

BIRMINGHAM CITY COMMISSION
OCTOBER 26, 2020
MUNICIPAL BUILDING, 151 MARTIN
7:00 P.M.
VIRTUAL MEETING
MEETING ID: 655 079 760

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Pierre Boutros, Mayor, opened the meeting with the Pledge of Allegiance.

II. ROLL CALL

Cheryl Arft, Acting City Clerk, called the roll.

Present: Mayor Boutros (location: Birmingham, MI)
Mayor Pro Tem Longe (location: Birmingham, MI)
Commissioner Baller (location: Birmingham, MI)
Commissioner Hoff (location: Birmingham, MI)
Commissioner Host (location: Birmingham, MI)
Commissioner Nickita (location: Birmingham, MI)
Commissioner Sherman (location: Birmingham, MI)

Absent: None

Administration: City Manager Valentine, Acting City Clerk Arft (until 7:05 p.m.), City Clerk Designee Bingham (arrived at 7:05 p.m.), Planning Director Ecker, Police Commander Grewe, City Attorney Kucharek

10-199-20 Thomas Markus' City Manager Application

The Commission originally intended to go into closed session at 7 p.m. to discuss Mr. Markus' application for City Manager at the beginning of this evening's Commission meeting. City Attorney Kucharek explained that, according to the Michigan Open Meetings Act, if Mr. Markus did not ask that his application remain confidential the Commission must discuss his application in open session.

Since City Attorney Kucharek said Mr. Markus' application should be discussed in open session, Commissioner Host said the Commission should pause their discussion until 7:30 p.m. as the public is accustomed to joining Commission meetings at that time.

MOTION: Motion by Commissioner Host, seconded by Commissioner Baller:
To not begin Commission discussion until 7:30 p.m.

Commissioner Baller asked City Attorney Kucharek for her legal opinion regarding whether the Commission should wait until 7:30 p.m. to begin their discussion.

Public notices for the meeting listed the start time as 7 p.m. Resultantly, City Attorney Kucharek advised the Commission that they were within their rights to commence discussion presently.

ROLL CALL VOTE: Ayes, Commissioner Host

 Nays, Commissioner Sherman
 Commissioner Nickita
 Commissioner Baller
 Commissioner Hoff
 Mayor Boutros
 Mayor Pro-Tem Longe

10-200-20 Labor Council Discussion with Thomas Markus

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Baller:
To send the City’s labor council, Keller Thoma, to ask Mr. Markus what possible City Manager contract terms he would be seeking. Also, to ask Keller Thoma to meet with the Commission to determine what City Manager contract terms they might be interested in offering.

There was Commission consensus that if this motion passed Keller Thoma must be asked to undertake these conversations expeditiously.

In response to some questions from the Commission, City Attorney Kucharek said she would look into the case law regarding whether discussion of private contract terms should be held in closed or open session. City Attorney Kucharek said she would return a written opinion to the Commission by Wednesday or Thursday of the present week.

Regarding Mr. Markus’ application, Commissioner Baller said all discussion permissible to hold in open session should be held in open session. If the Commission has to discuss limited items in closed session, that should be done carefully and with an eye towards returning to open session as soon as possible.

Mayor Pro Tem Longe noted that the Commission still needs to schedule an official interview with Mr. Markus so that the public has the opportunity to submit and ask questions.

Mayor Boutros realized he had forgotten to invite public comment on the previous motion and apologized to the public. He invited comment on the present motion.

Public Comment

David Bloom said he had agreed with Commissioner Host’s previous motion and stated reasoning.

Mr. Bloom attempted to make additional comments not regarding the motion at hand.

Mayor Boutros advised Mr. Bloom that comments at this time should only regard the present motion. He asked Mr. Bloom if he had comments on the present motion.

Mr. Bloom said he had no issue with the motion.

Paul Reagan said that if Keller Thoma discusses possible contract terms outside a public meeting, residents might interpret that as a subversion of the Open Meetings Act. He warned that such an impression could have consequences for the City administration.

