



City Commission Minutes
Monday, February 9, 2026 - 5:30 p.m.
151 Martin Street, Birmingham
City Commission Room 205
Vimeo Link: <https://vimeo.com/1163376454>

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Clinton Baller, Mayor, opened the meeting with the Pledge of Allegiance.

2. ROLL CALL

City Clerk Bingham called the roll.

Present: Mayor Clinton Baller
Mayor Pro Tem Anthony Long
Commissioner Andrew Haig
Commissioner Brad Host
Commissioner Kevin Kozlowski
Commissioner William Kolb
Commissioner Therese Longe

Absent: None

Staff: City Manager Ecker; Birmingham Shopping District Director Bassett, City Clerk Bingham, Assistant City Manager Clemence, Planning Director Dupuis, City Attorney Kucharek, Police Captain Wald

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

APPOINTMENTS

02-019-26 Ethics Board

Tim Bradley was interviewed for the appointment.

MOTION: Motion by Host:

To nominate Tim Bradley as an alternate member to the Ethics Board to serve the remainder of a three-year term to expire June 30, 2026.

VOICE VOTE

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

Nays: None

Recused: None

02-020-26 Environmental Sustainability Committee

In Sara Rubino's absence, it was noted that she would be a reappointment.

MOTION: Motion by Long:

To appoint Sara Rubino as a regular member to the Environmental Sustainability Committee (ESC) to serve a three-year term to expire February 1, 2029.

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

02-021-26 Environmental Sustainability Committee

Trenton Chapman was interviewed for the appointment.

MOTION: Motion by Host:
To appoint Trenton Chapman as a regular member to the Environmental Sustainability Committee (ESC) to serve a three-year term to expire February 1, 2029.

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

02-022-26 Environmental Sustainability Committee

Guy Simons was interviewed for the appointment.

MOTION: Motion by Haig:
To appoint Guy Simons as an alternate member to the Environmental Sustainability Committee (ESC) to serve a three-year term to expire February 1, 2029.

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

02-023-26 Board of Zoning Appeals

In Susan Shacket’s absence, it was noted that she would be a reappointment.

MOTION: Motion by Longe:
To appoint Susan Shacket as an alternate member to the Board of Zoning Appeals to serve a three-year term to expire February 18, 2029.

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

02-024-26 Wayfinding and Branding

MOTION: Motion by Longe, seconded by Haig:
To concur with the City Manager’s appointments.

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

CC Bingham swore in the present appointees.

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

Mike Clift commented regarding a potential partnership between the Birmingham Blue Dolphins and the City to maintain operations of the pool at 400 E. Lincoln.

Michelle Areeda commented regarding an upcoming resident meeting for Oak Avenue, which was scheduled to be held February 12, 2026, and upcoming public hearings for the same project, which were scheduled to be held February 23, 2026, and March 9, 2026.

5. CONSENT AGENDA

02-025-26 Consent Agenda

MOTION: Motion by Long, seconded by Haig:
To move the consent agenda including Items A through F on the agenda as written.

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

- A. Resolution to approve the Long Range Planning City Commission meeting minutes of January 24, 2026.
- B. Resolution to approve the regular City Commission regular meeting minutes of January 26, 2026.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated January 28, 2026, in the amount of \$3,387,544.68.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated February 04, 2026, in the amount of \$700,923.50.
- E. Resolution to set the Public Hearing of Necessity for the replacement and improvements of sewer and water laterals meeting the requirements of assessments, for all properties within the project area on Bird Avenue from Grant Street to Cummings Avenue on Monday, March 9, 2026, at 7:00 p.m.; and

If necessity is determined on March 9, 2026, to meet on Monday, March 23, 2026, at 7:00 p.m., for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the replacement and improvements of sewer and water laterals meeting the requirements for the assessments, for all properties with the project area on Bird Avenue from Grant Street to Cummings Avenue.
- F. Resolution to enter into a new agreement with Oakland County for the use and operation of a new public safety radio system, and terminate the existing radio agreement. In addition, authorize the mayor to sign the new agreement on behalf of the City.

