

**BIRMINGHAM CITY COMMISSION  
VIRTUAL MEETING MINUTES  
MONDAY, MAY 11, 2020  
7:30 P.M.**

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

Mayor Pierre Boutros called the meeting to order at 7:30 P.M. with everyone reciting the Pledge of Allegiance.

**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, Assistant City Manager Gunter, Finance Director Gerber, City Attorney Currier, Attorney Kucharek, Planning Director Ecker, DPS Director Wood, BSD Executive Director Tighe, City Engineer Johnson, Police Chief Clemence, Officer Grewe, IT Manager Brunk, Acting City Clerk Arft, 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.
- The City has created a hotline to provide residents with information about City and County COVID19 resources. Elderly, quarantined and immuno-compromised individuals are encouraged to use the hotline to request assistance with essential

functions, and obtaining necessary supplies by calling (248) 530-1805, Monday through Friday from 8 a.m. – 5 p.m.

- 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.
- **Update on Noise Nuisance on Woodward Avenue by Police Chief Clemence:**
  - Woodward Avenue is a public road open 24 hours per day to anyone who wants to travel on it.
  - The Michigan Department of Transportation has jurisdiction over the avenue.
  - Birmingham has adopted the Michigan Motor Vehicle code as an enforcement mechanism for vehicles traveling on Woodward.
  - There is a system that measures noise, but it does not take into account ambient noise, which makes it nearly impossible to enforce.
  - City ordinances should not be used in lieu of the Motor Vehicle Code; it would be viewed by the courts as circumventing existing laws.
  - The Michigan Motor Vehicle code has a section that addresses aftermarket exhaust systems and the City is looking for an opinion, on the State level, on whether this could be a way for law enforcement officers to address noise violations.
  - He suggested lobbying the legislature to look at the current Michigan Vehicle Code Noise Violation section and amend to allow law enforcement to have a mechanism to enforce noise ordinances.
  - Birmingham Police Department has adjusted routine patrol start schedules to insure that patrols are out during peak travel times.
  - There are additional officers out on the weekend to address the negative behavior that goes on.
  - Contacted law enforcement partners such as Oakland County Sheriff and Michigan State Police to join the City of Birmingham in patrolling Woodward Avenue.
  - He also contacted neighboring agencies to address the residents' concerns and take a team approach to mitigate the problem.
  - He further wanted to assure everyone that the department is doing everything in their power to address the situation and resolve the problems within the statutes of the law.

Mayor Boutros thanked the Chief and his team on all that they do to keep the residents of Birmingham safe.

Commissioner Host asked the Chief if the City's noise ordinance is one that could be used on Maple Road, Adams, or is it just for residential streets.

Chief Clemence clarified that if the violation involves a motor vehicle and a public road, the Motor Vehicle Code takes precedence.

Commissioner Host also asked for data to support that increased patrol has paid off in the number of ticketed violations.

Chief Clemence said that just on Woodward, the police department wrote sixty-six (66) violations over the weekend. The department is aware of the City and residents' concerns. The Chief has deferred to the officers' professionalism, discretion, and the use of the law to write appropriate violations when necessary.

Commissioner Host continued by asking how to mitigate cars loitering along the road in Dream Cruise fashion, and individuals socializing in violation of social distancing rules.

Chief Clemence advised that by bringing in additional staff the behavior is observed and voluntary compliance asked to keep the residents of Birmingham safe. He found that people, for the most part, have been cooperative.

Mayor Boutros encouraged anyone with additional questions to contact the City Manager via email or phone.

Public Comment

Mr. Brady Blaine, Redding Road, commented that he was blindsided by what happens on Woodward Ave. between February and November. The noise from amplified exhaust systems is overwhelming and wanted to know how long the residents have to tolerate this issue. He cited the Motor Vehicle Code and a former report from the Chief that says officers may write violations for noise nuisances. He closed by pleading for a permanent solution to this problem.

Chief Clemence expressed that he is committed to doing everything by the letter of the law, and doing the right thing in the interpretation of the law. Therefore, he wants to be sure that the Attorney General be in agreement with that interpretation.

