Birmingham City Commission Minutes
February 10, 2025
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: https://vimeo.com/1051017934

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Therese Longe, Mayor, opened the meeting with the Pledge of Allegiance.

II. ROLL CALL

City Clerk Bingham called the roll.

Present: Mayor Longe
MPT Baller
Commissioner Emerine
Commissioner Haig
Commissioner Host
Commissioner Long

Absent: Commissioner Schafer

Staff: City Manager Ecker; Birmingham Shopping District Director Bassett, City Clerk Bingham, Assistant City Manager Clemence, Planning Director Dupuis, Assistant City Manager Fairbairn, Police Chief Grewe, City Attorney Kucharek, Fire Marshal Scaife, Fire Chief Wells

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

Announcements
Appointments

Planning Board

It was Commission consensus to wait five weeks until the expiration of the present vacancy in order to appoint for a longer term and to possibly attract a wider pool of applicants.

Multi Modal Transportation Board

It was Commission consensus to postpone consideration of this appointment to a future meeting given Mary Ellen Broderick's absence and her status as a new applicant.

02-023-25 2025 Student Appointments to City Boards and Committees

Commissioners encouraged the students to attend and actively participate on their boards.

MOTION: Motion by Long:
To make a motion to appoint the following students as non-voting student members for the calendar year 2025:

Penelope Graves	Environmental Sustainability Committee
Abishek Thota	Environmental Sustainability Committee
Mercy Wisecup	Museum Board
Jack Bassett	Parks and Recreation Board
Abigail Murphy	Parks and Recreation Board
Carter Anderson	Planning Board
Olivia Betanzos	Planning Board

VOICE VOTE: Ayes, MPT Baller

Commissioner Emerine
Commissioner Host
Commissioner Haig
Mayor Longe
Commissioner Long

Nays, None

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

V. CONSENT AGENDA

02-024-25 Consent Agenda

MOTION: Motion by Long, seconded by Haig:
To approve the Consent Agenda.

ROLL CALL VOTE: Ayes, MPT Baller
Commissioner Emerine
Commissioner Host
Commissioner Haig
Mayor Longe
Commissioner Long

Nays, None

A. Resolution to approve the City Commission Long Range Planning meeting minutes of January 25, 2025.

B. Resolution to approve the City Commission regular meeting minutes of January 27, 2025.

C. Resolution to approve the warrant list, including Automated Clearing House payments, dated January 30, 2025 in the amount of $3,785,681.25.

D. Resolution to approve the warrant list, including Automated Clearing House payments, dated February 5, 2025 in the amount of $961,055.42.

E. Resolution to approve a Special Event permit as requested by the Huntington's Disease Society of America to hold Yoga in the Park on June 21, 2025 contingent upon compliance with all permit and insurance requirements and payment of all fees and further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.

VI. CITY MANAGER'S REPORT

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

02-025-25 Public Hearing for 34244 Woodward – Bistro Joes– Special Land Use Permit Amendment (Ownership Change) Liquor License - 2024 Review & 2025 Renewal

Mayor Longe opened the public hearing at 7:40 p.m.

PD Dupuis presented the item. Deni Bozinovski spoke on behalf of the item.

Seeing no public comment, the Mayor closed the public hearing at 7:43 p.m.

PD Dupuis, FM Scaife, and PC Grewe answered informational questions from the Commission.

Commissioners raised the following points during discussion:

- Bistro Joe’s is being sold to a new owner, but it is not isolated from Papa Joe’s. This raises concerns about how violations in one establishment or the other would be distinguished and enforced.
- The operators of Bistro Joe’s should be aware that no extra seating from other parts of the facility are available for Bistro Joe’s use.
- It will be valuable to have the doors to Bistro Joe’s and Papa Joe’s clearly separated and marked now that there will be different ownership for each establishment.
- If the City sends notice to operators in Birmingham, the City expects a timely and appropriate response to that notice.
- In 2021 and 2022 the former operators of Bistro Joe’s were required to pay fines.
- This operator has had several instances of failing to provide proof of successful completion of an alcohol server training program at their other establishments.
- Every establishment providing alcohol service in Birmingham is expected to complete the required training.
- Birmingham has not had much experience with operators with this many liquor licenses as Birmingham tends to attract and retain smaller operations. This raises some concern since the owners would not be on-site, and there have been some issues with other establishments’ managers not being sufficiently trained in the past.
- Commissioners encouraged Mr. Bozinovski to have Bistro Joe’s on-site manager develop a working relationship with City staff in order to deal with issues proactively, rather than reactively.
- Significant changes to the operation of Bistro Joe’s would require a re-opening of the SLUP.
- Outdoor dining has time-limited requirements.
- It would be educational for Mr. Bozinovski to stay for the next agenda item, ‘2024 Liquor License Establishment Review and Consideration for 2025 License Renewal’.

