Birmingham City Commission Minutes
November 10, 2025 Municipal
Building, 151 Martin 7:00 p.m.
Vimeo Link: https://vimeo.com/1135493515

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/Commissioner Longe
MPT/Mayor Baller
Commissioner/MPT Long
Commissioner Emerine (outgoing)
Commissioner Haig
Commissioner Host
Commissioner Kolb (incoming)
Commissioner Kozlowski (incoming)

Staff: City Manager Ecker; City Clerk Bingham, Human Resources Manager Cilluffo, City Photographer Cook, Planning Director Dupuis, Assistant City Manager Fairbairn, Parking Systems Manager Ford, City Attorney Kucharek, City Attorney Gaudenzi, Communications Specialist Tappan

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

Announcements

The Clerk's Office would like to thank all of the Election Inspectors and City Staff that helped conduct a safe and successful November 4th Local Election. We appreciate all of the voters who participated by voting early, absentee, or in-person voting. 22.3% of Birmingham's registered voters participated. Unofficial results are available at oakgov.com/elections under the November election tab. Official results will be available after the completion of the canvass of the Oakland County Board of Canvassers.

The Mayor thanked the City Clerk and her staff for a well-run election.

Recognition of Outgoing City Commissioners

- Commissioner Katie Schafer
- Commissioner Jason Emerine

Commissioner Transition

Administration of Oath to Elected Officials

A. Administration of Oath of Office to City Commissioners
B. Administration of Oath of Office to Library Board Members

Organization of City Commission

11-302-25 Temporary Chair of City Commission

MOTION: Motion by Long:

To propose that you [Mayor Longe] stand in as temporary chair, since you will not be seeking either Mayor or Mayor Pro Tem.

VOICE VOTE
Ayes: Kozlowski, Kolb, Baller, Haig, Host, Longe, Long

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Nays: None

11-303-25 Election of Mayor

MOTION: Motion by Long:
To nominate Clinton Baller as Mayor.

<u>Public Comment</u>
David Bloom commented regarding the nomination.

VOICE VOTE
Ayes: Kozlowski, Baller, Longe, Long
Nays: Kolb, Haig, Host

11-304-25 Election of Mayor Pro Tem

MOTION: Motion by Kolb:
To nominate Andrew Haig.

VOICE VOTE
Ayes: Kolb, Haig, Host
Nays: Kozlowski, Baller, Longe, Long

11-305-25 Election of Mayor Pro Tem

MOTION: Motion by Longe:
To nominate Anthony Long.

VOICE VOTE
Ayes: Kozlowski, Baller, Longe, Long
Nays: Kolb, Haig, Host

Oath of Office to Mayor and Mayor Pro Tem Comments by newly elected Mayor and Mayor Pro Tem
Presentation to outgoing Mayor Longe by the new Mayor
Comments by Commissioner Longe

The Commission exited and returned from recess.

Appointments

11-306-25 Appointment to the Retirement Board

MOTION: Motion by Long:
To nominate you, Mr. Mayor, to the Retirement Board.

VOICE VOTE
Ayes: Kozlowski, Kolb, Baller, Haig, Host, Longe, Long
Nays: None

11-307-25 Appointment to the Retirement Board

MOTION: Motion by Baller:
To nominate you, MPT Long, as a member of the Retirement Board also.

VOICE VOTE
Ayes: Kozlowski, Kolb, Baller, Haig, Host, Longe, Long
Nays: None

11-308-25 Appointment to the Retirees Health Care Fund Committee

MOTION: Motion by Haig:
To nominate Clinton Baller, Mayor, to the Retirees Health Care Fund Committee.

VOICE VOTE
Ayes: Kozlowski, Kolb, Baller, Haig, Host, Longe, Long
Nays: None

11-309-25 Appointment to the Triangle District Corridor Improvement Authority

MOTION: Motion by Long:
I'll nominate you [Clinton Baller].

VOICE VOTE
Ayes: Kozlowski, Kolb, Baller, Haig, Host, Longe, Long
Nays: None

11-310-25 Appointment to SEMCOG

MOTION: Motion by Longe:
To nominate Mayor Baller to SEMCOG as Delegate.

VOICE VOTE
Ayes: Kozlowski, Kolb, Baller, Haig, Host, Longe, Long
Nays: None

11-311-25 Appointment to SEMCOG

MOTION: Motion by Long:
To make a nomination for the City Manager to SEMCOG as Alternate.

