

**BIRMINGHAM CITY COMMISSION VIRTUAL MEETING MINUTES**  
**AUGUST 24, 2020**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

Watch the entire meeting at: [vimeo.com/event/3470/videos/448736187](https://vimeo.com/event/3470/videos/448736187)

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

Pierre Boutros, Mayor called the meeting to order with the Pledge of Allegiance at 7:30 p.m.

**II. ROLL CALL**

Alexandria Bingham, City Clerk Designee, called the roll:

PRESENT: Mayor Boutros  
Mayor Pro-Tem Longe  
Commissioner Baller  
Commissioner Hoff  
Commissioner Host  
Commissioner Nickita  
Commissioner Sherman

ABSENT: None

Administration: City Manager Valentine, Planning Director Ecker, Assistant Planning Engineer Cowan, Commander Grewe, IT Manager Brunk, City Clerk Designee Bingham

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

**ANNOUNCEMENTS:**

- All city offices remain closed to the public. All departments are accessible via phone and email. Payments may be dropped off using the convenient drop box, located behind City Hall and accessible via the Police Department parking lot off Henrietta Street.
- 2020 Summer property taxes are due Monday, August 31, 2020 and must be received in the Treasurer's Office by that date to avoid a penalty. Due to COVID, mail delivery service is very slow and unpredictable, therefore, the Treasurer's Office recommends that you either drop off your payment in the drop box located behind City Hall or pay on-line using the Pay My Property Taxes quick link located on the City's website homepage. If you pay on-line, you can use a credit card and pay a 3% convenience fee or use the free e-check option. You can also use this link to check on the status of your payment with the City.
- The Baldwin Library is open to the public. Building capacity is limited, and people are asked to limit their stay to 45 minutes. Public computer use is restricted to 30 minutes. Masks and social distancing are required. The Library is open on its regular schedule, seven days a week, and is also offering Curbside Pickup service to patrons during limited hours, which are listed on the Library's website.
- We encourage everyone to sign up for our email distribution system to receive the latest information from the City. You can do this by going to our website and clicking on the box in the lower right corner of your screen to sign up.
- The Clerk's office would like to remind voters to turn in an absentee ballot applications if they wish to vote by mail for the November 3, 2020 General Election. To review your

specific voting information visit [mi.gov/vote](http://mi.gov/vote). Persons 16 or older that are interested in learning more about elections and assisting the community could work on Election Day! Visit the elections inspectors tab on the clerk's website for more details [bhamgov.org/voting](http://bhamgov.org/voting).

**APPOINTMENTS:**

**08-151-20 APPOINTMENT OF JOY CANTOR TO THE HISTORIC DISTRICT STUDY COMMITTEE**

The Commission interviewed Joy Cantor for the appointment.

**MOTION:** Nomination by Commissioner Host:  
To appoint Joy Cantor, as a regular member to the Historic District Study Committee to serve the remainder of a three-year term to expire June 25, 2023.

Commissioner Sherman asked if the position expiring in 2023 was advertised.

City Manager Valentine clarified that it was advertised.

ROLL CALL VOTE:	Ayes,	Commissioner Host Mayor Pro-Tem Longe Commissioner Baller Commissioner Hoff Commissioner Nickita Commissioner Sherman Mayor Boutros
	Nays,	None

**08-152-20 APPOINTMENT OF LISA KRUEGER TO THE ADVISORY PARKING COMMITTEE**

The Commission interviewed Lisa Krueger.

Commissioner Hoff noted that both candidates work downtown and live in Birmingham. She also pointed out that this committee is very important and is in need of diverse representation. Moving forward she would encourage others from a different neighborhood to seek a seat on this committee.

Commissioner Baller asked if either of the candidates recalled the Downtown Parking Plan of 2018. If so, what stood out as a significant suggested improvement to the parking system?

Ms. Krueger replied yes, and acknowledging that times have changed since then and so has her perspective. She recalled community growth as a critical aspect as well as the condition of the existing parking structures.

