

Birmingham City Commission Minutes

February 22, 2021

7:30 P.M.

Virtual Meeting

Meeting ID: 655 079 760

Vimeo Link: <https://vimeo.com/event/3470/videos/510056650/>

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

Alexandra Bingham, 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 Markus, Asst. Fire Chief Bartalino, City Clerk Bingham, Police Chief Clemence, City Attorney Currier, Planning Director Ecker, Police Operations Commander Grewe, Building Official Johnson, City Attorney Kucharek, Deputy Treasurer Todd, Assistant Finance Director Wickenheiser

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

Announcements

- The City Commission would like to congratulate Nathan Schechter for being named as a U.S. Presidential Scholars Program Candidate.
- The City Commission would like to welcome the 40th District House of Representatives - Mari Manoogian.

Appointments

To recognize the following four student representatives for their service in 2020 on Birmingham boards and committees and award each student a certificate in appreciation for their civic involvement:

| | |
|----------------------------|--|
| Parks and Recreation Board | James Watkinson – Seaholm Mallory Windsor – Seaholm |
|----------------------------|--|

Planning Board

Rachel Hester – Seaholm

June Lee – Seaholm

02-029-21 Appointments of Student Representatives to Boards and Committees

The Commission the students for their respective appointments. Carter Lutz was absent.

Commissioners Hoff and Sherman commended and welcomed the students.

Commissioner Baller encouraged the students to actively participate in their board and committee meetings.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Host:
To appoint the following students as non-voting members of the respective boards and committees for the calendar year 2021.

| | |
|----------------------------------|---|
| HDC-DRB | Charles Cusimano—Groves Elizabeth Wiegand—Seaholm |
| Multi-Modal Transportation Board | Lauren Morris—Groves Justin Schoener—Seaholm Alex Walters—Seaholm |
| Museum Board | Carter Lutz – Groves Aidan Schoener—Seaholm |
| Planning Board | Daniel Murphy—Seaholm Jane Wineman—Seaholm |
| Public Arts Board | Hadley Lovell—Seaholm Nora Sherifaj—Seaholm |
| Parks & Recreation Board | R.J. Carrel—Groves Alison Chapnick—Groves Kyle Sayers—Seaholm |

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

Nays, None

02-030-21 Appointment of Marla Kaftan to the Public Arts Board

The Commission interviewed Nicole Braddock for the appointment.

The Commission interviewed Marla Kaftan for the appointment.

Commissioner Baller expressed dismay that the Commission could only make one appointment from the two well-qualified candidates.

MOTION: Nomination by Commissioner Sherman:
To appoint Marla Kaftan to the Public Arts Board as an alternate member to serve the remainder of a three-year term to expire January 28, 2022.

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

Nays, None

Mayor Boutros agreed with Commissioner Baller, saying Birmingham was very lucky to have two qualified candidates. He congratulated Ms. Kaftan on her appointment. He thanked Ms. Braddock for her interest, and asked her to keep her eye out for future opportunities to serve with the City.

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

Cindy Rose spoke as a member of the Board of Review, saying she prefers the City's current way of calculating hardships versus the method recently recommended by the state. She asked that before the City considers implementing the recommended changes that they compare the hardships granted in 2020 in terms of what was granted and what would have been granted had the City been following the state's formula at that time.

Joe Samona, a southeast Michigan resident and advocate for suicide prevention, spoke. He said that, out the loss of someone he loved to suicide in 2009, he was aiming to speak to every municipal governing body in Michigan to emphasize the importance of starting and maintaining a suicide prevention program. He also asked people to remain aware of the pain people considering suicide experience, and to reach out to them and to show them that they are cared for, valued, and loved.

Commissioner Hoff commented that the City contributes to Common Ground, which runs a mental health crisis hotline.

The Oakland County Common Ground crisis hotline can be reached at 1-800-231-1127. They also have a chat service available at commongroundhelps.org. Both services are available 24 hours a day, seven days a week.

Andrew Haig said he would like to see the Commission pass an ordinance requiring hands-free devices in vehicles at the local level, just as Troy, MI has, to increase road safety in Birmingham. He said he was also in favor of Ms. Manoogian's legislative efforts to pass a similar law statewide.

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.

02-031-21 Consent Agenda

The following items were pulled from the Consent Agenda:

- Commissioner Hoff: Item C – Oakland Together Restaurant Relief Grant Program
Interlocal Agreement
- Item G – Hubbell, Roth & Clark, Inc. Professional Services Agreement

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:
To approve the Consent Agenda with the exception of Items C and G.