**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.

**05-068-20 APPROVAL OF CENSENT AGENDA**

The following items were removed from the Consent Agenda:

- |                    |         |  |
|--------------------|---------|--|
| Commissioner Hoff: | Item A, | Meeting Minutes of the regular meeting of the City Commission on April 20, 2020.   |
|                    | Item J, | Resolution approving a request from the Birmingham Bloomfield Art Center to hold Art Birmingham on S. Old Woodward Avenue between Bowers Street and Landon Street on August 22-23, 2020. |

The following recusals from the vote were requested:

- |                |         |  |
|----------------|---------|--|
| Mayor Boutros: | Item I, | Resolution setting Monday, June 8, 2020 at 7:30 PM for a public hearing to consider the proposed lot combination of 211 and 227 W. Frank Street, due to a personal interest in the property. |
|----------------|---------|--|

**MOTION:** Motion by Mayor Pro-Tem Longe, seconded by Commissioner Hoff:  
To approve the Consent Agenda with the exception of Items A and J, and noting the recusal for Item I.

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

- B. Resolution approving the warrant list, including Automated Clearing House payments, dated April 22, 2020 in the amount of \$714,607.65.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated April 29, 2020 in the amount of \$231,390.32.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated May 6, 2020 in the amount of \$197,952.80.
- E. Resolution delegating the Birmingham City Clerk and her authorized assistants, those being the members of her staff, the following duties of the election commission for the August 4, 2020 and November 3, 2020 elections:
  - Preparing meeting materials for the election commission, including ballot proofs for approval and a listing of election inspectors for appointment;
  - Contracting for the preparation, printing and delivery of ballots;
  - Providing candidates and the Secretary of State with proof copies of ballots;
  - Providing election supplies and ballot containers; and
  - Preliminary logic and accuracy testing.
- F. Resolution designating Finance Director Mark Gerber, Assistant Finance Director Kim Wickenheiser, DPS Director Lauren Wood, Building Official Bruce Johnson, Assistant Building Official Mike Morad, Birmingham Museum Director Leslie Pielack, and Police Commander Scott Grewe as representatives for Election Commission members Mayor Pierre Boutros, Mayor Pro Tem Therese Longe, and Commissioners Clinton Baller, Rackeline Hoff, Brad Host, Mark Nickita and Stuart Sherman for the purpose of conducting the Public Accuracy Tests of the electronic tabulating equipment which will be used to count votes cast at the August 4, 2020 and November 3, 2020 elections.
- G. Resolution opting into Oakland County's Urban County Community Development Block Grant (CDBG) programs for the years 2021, 2022 and 2023. Furthermore, resolving to remain in Oakland County's Urban County Community Development programs, which shall be automatically renewed in successive three-year qualification periods of time, or until such time that it is in the best interest of the City to terminate the Cooperative Agreement.

- H. Resolution approving the purchase of a new 2020 Ford Transit Connect Cargo Van through Gorno Ford through the MiDEAL Contract #071B7700181 extendable purchasing pricing for a total expenditure of \$25,339.00. Funds for this purchase are available in the Auto Equipment Fund, account #641.441.006-971.0100.7410.
- I. Resolution setting Monday, June 8, 2020 at 7:30 PM for a public hearing to consider the proposed lot combination of 211 and 227 W. Frank Street.

**05-069-20 CITY COMMISSION REGULAR MEETING MINUTES OF APRIL 20, 2020.**

Commissioner Hoff pointed out the following concerns:

- Page 5, 2 references to Market Restaurant, the name Market should be capitalized.
- Page 6, Birmingham Racquet Club discussion should include their request for an extension to improve the racquet courts; the city manager said it would come back as a separate item. Will there be an amendment to their agreement to include the resurfacing of the courts.
- City Manager Valentine affirmed that it would. He went on to say that there are several other properties that the City leases and will bring them all back at the same time as the agreements are worked out.
- Commissioner Hoff asked should there be a reference in the minutes to that issue. City Manager Valentine agreed that the clerk could amend the minutes to reflect the issue.
- Page 7, there was a conflict in the discussion on DRV contractors repairing the edge slab on the NOW deck: Clarify if the contractors are performing a structural assessment or not.
- Page 4, Lot combination on Bates, the commissioners agreed that an ordinance revision to the lot combination ordinance is needed so consistent standards are in place moving forward. Was it decided to revise or was the Planning Board asked to review. City Manager Valentine recalled that it would be brought back at the Joint Workshop with the Planning Board in June as a topic of discussion. Commissioner Hoff agreed that it should not be in the minutes. City Manager Valentine confirmed that it is the action going forward based on the discussion that there would not be subsequent conversation on the topic.
- Page 8, Open to the Public for matters not on the Agenda – Maple Road should be capitalized.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Nickita To approve the City Commission regular meeting minutes of April 20, 2020 as corrected.