**MOTION:** Nomination by Commissioner Hoff:  
To appoint Lisa Krueger to the Advisory Parking Committee as a regular member who is a downtown employee within the parking assessment district to serve a three-year term to expire September 4, 2023.

ROLL CALL VOTE: Ayes, Commissioner Hoff  
Commissioner Host  
Commissioner Nickita  
Commissioner Sherman  
Mayor Pro-Tem Longe  
Commissioner Baller  
Mayor Boutros  
Nays, None

**08-153-20 APPOINTMENT OF JENNIFER YERT TO THE ADVISORY PARKING COMMITTEE**

The Commission interviewed Jennifer Yert.

**MOTION:** Nomination by Commissioner Sherman:  
To appoint Jennifer Yert to the Advisory Parking Committee as an alternate member who is a downtown employee within the parking assessment district to serve a three-year term to expire September 4, 2023.

Ms. Yert responded to Commissioner Baller as follows:

- Yes, to recalling the study.
- Exploring Opportunities for expanded parking based on best practices by other cities with the same challenges.

ROLL CALL VOTE: Ayes, Commissioner Sherman  
Commissioner Baller  
Commissioner Hoff  
Commissioner Host  
Commissioner Nickita  
Mayor Pro-Tem Longe  
Mayor Boutros  
Nays, None

**08-154-20 APPOINTMENT PAM DEWEESE TO THE GREENWOOD CEMETERY ADVISORY BOARD**

The Commission interviewed Pam DeWeese.

**MOTION:** Nomination by Commissioner Hoff:  
To appoint Pam DeWeese to the Greenwood Cemetery Advisory Board as a regular member to serve a three-year term to expire July 6, 2023.

Commissioner Nickita pointed out that by supporting Ms. DeWeese in this role, the Commission is recognizing the value of institutional knowledge.

ROLL CALL VOTE: Ayes, Commissioner Hoff  
Commissioner Host  
Commissioner Nickita  
Commissioner Sherman  
Mayor Pro-Tem Longe  
Commissioner Baller  
Mayor Boutros  
Nays, None

Mayor Boutros congratulated the appointees and instructed them to contact the City Clerk Designee to arrange the final step of administration of the oath.

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

- David Bloom commented on the following:
  - Personal attacks during Commission meetings
  - Importance of detailed meeting minutes as discussed in the Special Commission Workshop due to the lack of media coverage by The Downtown and Eccentric.
  - Public space accessibility in inclement weather due to COVID-19.

**V. 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.

**08-155-20 CONSENT AGENDA**

The following items were removed from the Consent Agenda:

Commissioner Hoff:                   Item G- Ballot and Drop Boxes  
  Item H – Voting Precinct Change

- A. Resolution approving the City Commission meeting of August 10, 2020.
- B. Resolution approving the City Commission work session of August 17, 2020.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated August 12, 2020 in the amount of \$7,213,982.68.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated August 19, 2020 in the amount of \$2,851,112.27.
- E. Resolution approving the purchase of 4 Canon Image Runner Advance C5550i copiers from Canon Solutions America, Inc. at the cost of \$7,800.00 each using extendable National IPA Contract Number: 18-020-LG, the total cost of purchase not to exceed \$31,200.00. Funds are available in the IT Machinery and Equipment fund account #636-228.000-971.0100.
- F. Resolution approving an extension of the 2020 Sidewalk Trip Elimination Program, Contact #6-18 (SW) for the 2020 sidewalk program repair area, at 2018 contract prices, to Precision Concrete, Inc., in the amount of \$109,992.00, contingent upon submittal of the necessary bonds and insurance certificate. All costs shall be charged to account number 101-444.001-981.0100.

**MOTION:**                   Motion by Commissioner Sherman, seconded by Commissioner Hoff:  
To approve the consent agenda excluding Items G and H.