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

Nays, None

- A. Resolution approving the City Commission meeting minutes of February 8, 2021.
- B. Resolution approving the warrant list, including Automated Clearing House payments, dated February 10, 2021, in the amount of \$2,305,575.75.
- D. Resolution to extend the contract for towing and storage of impounded, abandoned, accident and other motor vehicles with Jake’s Acquisitions DBA Bob Adams Towing, Inc. for a term of two years commencing on February 21, 2021 and terminating of February 25, 2023 and to authorize the Mayor and the City Clerk to execute the contract on behalf of the City.
- E. Resolution to set a public hearing date for March 22, 2021 to consider the Revised Final Site Plan and Design and Special Land Use Permit Amendment at 555 S. Old Woodward to allow for the transfer of ownership, name change from Triple Nickel to Birmingham Pub, and site plan and design changes at 555 S. Old Woodward.
- F. Resolution authorizing the IT department to purchase the Nutanix extended service agreement from CDWG for a total cost not to exceed \$8,185.00. Funds are available in the Computer Maintenance fund account # 636-228.000-933.0600

**02-032-21 (Item C) Oakland Together Restaurant Relief Grant Program
Interlocal Agreement**

Asst. Fire Chief Bartalino explained that the Fire Department worked with the Birmingham Shopping District (BSD) and the City's legal team to determine interest from restaurants. Restaurants submitted requests, and the distribution was kept to an equal dollar amount per restaurant in terms of costs. There will be a second round of distributions coming up. All restaurants were made aware of the opportunity through the BSD.

Commission Host commended the Fire Department on organizing this effort.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Sherman:
To execute the Oakland Together Restaurant Relief Grant Program Interlocal Agreement, and further to authorize the Fire Chief to sign the agreement on behalf of the City.

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

Nays, None

02-033-21 (Item G) Hubbell, Roth & Clark, Inc. Professional Services Agreement

Building Official Johnson clarified that the \$350 listed for the Final Grade and As-Built Survey Review included a \$200 fee for the initial review and a \$150 fee if a second inspection is needed. He explained that the fees are paid by developers through the establishment of an escrow account at the beginning of a project. The fee schedule determines how much money the developers must put in escrow. He said the \$350 fee is split into the two sub-fees of \$200 and \$150 in order to only charge developers who require a follow-up inspection the additional \$150 fee. He explained that if there are funds left over in the escrow account at the end of a project, the funds are returned to the developer.

Mike MacDonald, of HRC, agreed.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Host:
To extend the Professional Services Agreement with Hubbell, Roth & Clark, Inc. for Residential Site Evaluations Services for a total three (3) year term. Inserted memo from January 22, 2020 as listed in the attachments.

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

Nays, None

VI. UNFINISHED BUSINESS

None.

VII. NEW BUSINESS

02-034-21 2021-2022 Program Year and Community Development Block Grant

Assistant Finance Director Wickenheiser explained that during the public hearing on this item only the public was permitted to speak. She stated that members of the City administration or Commission were permitted to speak before and after the public hearing.

Mayor Boutros opened the public hearing at 8:31 p.m.

Cris Braun, Executive Director of Next, asked whether this was the appropriate time for her to advocate for Next. She said she was not sure whether this motion was just for the City to accept the Block Grant money from Oakland County, or whether this motion was regarding the disbursement of the Block Grant money by the City.

Assistant Finance Director Wickenheiser said this was just the general hearing regarding accepting the Block Grant money from Oakland County.

Seeing no public comment, Mayor Boutros closed the public hearing at 8:32 p.m.

Commissioners Hoff and Host recommended the motion specify that all the funds would be administered through Next since there was no request for funds from the City for the 2021-2022 Program Year.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Host:
Resolution to authorize the Finance Director to complete the 2021-2022 Program Year and Community Development Block Grant application and conflict of interest certification and to authorize the Mayor to sign the application and conflict of interest certification and other documents resulting from this application on behalf of the City and submit them to Oakland County. The project(s) to be included in the application and the respective allocations of Community Development Block Grant Funds are as follows:

| | | |
|--------------------------------------|----|---------------|
| APPROVED 2020** | | |
| 1. Public Services – Yard Services | \$ | 7,327 |
| 2. Public Services – Senior Services | \$ | 3,500 |
| 3. Minor Home Repair | \$ | <u>25,263</u> |
| TOTAL | \$ | <u>36,090</u> |

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

Nays, None

02-035-21 Birmingham Bloomfield Chamber of Commerce Annual Village Fair

City Clerk Bingham presented the item.

