



**City Commission Minutes
Monday, March 9, 2026 - 7:00 p.m.
151 Martin Street, Birmingham
City Commission Room 205**

Vimeo Link: <https://vimeo.com/1171900638>

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 Brad Host
Commissioner Kevin Kozlowski
Commissioner William Kolb
Commissioner Therese Longe

Absent: Commissioner Andrew Haig

Staff: City Manager Ecker; City Clerk Bingham, Finance Director Chavez, Assistant City Manager Clemence, Assistant City Manager Fairbairn, City Engineer Coatta, Planning Director Dupuis, City Attorney Gaudenzi, Police Chief Grewe, Deputy Treasurer Katz, City Attorney Kucharek, Police Captain Simpson, Department of Public Services Director Zielinski

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

ANNOUNCEMENTS

Birmingham Public Portal

APPOINTMENTS

03-042-26 Parks and Recreation Board

In Mr. Wrobel's absence, it was noted this would be a re-appointment.

MOTION: Motion by Longe:

To appoint Joe Wrobel as an alternate member to the Parks and Recreation Board to serve a three-year term to expire March 13, 2029.

VOICE VOTE

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

Nays: None

Recused: None

03-043-26 Parks and Recreation Board

Narlu Castellano was interviewed for the appointment.

MOTION: Motion by Host:

To appoint Narlu Castellano as a regular member to the Parks and Recreation Board to serve a three-year term to expire March 13, 2029.

VOICE VOTE

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

Nays: None

Recused: None

03-044-26 Parks and Recreation Board

In Ms. Kupczyk’s absence, it was noted this would be a re-appointment.

MOTION: Motion by Kozlowski:

To appoint Sarah Kupczyk as a regular member to the Parks and Recreation Board to serve a three-year term to expire March 13, 2029.

VOICE VOTE

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

Nays: None

Recused: None

03-045-26 Board of Zoning Appeals

Victoria Policicchio was interviewed for the appointment.

MOTION: Motion by Long:

To appoint Victoria Policicchio as an alternate member to the Board of Zoning Appeals to serve the remainder of a three-year term to expire February 18, 2029.

VOICE VOTE

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

Nays: None

Recused: None

03-046-26 Martha Baldwin Park Board

David Krivan was interviewed for the appointment.

MOTION: Motion by Long:

To appoint David Krivan as a regular member to the Martha Baldwin Park Board to serve the remainder of a four-year term to expire May 1, 2028.

VOICE VOTE

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

Nays: None

Recused: None

CC Bingham swore in the present appointees.

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

Michelle Areeda commented regarding traffic safety on Oak.

Nathan Miller commented regarding his recently opened flight academy in Troy, Michigan.

John Deplanche commented regarding the road surface of Oak between Greenwood Cemetery and Old

Woodward and the possibility of redirecting traffic that presently takes Oak.

5. CONSENT AGENDA

03-047-26 Consent Agenda

MOTION: Motion by Long, seconded by Host:

To move the consent agenda in the packet tonight including Items A through G.

ROLL CALL VOTE

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

Nays: None

Recused: None

- A. Resolution to approve the regular City Commission meeting minutes of March 9, 2026.
- B. Resolution to approve the warrant list, including Automated Clearing House payments, dated February 25, 2026, in the amount of \$5,750,049.30.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated March 04, 2026, in the amount of \$958,828.99.
- D. Resolution approving the budget amendment for emergency water main repair across Woodward Ave, performed by D’Angelo Brothers Inc., 30836 West 8 Mile Road, Farmington Hills, MI 48336, in the amount of \$139,385.00, to be charged to Water Supply System Fund account #591.0-544.000-811.0000

AND

Make a motion adopting a resolution to approve the appropriation and amendment of the FY 2025/2026 budget as follows:

Water Supply System Fund

Revenues:

Draw from Fund Balance	591.0-000.000-400.0000	\$139,385.00
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Expenditures:

Other Contractual Services	591.0-544.000-811.0000	\$139,385.00
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- E. Resolution to approve the FY 2025 Emergency Management Performance Grants (EMPG) Agreement and approve the awarded funds totaling \$9,283.00. Further, to direct the Mayor to sign the agreement on behalf of the City and any required quarterly reports or surveys associated with the EMPG grant, and to authorize the Fire Chief as the sub-recipient authorized representative in order to sign any related EMPG documents on the City’s behalf.
- F. Resolution to adopt an ordinance to amend Part II, Chapter 26. – Businesses, Article IV.-Peddlers, Commercial Vendors and Solicitors, Sec. 26-117 – Requirements for All Applications.
- G. Resolution to set a public hearing date of April 13, 2026 to consider the Special Land Use Permit Amendment and Final Site Plan & Design Review application 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.

6. CITY MANAGER’S REPORT

None.

7. UNFINISHED BUSINESS

None.

8. NEW BUSINESS

03-048-26 Public Hearing for Outstanding Liquor Licenses for the 2025 Review Period

The Mayor opened the public hearing at 7:19 p.m.