ROLL CALL VOTE: Ayes, Commissioner Sherman  
Commissioner Hoff  
Commissioner Nickita  
Mayor Pro-Tem Longe  
Commissioner Baller  
Commissioner Host  
Mayor Boutros  
Nays, None

**08-156-20 (ITEM G) EMERGENCY PURCHASE OF THREE (3) DROP BOXES**

Commissioner Hoff removed this item from the Consent Agenda to comment on the need for new drop boxes, as witnessed during the last primary while she worked as an election inspector, and asked if photographs were available of the purchases to consider.

City Manager Valentine confirmed that photos are available and gave a description of the boxes.

Commissioner Baller asked:

- Must the drop box for ballots be exclusive to ballots?
- Is there a plan to put additional ballot drop boxes around the city for convenience?

City Clerk Designee responded that it is more efficient for the Clerk and Treasurer to keep things separate. She went on to say that additional drop boxes around the City are not planned for security purposes.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Sherman:  
To confirm the City Manager’s authorization for the emergency expenditure related to the purchase of three (3) drop boxes in the amount not to exceed \$13,319.25 to Kingsley Library Returns and Equipment from accounts 101-253.000-971.0100, 101-262.000-971.0100, and 101-371.000-971.0100.

ROLL CALL VOTE: Ayes, Commissioner Hoff  
Commissioner Sherman  
Mayor Pro-Tem Longe  
Commissioner Baller  
Commissioner Host  
Commissioner Nickita  
Mayor Boutros  
Nays, None

**08-157-20 (ITEM H) VOTER PRECINCT CHANGE**

Commissioner Hoff removed this item from the Consent Agenda to express her sentiment for this change and asked if designated parking would be provided for voters. She further commented on the process of mailing notification of the change to voters of that precinct.

City Clerk Designee Bingham affirmed that parking would be provided and proper notice would be given.

**MOTION:** Motion by Commissioner Hoff, seconded by Mayor Pro-Tem Longe: Resolution approving the suggested precinct change as required by the Election Commission and as recommended by the City Clerk Designee. Precinct 6 located at City Hall will be moved to the Community House for the November 3, 2020 General Election.

ROLL CALL VOTE: Ayes, Commissioner Hoff  
Mayor Pro-Tem Longe  
Commissioner Baller  
Commissioner Host  
Commissioner Nickita  
Commissioner Sherman  
Mayor Boutros  
Nays, None

**VI. UNFINISHED BUSINESS**

**VII. NEW BUSINESS**

**08-158-20 TERMINATING VISTAS AS A GUIDELINE FOR PUBLIC ART**

Planning Engineer Cowan presented this item.

Commissioner Baller commented on the impressiveness of this project.

Commissioner Hoff recognized the work of the Public Arts Board for taking an active role in encouraging public art. She further asked:

- If the City owned the Chris Yaki Sculpture
- When the Michigan Spring Sculpture would be installed at the library.
- Where would the Crayon Box Sculpture be located?

Assistant Planning Engineer Cowan replied:

- The City purchased the Chris Yaki sculpture for approximately \$4,500.00
- Michigan Spring will be installed in the coming weeks.
- The Crayon Box is located on Hamilton Row (Hamilton and N. Old Woodward Ave.)

Commissioner Hoff also commented on the following suggestions by the Public Arts Board:

- Oversight on the plantings by adjacent businesses to insure uniformity.
- Professional Sculpture Installation Specialist.
- Developer requirements to contribute public art to the landscape of Downtown.

Commissioner Nickita expressed the importance of terminating vistas relative to urban design, and appreciation for the work of the Public Arts Board. In the spirit of good planning, he posed the following questions:

- How would the City implement guidelines for installation of public art?
- Were themes considered for the type of artwork and sculptures to display?
- Have the overall esthetic been considered in this initiative.

Assistant Planning Engineer Cowan responded as follows:

- Relative to murals, he suggested an ordinance change.
- Theme discussions would comply with the amended ordinance.
- The board is open to suggestions for the painting of terminated vistas.

Commissioner Sherman clarified that this type of report is accepted as opposed to adopting to allow for future discussion.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Hoff:  
To accept the Public Arts Board report on Terminating Vistas as a guideline for public art in such locations.