Joe Bauman, President of the Birmingham Bloomfield Chamber of Commerce was present.

The Commission concurred that the motion language needed to be updated to reflect the possibility that Covid-19 could impact the event and could even possibly necessitate its cancellation.

Mr. Bauman confirmed that the BBCC was aware of that fact and in dialogue with their vendor about that possibility.

Commissioner Sherman provided the motion language that had been used for special events in the City throughout 2020 to acknowledge such contingencies.

The Commission agreed to use Commissioner Sherman's recommended motion language for this item.

In response to Commissioner Nickita, Mr. Bauman confirmed that hosting a private party at the fair the Wednesday before the fair opens generates more revenue than having the fair open to the public for an additional day. He said the planned party this year would be for the Young Presidents organization and their families, and would be under 300 guests.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Nickita:
To approve a request from the Birmingham Bloomfield Chamber of Commerce to hold the Annual Village Fair and private party in Shain Park and on the surrounding streets and sidewalks, June 2 through June 6, 2021, contingent upon compliance with all permit and insurance requirements and 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 Nickita
Commissioner Host
Commissioner Sherman
Commissioner Baller
Mayor Boutros
Mayor Pro Tem Longe

Nays, None

02-036-21 2021 Liquor Licenses for Birmingham Restaurants

Commissioner Nickita recused himself from discussion and voting on the license for 220 Restaurant, citing an existing business relationship with the owners.

Commissioner Sherman recused himself from discussion and voting on the license for The Morrie, citing the fact that a client of his was currently in an adverse position vis-a-vis The Morrie.

The Commission agreed to postpone 220 Restaurant and The Morrie to the end of the 2021 liquor license review discussion due to the recusals.

Mayor Boutros spoke in support of the restaurants and owners and thanked them for their work in the

City.

Police Chief Clemence stated that Vinoteca had an outstanding tax bill of \$1,294.86 from July 2020 per the most up-to-date spreadsheet from the Treasurer's Office.

Several Commissioners commented that the spreadsheet provided in their agenda did not reflect Vinoteca's tax due.

PD Ecker clarified that the Mad Hatter had plans to reopen. She said the issues with Bella Piatti were resolved, that Community Development was working with 220 Restaurant to resolve their issues, and that the Rugby Grille was currently in compliance with ordinances but that their adherence had been somewhat touch-and-go. She said that S3, Dick O'Dow's, Birmingham Pub and Big Rock Chophouse had temporary signage out due to Covid-19. She noted that although the temporary allowance for that signage had recently expired, Community Development intended to bring a request for a renewal of the allowance back before the Commission in March 2021. In light of this, she said that Community Development was not concerned with the temporary signage out at S3, Dick O'Dow's, Birmingham Pub and Big Rock Chophouse at this time.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:
To approve the renewal for the 2021 licensing period of the Class B, Class C, and microbrewery liquor licenses, for which a current year application was received, for the following establishments: Adachi Restaurant Group, All Seasons, Bella Piatti, Big Rock Chop and Brewhouse, Birmingham Theatre, Bistro Joe's, Churchill's Bistro, Dick O'Dow's, Elie's Mediterranean Cafe, Emagine Palladium, Fleming's, Forest Grille II LLC, Griffin Claw Brewery, Hyde Park Steakhouse, La Strada Cafe, Luxe Bar and Grille, Market North End, Phoenicia, Salvatore Scallopini, Streetside Seafood, Tallulah Wine Bar and Bistro, Toast, Townhouse, Triple Nickel, Whole Foods Market, Lincoln Hills Golf Course, and Springdale Golf Course.

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

Nays, None

02-037-21 Birmingham Sushi

PD Ecker recommended a public hearing be set in order to encourage Birmingham Sushi to resolve its outstanding issue with the City of having an unpermitted outdoor platform.

She confirmed for Mayor Pro Tem Longe that the City had already made efforts to resolve the issue with the establishment. She stated that the matter will be simple to resolve as long as the owners fill out the correct paperwork.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Hoff:
To set a public hearing for 7:30 PM on Monday, March 22, 2021, that will be held over zoom to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of Birmingham

Sushi, for the following reasons: violation of Section 10-40(3). Further, to direct the City Manager to notify the owners/operators of, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

No vote was taken on the motion.

02-038-21 Reconsideration of 2021 Liquor License Approvals for Hyde Park Steakhouse and Tallulah Wine Bar and Bistro

During the opportunity for comment on the previous motion, City Manager Markus said he had just received an updated list of establishments with outstanding taxes from Police Chief Clemence.