Andrew Haig said Mr. Markus should be treated identically to any other City Manager candidates, and noted that is not currently happening. Mr. Haig asked City Attorney Kucharek why a discussion of contract terms for Mr. Markus would be any different from the discussion regarding a severance package for City Manager Valentine that occurred in open session in November 2019. He continued that, in his opinion, in order to avoid liability issues the City should conduct non-interview discussions with every other candidate like they did with Mr. Markus. He concluded by saying that the Commission should offer its terms and conditions to City Manager candidates instead of asking the candidates for their ideal terms and conditions.

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

 Nays, Commissioner Host

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

ANNOUNCEMENTS:

- The Clerk's office is open to the public for voting purposes only, be sure to use the Martin Street entrance. Voters are reminded to turn in an absentee ballot application if they wish to vote early for the November 3, 2020 General Election. Return your absentee ballot to the clerk's office as soon as possible via drop box or mail, return postage for absentee ballots has been covered by the city for this election. To review your specific voting information and preview your ballot visit mi.gov/vote.
- Precinct 6 voters will be directed to the Community House for voting on Election Day, voters should use the Townsend entrance to the Ballroom. Email elections@bhamgov.org or call 248-530-1880 for any voting or election related questions.
- The City wishes to thank Lara Edwards for her service on the Multi-Modal Transportation Board since 2014.

APPOINTMENTS:

10-201-20 Appointment Of Kevin Hart to the Board of Zoning Appeals

The Commission interviewed Kevin Hart for the appointment.

Commissioner Hoff asked Mr. Hart about his attendance.

Mr. Hart noted he had to recuse himself from a couple of items and said he did not anticipate that happening with any frequency in the future. He also said that prior to virtual meetings he only missed one meeting when he was out of state, which should also not be an issue moving forward.

MOTION: Nomination by Commissioner Host:
To appoint Kevin Hart as a regular member to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2023.

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

Nays, None

10-202-20 Appointment Of Jason Canvasser to the Board of Zoning Appeals

The Commission interviewed Jason Canvasser for the appointment.

MOTION: Nomination by Commissioner Nickita:
To appoint Jason Canvasser as a regular member to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2023.

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

Nays, None

10-203-20 Appointment Of Richard Lilley to the Board of Zoning Appeals

The Commission interviewed Richard Lilley for the appointment.

MOTION: Nomination by Mayor Pro Tem Longe:
To appoint Richard Lilley as a regular member to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2023.

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

Nays, None

10-204-20 Appointment Of Jerry Attia to the Board of Zoning Appeals

Mr. Attia was absent from the meeting. Commissioner Hoff noted that Mr. Attia had only attended 11% of the meetings in 2020 and had not filled out the application to be reappointed as an alternate, which raised questions regarding whether he wanted to continue in the position. Commissioner Hoff said it would be important for the Commission to speak with Mr. Attia before taking any action on his potential reappointment.

Mayor Boutros recommended that Mr. Attia be contacted to determine his interest in a potential reappointment.

No action was taken.

10-205-20 Appointment Of Ron Reddy to the Board of Zoning Appeals

The Commission interviewed Ron Reddy for the appointment.

MOTION: Nomination by Commissioner Hoff:
To appoint Ron Reddy as an alternate member to the Board of Zoning Appeals to serve the remainder of a three-year term to expire February 17, 2023.

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

Nays, None

Commissioner Baller thanked all the BZA appointees for their continued service. Noting that the BZA members are often much more well-versed in City ordinances than the petitioners, Commissioner Baller enjoined the appointees to continue to be both firm in their findings and empathetic in their dealings with the public. He also stressed that dissent is an important part of the democratic process, and stated that a unanimous vote need not be the goal of every case. He encouraged the appointees to continue to be independent thinkers.

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

Mr. Bloom echoed his comments from previous recent Commission meetings regarding Mr. Markus' application for City Manager. He added that, in his view, it could be appropriate to hire Mr. Markus for up to 18 months to supervise the search process for a more permanent replacement of the City Manager. Mr. Bloom shared his feeling that the Commission has been insufficiently transparent in its discussions of Mr. Markus' application so far. Mr. Bloom also said it would be inappropriate to require a majority vote of the Commission before a Commissioner would be allowed to pose an informational inquiry to City staff. He concluded by noting that his group, Birmingham Residents for Responsible Government (BRRG), consulted an attorney over the past weekend to determine whether going into closed session to discuss

Mr. Markus' application would be legal. When the lawyer for BRRG found it would not be legal, a letter was sent to the City documenting that finding. Mr. Bloom said he wanted it noted that it was independent citizens that brought the matter to the City's attention.