Commissioner Baller pointed out that the reference to the Beverly Hills Racquet Club is the Birmingham Racquet Club. He wants the record to reflect Birmingham Racquet Club.

ROLL CALL VOTE:       Ayes,                   Commissioner Hoff  
   Commissioner Nickita  
   Commissioner Baller

Commissioner Host  
Commissioner Sherman  
Mayor Pro-Tem Longe  
Mayor Boutros  
Nays, None

**05-070-20                      ART BIRMINGHAM ON S. OLD WOODWARD AVENUE ON  
AUGUST 22-23, 2020**

Commissioner Hoff pulled this item to discuss the rescheduling of this event. She noted that in the past when rescheduling was suggested due to the conflict with retailers during Mother's Day weekend, the request was denied based on not being able to reschedule artists. She further asked if the artist had been contacted to confirm their interest in participating in view of the new date and the safety measures that would be implemented.

Annie VanGelderan, President and CEO of the Birmingham Bloomfield Art Center, responded that there are usually 150 artists participating. Some have dropped out and it will be a much smaller art fair planned.

Commissioner Hoff further asked if she shared with the artist the safety measures required by the City of Birmingham, and have they agreed to comply (i.e. credit card purchases only).

Ms. VanGelderan affirmed that she discussed current safety measures contingent on the State and Federal guidelines surrounding COVID in August.

Lastly, Commissioner Hoff asked about the fall art fair in September and concern surrounding the two events being held so close together.

Ms. VanGelderan did express concern, but felt that people would enjoy attending events that the City of Birmingham would offer.

Commissioner Baller pointed out that one of the reasons that this event location was moved was the conflict presented by the Maple Road reconstruction. He further asked would the construction be complete by late August, if so, should it be held in the usual and preferred location Shain Park.

City Manager Valentine expressed that construction projects are too unpredictable to plan an event of this nature so close to the projected end date.

**MOTION:**                      Motion by Commissioner Hoff, seconded by Commissioner Host:  
To approve a request from the Birmingham Bloomfield Art Center to hold Art Birmingham on S. Old Woodward Avenue between Bowers Street and Landon Street on August 22-23, 2020 contingent upon compliance with all permit and insurance requirements, as well as payment of all fees and, further pursuant to any minor modifications or event cancellation

that may be deemed necessary by administrative staff leading up to or at the time of the event due to public health and safety measures.

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

**V.    UNFINISHED BUSINESS**

None

**VI.   NEW BUSINESS**

**05-071-20                    OBSTRUCTION PERMIT AGREEMENT FOR RIGHT-OF-WAY OCCUPANCY**

City Attorney Currier presented this item.

- City Attorney Currier and City Engineer Johnson have been in discussions with the owner of the former Varsity Shop in review of plans for development.
- The building has to be demolished and a new foundation built with an earth retention system.
- The owner has agreed to provide landscaping and improvements to the area South of Merrill.

Commissioner Hoff asked which side of the building would the H Piles be placed, and how would it effect street traffic.

City Engineer Johnson responded that the H Piles would be installed on the East, South, and West elevation. He went on to say that due to the H Pile system, excavation would not reach into the street. Access to the alley and roads would be maintained.

Commissioner Baller inquired about the public benefit offered with this project and how did it come about.

City Attorney Currier pointed out the location of the offering in the contract and went on to defer to City Manager Valentine who was actually involved in the discussion. City Manager Valentine explained that whenever City property is being utilized, consideration is requested from the developer.

**MOTION:**                    Motion by Commissioner Hoff, seconded by Commissioner Host:  
To approve the Obstruction Permit Agreement for Right-of-Way Occupancy by Temporary H Piles and authorizing the Mayor and Clerk to sign on behalf of the City.

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

**05-072-20                    AMENDED CONTRACT AGREEMENT WITH CREATIVE COLLABORATIONS, LLC**

Assistant City Manager Gunter presented this item.

