds but the interior is not.

Mayor Pro Tem Bordman suggested some changes in the policy:

- Under “Conditions of Permitted Use,” Mayor Pro Tem Bordman recommended removing the reference to political rallies, or specifying that ‘sports activities, political rallies, and/or outdoor concerts’ are more appropriate in other Birmingham parks, and that parties interested in hosting those types of activities should contact the Director of Public Services.
- Fundraisers should be allowed because technically a wedding shower could be a fundraiser, and the City should allow Birmingham-based non-profits to have small fundraisers on the grounds as well.
- Any references to ‘Porta-john’ must be changed to something like ‘portable toilet facility’ because ‘Porta-john’ is a registered trademark.
- The language on signage in number 10 is currently a bit more restrictive than necessary.
- In number 12, it could be changed to ‘minor children must be in direct supervision from a parent or guardian,’ or something to similar effect.

Mayor Pro Tem Bordman commended Museum Director Pielack on this work.

Commissioner Sherman objected to prohibiting balloons and said the ground use rules as proposed are overly restrictive.

**MOTION:** Motion by Mayor Pro Tem Bordman, seconded by Commissioner Boutros:  
To approve the Birmingham Museum Grounds Group Use Rules and associated application and Fees as amended.

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

## **08-223-18 REQUEST FOR PROPOSALS – PLANNING, ZONING & PARKING CONSULTING SERVICES**

Planning Director Ecker reviewed her August 1, 2018 memo to City Manager Valentine and confirmed that any relevant information gleaned from Birmingham's previous parking studies would be taken into account as part of this project.

Mayor Pro Tem Bordman noted:

- Nothing in the RFP addresses the issue of office workers occupying spaces all day within Birmingham parking structures.
- Any references to the size of more affordable units should be excised because the objective is simply more affordable units, not necessarily smaller ones.
- That the seventh line, which begins "Urban communities...", should continue "that lack viable mass transit".
- Within the next sentence, three lines down, "smaller-sized" should be deleted, and the sentence should continue at "units in these areas," with "to evaluate the impact that the increase in office worker per square foot has on parking demand."
- Page eight, number two, the second-to-the-last line should be changed to "and cost of residential units in the mixed-use areas noted, the changes in parking demand caused by the increased number of office workers per square foot."
- Page eight, number three, the fourth line down should read "its comparable size and character to Birmingham, with vibrant, mixed-use areas and no effective mass transit."
- "Smaller" should be deleted from the top of page nine.
- Page nine, paragraph four, third-line-from-the-bottom should have "smaller sized" removed.
- Paragraph five on page nine, which calls for one town hall meeting, is inconsistent with paragraph seven on the same page which requires "two public engagement activities".

Planning Director Ecker clarified that the goal of paragraphs five and seven on page nine were to allow for some flexibility in the Contractor's public engagement activities while requiring one town hall as well.

Mayor Pro Tem Bordman said that intention was not clear.

Commissioner Nickita said the RFP must focus on the urgency of understanding the interaction of all demands on city parking, including office demands on parking, rather than emphasizing residential demands on parking.

Planning Director Ecker agreed to update the RFP to emphasize the interaction of all demands on city parking, encourage the development of more affordable residential uses, study how parking demands have changed, and related issues.

Commissioner DeWeese said he would like stronger language regarding recommended changes and directions for the consultant.

Planning Director Ecker said paragraph four on page nine aimed to address that.



Commissioner DeWeese confirmed he would like the language to be stronger and suggested that this be returned to the Planning Board since so many changes were recommended in the discussion.

Commissioners Hoff and Boutros asked whether this study is necessary since parking will also be studied as part of the Master Planning process.

Mayor Pro Tem Bordman said this study:

- May be particularly valuable because parking continues to be an urgent issue.
- Could yield recommended ordinance changes that move Birmingham in the direction of its stated objectives.
- Could sufficiently explore parking issues so as to allow for lighter parking study during the Master Planning process.
- Should not be voted on tonight due to too many recommended changes.

Commissioner Hoff recommended that it might be most beneficial in terms of cost, familiarity with Birmingham's circumstances, and efficiency to approach Nelson-Nygaard to see if they are interested in expanding their scope of work to include this study.

Commissioner Nickita said parking discussions in the Master Plan are going to be more global than the intent of this study, and agreed with Mayor Pro Tem Bordman that the issue is too urgent to delay.

There was consensus that the RFP be amended and subsequently be returned to the Commission.

### **08-224-18 RFP FOR DOWNTOWN RETAIL REVIEW**

Planning Director Ecker reviewed her August 2, 2018 memo to City Manager Valentine.

Commissioner Nickita said this RFP must be refined in order to better align with the Commission's directives to the Planning Board on the issue. He clarified that the issue comes down to retail front particulars, and whether they should be expanded, whether the locations should be altered, whether there should be zoning tiers, and a couple of other considerations.

Commissioner Sherman:

- Concurred with Commissioner Nickita;
- Noted that there was mission creep on this RFP as soon as the Planning Board's July 11, 2018 meeting; and,
- Recommended the Planning Board review the Joint Commission-Planning Board meeting minutes from June 18, 2018 for the specific Commission directives.