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.

10-205-20 CONSENT AGENDA

The following items were pulled from the Consent Agenda:

Commissioner Host and
Mayor Pro Tem Longe: Item A – City Commission Meeting Minutes October 19, 2020

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Hoff:
To approve the Consent Agenda with the exception of Item A.

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

Nays, None

- B. Resolution approving the warrant list, including Automated Clearing House payments, dated October 21, 2020, in the amount of \$442,572.13.
- C. Resolution authorizing the IT department to purchase the VEEAM backup software and Synology NAS storage drive from SHI using MiDeal government extendable contracts for a total cost of \$6,818.41 Using funds from the IT account # 636-228.000-933.0600.
- D. Resolution approving Change Order #1 for the Lakeview Avenue Paving Project, Contract #2-20(P), to DiPonio Contracting, Inc., in the amount of \$50,556.75, to be charged to account number 591-536.001-981.0100.Irrigation Contract Extension (Wood)
- E. Resolution approving the contract extension with Techseven Company through October 31, 2021 for a cost not to exceed \$10,320.00 with all other provisions of the Agreement remaining the same. Funds are available in the Parks-Other Contractual Services Account #101-751.000- 811.0000 and the Property Maintenance-Other Contractual Services Account #101-441.003- 811.0000 for these services.
- F. Resolution adopting the City of Birmingham Electronic Meeting Procedures for all city boards and commissions that meet virtually.

10-206-20 (Item A) City Commission Meeting Minutes Of October 19, 2020

Mayor Pro Tem Longe said the end of her motion on page six should read “invite former Birmingham City Manager Thomas M. Markus for a discussion and interview to explore his interest in the City Manager position.”

Commissioner Host said that on page nine, during discussion of the joint Planning Board-City Commission meeting, he recommended that the joint meeting be held in January 2021. He asked that be added to the minutes.

MOTION: Motion by Commissioner Host, seconded by Mayor Pro Tem Longe:
To approve the City Commission meeting minutes of October 19, 2020 as amended.

Public Comment

None.

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

Nays, None

VI. UNFINISHED BUSINESS

10-207-20 Parking Management Study Agreement

City Manager Valentine presented the item.

Commissioner Hoff noted that while in general she would be supportive of a study, now may not be the appropriate time to proceed with this item because of the uncertainty stemming from the Covid-19 pandemic. She noted that currently there is no parking point-person on the City staff, there is reduced parking demand, and that the parking revenues and expenses are different than usual. She stated that the City's parking needs may change as circumstances continue to shift. Given Mission North's recent self-described pivot to consulting in 2018, Commissioner Hoff continued she would also want them to provide information regarding their experience conducting studies of parking management models in municipalities similar to Birmingham.

Commissioner Baller said he also thought the City should wait on this item, though his reason was that the City should wait until a new City Manager has come onboard and had time to review the matter. He said a new City Manager might have ideas regarding this item and that a study may prove unnecessary. He said he was mostly in favor of waiting but could possibly be persuaded of the value of moving forward with the study.

Commissioner Nickita concurred with Commissioner Hoff that now would not be the most appropriate time to proceed with a parking management study.

Commissioner Host said he agreed with all the previous comments. He said they had relevance to his concerns about the master planning process as well. He noted that all the proposals in the draft 2040 Plan were written pre-Covid-19, and that it was not clear if and how those proposals should change as a result of the pandemic.

Commissioner Baller drew the meeting's attention to the fact that this study would be one of the system of parking management in the City, and not of parking demand or other factors more likely to be impacted by the pandemic.

No action was taken.

10-208-20 Legal Services

Commissioner Host noted that he had been in dialogue with the Michigan Municipal League regarding this item, and also commended CM Valentine on the quality of the information provided. Through his research, Commissioner Host said he had found that both Stephen O. Schultz and Kevin J. Roragen come with impeccable references and ample experience. He explained that both would be very impartial and have not done work in Birmingham or in the local area.

Commissioner Host moved to pursue an engagement with Stephen O. Schultz, and if Mr. Schultz is unavailable, Kevin J. Roragen to advise the Commission on matters relating to the procurement of legal services as well as the framework and options that should be considered when undertaking an engagement in legal services.