6. CITY MANAGER’S REPORT

None.

7. UNFINISHED BUSINESS

02-026-26 Bistro Application for Snap Taco

PD Dupuis presented the item. Staff and a representative for Snap Taco answered questions.

Commissioners discussed the following regarding the item:

- The visual presentation was created by the applicant and not by the City.

- The Commission would not be considering a dining platform in a parking space as an outdoor dining option.
- Option B would require that individuals using the seven parking spaces next to the outdoor dining and planters would have to walk in the drivelane before accessing the sidewalk, which was not a safe condition. In addition, the proposal does not create a straight pedestrian clear path between Snap Taco and adjacent businesses, and creates business-related cross-traffic between the outdoor dining and the restaurant entrance, both of which may be difficult for pedestrians to navigate.
- While Option C does not increase seating, a liquor license would likely increase revenue enough to make the business viable.
- Option C is technically sufficient to meet the bistro requirements.
- Modifying Option B to reduce the square footage of the outdoor dining might address the concern about individuals having to walk in the drivelane.
- While business-related cross-traffic between the restaurant and outdoor dining may not be optimal, the condition exists elsewhere in the City.

MOTION: Motion by Long, seconded by Longe:
To move forward with the bistro applications for Snap Taco and permit the 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: Long, Kolb, Kozlowski, Baller, Haig, Host, Longe
Nays: None

8. NEW BUSINESS

02-027-26 2025 Liquor License Establishment Review and Consideration for 2026
License Renewal

CC Bingham presented the item and staff answered questions.

Kelly Allen, attorney, spoke on behalf of 220 Merrill.

- Commissioners discussed the following regarding the item:
- 220 Merrill had a treasury violation that was resolved earlier on February 9, 2026.
 - 220 Merrill has been on past years’ lists for violations and the violations this year involved patrons’ violent activity.
 - 220 Merrill is a larger establishment than some other establishments, meaning there are more opportunities for issues to arise.
 - If 220 Merrill is returned for a public hearing, a ten-year history of their Liquor License Establishment Reviews and any violations should be provided by staff.
 - It was concerning to hear from Birmingham Police that staff at the Rose Room, which is a part of 220 Merrill, do not cooperate with the police.
 - While Ms. Allen indicated that the owner of 220 Merrill intends to be cooperative, the police are not receiving cooperation from 220 Merrill’s staff. This contradiction needs to be reconciled.
 - The Rose Room has presented challenges for some time.

MOTION: Motion by Long, seconded by Kolb:
To approve the renewal of liquor licenses for the 2026 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	All Seasons	Bella Piatti, LLC	Casa Perno
Bell Bistro	Bistro Joe’s	Brooklyn Pizza	Birmingham Sushi Cafe
Birmingham Pub	Birmingham 8	eFiore	Elies Mediterranean

Big Rock Italian	Community House	Dick O'Dows	Forest Grill
Chophouse	Emagine Palladium	Fleming's	La Strada
Churchills Bistro	Hazel Ravines	Hyde Park	Phoenicia
Employee Meal	Restoration Hardware	Market North End	Streetside Seafood
Griffin Claw	Luxe Bar and Grille	Springdale	Terra Kitchen
Lincoln Hills	Lincoln Yard	Daxton Hotel	Whistlestop
Salvatore Scallopini	Tallulah	Townsend Hotel	Zana
Toast	Social Kitchen	Townhouse	
Wilder's			

And

To make a motion adopting a resolution to set public hearings on Monday, March 9, 2026, 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 and Sidecar/Slice/Shift

Further, to direct the City Clerk 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 9, 2026, at 7:00 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.

Public Comment

Kelly Allen, attorney, opposed the motion and spoke on behalf of Sidecar/Slice/Shift.

Commissioners discussed the following regarding the item:

- Zana previously had challenges with patrons on occasion. This year they were renewed without issue. Ownership of 220 Merrill and/or Sidecar/Slice/Shift might be able to consult with Zana ownership to learn what operational changes were most beneficial.
- Ownership of 220 Merrill and/or Sidecar/Slice/Shift have the opportunity to attend the public hearings on March 9, 2026.