- Six months ago, an agreement was approved to provide cemetery services at the Historic Greenwood Cemetery services by Cheri Arcome dba Creative Collaborations, LLC.
- Staff was directed to work with the Greenwood Cemetery Advisory Board to review the following:
  - Alternatives to the current contract.
  - Key Performance Indicators
  - Cost Implications to perform services in-house
  - Opportunities to collaborate with neighboring cemeteries.
- Staff review found that it was cost prohibitive to bring the services in-house.
- The Greenwood Cemetery Advisory Board, based on staff review, recommended continuing for a year with Creative Collaborations, LLC with renewals reviewed on an annual basis.

Commissioner Baller asked if the vote was unanimous from the GCAB to move forward with this contract.

Assistant City Manager Gunter expressed that one member dissented.

Commissioner Sherman asked for clarification in comparing the cost of providing all the services in-house as opposed to contracting out sexton services and equipment rental, and billing the families directly, as it is currently being done. He further asked if Creative Collaborations, LLC has any competitors in the area.

Assistant City Manager Gunter explained that when evaluated to provide the services in-house, staff found that it is a volume business, meaning sextons prioritize work based on the client that brings in volume burials. She went on to say that Ms. Arcome has been able to engage sextons with a high volume of burials, and receives priority when she calls on their services. If the City were to try this directly, there will be no priority based on the low number of burials performed at the Greenwood Cemetery. Field research revealed Mr. Bancroft at Franklin Cemetery was unable to accommodate Greenwood and recommended Ms. Arcome. Staff was unsuccessful in finding anyone to provide the level of services that the City of Birmingham has come to appreciate.



Commissioner Hoff suggested that the only way to make a fair performance assessment of Ms. Arcome's performance is to know the number of burials and plots sold over the last six months.

Cheri Arcome, Creative Collaborations, LLC, reported to date, five full burials, two cremains burials, and four plots were sold to four separate individuals.

Commissioner Hoff continued to express her concern that the Clerk's office is doing all of the record keeping; and the City is collecting revenue and paying vendors including a landscaping company at \$16,500 annually. She further expressed that the cost is not in line with the services that are being provided. She went on to say that she is not questioning the level of service provided by Ms. Arcome, but questions if the number of burials and sales are enough to support the cost of the contract.

Ms. Arcome responded that Greenwood is seasonal in terms of sales. People do not typically seek advance planning in the winter months. Sales appointments were scheduled for spring; which have been rescheduled due to the current COVID environment. She also expressed that cremations are now 70% of the business nationwide and those burials have been delayed until spring. Therefore, she anticipates more sales and burials in the upcoming months.

Commission Hoff suggested that the geo mapping planned for the cemetery would be very helpful in determining what is available at Greenwood. In response to the increase in cremations, she asked would the same equipment be used in the burial of cremains. She also expressed her belief that the City is in the same position as last November, with no options, in terms of continuing services at Greenwood Cemetery. Based on the scenario she is in support of continuing with Creative Collaborations, LLC. However, she suggested the contract extend for only six months to allow more options to be explored; and further suggested that the name of the company, contractually, include cemetery services contractor so that it does not sound like an advertising agency.

Assistant City Manager Gunter, in terms of Commissioner Hoff's comments, wanted to give the GCAB credit for deliberating this issue intensely before putting forth the suggested resolution to this commission. She further expressed that it was done over three meetings, not rushed, and staff did the due diligence required to meet the GCAB's scrutiny relative to economic analysis.

Commissioner Sherman agreed with Commissioner Hoff based on Ms. Arcome's comments regarding burial activity picking up in fair weather. He went on to say he would like to see an analysis of the same period in subsequent years and felt that a six-month extension of the contract would allow for such analysis. He also felt that the comparison of the cost for the City to bring these services fully in-house vs. performing the service contractually through Creative Collaborations, LLC is not valid. Finally, he would like to know that the fee makes sense based on the number of burials and sale of plots.

Commissioner Host expressed gratitude for the work done by Assistant City Manager Gunter and Ms. Arcome in continuing services at the Historical Greenwood Cemetery.

Mayor Boutros expressed that he would like to see an analysis comparing apples to apples. He further asked Ms. Arcome, in light of the unprecedented times, how this effects the cemetery business.