The motion died for lack of a second.

Mayor Boutros recommended the item be tabled in order to maintain some consistency while the City seeks a new City Manager and navigates the effects of the Covid-19 pandemic.

The Commission took no action.

10-209-20 Professional Recruitment Firms for City Manager Position

CM Valentine reviewed the item.

Commissioner Baller noted that the Commission had not yet officially accepted the resignation of CM Valentine, and recommended they do so in a manner at least as gracious as the way in which it was offered. He said a formal recognition of CM Valentine's years of service to the community would be appropriate. Commissioner Baller said the Commission should also discuss CM Valentine's recommendation that Police Chief Mark Clemence be considered for the interim City Manager position.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:

To accept CM Valentine's resignation, to appoint a subcommittee of the Commission to create a proposal for formally recognizing CM Valentine's contributions to the City, and to note that Police Chief Clemence would be the future interim City Manager upon CM Valentine's departure from the City in December 2020.

Commissioner Sherman said he appreciated the intent of the motion. He said it would be more appropriate for the Commission to hold off on potentially appointing an interim City Manager until closer to City Manager Valentine's departure date. He said the hope would be that an interim CM may not be needed.

A number of Commissioners said they would want to see an RFP for recruitment firms instead of a short list.

Commissioners Sherman, Hoff and Nickita said they would not want to work with the Mercer Group again.

Commissioner Host said he saw no reason to delay any of the items recommended in the motion.

Since this discussion was not noticed as part of the agenda, Commissioner Hoff recommended postponing it to a future agenda so the public would be able to attend and comment. She said it would have been most appropriate for the matters in the motion to be brought up under the 'Commission Items for Future Discussion' section of the present evening's agenda.

Commissioners Nickita and Sherman concurred with Commissioner Hoff.

Commissioner Host noted matters of an RFP or particular recruitment firms were not addressed as part of Commissioner Baller's motion, and that the discussion should be focused on the motion before the Commission.

Mayor Pro Tem Longe agreed that the City should formally accept CM Valentine's resignation. She said she also agreed with the other two points of the motion. She noted that recognizing CM Valentine's years of service is not controversial, and that the recommendation to appoint Police Chief Clemence as interim City Manager has been in at least two previous agenda packets, thereby satisfying other Commissioners' concerns about sufficient notice. She explained that she had not moved an RFP at the last regular Commission meeting given the amount of time the process can take. In light of the other Commissioners' concerns regarding the list of search firms presented, Mayor Pro Tem Longe said there would be nothing wrong with accepting Commissioner Baller's motion.

Commissioner Baller said it was not particular to CM Valentine, but noted that a person's perspective changes once they know they will be leaving a position.

A number of Commissioners commented that it would be beneficial to to have CM Valentine and the interim City Manager overlap.

City Attorney Kucharek said a strict reading of the City Charter would indicate that an interim City Manager should not be appointed until there is an absence on the part of the City Manager. She also said that any administrative staff member would be eligible for appointment to the interim City Manager position. She recommended that the Commission state that Police Chief Clemence is the anticipated or designee interim City Manager if that is the case, and that the Commission then direct CM Valentine and Police Chief Clemence to begin working together on training Police Chief Clemence for the interim City Manager position.

CM Valentine said he had no issue with City Attorney Kucharek's recommendation.

Commissioner Baller said he would maintain his motion, but that he would be willing to modify it to state that Police Chief Clemence would be designated as the person who will become the interim City Manager upon CM Valentine's departure from the City in December 2020 if Commissioner Host accepted it.

Commissioner Host accepted the modification.

A number of Commissioners said they would want to have a dialogue with Police Chief Clemence regarding the interim City Manager position.

Public Comment

Mr. Haig said he supported the motion and its offered modification for all the prior reasons given.

Mr. Bloom said he would be supportive of either passing the motion this evening or of delaying the matter for two weeks so as to provide more notice to the public. He said that either way he wanted to commend Commissioner Baller for raising the issues since they had previously gone unaddressed.

Mr. Reagan echoed Mr. Haig, adding that to his knowledge Police Chief Clemence is widely respected and would make an excellent choice for interim City Manager.