Mayor Boutros read into the record that Hyde Park Steakhouse had outstanding taxes of \$5,011.96 and Tallulah Wine Bar and Bistro had outstanding taxes of \$460.95 as of the February 21, 2021 updated list.

Police Chief Clemence confirmed that was the most up to date list he was aware of, and that he had received the information from Deputy Finance Director Todd on February 21, 2021.

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:
To reconsider the 2021 liquor license approvals of Hyde Park Steakhouse and Tallulah Wine Bar.

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

Nays, None

02-039-21 Community House

Timothy Hunt, Sr. Vice President of Operations at the Community House, said Community House would be submitting their payment for their outstanding sidewalk bill on February 23, 2021. He apologized and said they were unaware they had an outstanding bill.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Baller:
To set a public hearing for 7:30 PM on Monday, March 22, 2021, that will be held over zoom to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of Community House, for the following reasons: violation of Section 10-40(7). Further, to direct the City Manager to notify the owners/operators of, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

ROLL CALL VOTE: Ayes, Commissioner Hoff

Commissioner Baller
Commissioner Sherman
Commissioner Nickita
Commissioner Host
Mayor Boutros
Mayor Pro Tem Longe

Nays, None

02-040-21 Hazel Ravines Downtown

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Nickita:
To set a public hearing for 7:30 PM on Monday, March 22, 2021, that will be held over zoom to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of Hazel Ravines Downtown, for the following reasons: violation of Section 10-40(7). Further, to direct the City Manager to notify the owners/operators of, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

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

Nays, None

02-041-21 Hyde Park Steakhouse

MOTION: Motion by Mayor Pro Tem Longe, seconded by Commissioner Host:
To set a public hearing for 7:30 PM on Monday, March 22, 2021, that will be held over zoom to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of Hyde Park Steakhouse, for the following reasons: violation of Section 10-40(7). Further, to direct the City Manager to notify the owners/operators of, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

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

Nays, None

02-042-21 Mad Hatter

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Host:
To set a public hearing for 7:30 PM on Monday, March 22, 2021, that will be held over zoom to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of Mad Hatter, for the following reasons: violation of Section 10-40(7). Further, to direct the City Manager to notify the owners/operators of, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

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

Nays, None

02-043-21 Perno

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Host:
To set a public hearing for 7:30 PM on Monday, March 22, 2021, that will be held over zoom to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of Perno, for the following reasons: violation of Section 10-40(6). Further, to direct the City Manager to notify the owners/operators of, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

PD Ecker clarified that the City did pass a temporary resolution to allow isinglass and enclosures during the Covid-19 pandemic. Perno, however, has a clause in their SLUP that specifically prohibits the use of isinglass. In order to be permitted the use of isinglass, Perno would have to request permission from the City under the temporary resolution, which has not occurred.

Kelly Allen, attorney for Perno, explained that on March 9, 2020 Perno asked the Commission to allow it the use of isinglass. The Commission granted that request but said Perno's SLUP would have to be amended to complete the process. As a result of the adjustments that had to be made in response to the Covid-19 pandemic's intensification at the end of March 2020, Perno did not go back to the Planning Board to amend their SLUP. Ms. Allen said she is now working with PD Ecker to try and resolve the isinglass issue, with the hope that it could be administratively approved.

PD Ecker confirmed she would continue working with Ms. Allen in hopes of resolving the issue in advance of the March 22, 2021 public hearing.

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

 Nays, Commissioner Baller

02-044-21 Social Kitchen

MOTION: Motion by Commissioner Nickita, seconded by Commissioner Hoff:
To set a public hearing for 7:30 PM on Monday, March 22, 2021, that will be held over zoom to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of Social Kitchen, for the following reasons: violation of Section 10-40(7). Further, to direct the City Manager to notify the owners/operators of, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

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

 Nays, None

02-045-21 Tallulah Wine Bar and Bistro

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Host:
To set a public hearing for 7:30 PM on Monday, March 22, 2021, that will be held over zoom to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of Tallulah Wine Bar and Bistro, for the following reasons: violation of Section 10-40(7). Further, to direct the City Manager to notify the owners/operators of, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

ROLL CALL VOTE: Ayes, Commissioner Sherman
 Commissioner Host
 Commissioner Nickita

Commissioner Hoff
Mayor Pro Tem Longe
Commissioner Baller
Mayor Boutros

Nays, None

02-046-21 Townsend Hotel/Rugby Grille

MOTION: Motion by Commissioner Nickita, seconded by Commissioner Hoff:
To set a public hearing for 7:30 PM on Monday, March 22, 2021, that will be held over zoom to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of Townsend Hotel/Rugby Grille, for the following reasons: violation of Section 10-40(7) and Section 10-40(3). Further, to direct the City Manager to notify the owners/operators of, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