Planning Director Ecker:

- Confirmed there are no plans to get rid of the redline retail district, and that the RFP language can be updated to reflect that.
- Stated the Planning Board would like to change the name of the redline retail district.
- Stated that the goal is to have a consultant explore how to strengthen retail within the redline retail boundaries, instead of removing any areas from the boundaries.

Commissioner Nickita said the sole objective of this RFP is to determine how best to organize the redline retail district in order to continue developing a pedestrian-oriented experience in downtown Birmingham.

City Manager Valentine stated that the RFP would be updated by City staff to reflect the Commission's comments and would be brought back before the Commission at the next meeting. If the Commission would also like the Planning Board to review the amended RFP, that could be arranged as well.

Mayor Pro Tem Bordman said the boundaries of the redline retail district should remain the same, that a tiered zoning system might be acceptable, and that the goal is to determine what other kinds of retail uses would suit the 2016 Plan.

**08-225-18 AMENDMENTS TO AMEND PART II OF THE CITY CODE, CHAPTER 74, OFFENSES, ARTICLE IV - OFFENSES AGAINST PROPERTY, TO ADD SECTION 74-81 THEFT; PROSECUTION; JURISDICTION AND SECTION 74-109 INTENT TO DEFRAUD FOR SERVICES OR TO USE VICTIM'S INFORMATION TO COMMIT AN ILLEGAL ACT**

City Attorney Currier explained that this amendment brings City Code into accordance with Michigan law by allowing Birmingham to have jurisdiction on matters that are currently under state law which the city attorney's office can handle.

City Manager Valentine explained that a draft version of this ordinance was included in the agenda packet, and the final version was supplied to the Commissioners this evening.

**MOTION:** Motion by Commissioner Sherman, seconded by Mayor Pro Tem Bordman: To amend Part II of the City Code, Chapter 74, Offenses, Article IV, Offenses Against Property to include the following two new ordinances:

Section 74-81: Theft; Prosecution; Jurisdiction

AND

Section 74-109: Intent to Defraud for Services and Section 74-109 (A) – Penalty for Violation of Section 74-109.

Furthermore, to authorize the Mayor and the City Clerk to sign the ordinance amendments on behalf of the City.

VOTE:	Yeas,	7
	Nays,	0
	Absent,	0

**08-226-18 DESIGNATION OF VOTING DELEGATE(S) FOR THE MICHIGAN MUNICIPAL LEAGUE ANNUAL MEETING**

City Manager Valentine reviewed City Clerk Mynsberge's August 3, 2018 memo.

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

To appoint City Manager Valentine as the Birmingham City Commission's official voting delegate, ~~and Mayor Pro Tem Bordman as the alternate voting delegate,~~<sup>1</sup> at the Michigan Municipal League Annual Meeting to be held in Grand Rapids, Michigan on September 21, 2018.

VOTE:           Yeas,           7  
                  Nays,           0  
                  Absent,        0

**MOTION:**    Motion by Commissioner DeWeese, seconded by Commissioner Boutros:  
To appoint Mayor Pro Tem Bordman as the alternate voting delegate at the Michigan Municipal League Annual Meeting to be held in Grand Rapids, Michigan on September 21, 2018.<sup>2</sup>

VOTE:           Yeas,           7  
                  Nays,           0  
                  Absent,        0

**08-227-18   CLOSED SESSION**

**MOTION:**    Motion by Commissioner Nickita, seconded by Commissioner Hoff:  
To meet in closed session pursuant to Section 8(h) 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:           Yeas,           Mayor Harris  
  Mayor Pro Tem Bordman  
  Commissioner Boutros  
  Commissioner DeWeese  
  Commissioner Hoff  
  Commissioner Nickita  
  Commissioner Sherman  
  
                          Nays,           none  
                          Absent,        none

City Manager Valentine said no action was expected.

**VII.   REMOVED FROM CONSENT AGENDA**

**08-228-18   S. ETON RD. SIGNING & PAVEMENT MARKING IMPROVEMENTS CONTRACT 11-18(P) (ITEM I)**

Commissioner Sherman suggested re-bidding this project in January or February 2019.

City Engineer O'Meara confirmed that re-bidding at that time may yield more bids and that it would also be possible to re-bid in December 2018 for the project to begin in Spring 2019.

<sup>1</sup> As amended at the August 27, 2018 meeting.

<sup>2</sup> As amended at the August 27, 2018 meeting.

The Commission took no action.

**08-229-18 RFP -- NEW LOCKERS FOR THE BIRMINGHAM POLICE DEPARTMENT  
(ITEM J)**

Mayor Pro Tem Bordman clarified that the resolution refers only to new lockers, but the dollar amount also includes money for work on the bathroom facility.