VOICE VOTE
Ayes: Kozlowski, Kolb, Baller, Haig, Host, Longe, Long
Nays: None

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

Mr. Bloom supported exploring how the former Community House building might be able to remain a benefit to the community.

Asher Todorovsky, Waterford resident, commented regarding Community Action for Empowerment (CAFE), and asked Birmingham to be a role model in delineating areas in the City in which immigration officers would be discouraged from carrying out enforcement.

V. CONSENT AGENDA

11-312-25 Consent Agenda

MOTION: Motion by Long, seconded by Longe:
To approve the consent agenda as written with the exception of Item F.

ROLL CALL VOTE

Ayes: Kozlowski, Kolb, Baller, Haig, Host, Longe, Long
Nays: None

A. Resolution to approve the City Commission regular meeting minutes of October 27, 2025.

B. Resolution to approve the warrant list, including Automated Clearing House payments, dated October 29, 2025 in the amount of $1,906,598.93.

C. Resolution to approve the warrant list, including Automated Clearing House payments, dated November 5, 2025 in the amount of $414,482.93.

D. Resolution to set a public hearing date of December 15, 2025 to consider the Special Land Use Permit and Final Site Plan & Design Review application for 36977 Woodward Ave – InvestWise Financial – to permit construction of a 3 (three) story commercial office building with an interior floor area over 4,000 sq. ft. per tenant.

E. Resolution to approve a one-year agreement with Next for services described in Attachment A of the agreement for fiscal year 2025-2026 in the amount of $126,632. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City. Funding for this project has been budgeted in account #101.0-656.000-811.0000.

11-313-25 Construction Staging and Construction Coordination Agreement with Lavery Michigan Dealership Properties No. 1 LLC

Commissioner Haig pulled Item F in order to note concerns. Staff answered informational questions from the Commission.

Commissioners raised the following points during discussion:

- Future plans should include estimated timing of each stage.
- More information about how affected businesses would be accommodated would have been helpful.
- If a pedestrian detour is offered that is significantly longer than a potential shortcut, pedestrians would be likely to attempt that shortcut even though that might be dangerous. The contractor should pay special attention to managing pedestrian safety.
- This project will cause the temporary loss of approximately 21 unpaid parking spots.
- Those parking spots are mostly used by employees of the dealership, who are unlikely to be on-site during this project.
- The City receives benefits for development within the City.
- Moving forward, questions like these should be submitted in advance to the City administration so that staff can provide the information as part of the item. This will help improve the efficiency of meetings.
- These plans are the result of years of negotiations between former City Manager Markus and Mr. Lavery. The City will receive benefit via the reconstruction of Elm and the intersection, which has more value than any potential charges for the 21 parking spaces and the use of the road.
- The Commission should consider charging some amount for road closures resulting from development projects.
- Timelines for this project should be provided by the end of the week for the public's benefit.

A representative for the applicant spoke on behalf of the project.

MOTION: Motion by Haig, seconded by Long:
To approve a Construction Staging and Construction Coordination Agreement with Lavery Michigan Dealership Properties No. 1 LLC and Sachse Construction and Development for the coordination of construction activities related to 34350 Woodward Avenue on S. Elm Street and Haynes Street, and to authorize the Mayor and the City Clerk to sign the agreement on behalf of the City, with the noted update.

ROLL CALL VOTE
Ayes: Kozlowski, Baller, Haig, Host, Longe, Long

Nays: Kolb

VI. CITY MANAGER'S REPORT

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

11-314-25 Settlement Agreement Dated November 3, 2025 between the City and the Birmingham Police Officers Association

HRM Cilluffo presented the item and answered informational questions from the Commission.

MOTION: Motion by Haig, seconded by Long:
To approve the settlement agreement dated November 3, 2025 between the City and the Birmingham Police Officers Association for a renewal of the collective bargaining agreement through June 30, 2028. Further, to authorize the transfer of funds in the wage adjustment account 101.0-272.000-709.0000 to the appropriate departments.

ROLL CALL VOTE
Ayes: Kozlowski, Kolb, Baller, Haig, Host, Longe, Long
Nays: None

11-315-25 Bistro Application for Teuta

PD Dupuis presented the item. Representatives from Teuta spoke regarding their application. Staff and Teuta's team answered informational questions from the Commission.