ROLL CALL VOTE: Ayes, Commissioner Baller
Commissioner Host
Mayor Pro-Tem Longe

Nays, Commissioner Nickita
Mayor Boutros
Commissioner Sherman
Commissioner Hoff

Mayor Boutros shared that Oakland County Executive David Coulter recommended GovHR, saying that both he and the City of Royal Oak had a positive experience with them.

Commissioner Host said that the best executive recruitment firms are Russell Reynolds and Korn Ferry. He said TJ Adams does work for MML. He recommended that Birmingham should be global in its selection of a recruitment firm.

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

To direct the administration to prepare an RFP to locate an executive recruitment firm for the position of City Manager.

CM Valentine said he could send the RFP to specific firms the Commission is interested in as well as posting the RFP more broadly. He stated that the RFP would not be difficult to create and that the City's Human Resources Department would be tasked with putting it together and presenting it to the Commission before it is sent out.

Commissioner Sherman confirmed for Commissioner Baller that issuing the RFP would not obligate the Commission to hire any of the firms that respond.

Public Comment

Mr. Bloom recommended that the position also be posted widely on online job boards.

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

Nays, None.

VII. NEW BUSINESS

10-210-20 Bistro Applications and Whistle Stop

PD Ecker reviewed the item.

Joseph Shallal, attorney for the project, and Matthew Kenney, consultant, reviewed the bistro application for Bloom Birmingham which can be found in the evening's agenda packet.

Mayor Boutros asked Mr. Kenney why he was interested in opening Bloom in Birmingham.

Mr. Kenney said he visited Birmingham while on a book tour of the Detroit area and that it was the nicest community he visited during that trip. He said he gravitates towards making higher-end restaurants because they tend to be more memorable, and that Birmingham is an appropriate market for that type of experience.

In reply to Commissioner Hoff, Mr. Kenney reviewed the Bloom team. Nina Paletta and Meghan Shaw, chefs at Street Beet in Detroit and intended chefs at Bloom, introduced themselves and reviewed their career bios.

Mr. Kenney told Commissioner Baller that he is not a financial partner in Bloom. The interior design renderings included in the agenda packet are representative of the types of the materials that will be used even if the layout and designs may not be exactly the same. The budget for doing the interior would be \$500,000. Mr. Kenney estimated Bloom would open within four to six months of receiving Commission approval.

PD Ecker stated that it generally takes bistros three to six months to go through the City's approval process.

Mr. Shallal stated that the rent on the location is paid a year in advance at this point in time.

Ms. Paletta and Ms. Shaw confirmed that Street Beet would remain in operation.

Mayor Boutros thanked the team for their application.

Chris Bakos reviewed the bistro applications for Rustico Kitchen & Cocktails and Vinewood Kitchen & Cocktails, both of which can be found in the evening's agenda packet. He stated he was proposing either Rustico or Vinewood, depending on the Commission's preference. He confirmed he would be interested in creating a possible outdoor dining space next to the river if the Vinewood location were selected. He confirmed he would also be able to fit the required number of seats for a bistro at both proposed locations.

Commissioner Baller said the outdoor concept at Vinewood could be pleasant, and that he would want the idea to be thoroughly vetted by the Planning Board if selected by the Commission. He also recommended that Mr. Bakos start a dialogue with the residential neighbors that would be across the river from Vinewood if the application moves forward.

In reply to Commissioner Nickita, Mr. Bakos stated that Brian Najor would be a partner in the project and that the owner split would be relatively even.

PD Ecker said it would be unlikely that there would be a conflict between the proposed outdoor dining at Vinewood and the Birmingham Farmer's Market.

Kelly A. Allen, attorney for the project, reviewed the bistro application for Sushi Japan which can be found in the evening's agenda packet.

In reply to Commissioner Nickita, Ms. Allen said there would be significant updates to the interior space, including tiling of the floor and ceiling, before opening. Ms. Allen confirmed that Ximing 'Charlie' Yu, owner, would be very interested in creating an outdoor dining platform if the City determines there is sufficient space.

In reply to Commissioner Baller, Mr. Yu explained that the restaurant would be called 'Sushi Japan', even though it would be a majority Chinese restaurant, because the name holds special meaning to the family. He confirmed that there would be limited types of sushi and ramen available.

Commissioners Baller and Hoff noted Birmingham does not currently have a Chinese restaurant.