MOTION: Motion by Long, seconded by Host:
To approve the Special Land Use Permit Amendment for 34244 Woodward to transfer ownership and update the Special Land Use Permit to the proposed new owner, M&D Woodward, LLC.

AND

To authorize the City Clerk to complete the Local Approval Notice at the request of M&D Woodward LLC, to approve the request for a transfer of ownership of the Class C liquor license, with Sunday sales from Papa Joe’s Birmingham LLC, to M&D Woodward LLC, which will still be located at 34244 Woodward Avenue, Birmingham, Oakland County, MI.

ROLL CALL VOTE: Ayes, Mayor Longe
MPT Baller
Commissioner Emerine
Commissioner Host
Commissioner Haig
Commissioner Long

Nays, None

02-026-25 2024 Liquor License Establishment Review and Consideration for 2025 License Renewal

CC Bingham presented the item and staff answered informational questions from the Commission.

Commissioners raised the following points during discussion:
- Weekend evenings at Zana have raised some public safety concerns.
- Previous establishments at 210 S Old Woodward, Zana’s present location, have had to depart Birmingham. Safety is a significant priority for Birmingham residents, and safety concerns are not likely to be tolerated.
- It was useful to understand that, per the Police Chief, the issues at Zana do not compare in frequency or severity to the issues faced by some past establishments. The Police Department and Zana are also actively working together to address these issues.
- It was important to note that the issues at Zana tend to be isolated, that Zana is the largest facility of this type in the City, and that a number of other establishments in Birmingham have also required a police response for similar issues.

- 220 Merrill and Zana were specifically recommended for public hearings due to their overcapacity violations. Public hearings are a useful way to have conversations with owners and to discuss the potential SLUP implications.
- Zana has had SLUP issues two years in a row.
- In order to select successful businesses that reflect the Birmingham context, the Commission should have the necessary regulatory tools at its disposal.
- Further discussion regarding Zana and 220 Merrill should occur at the proposed public hearings.

MOTION: Motion by Host, seconded by Emerine:
To approve the renewal of liquor licenses for the 2025 licensing period for the following establishments holding a Class B, Class C, or Microbrewery Liquor License that are in compliance with Chapter 10, Alcoholic Liquors of the City Code:

- Adachi
- Birmingham Pub
- Churchills Bistro
- Employee Meal
- Griffin Claw
- Lincoln Hills
- Salvatore Scallopini
- Sushi Japan
- Toast
- Wilder's
- All Seasons
- Bistro Joe's
- Birmingham 8
- Community House
- Emagine Palladium
- Hazel Ravines
- Luxe Bar and Grille
- Sidecar/Slice/Shift
- Tallulah
- Townhouse
- Bella Piatti, LLC
- Brooklyn Pizza
- Dick O'Dows
- Fleming's
- Hyde Park
- Market North End
- Lincoln Yard
- Springdale
- Daxton Hotel
- Townsend Hotel
- Bell Bistro
- Casa Pernoi
- Elies Mediterranean
- Forest Grill
- La Strada
- Phoenicia
- Streetside Seafood
- Social Kitchen
- Terra Kitchen
- Whistlestop

And

To make a motion adopting a resolution to set public hearings on Monday, March 10, 2025 to consider whether the City Commission shall file objections with the Michigan Liquor Control Commission for the renewal of licenses held by the following establishments that are in violation of Chapter 10, Alcoholic Liquors of the City Code:

- 220 Merrill
- Zana

And

Further, to direct the City Manager to notify the owners and operators of licensed establishments for which a public hearing is set via first class certified mail, to inform them of the public hearing date set for March 10, 2025 at 7:30 p.m. and inform them that they may submit any written material for consideration by the City Commission prior to or at the time of the public hearing, that the licensee or counsel of licensee may appear at the hearing in person or via zoom, and that the licensee or counsel of licensee may present witnesses or written evidence for the City Commission to consider at the public hearing.