Commissioners raised the following points during discussion:

- The City and Commission enforce seating limits in bistros.
- Teuta may not have enough space for outdoor seating due to nearby ADA infrastructure and an adjacent outdoor dining platform belonging to another business.
- The City would like Teuta and other establishments to succeed. Teuta has said it is difficult to succeed without a liquor license. They are challenged in terms of their outdoor dining options.
- It would be valuable to send Teuta onto the Planning Board to see if some creative solutions for outdoor dining might be available. Present approval at the Commission just advances Teuta to the next step.
- Teuta would also have the option of pursuing a variance if no other solutions were found.
- If the main intent of Teuta pursuing a bistro license is to sell liquor without adhering to the other bistro standards, the Commission should review how bistro licenses are being used within the City.
- Restauranteurs should review the relevant ordinances in order better anticipate and comply with the ordinances from the outset.
- It would likely be difficult to approve a dining deck outside of Teuta given the limited number of adjacent parking spaces.
- Just because the Commission is permitted to advance bistros for consideration at this time, does not mean it should advance the presently proposed bistros.
- Teuta is an aesthetically pleasing restaurant, and may not function appropriately as a bistro.
- Going to the Planning Board is a significant investment in terms of time and money.
- The intent of the bistro ordinance is to activate the streetscape. There is already a significant amount of activation in this part of town.
- In Teuta's specific circumstances, the Commission is unlikely to support a proposed dining deck within a parking spot. The only proposed solution thus far would involve reconstructing the restaurant facade in order to create outdoor dining space.
- The owners of Teuta should consider whether reconstructing the facade is an expense they would be willing to undertake.

Public Comment
Linda Kelly supported allowing Teuta to pursue a bistro license.

MOTION: Motion by Long, seconded by Baller:
To make a motion to adopt a resolution to move forward with the bistro application for Teuta and to permit each bistro to submit an application for Special Land Use Permit, Final Site Plan and Design Review to the Planning Board for review and recommendation.

VOICE VOTE
Ayes: Kolb, Baller, Host, Long
Nays: Kozlowski, Longe, Haig

11-316-25 Bistro Application for Snap Taco

PD Dupuis presented the item. Representatives from Snap Taco spoke regarding their application. Staff and Snap Taco's team answered informational questions from the Commission.

Commissioners raised the following points during discussion:

- Pedestrian traffic is dense enough near the proposed location that it might be challenging to add outdoor dining.
- The bistro ordinance adds outdoor dining to create street activation, and there would only be room for minimal outdoor dining outside this restaurant.
- Since this is angled parking near a major intersection with frequent deliveries, a dining deck in the street would be ill-advised.
- While some Commissioners might be interested in supporting the establishment with liquor and without outdoor dining, the applicant would either have to purchase a Class C license or the Commission would have to draft new ordinances to create that opportunity. This proposal does not adequately meet the bistro requirements.
- If the applicant were able to negotiate outdoor dining in front of Faherty, the applicant could return to the Commission with an appropriate proposal.
- The rooftop could also be considered for outdoor dining.
- The Commission should determine whether it wants to maintain the bistro ordinance asis, in which case it should be enforced appropriately, or whether the bistro ordinance should be modified.
- Some have opined that the bistro ordinance was written to encourage outdoor dining and street activation. In fact, the bistro ordinance was written to encourage smaller restaurants, with street activation being an added benefit. Consequently, it might be appropriate to modify present ordinances in order to allow smaller restaurants to serve alcohol without requiring outdoor dining in every case.

MOTION: Motion by Long, seconded by Haig:
To make a motion to postpone the hearing on this issue until the next meeting that is 60 days from today's date.

Public Comment
Rosalba Montes, co-owner of Snap Taco, supported the bistro application for Snap Taco.

VOICE VOTE
Ayes: Kozlowski, Longe, Haig, Kolb, Baller, Host, Long
Nays: None

11-317-25 Resolution to adopt the proposed customer service standards for the City

ACM Fairbairn presented the item. Staff answered informational questions from the Commission.

Commissioners raised the following points during discussion:

- This would be valuable because it would emphasize that residents are customers of the City government.

- It could be beneficial to use this opportunity to add clarity about timing to more complex processes within the City as well.
- Alternatively, allowing this shorter policy to be a first step for creating customer service standards might be appropriate and beneficial.
- While this could be a good first step for general service standards, it would also be appropriate to create department-specific standards as well.
- The Commission and City administration must ensure that staff has the requisite tools to efficiently respond to residents. Potentially acquiring and implementing these tools could be discussed at a later date.
- This proposal ensures that residents and their City government both have a clear understanding of expectations.
- This document should also direct staff to provide a community member with an estimated turnaround time for their request to be addressed.