Ms. Arcome responded that this is a very difficult time, especially for families, and the sales numbers will be down for advance planning. In the COVID environment, families are not allowed to have the funerals and visitations that they want, families are not allowed at Greenwood until all of the contractors have left the site. She went on to say families are waiting to have the celebrations of life, and numbers are going to be skewed in trying to compare same periods in different years.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Nickita: To authorize the amended contract agreement with Creative Collaborations, LLC to act, on behalf of the City, as the service provider to the Historic Greenwood Cemetery for a term of one year with annual renewals until either party exercises the termination provisions as stated in the contract. The annual contract is set for an amount not to exceed \$45,600, which will be paid from account #101-215.000-811.0000.

City Manager Valentine proposed, as an alternative, to approve the suggested resolution and simply re-evaluate the situation in six months.

Commissioner Hoff agreed that this is not a good comparison period, however, Ms. Arcome has worked for the City for seven years and there should be enough data from the last seven years on the number of burials and plots sold. She expressed that she would be willing to support a six-month extension, but not more.

Commissioner Baller asked if after six months would the contract be renewed for a year or six months, and would Ms. Arcome be agreeable to the terms.

Ms. Arcome suggested renewal of the contract for twelve months, in six months analyze the data, and provide a solution in May of 2021. She does not recommend turning over a cemetery to a new contractor during winter months.

Mayor Boutros asked if there were any restrictions to the proposed recommendation. City Attorney Currier affirmed that there are no restrictions if both parties to the contract agree.

Commissioner Baller expressed that based on the current information, he would not support the motion; but would support the suggested resolution.

Mayor Pro-Tem Longe agreed with Commissioner Sherman that this is not an apple to apples comparison. She went on to say that Ms. Arcome has a very specialized skill set, a business that she knows well, and is suited to work with families who are in grief, and her services are not overly expensive. Therefore, she supports the stability of a one-year contract.

Commissioner Host prefers a 12-month contractual agreement.

Commissioner Nickita reminded everyone that this is not an unusual situation where the commission extended a contract for a number of reasons. The general thinking is to be able to re-analyze this rapidly changing situation in the COVID environment in six months. This body would have the opportunity to alter or vary the contract later.

Commissioner Sherman pointed out that the contract before the commission is for six months, with a twelve-month renewal; without the proposed extension, the contract is in force for a year. He further said that his motion conforms to the contract in the packet and pointed out that the termination clause is not in the contract.

Assistant City Manager Gunter asked for support from City Attorney Currier in response to Commissioner Sherman concerns.

Commissioner Sherman suggested that the contract go to the City Attorney for review and brought back for approval.

Mayor Boutros suggested that staff bring back a fully amended agreement including the termination clause.

City Manager Valentine agreed to clarify the contract language and bring back to the meeting scheduled for May 18, 2020.

Public Comment:

David Bloom suggested waiting for more than a week and began reading an ~~un~~authorized<sup>1</sup> analysis of the situation that contradicts the research and analysis presented by staff from an unidentified source.

City Attorney Currier expressed that he would be interested in who made the analysis so that it could be passed on to staff.

Mr. Bloom was not at liberty to share his source without permission from his source. He went on to admit that George Stern, a member of the Greenwood Cemetery Advisory Board, gave him the report to present to the City Commission.

Mayor Boutros asked if Mr. Stern was in attendance and Mr. Stern affirmed.

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<sup>1</sup> As amended May 18, 2020

Mr. Stern commented that he has 35 years in the cemetery business and the report that he gave to Mr. Bloom was a report presented to the GCAB, suggesting that an independent auditor look at the staff analysis for reasonableness and the City Commission should have a neutral party look at the report presented by the City administration. He went on to say that, this is a typical "make or buy" decision.

Commissioner Hoff requested that since the contract would be reviewed for completeness, that the contractor identify as a cemetery services contractor in the agreement.

Commissioner Sherman withdrew the motion contingent on the second being withdrawn. Commissioner Nickita withdrew the second.

No action was taken on the suggested resolution and staff was directed to complete the contract language to move forward at a subsequent meeting.

#### **05-073-20                      COVID-19 ECONOMIC AND OPERATIONAL ASSISTANCE INITIATIVES**

City Manager Valentine presented recommendations developed by the administration and staff to assist the residential and business community through the COVID-19 crisis.