Commissioner comments regarding the motion were as follows:
- The Planning Department received thanks for the fact that there were no bistro violations to note.
- The Police and Fire Departments' reports were valuable for indicating that 220 Merrill and Zana required public hearings.

ROLL CALL VOTE: Ayes, Mayor Longe
MPT Baller
Commissioner Emerine
Commissioner Host
Commissioner Haig
Commissioner Long

Nays, None

02-027-25 Updated Birmingham Community and Senior Center Vision, Goals and Objectives

CM Ecker presented the item and answered informational questions from the Commission.

Commissioners raised the following points during discussion:

- This item is a vision, set of goals, and set of objectives, not a list of guarantees. These changes were recommended by the SCC.
- This process is proceeding too quickly, and that can be demonstrated by concurrent requests for approval of this item and of the project's space program proposal.
- Cost concerns remain.
- This project should have only one entrance, and the signage should say 'Birmingham Community Center'. Having two or more entrances seems to indicate that the project's proposed uses have not yet been made complementary.
- Alternatively, this process is proceeding at an appropriate pace. The project is moving forward constructively and appropriately. This item was formulated months ago, and this request for approval only pertains to revisions in order to align with the project's evolution.
- This project will be beneficial, and remains appropriate to pursue.
- Objective one should emphasize that the participating surrounding communities will also support this project. Written commitments from said communities to that effect are necessary.

MOTION: Motion by Long, seconded by Haig:
To approve the updated Birmingham Community and Senior Center Vision, Goals and Objectives, with the addition of the word 'participating' in the implementation strategy paragraph, after 'and' and before 'surrounding'.

Public Comment
Paul Reagan supported studying whether there are better options to meet the needs of seniors in the participating communities, and opposed the project as presently proposed.

George Dilgard supported the project and commented that the cost to residents would be approximately $212 per year.

VOICE VOTE: Ayes, Mayor Longe
Commissioner Emerine
Commissioner Haig
Commissioner Long

Nays, Commissioner Host
MPT Baller

Draft Building Program for the New Birmingham Community And Senior Center at 400 E. Lincoln.

Jim Scott of Neumann Smith presented the item. Mr. Scott, CM Ecker, and Brian Deming, the City's owner's representative from KMG, answered informational questions from the Commission.

Commissioners raised the following points during discussion:
- The presented 'schedule' is not actually a schedule, but an architect's tool for ensuring that sufficient space would be available in the building for all the necessary programs. No programming is being proposed of or approved in this specific presentation.
- This proposal would be at the upper range of building size approved by the Commission. Prior Commission direction was to aim for a building closer to 44,500 square feet than 49,000 square feet. Any reduction from the presently recommended square footage would be welcomed.
- It would also be necessary to ensure that this building retains the necessary square footage to allow Next and the YMCA to function appropriately and profitably.
- This would fit everything requested by Next, the YMCA, and the community.
- Pickleball may be unnecessary to include in this building because the local market has so many other options for the sport.
- Other local options for pickleball may have a much higher cost of entry.
- There are still likely efficiencies to be gained in the space planning.
- The kitchen makes the adjacent rooms more rentable, in addition to offering a space for Meals on Wheels to operate out of.
- The kitchen may be larger than necessary. This presently proposed kitchen space would be double the size required for bistros in the City.
- It might be possible to reduce the sizes of the administrative area and support lobby.
- Some of the listed programs happen at intervals other than weekly. It would be necessary to know how the varying intervals could change the necessary space.