ROLL CALL VOTE

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

Nays: None

Recused: None

02-028-26 Public Hearing - 298 S. Old Woodward - Daxton - Special Land Use Permit

Amendment, Final Site Plan & Design Review

The Mayor opened the public hearing at 8:08 p.m.

PD Dupuis presented the item. Robert Carmack spoke on behalf of the Daxton.

Seeing no public comment, the Mayor closed the public hearing at 8:10 p.m.

Staff answered questions.

Commissioners discussed the following regarding the item:

- While Mr. Carmack said that Daxton deliveries are now occurring in the Daxton's lower level, delivery vans still seem to be parking in the N. Old Woodward left turn lane.
- In this plan, delivery vans would not be stopping on N. Old Woodward in order to enter the Daxton's lower level.

- The Daxton is not presently using the loading dock. There is no reason to presume that approving this proposal would increase the number of deliveries to the Daxton. Approving this proposal may decrease the number of deliveries to the Daxton.

Commissioners Long and Longe made, seconded, and withdrew the following motion: To approve the Special Land Use Permit Amendment, Final Site Plan & Design Review for 298 S. Old Woodward, to permit the modification of the existing required off-street loading facility to make room for new in-house laundry facilities and a new trash compactor, and to add to my motion that we add a condition that they put in their contracts with event vendors that they also use smaller vehicles that can take advantage of your underground loading dock and elevators to further alleviate the use of that middle lane, and that we review this in 12 months for complaints.

Commissioners discussed the following regarding the motion:

- As many deliveries to the Daxton as possible should occur via vans instead of larger trucks. It would likely also be appropriate to review this in 12 months.
- When Old Woodward was redesigned, the center lane was designed to be used for occasional, short-term deliveries as well as turns.
- The Daxton could discourage event vendors from delivering via large trucks in the center lane.
- Staff was correct that it would be more appropriate to adjourn the item so that the language of the conditions could be clarified.

MOTION: Motion by Long, seconded by Longe:

To postpone this matter to the next City Commission meeting on February 23rd.

VOICE VOTE

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

Nays: None

Recused: None

02-029-26 Public Hearing - 239 N. Old Woodward - Besos - Special Land Use Permit Amendment

The Mayor opened the public hearing at 8:26 p.m.

PD Dupuis presented the item. Kelly Allen, attorney, spoke on behalf of Besos.

Seeing no public comment, the Mayor closed the public hearing at 8:28 p.m.

MOTION: Motion by Long, seconded by Host:

To approve the Special Land Use Permit Amendment for 239 N. Old Woodward to update the Special Land Use Permit with the new establishment name, Besos.

VOICE VOTE

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

Nays: None

Recused: None

Commission Items for Future Discussion

None.

Commission discussion on items from a prior meeting

None.

02-030-26 Closed Session Pursuant to MCL § 15.268, Sec.8(1)(e) of the Open

Meetings Act

MOTION: Motion by Kozlowski, 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 The City of Birmingham v The Community House Association, Birmingham, Michigan, Oakland County Circuit/Business Court Case No.: 2025-219218 CB Honorable Michael Warren.

VOICE VOTE

Ayes: Host, Kolb, Long, Kozlowski, Baller, Longe

Nays: None

Recused: Haig

The Commission entered into closed session at 8:33 p.m. and returned from closed session at 9:54 p.m.

The Mayor delivered the following statement subsequent to the return from closed session:

We just emerged from a closed session for an attorney-client privileged discussion of the City of Birmingham versus the Community House Association, which is the city's lawsuit, seeking to halt the sale of the Community House and enforce the deed restrictions and uses that the original owners placed on the property. I want to give the community an update.

Last week, City officials and members of our legal team met with the CEO and legal counsel of the prospective buyer. The City had presented in advance what it believes necessary for compliance with the deed restrictions and to protect the community's interest in the Community House. Essentially, a rough draft of the City's vision for what the Community House should be under any ownership.