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

To award the New Lockers for Birmingham Police Department contract to Steel Equipment Company, in an amount not to exceed \$ 55,100.00 to be charged to account 401-265.003-977.0000 and authorizing the Mayor and City Clerk to sign the agreement for these services, further, approving the appropriation and amendment to the 2018-2019 Capital Project Fund budget as follows:

Capital Projects Fund

Revenues:

Draw from Fund Balance	401-000.000-400.0000	\$55,100
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Expenditures:

Buildings – City Hall and Grounds	401-265.001-977.0000	\$55,100
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VOTE:	Yeas,	7
	Nays,	0
	Absent,	0

**VIII. COMMUNICATIONS**

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

**X. REPORTS**

**08-230-18 COMMISSIONER REPORTS**

1. Notice of Intention to appoint three regular members to the Design Review Board on September 6, 2018.
2. Notice of Intention to appoint three regular members to the Historic District Commission on September 6, 2018.
3. Notice of Intention to appoint one alternate member to the Board of Zoning Appeals on September 6, 2018.
4. Notice of Intention to appoint one regular member to the Parks and Recreation Board on September 6, 2018.

**08-231-18 COMMISSIONER COMMENTS**

Mayor Pro Tem Bordman recounted an email from a Birmingham resident golfing at Springdale Golf Course who complained that loud music and commentary from the pavilion could be heard at all nine holes of the course. The Commission may have to do some work on rules of use of the pavilion.

Mayor Pro Tem Bordman recommended that the Commissioners be advised to save certain agenda materials if an issue is anticipated to re-appear before the Commission. She suggested a cover sheet listing the agenda items that will be re-visited with a request that the materials be saved.

City Clerk Mynsberge confirmed that this would work well. In cases where there are updates, the City Clerk will prepare new materials, but in cases where it is the same information, those should be conserved by the Commissioners.

City Manager Valentine said that the Commission could begin with this approach and could adjust as needed.

Commissioner DeWeese said:

- The digital copies uploaded to the website should have all the information every time since it is a matter of public record.
- Saving some hardcopy versions of items will make things more challenging for him.
- City staff should brainstorm a few different ways of reducing paper consumption for the Commission to consider.

City Manager Valentine and City Clerk Mynsberge agreed the electronic version would continue to be complete.

Commissioner Boutros said getting familiar with the digital version would likely be most useful in the long run, instead of Commissioners trying to store the paper versions of the relevant agenda sections.

Mayor Pro Tem Bordman said 4L will not be changing for the next meeting, so all Commissioners should pull that section to save.

Commissioner Hoff commended everyone involved in the S. Old Woodward project.

The Commission concurred with Commissioner Hoff.

Mayor Harris commended:

- City Clerk Mynsberge for her cool-headedness and management of the 2018 primary;
- Museum Director Pielack on the profile of her book, "The Saginaw Trail: From Native American Path to Woodward Avenue", in the Birmingham-Bloomfield Eagle; and,
- All the staff who worked on the S. Old Woodward construction.

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

## **XI. ADJOURN**

Mayor Harris reconvened the meeting into open session and adjourned the meeting at 10:28 p.m.

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J. Cherilynn Mynsberge, City Clerk

**ATTACHMENT A**

**Resolution 08-216-18**

CITY OF BIRMINGHAM

RESOLUTION REQUESTING THE OAKLAND COUNTY BOARD OF COMMISSIONERS CONDUCT A THOROUGH INVESTIGATION INTO THE OAKLAND COUNTY CLERK'S OFFICE ACTIONS RESULTING IN A SHORTAGE OF BALLOTS IN THE AUGUST 7, 2018 PRIMARY ELECTION.

- WHEREAS,** the 2018 Michigan primary election was held on August 7, 2018, and
- WHEREAS,** the Oakland County Clerk's Office was responsible for the ordering, issuance and distribution of the ballots for the August 7, 2018 primary election to the local governmental units within the County, and
- WHEREAS,** Birmingham and other Oakland County communities relied on the Oakland County Clerk's Office to provide sufficient ballots for this election, and
- WHEREAS,** during the August 7<sup>th</sup> primary election several precincts within the City of Birmingham and throughout the County experienced both ballot shortages and an inability to provide a timely resupply of ballots as needed, and
- WHEREAS,** these shortages resulted in residents waiting excessive periods to vote and some possibly not voting at all, and
- WHEREAS,** the assurances and commitments provided by the Oakland County Clerk's Office to the municipal clerks within the County in regard to obtaining additional ballots was not followed, and
- WHEREAS,** the Birmingham City Commission wishes to ensure all of its eligible residents that wish to vote in the November general election will not be impeded by the same errors that occurred in the August 7<sup>th</sup> primary election.

**NOW THEREFORE BE IT RESOLVED,** the Birmingham City Commission formally requests the Oakland County Board of Commissioners appoint an independent investigator to conduct a thorough investigation into the actions, causes, and impacts of the

role of the Oakland County Clerk's Office in administering the 2018 primary election, and

**BE IT FURTHER RESOLVED,** the Birmingham City Commission requests a copy of the findings of this investigation be provided to the City of Birmingham, as well as, all affected communities within Oakland County once completed, and

**BE IT FURTHER RESOLVED,** that a copy of this resolution be sent to all communities within Oakland County.

I, J. Cherilynn Mynsberge, Birmingham City Clerk, do hereby certify that the foregoing is a complete and true copy of a resolution adopted by the City Commission of the City of Birmingham at a regular Birmingham City Commission meeting held on August 13, 2018.