- There may be a difference between Next's current weekly programming hours and Next's weekly programming hours as estimated in this program.
- Commissioners are responsible for checking the data and validating this proposal.
- It should be possible for Next members to use the general fitness room exclusively during certain hours instead of having a dedicated 1500 square foot fitness room.
- A member of the public commented at a recent SCC meeting that referring to these programming goals as 'wishlists' is inaccurate. It would be more accurate to say that these are presently unmet needs within the community, and that Next and the YMCA would be able to meet these needs through this new facility.
- Next and the YMCA should each aim to focus their programming on their specific strengths.
- Next and the YMCA should each do a collaborative 10-15 minute presentation at an upcoming Commission meeting to discuss the broad range of what each organization offers the community. The presentations should include:
    - Information about collaboration between the YMCA and other organizations, and instances of the YMCA being located in a municipally-owned facility;
    - How often programming for both organizations is maximally attended or sold out;
    - How registration for programs works in each respective organization; and,
    - Some of the presently unmet community needs that could be met in this new facility.
- It might be possible to reduce the size of the facility by making a number of rooms a bit smaller.
- Once the programming estimates are validated, the Commission may be able to give better direction on possible space reductions.
- It is necessary to provide value to the community at large.
- Once a construction manager is hired, they will be able to provide the most accurate estimates regarding the likely costs.
- The City Manager and Mr. Deming are representing the City's interests in this process. It would be appropriate for them to collaborate with the Commission on program validation.
- The Commission is prioritizing doing this process carefully and correctly.
- There was consensus to take no action on this motion so that the program can be validated and further efforts can be made to reduce the size of the building without harming Next or the YMCA's business operations.
- Both Next and the YMCA should be investigating other spaces where some of their programming could be located, as appropriate.

<u>Public Comment</u>
Kristy Barrett commented that the programming estimates should be independently audited.

Cris Braun, Executive Director of Next, commented on Next's programming estimates and on how Next's members differ from the YMCA's.

Parrish Underwood, President and CEO of the YMCA of Metropolitan Detroit, also commented on how Next's members are likely to differ from the YMCA's.

02-028-25 Sustainability and Climate Action Special Revenue Fund

PD Dupuis presented the item and answered informational questions from the Commission.

Commissioners raised the following points during discussion:
- This funding could help the City procure further funding for sustainability efforts.
- Many other present City boards have line items within departmental budgets. This would allow the newly established sustainability committee to be comparably resourced.

MOTION: Motion by Baller, seconded by Long:
To establish a Sustainability and Climate Action Special Revenue Fund to house funds dedicated towards sustainability and climate action projects and further, to approve the appropriations and amendment to the General Fund budget as follows:

General Fund		
<u>Revenues</u>		
Draw from Fund Balance	101.0-000.000-400.0000	$10,000
<u>Expenditures</u>		
Transfers Out	101.0-999.000-995.0230	$10,000

Sustainability & Climate Action Fund

Revenues		
Transfer from General Fund	230.0-000.000-699.0101	$10,000
Draw from Fund Balance	230.0-000.000-400.0000	($10,000)
Total		$0

Commissioners raised the following points during discussion of the motion:

- One Commissioner expressed approval of PD Dupuis.
- Another noted that the prior comment was somewhat personal.

ROLL CALL VOTE: Ayes, Commissioner Host
MPT Baller
Mayor Longe
Commissioner Emerine
Commissioner Haig
Commissioner Long

Nays, None

Commission Items for Future Discussion

Commissioner Host made a motion to expedite security improvements for the Police Department. No vote was taken once it was noted that these improvements were being included in the upcoming fiscal year's budget.

Commission Discussion On Items From A Prior Meeting

1. Business Recycling Practices

This item was postponed in Commissioner Schafer's absence.

2. Technology Advisory Board

This item was postponed at MPT Baller's request.

IV. REMOVED FROM CONSENT AGENDA

X. COMMUNICATIONS

XI. REPORTS

A. Commissioner Reports
   1. Notice of intention to appoint to the Architectural Review Committee
   2. Notice of intention to appoint to the Planning Board
B. Commissioner Comments

The Mayor asked Birmingham staff to formally request regular updates from the City of Royal Oak regarding the potential Sheetz project at 14 Mile and Coolidge.

Commissioner Haig asked that any external consultants be instructed to inform the City if said consultants have performed any similar studies, six months prior to the date of hire by the City, for any municipalities within a distance to be determined.

Commissioner Host commended LD Craft and all residents involved in holding a recent musical event at the Baldwin Library. He suggested that similar events could be held for community engagement in the future.

The Mayor said she was a judge at the Birmingham Youth Assistance's Dog Show, and praised the event as another example of successful community outreach.

The Mayor also noted the recent passing of long-time Oakland County Commissioner Shelley Taub, who the Mayor described as deeply involved in supporting youth and Birmingham Youth Assistance.

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

INFORMATION ONLY

XII. ADJOURN

The Commission motioned to adjourn at 10:36 p.m.

Alexandria Bingham, City Clerk

Laura Eichenhorn, City Transcriptionist