Mr. Yu said there would be 50 seats with an additional six at the bar and an additional eight outdoors.

Mr. Yu confirmed for Mayor Boutros that he was prepared to open the restaurant without liquor service if he is not granted a bistro license. If he is granted a bistro license, he would be prepared to update the restaurant to make it an appropriate space for serving alcohol.

Kelly Schaefer, co-owner, reviewed the bistro application for Tino's which can be found in the evening's agenda packet.

In reply to Commissioner Baller, Ms. Schaefer confirmed 7Greens would remain if the bistro application for Tino's is not granted.

In reply to Commissioner Nickita, Ms. Schaefer stated the she and Hank Wineman, co-owner, would have a relatively equal ownership split for Tino's. She stated that she and Mr. Wineman have been working together for five years thus far. She stated emphatically that she would create an outdoor dining platform for Tino's if approved.

In reply to Mayor Boutros, she explained that maintaining 7Greens in Birmingham has been somewhat difficult due to a number of factors. She noted that while she loves 7Greens and is proud of the concept, she has come to believe that Birmingham is not the right market for it. Ms. Schaefer cited Panera Bread's departure from Birmingham's downtown in 2019 as evidence that the fast casual genre of restaurants are difficult to operate in Birmingham. She said she was confident that Tino's, in contrast, with creative food and ambiance would better meet the needs of the Birmingham market.

J. Patrick Howe, attorney for the project, introduced himself and the owners Elda and Valter Xhomaqi. Mr. Howe reviewed the bistro application for Whistle Stop Diner, which can be found in the evening's agenda packet.

Ms. Xhomaqi said she had no plans to expand the restaurant's operations into the evening hours. She said the hope is to close down this November, December or January for the updates, and said that the updates and repairs are anticipated to take about five months.

Commissioner Nickita said Ms. Xhomaqi would have to work with the City to figure out how to install the outdoor platform in a way that will not result in a ruined patch of grass when the platform is not there. He also recommended the Xhomaqis consider installing clear exterior windows during their updates to replace the current much darker exterior glass.

Mayor Boutros thanked all the applicants for their interest in Birmingham.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Host:

To direct the Whistle Stop Diner application as an existing restaurant that has been in operation for more than 5 years, to the Planning Board for full site plan and design review and Special Land Use Permit review.

Public Comment

None.

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

Nays, None.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:

To direct the bistro application for new restaurants for Vinewood Kitchen and Cocktails to the Planning Board for full site plan and design review and Special Land Use Permit review.

Public Comment

None.

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

Nays, None.

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

To direct the bistro application for new restaurants for Bloom Birmingham to the Planning Board for full site plan and design review and Special Land Use Permit review.

Public Comment

None.

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

Nays, None.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:

To direct the bistro applications for new restaurants for Sushi Japan and Tino's to the Planning Board for full site plan and design review and Special Land Use Permit review.

Public Comment

None.

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

Nays, None.

10-211-20 Update to Parking Signs on Commerce

Police Commander Grewe presented the item.

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

To remove the "No Parking" signs on the west side of Commerce from Lincoln north to the south side of the second driveway and install "2 Hour Parking" signage in their place.

Commissioner Nickita said that on street parking is a mechanism for traffic calming and that he was all in favor of the motion.

Public Comment

None.

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

Nays, None.

10-212-20 Commission Discussion On Items From Prior Meeting

None.

10-213-20 Commission Items For Future Discussion

A motion is required to bring up an item for future discussion on the next reasonable agenda. No discussion regarding these topics will occur during the present meeting.

There was Commission consensus that on the next agenda there should be a formal acceptance of CM Valentine's resignation, discussion of creating a subcommittee of the Commission to find a way to formally recognize CM Valentine's contributions to the City, and discussion regarding Police Chief Clemence's interest in assuming the interim City Manager upon CM Valentine's departure from the City in December 2020.

VIII. REMOVED FROM CONSENT AGENDA

Discussed earlier in the meeting.

IX. COMMUNICATIONS

None.

X. REPORTS

- A. Commissioner Reports
- B. Commissioner Comments

Mayor Boutros thanked and commended all involved in the Maple Road updates.

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff

INFORMATION ONLY

XI. ADJOURN

Mayor Boutros adjourned the meeting at 11:02 p.m.