1. Delaying invoicing and collection of special payments until January 2021
2. Waiving penalties on delinquent water and sewer bills, special assessment, and invoices rolled to taxes.
3. Waiving penalties on delinquent water and sewer bills through the end of the year.
4. Waiving fees for outdoor dining platforms.
5. Waiving fees for outdoor dining meter fees during the 2020 outdoor dining season.
6. Waiving annual fees for valet licenses.
7. Waiving liquor license renewal fees.
8. Waiving fees for temporary signage or eliminating temporary signage permits through the end of summer.
9. Waive e-check fees for online payments to encourage utilization as opposed to in-person visits.
10. Waive the field, park, and shelter rental fees for the current year to incentivize congregating with consideration to social distancing, if permitted.
11. Waive access fees to BS&A records to increase efficiencies and minimize physical contact at the Treasurer's office.
12. Keep on-street parking fees during the day, and eliminate on-street parking fees after 5P.M.
13. Waive parking structure fees for public use through September.
14. Waive parking structure permit fees through September.
15. Waive initial merchant license fee for the remainder of 2020.
16. Waive temporary structure permit fees to encourage businesses to accommodate social distancing.
17. Waiving pet license fees through the end of 2020.

Commissioner Baller asked City Manager Valentine to clarify the economic impact of each recommendation in terms of whether or not the funds would be recoverable over time to the City for each recommendation.

Commissioner Sherman expressed concern about the habitual abuse of rolling delinquent bills onto the tax roll and waiving penalties in those situations.

Commissioner Baller asked if Commissioner Sherman would be amenable to a reduction as opposed to a waiver.

Commissioner Sherman would be amenable to delaying tax roll transfers or roll delinquencies that occurred prior to the date of the Governors Executive Order and hold the rest until next year.

Commissioner Host asked for the percentage of residential delinquencies compared to commercial delinquencies. Finance Director Gerber did not have that information available.

Commissioner Nickita expressed that if the intent is to address the need of people affected by the current environment, then it would make sense for the City Commission to look at the timing recommended and put dates on the water and tax initiatives, thus eliminating previous offenders.

Mayor Boutros suggested limiting the water and tax recommendations to residents.

Commissioner Host agreed with Mayor Boutros.

Finance Director Gerber expressed that the ordinance did not differentiate between residential and commercial. The Commission would have to make the determination. He further offered that under ordinance, water and sewer bills must be delinquent six months prior to transferring to the tax roll. Therefore, the delinquencies in question did not occur after the emergency was declared.

Commissioner Sherman reminded everyone that the residential and business community are combined in this circumstance. He went on to say the initiatives before the City Commission is to help the people that were harmed by the COVID-19, and not reward the habitual abusers.

City Manager Valentine expressed that based on the abovementioned comments; the administration could come back with recommendations including effective dates that are more in line with the impact if that is the pleasure of the commission.

Commissioner Hoff agreed with City Manager Valentine.

Commissioner Baller affirmed that the community should be assisted, but the focus should be on those that are actually distressed by the situation.

Public Comment:

David Bloom suggested, because bistros are required to have outdoor dining, making it optional for bistros to install platforms for the 2020 dining season.

Mayor Boutros advised to Mr. Bloom that the City Commission have flexibility in dealing with each situation. He went on to advise that bistros are charged extra for the space that is used outside to expand capacity.

Commissioner Baller asked if signage standards would be relaxed. He also asked if anything displayed to date appeared to be egregious.

Planning Director Ecker explained that what is proposed would change the regulations according to the draft resolution included in the agenda packet. In response to the egregiousness of current displays, there are some signs that are larger and have been displayed longer than currently allowed. She assured everyone that permits would be required, to make sure social distancing is considered, but the fees would be waived.

Commissioner Sherman commented that he appreciates the gesture put forth for the park fee waiver; and expressed that he is not sure whom this would benefit.

Mayor Boutros expressed that if it does not hurt anyone; why not put forth the gesture.

Mayor Pro-Tem Longe felt it would benefit the individuals whom rent the Springdale shelter for gatherings.

Commissioner Hoff asked what the acronym BS&A represent. Finance Director Gerber explained that it is not an acronym but the name of the software used by the City for all financial transactions.

Commissioner Host applauded the efforts of the administration and staff to increase customer satisfaction.

In reference to the parking initiatives, Commissioner Hoff asked if mechanisms are in place to determine what effect this would have based on the potential for evening workers to use the metered parking.