The buyer gave us some insight into what it envisions for use of the building at 380 S. Bates Street. As a result of the discussion, we all feel confident in saying that all of the participants on both sides would agree that while there was some overlap between the two visions, much more discussion and movement would be necessary for all to feel comfortably aligned. In the meantime, we intend to pursue our case in court, again to ensure that any future use of the property complies with the deed restrictions that the original owners placed on the property.

On the legal front, as has been reported, earlier this year the Community House filed a motion to dismiss the City's case and sought to have that motion heard on an expedited basis. The court denied that request and sanctioned the Community House for failing to comply with court rules. The City and the Community House have agreed on the amount of the sanction and upon payment of the same that will resolve that issue. The parties also met with the court on Friday and the judge advised that he will soon be entering a schedule for the progression of the City's lawsuit and advised the parties that the Community House's motion to dismiss will not be heard until sometime after June of this year.

In the meantime, while we continue to seek a possible resolution, the City will continue to pursue its case to ensure that the deed restrictions and use restrictions are complied with. The City will begin the process of seeking documents and information from the Community House about its past and current plans and actions that led to the current situation.

We want to reiterate that the City believes it has acted in good faith since the announcement of a potential sale. With our lawsuit, again, we are seeking to protect the community's undeniable interest in the building and ensure that the deed restrictions and use restrictions placed on the property by the prior owner are complied with.

We believe the deed and founding documents are clear. They are intended to provide a City of 4.8 square miles with a physical community center in perpetuity to serve its civic, social, and philanthropic needs of all the City's residents.

To review our good faith efforts, we have made numerous offers to sit down with the

Community House with or without attorneys present. We have offered to assume the organization's obligations. In addition, we have stated that if the City were to obtain control of the building, we would work to minimize disruption to the early childhood center and to scheduled events in the banquet facilities.

In response to these efforts, we were told to submit a purchase offer, and when we requested access to tour the building in order to evaluate it and make that offer, that request was denied. Further progress requires cooperation from the Community House management and board.

To those in the community seeing win-win, or win-win-win solutions, we say this: that is not our goal. Our focus is singular. It is not the City's role to help the Community House Association form its new foundation. It is not our role to assist a buyer in acquiring a piece of property unless that buyer is able to fulfill and follow the deed restrictions, which are a legally mandated mission that was placed on the property by the prior owners before they donated the property.

The City and the City Commission want to ensure that they preserve a 100-year-old institution that belongs to the community and must remain as its founders intended: as a home for the social, civic, and philanthropic activity in the City of Birmingham.

The City's position is that direct negotiations are the most effective way to resolve the current litigation. Those negotiations have not occurred.

One more thing to date: The City has limited its public statements and relied primarily on its legal filings, but we are committed to communicating thoughtfully with residents while remaining respectful of the court process and the parties involved.

Thank you.

9. REMOVED FROM CONSENT AGENDA

10. COMMUNICATIONS

- A. Communications regarding snow plowing
- B. Communications regarding the YMCA
- C. Communications regarding the Community House
- D. Communication from Brad Host
- E. Communication from Maddie regarding Ice Cream

11. REPORTS

- A. Commissioner Reports
 - i. Notice of Intention to Appoint to the Architecture Review Committee
 - ii. Notice of Intention to Appoint to the Planning Board
 - iii. Notice of Intention to Appoint to the Parks and Recreation Board
- B. Commissioner Comments

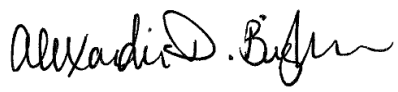
Commissioner Host confirmed that the YMCA would be willing to expand the summer children's program to include more interested families if the YMCA had access to more outdoor space.

Mayor Baller expressed support and recommended that the YMCA contact the City Manager to discuss further.

- C. Advisory Boards, Committees, Commissions' Report
- D. Legislation
- E. City Staff

12. ADJOURN

The Commission motioned to adjourn at 10:05 p.m.

A handwritten signature in black ink, appearing to read "Alexandria Bingham". The script is cursive and fluid.

Alexandria Bingham, City Clerk

A handwritten signature in black ink, appearing to read "Laura Eichenhorn". The script is cursive and fluid.

Laura Eichenhorn, City Transcriptionist