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

Nays, None

02-047-21 Vinoteca

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Host:
To set a public hearing for 7:30 PM on Monday, March 22, 2021, that will be held over zoom to consider whether to file an objection with the Michigan Liquor Control Commission to the renewal of the license for consumption of intoxicating liquor on the premises currently held by the owners/operators of Vinoteca, for the following reasons: violation of Section 10-40(7). Further, to direct the City Manager to notify the owners/operators of, in writing, that they may submit any written material for consideration by the City Commission prior to the date of the public hearing or at the hearing, that the licensee may appear in person at the hearing or be represented by counsel and that the licensee may present witnesses or written evidence at the hearing.

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

Nays, None

Commissioner Hoff
Mayor Pro Tem Longe
Commissioner Baller
Mayor Boutros

Nays, None

02-050-21 220 Restaurant

In reply to Commissioner Hoff, Police Chief Clemence confirmed that Mr. Elia was consistently responsive and helpful regarding police contacts with 220 Restaurant. Police Chief Clemence said nothing needed to be improved on by the management in terms of police contacts.

MOTION: Motion by Commissioner Sherman, seconded by Mayor Pro Tem Longe:
To approve the renewal for the 2021 licensing period of the liquor license, for which a current year application was received, for 220 Restaurant.

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

Nays, None
Recrused, Commissioner Nickita

02-051-21 The Morrie

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Host:
To approve the renewal for the 2021 licensing period of the liquor license, for which a current year application was received, for The Morrie.

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

Nays, None
Recrused, Commissioner Sherman

Commission Discussion on items from prior meetings.

Commission Items for Future Discussion. A motion is required to bring up the item for future discussion at the next reasonable agenda, no discussion on the topic will happen tonight.

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

- A. Hybrid & Virtual Meetings from Haig
 - a. Public Involvement Through Zoom at Commission Meetings from Kucharek

X. REPORTS

- A. Commissioner Reports
- B. Commissioner Comments

Commissioner Host reminded everyone that residents are responsible for clearing the sidewalks of snow in front of their homes. He said he was glad to see that the last two Planning Board meetings regarding the master plan were so well-attended, and encouraged residents to keep participating in the master plan discussions. Finally, he invited residents to call or email him if they need assistance with a City-related issue, stating that he learns more about the City every time he has the opportunity to assist residents.

- C. Advisory Boards, Committees, Commissions' Reports and Agendas
 - 1. Board of Zoning Appeals – February Meeting Summary
- D. Legislation
- E. City Staff
 - 1. SP+ Parking Update

Police Commander Grewe provided the update. He also notified the Commission that he was working on compiling a report on all the expenses SP+ charges the City for, and said that once the report was complete he would bring it before the Commission.

CM Markus provided a brief overview of some of the recommendations he would be endorsing from the approximately two-year-old Nelson-Nygaard report on the management of the City's parking system. He said he would integrate some of the recommendations into the upcoming budgeting process for the Commission's consideration, including the creation of a Parking Administrator position in the City.

Commissioner Baller said he was glad to see CM Markus putting work into the parking issue, stating that the City's engagement with the report from Nelson-Nygaard was long overdue. He said he felt that CM Markus' approach reflected initiative and important efforts towards transparency. He said that these efforts will clearly benefit the City.

2. Woodward Avenue Tunnel

CM Markus reviewed the February 22, 2021 memorandum from James Hock, Interim HR Director/Assistant City Manager, regarding the Woodward Avenue Tunnel.

CM Markus explained that because of the water main now running through the tunnel, the need for the tunnel to be updated to be ADA-compliant if it were re-opened, and the fact that the City would incur all the costs of updates and maintenance to the tunnel, it would likely be impractical to reopen the tunnel for pedestrian use.

Commenting that the question of reopening the tunnel seems to arise every few years, he said he hoped this brief overview of the prohibitive challenges of reopening the tunnel would put public speculation about the feasibility of the tunnel's use to rest. He said that if Birmingham were to ever pursue using a pedestrian tunnel under Woodward again, it would likely need to be an entirely new, ADA-compliant tunnel constructed in a different location.

For further detail, the relevant memorandum can be found in the evening's agenda packet as Item 10E2.

INFORMATION ONLY

XI. ADJOURN

Mayor Boutros adjourned the meeting at 10:49 p.m.

Alexandria D. Bingham

Alexandria Bingham, City Clerk
/le