Commissioner Hoff pointed out that there had not been a theme in the past, therefore, asking how Commissioner Nickita's comments are relevant to past practices.

Commissioner Nickita concurred with Commissioner Hoff on past practices. He also pointed out that in the past the artwork has been sculpted pieces that are different from graphic art or specific paintings appointed to blank space. He wants to see criteria established for expanding art moving forward.

Assistant Planning Engineer Cowan expressed that the board would like to keep the option of reviewing designs on a case-by-case basis.

Commissioner Baller is interested in discussing implementation, primarily because of the time invested by staff and the Public Arts Board in developing the report. He believes it deserves more than an acceptance by the Commission to keep it alive. While he is impressed with the report, he questions the process.

Mayor Pro-Tem Longe asked if the report had been shared with other boards for comment, and what would the ordinance amendment look like.

Planning Director Ecker commented that the report has not been shared with other boards but is in favor of doing so based on the outcome of this meeting. She added that the Design Review Board has been approached by a local business to add a mural to blank space as a point of interest, staff is preparing to bring that to the Commission after the appropriate boards, and committees review it.

City Manager Valentine made the following clarifications:

- A staff report will come back to the Commission outlining the process.
- Implementation would require review of certain elements,
  - Cost
  - Action and placement
  - Priority

Annie VanGelderren, Public Arts Board, commented that in preparing the report, the board wanted to present an overview with a plan moving forward. She went on to say that they are committed to the level of sophistication in Birmingham and only want to enhance the existing architecture with the proper esthetic.

Commissioner Nickita expressed that he supports this motion.

Commissioner Host also expressed that he supports the motion.

ROLL CALL VOTE: Ayes, Commissioner Sherman  
Commissioner Hoff  
Commisisoner Baller  
Commissioner Host  
Commissioner Nickita  
Mayor Pro-Tem Longe  
Mayor Boutros  
Nays, None

**08-159-20 INSTALLATION OF DISMOUNT ZONE SIGNS**

Commander Grewe presented this item.

Commissioner Hoff complimented the design and conciseness of the signs, but expressed concern about the amount and height of signage in the downtown area.

Planning Director Ecker explained that the boards involved are cognizance of over signage but need to direct the public on what to do when travelling on certain devices.

Commissioner Grewe expressed that there is flexibility on height and the team is looking to mount the signs on existing poles.

Commissioner Nickita expressed gratitude in moving forward with the ordinance to preserve public safety. He noted similar signs in downtown Royal Oak fabricated on the sidewalks at entrance zones. He asked have this type of signage been explored.

Commander Grewe replied that pavement markings were explored but there was concern about cluttering the sidewalks and decided that eye level signage would be more appropriate.

Mayor Boutros echoed Commissioner Hoff's sentiment about signage and asked if the purpose is to support enforcement. He also mentioned that walking the device on the sidewalk is a matter of public safety.

Commander Grewe expressed that the goal of the department is to gain compliance as opposed to enforcing the ordinance with citations.

Commissioner Baller agrees with the ordinance but is concerned about criminalizing family activities.

Commander Grewe reiterated that there are avenues established to getting the word out about the ordinance and using the proposed signage directs action and is a reminder to comply.

City Manager Valentine clarified that this ordinance was implemented because issues come up and the Police must have a remedy to curtail actions that are in conflict with public safety.

Commissioner Hoff affirmed that the ordinance is applicable to everyone on bikes, electronic devices, and pedestrians throughout downtown and supports the motions.



**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Nickita:  
To approve the installation of Dismount Zone signs at the border of the Central Business District and at the City bike station in Shain Park.

ROLL CALL VOTE: Ayes, Commissioner Sherman  
Commissioner Nickita  
Commissioner Hoff  
Commissioner Host  
Mayor Pro-Tem Longe  
Commissioner Baller  
Mayor Boutros  
Nays, None

**08-160-20 TEMPORARY COVID-19 OFF-SEASON OUTDOOR DINING STANDARDS**

City Manager Valentine presented an overview of the existing conditions and Planning Director Ecker presented the details of this item.