Assistant City Manager Gunter expressed that on-street parking used by employees has not been a factor after 5 P.M.

Commissioner Nickita expressed the same concern, but would like to stay focused on the reason that short term metered parking is in place. He suggested that because on-street parking would be free, long-term users would park in short term spaces and could negatively

affect the existing parking concerns. He further stated that with parking along Maple St. eliminated, there are unforeseen consequences in terms of the short-term user.

City Manager Valentine expressed that designated spots are proposed for pick-ups and drop-off outside of retailers to accommodate the short-term visitor and would be discussed later in the presentation.

Mayor Pro-Tem Longe pointed out that item #12 is a two-part proposal.

Commissioner Baller suggested contacting Park Mobile for their input on this initiative. He went on to suggest signage in the parking structures to encourage social distancing.

Mayor Pro-Tem Longe suggested that signage related to social distancing would be appropriately posted on the elevators, which is the risk environment.

Commissioner Hoff suggested monitoring #14 to see how many people would be returning to work and how that would affect occupancy.

Commissioner Host reminded everyone that the current initiatives are mainly to assist the downtown businesses, and approximately 85% of the general fund is from residents; therefore, the next round of initiatives should mainly support residents.

Commissioner Sherman asked if there was information available on cities that use installment plans for property taxes.

City Manager Valentine did not have anything available, but assured the City Commission that it is under review.

Public Comment:

Andrew Haig, resident, expressed that the measures brought by the staff for relief was very impressive; he thanked everyone who worked on the initiatives.

David Bloom, resident, requested to speak about the Hunter House. He was asked to wait until public comment on matters not on the agenda.

City Manager Valentine presented initiatives to resume City operations:

1. Install hand sanitizer stations around the business district.
2. Install hand sanitizer stations in City parks.
3. Cleaning regimen of playground equipment, park furnishings, and bus shelters.
4. Allow curbside pickup in the business district.
5. Allow business to use City parks for classes to support social distancing.
6. Install Plexiglas partitions in municipal building and other City facilities to minimize public contact at counters.
7. Expand on-line service offerings.
8. Modifying outdoor dining area regulations to allow for social distancing.

9. ~~Closing designated streets in the evening to accommodate expanded on-street dining.~~<sup>2</sup>
10. Provide additional seating along the streets for restaurants to allow patrons to wait outside for carryout.
11. Increasing communications and promoting information about voting in upcoming elections to encourage absent voting for safety and convenience.

Commissioner Hoff asked, in reference to the revised temporary use regulations due to COVID-19, how would it work on Maple Street and allow for social distancing.

Planning Director Ecker expressed that Maple Street along the construction zone was not included in the plan, because there was not a path for it to work.

Commissioner Baller asked for an explanation for providing picnic tables to businesses. He went on to say that, he would prefer to purchase more of the furnishings that are in Shain Park, which are durable, attractive, and could be stored and used forever.

City Manager Valentine offered that in anticipation of a mid-May reopening, the surplus of picnic tables could be used until businesses redesigned their outdoor dining, again, to accommodate social distancing. However, now that there is more time until reopening, he agreed with Commissioner Baller that his solution is appropriate.

Commissioner Nickita added that the comments by City Manager Valentine are very important in considering the ramifications of the action; and while he supports assisting the businesses in reopening in the current environment, he advised the commissioners to proceed carefully.

Public Comment:

Mr. Henke expressed that he has been working with the business district and staff and would appreciate the City Commission giving direction to staff immediately so that everyone can begin mobilizing.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner Host:  
To approve the COVID-19 Economic Assistance Initiatives numbers 1, 4, 5, 6, 7, 8, 9, 10, 11, 12A, 13, 14, 15, 16, and 17.

**And**

COVID-19 Operational Initiatives number 1-8, 10, and 11 and adopt the resolutions for Temporary Outdoor Dining Standards, Temporary Signage Regulations, and Temporary Use Regulations.

Commissioner Nickita asked for clarification of the motion. City Manager Valentine clarified the motion and the suggested resolution.

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<sup>2</sup> City Manager Valentine pulled this initiative until more clarity could be attained from the State Liquor Commission and the Michigan Municipal League.



Commissioner Baller asked how flexibility in the parking permit scenario outlined in number 14 of the Economic Assistance Initiatives played out in the resolution. He went further to ask if the City Commission was approving the resolution in concept and allowing the administration to apply flexibility as needed.