MOTION: Motion by Long, seconded by Longe:
To approve a resolution to adopt the proposed customer service standards for the City, subject to the addition of bullet point number five, which would state 'Provide a community member with the estimated turnaround time for their request to be addressed.'

VOICE VOTE
Ayes: Kozlowski, Longe, Haig, Kolb, Baller, Host, Long
Nays: None

Commission Items for Future Discussion

The administration should explore tools for tracking staff communication with residents and return with ideas.

11-318-25 Payment for Use of City Streets and Parking Spaces

MOTION: Motion by Host, seconded by Haig:
On all future construction projects, the Commission should consider making the commercial owner pay for using our streets and our parking spaces during construction.

VOICE VOTE
Ayes: Kozlowski, Longe, Haig, Kolb, Baller, Host, Long
Nays: None

11-319-25 Mayor Selection Process

MOTION: Motion by Baller, seconded by Kolb:
To talk about a few minor things we can do before next September that will enhance our process for selecting the next Mayor and Mayor Pro Tem.

VOICE VOTE
Ayes: Kozlowski, Longe, Haig, Kolb, Baller, Host, Long
Nays: None

Commission Discussion On Items From A Prior Meeting

None

11-320-25 Closed Session Pursuant to MCL § 15.268, Sec.8(1)(e) of the Open Meetings Act

CA Kucharek presented the item.

MOTION: Motion by Haig, seconded by Long:

To meet in closed session pursuant to MCL § 15.268, Sec.8(1)(e) of the Open Meetings Act to discuss pending litigation entitled Yasamin Aziz, et al v City of Birmingham, Oakland County Circuit Court Case No. 2024-206496-NZ, Honorable Phyllis C. McMillen.

ROLL CALL VOTE
Ayes: Haig, Kolb, Baller, Kozlowski, Host, Longe, Long
Nays: None

11-321-25 Closed Session Pursuant to MCL § 15.268, Sec.8(1)(d) of the Open Meetings Act

Commissioner Haig noted his recusal from this item due to a potential conflict-of-interest.

MOTION: Motion by Longe, seconded by Long:
To meet in closed session pursuant to MCL § 15.268, Sec.8(1)(e) of the Open Meetings Act Sec. 8(1)(d) to consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.

ROLL CALL VOTE
Ayes: Kolb, Baller, Kozlowski, Host, Longe, Long
Nays: None

The Commission went into closed session at 10:05 p.m.

The Commission returned from closed session at 11:22 p.m.

11-322-25 Action Subsequent to Closed Session Pursuant to MCL § 15.268, Sec.8(1)(e) of the Open Meetings Act

MOTION: Motion by Longe, seconded by Kolb:
To make a motion to enact a resolution authorizing the City Manager to execute all necessary documents to resolve pending litigation entitled Yasamin Aziz, et al v City of Birmingham, Oakland County Circuit Court Case No. 2024-206496-NZ, Honorable Phyllis C. McMillen.

ROLL CALL VOTE
Ayes: Haig, Kolb, Baller, Kozlowski, Host, Longe, Long
Nays: None

IX. REMOVED FROM CONSENT AGENDA

X. COMMUNICATIONS

A. Communication regarding the Community House

XI. REPORTS

A. Commissioner Reports
   1. Notice of intention to appoint to the Board of Review
B. Commissioner Comments

MPT Long noted there would be a party hosted by RH on November 19, 2025 and a ribbon cutting on November 21, 2025.

C. Advisory Boards, Committees, Commissions' Reports and Agendas
   1. Greenwood Cemetery Advisory Board Annual Report
D. Legislation
E. City Staff
   1. Evening Monthly Parking Permit Program

PSM Ford presented the item and answered informational questions from the Commission.

Commissioners raised the following points during discussion:

- It was valuable that the City already had some sort of program to address this, and staff's work on the report was appreciated.
- The Advisory Parking Committee could be tasked with studying whether to make the starting time earlier, lowering the fee, requiring users park to at the top or bottom of the structure, and/or limiting which parking decks can be used for the program.

INFORMATION ONLY

XII. ADJOURN

The Commission motioned to adjourn at 11:32 p.m.

Alexandria Bingham, City Clerk

Laura Eichenhorn, City Transcriptionist