Mayor Boutros iterated that this is essentially an extension of what had been approved early in the outdoor dining season to help the establishments in the face of COVID-19.

Commissioner Baller noted that there have been changes since the initial approval, and expressed concern about an unfair advantage granted to Bistros.

Planning Director Ecker confirmed that the extension allows enclosures to support inclement weather, and the establishments are monitored for compliance. She further clarified that the benefit is extended to all establishments not just Bistros and there are no outdoor bars.

Commissioner Hoff asked the following:

- Restrictions on the material used for enclosures.
- Clarification of an Igloo.
- How would enclosures differ from dining inside in terms of exposure risk to the virus?
- How would the City be impacted if COVID-19 restrictions are lifted sooner than anticipated?
- Would there be a benefit to extending the measure until the end of the year and revisit the issue at that time if needed.

Planning Director Ecker replied:

- All enclosures must meet existing building and fire codes.
- Igloos are freestanding structures typically shaped in a dome. The existing building code does not provide for this type of structure.
- Enclosed expansions provide opportunities for establishments to practice appropriate social distancing and retain capacity.
- The City Commission can rescind resolutions for temporary assistance.

City Manager Valentine added that a time limit would be a barrier for the establishments.

Mayor Pro-Tem Longe asked would the approval process be consistent between enclosures and structures.

Planning Director Ecker affirmed that it would and the existing building and fire codes would prevail.

Commissioner Host asked for clarification of how these measures are being monitored.

Planning Director Ecker explained that it is a collaboration between the building department, code enforcement, and the police department to monitor compliance.

Commissioner Sherman noted that the intent is to provide the downtown businesses opportunities to succeed in the current environment. Enclosures are optional for individual business owners.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Nickita: To adopt the Temporary COVID-19 Off-Season Outdoor Dining Standards, to take effect October 1, 2020 as amended.

Public Comment

Mr. Hencke commented on:

- Economic survival of all of the restaurants.
- Capital outlay for the establishments.
- Oversight provided by the Michigan Liquor Control Commission and the State Health Department.

Commission Nickita expressed that due to the moving parts involved that many would not participate in the measure, but the City must present an opportunity for success.

Mayor Pro-Tem Longe asked the Commission to address Mr. Hencke's concern about adjacent establishments.

City Manager Valentine affirmed that discussions are ongoing with respect to the Michigan Liquor Control Commission to comply with their regulations, and suggested an amendment to the resolution to include MLCC compliance.

City Attorney Currier confirmed that the City is controlled by the MLCC rules.

ROLL CALL VOTE:	Ayes,	Commissioner Sherman Commissioner Nickita Commissioner Host Mayor Pro-Tem Longe Commissioner Baller Commissioner Hoff Mayor Boutros
	Nays,	None

**08-161-20      PARKING IN THE FIVE MUNICIPAL GARAGES**

Assistant City Manager Gunter presented this item.

Commissioner Hoff asked for clarification on total lost revenue due to the pandemic, and the change of fee for permit holders.

Assistant City Manager Gunter clarified the amount of lost revenue and the fee for permit holders to retain parking passes.

Commissioner Baller commented that persons using parking should pay in the decks outside of the traditional free parking for two hours or less. He further suggested that the parking system needs work.

Commissioner Sherman pointed out that he does not see an issue under the current circumstances because parking impacts the businesses, transient parkers, and residents that use the deck. He went on to say that this measure would allow the City to assist the local economy.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Host:  
Resolution authorizing continued free parking continue in the five municipal garages from  
September 1, 2020 through December 31, 2020,

AND

Require monthly parking permit holders to pay a one-time fee of \$100 by November 30, 2020  
in order to retain their status as a monthly parker into the New Year.

Commissioner Host is open to the opportunity to reduce the long waiting list for permit parking. He also feels that the City is in the same position it was in in May and the initiative should be continued.

Commissioner Baller noted that the associated cost would affect the City budget. He further expressed that he is not in support of the suggested resolution.