City Manager Valentine affirmed and added that if any significant changes arose, it would be brought back to the City Commission. He also anticipates these discussions to be on going as we move forward in the current environment.

Public Comment:

David Bloom, resident, commented on behalf of Paul Reagan that he is supportive of helping residents and business owners impacted by COVID-19, as well as the parking initiatives. He expressed that he is not supportive of spending to benefit wealthier, larger property owners, and developers.

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

**BSD COVID-19 BUSINESS RELIEF INITIATIVES**

Ingrid Tighe, BSD Executive Director presented this item.

- BSD has been acting as a conduit for information on Federal and State programs designed to help small businesses, such as the Paycheck Protection program.
- Helped facilitate focus groups with Congresswoman and State Representative.
- Active in working with Oakland County for grants and other relief available on a County level.
- Merchant meetings to provide construction updates and expectations for the next 30, 60, and 90 days.
- Identified essential services that the Birmingham Shopping District must continue in the next year.
- Developed relief initiatives for downtown businesses that were not identified as essential.
- BSD committees collaborated to insure relief efforts were successful.
- Identified over \$100,000 in budget to reallocate to COVID-19 relief efforts.
- Identified \$75,000 in budget to put aside for contingencies.
- Identified another \$225,000 that was set aside for construction assistance to help downtown businesses.
- Four committees using a 30, 90, and 180 day plan for business development and retention.



added, if builders want to invest in Birmingham because it is desirable, they should design buildings that respect the character and quality of Birmingham. He does not want the character of buildings to leave the City of Birmingham.<sup>4</sup>

Jeff Jacob, 1253 Cole Street, expressed that the real estate and home construction businesses opened up last week. Families are stuck at home and homeschooling their children under the obstruction of construction noise. He would like the City to disallow home construction during the period of the stay at home order.

## **X. REPORTS**

- A. Commissioner Reports
  - 1. Notice of intention to appoint to the Historic District Study Committee and Board of Ethics
- B. Commissioner Comments
  - 1. Commissioner Host commented on the 2040 plan and hopes that it communicates what the residents want. He also is concerned about the boards/committees that are not meeting on Zoom.
  - 2. Commissioner Baller agreed with Commission Host in terms of getting the other boards and committees on Zoom to get back on track. He felt it was unfair to keep Mr. Jacob waiting until 11:30 p.m. for public comment. He reiterated that there was no discussion about moving public comment back to the end of the agenda after the trial period. He requested a report from staff on how it was working.
  - 3. Mayor Pro-Tem Longe expressed that she expected after the trial period an evaluation would have been considered, and action taken on how to proceed moving forward.
  - 4. There was a general agreement to bring discussions on where public comment would be placed on the agenda to a future meeting.
  - 5. Commissioner Sherman expressed that the conversation should be on how to move the meetings along, maybe by restricting Commissioner's comments so that public comment could be reached in a timely manner. He further expressed that the meeting had gone far beyond a reasonable time due to incessant comments. He added that he supports public comment, wants to finish the business on the table before entertaining public comment, and focus on staying on task. He continued with reiterating that the comment section of the agenda should not lead to a discussion.
  - 6. Mayor Boutros referred to Commissioner Baller asking for direction or a collective effort from the City Commission to bring the public comment issue back to discussion.
  - 7. Commissioner Sherman called a point of order on how the meeting is being run. He advised the Mayor that his commentary is not required after each comment.
  - 8. Mayor Boutros accepted the criticism and expressed that he would try to do his best in the future.

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<sup>4</sup> As amended May 18, 2020.

9. Commissioner Nickita asked to move on to closed session. Mayor Boutros agreed to move on after he completed the current session.
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
  - D. Legislation
  - E. City Staff
    1. 3<sup>rd</sup> quarter Budget Report, submitted by Finance Director Gerber
    2. 3<sup>rd</sup> quarter Investment Report, submitted by Finance Director Gerber
    3. Woodward Avenue report, submitted by Police Chief Clemence

INFORMATION ONLY

Mayor Boutros recessed for closed session at 11:46 P.M.  
Mayor Boutros reconvened at 11:58 P.M.

<b>XI. ADJOURN</b>
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Mayor Boutros adjourned the meeting at 11:59 P.M.