Mayor Pro-Tem Longe concurs that this would support the local economy. She also noted that the net cost is much less than the total loss without this initiative.

ROLL CALL VOTE:	Ayes,	Commissioner Sherman Commissioner Host Commissioner Nickita Mayor Pro-Tem Longe Commissioner Hoff Mayor Boutros
	Nays,	Commissioner Baller

**08-162-20 COMMISSION ITEMS FOR FUTURE DISCUSSION**

City Manager Valentine presented this item.

Commissioner Sherman commented that the Coco Siewert in the Parliamentarian Procedures workshop made the recommendation to bring up new items for discussion in a future meeting at the end of new business.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Hoff:  
To add an item under the last item of New Business entitled "Commission Items for Future Discussion" for the Commission to raise topics for future discussion on the next reasonable agenda, if passed by a motion of the Commission.

Commissioner Baller expressed that he supports the suggested resolution.

Public Comment

David Bloom, resident, agreed with the suggested resolution, he is okay with postponing discussion but the decision should not be left to the City Manager exclusively.

Mayor Boutros noted that the intention is to have an efficient meeting with the appropriate preparation by the staff. He suggested that Commissioners submit a list of topics to be prioritized by the Commission for discussion later.

Commissioner Sherman expressed that the idea of the annual long-range planning meeting is to do the very thing that Mayor Boutros is suggesting. If the guidelines are followed, long-range planning would be more effective.

Commission Host suggested ~~long range planning~~ a meeting to prioritize topics for future agendas<sup>1</sup> as the next workshop.

Mayor Pro-Tem Longe would like to see both scenarios, an agenda based on long range planning and the flexibility to bring up additional topics throughout the year.

ROLL CALL VOTE:	Ayes,	Commissioner Sherman Commissioner Hoff Mayor Pro-Tem Longe Commissioner Baller Commissioner Host Commissioner Nickita Mayor Boutros
	Nays,	None

**08-163-20            LEGAL SERVICES**

**MOTION:**            Motion by Commissioner Host, seconded by Commissioner Baller:  
To move Item X.E. (City Staff Report – Legal Services Memo) to an agenda item at the next City Commission meeting.

Commissioner Baller explained that the report deserves further discussion.

City Manager Valentine asked for clarification on the expectations in bringing this report back to the Commission, would it be a discussion or an action item.

Commissioner Host clarified that the direction is for staff to follow the process to bring it back for discussion.

Commissioner Sherman expressed that the proper procedure is to ask for a postponement of the report.

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<sup>1</sup> As corrected on September 14, 2020

ROLL CALL VOTE: Ayes, Commissioner Host  
 Commissioner Baller  
 Mayor Pro-Tem Longe  
 Commissioner Hoff  
 Commissioner Nickita  
 Commissioner Sherman  
 Mayor Boutros  
 Nays, None

**VIII. REMOVED FROM CONSENT AGENDA**

**IX. COMMUNICATIONS**

**X. REPORTS**

- A. Commissioner Reports
  - 1. Notice of Intention to appoint to the Design Review Board, Historic District Committee, Parks and Recreation Board and Museum Board.
- B. Commissioner Comments
  - 1. Commissioner Hoff recognized City Manager Valentine for reaching out to MDOT requesting enhanced pedestrian crossing to address public safety in the wake of the recent fatal accident in Birmingham.
  - 2. Commissioner Host concurred with recognition of City Manager Valentine for being proactive in addressing MDOT.
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. Legal Services Memo, submitted by City Attorney Kucharek

INFORMATION ONLY

**XI. ADJOURN**

**08-164-20 ADJOURNMENT**

**MOTION:** Motion by Commissioner Nickita, seconded by Commissioner Sherman:  
 To adjourn the meeting.

ROLL CALL VOTE: Ayes, Commissioner Nickita  
 Commissioner Sherman  
 Commissioner Baller  
 Commissioner Hoff  
 Commissioner Host  
 Mayor Pro-Tem Longe  
 Nays, None

Meeting adjourned at 11:14 p.m.