PC Simpson presented the item. Zaid Elia and Steven Simon spoke on behalf of 220 Merrill and Sidecar/Slice/Shift, respectively.

Stuart Raider commented regarding the number of disturbances he has experienced as a resident living above Sidecar, his attempts to engage the restaurant ownership, and his request that these issues be considered as part of the liquor license renewal process.

Seeing no further public comment, the Mayor closed the public hearing at 7:36 p.m.

Staff answered questions and Commissioners discussed the following regarding the item:

- The Commission would like Mr. Simon to work with Mr. Raider to better address Mr. Raider’s concerns. This could include moving speakers inside the restaurant so as to reduce the sound of the bass travelling through the restaurant’s ceiling into Mr. Raider’s floor.
- The volume of the music could also stand to be reduced within Sidecar/Slice/Shift.
- Sidecar/Slice/Shift has an influx of guests around midnight due to other businesses closing around that time, per Sidecar/Slice/Shift staff.

MOTION: Motion by Longe, seconded by Long:

To approve the renewal of liquor licenses for the 2025 licensing period for the following restaurants which hold a Class C Liquor License and are in compliance with Chapter 10, Alcoholic Liquors of the City Code:

- 220 Restaurant
- Sidecar/Slice/Shift

Commissioners discussed the following regarding the motion:

- This process worked exactly as it should, giving the businesses and the Police Department the opportunity to connect and establish a good working relationship.
- Both proprietors were brought back before the Commission because the Police Department stated that they had uncooperative encounters with the restaurants’ staff. The Commission expects full cooperation between establishments’ staff and the City’s police.

ROLL CALL VOTE

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

03-049-26 Public Hearing for Confirmation of the Roll - 2026 Cape Seal Program
Confirmation of the Roll for Cape Seal Special Assessment District Roll 917

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

DT Katz, CM Ecker, and CA Kucharek presented the item.

Ms. Areeda, 450 Oak #201, commented regarding the need for simple explanations of the assessments and the proposed assessment amounts for 450 Oak and 885 N. Old Woodward.

Seeing no further public comment, the Mayor closed the public hearing at 7:52 p.m.

Staff answered questions and Commissioners discussed the following regarding the item:

- Most of the changes to the amounts for the ten properties in question were within the range of \$20. The largest change was \$90. Many of them were to the benefit of the property owner.
- 450 Oak and 885 Woodward residents will be paying 25% for their improvements, since their longest frontage is on Oak. Anyone who was previously paying at the 85-15% split had that amount lowered to a 50-50% split as of the last Commission meeting.

MOTION: Motion by Longe, seconded by Host:

To nullify the SAD Roll 917 for the 2026 Cape Seal program to direct the City Manager to create and confirm a new SAD Roll 917 for the 2026 Cape Seal program using the same process and procedures as previously, and to postpone to the date certain of March 23, 2026.

ROLL CALL VOTE

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

Nays: None

Recused: None

**03-050-26 Award the 2026 Cape Seal Program #5-26 (P) to Highway
Maintenance &
Construction Co.**

CE Coatta presented the item.

MOTION: Motion by Long, seconded by Kolb:

To make a motion adopting a resolution to award the 2026 Cape Seal Program #5-26 (P) to Highway Maintenance & Construction Co. in the amount of \$417,727.25 and a 10% construction contingency for a total of \$459,499.98. In addition, to authorize the Mayor and the City Clerk to sign the agreement on behalf of the City contingent upon execution of the agreement and meeting all insurance and bond requirements by Highway Maintenance & Construction Co. Funding for this project has been budgeted in the following accounts – Fund Account, Fund ID Number, Project Award, 10% Contingencies, and Total Amount as set forth in Section 8C on page 213 of today’s packet,

AND

To install the advanced intersection signage at the southeast corner of Oak and Lakeside for Lakeview, as shown in Fleis and Vandenbrink Report.

ROLL CALL VOTE

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

Nays: None

Recused: None

**03-051-26 Public Hearing of Necessity for Water and Sewer Lateral Special
Assessment District - Bird Phase 1B Project**

The Mayor opened the public hearing at 7:58 p.m.

CE Coatta presented the item.

Seeing no further public comment, the Mayor closed the public hearing at 8:04 p.m.

Staff answered questions.

MOTION: Motion by Long, seconded by Longe:

WHEREAS, Notice was given pursuant to Section 94-7 of the City Code, to each owner or party-in-interest of property and lots to be assessed, by first class mail, and by publication in a newspaper generally circulated in the City; and

WHEREAS, The City Commission has conducted a public hearing and has determined it is necessary to proceed with the project replacing sewer services 50 years of age or older or constructed of material that is not acceptable for City standards and replacing water services that are 60 years or older or less than 1 inch in diameter on Bird Street from Grant Street to Cummings Avenue; and

WHEREAS, The City has previously established a policy requiring replacement of sewer services 50 years of age or older or constructed of materials that are not acceptable for City standards and water services less than 1 inch in diameter and the City street is open for repairs or reconstruction; and

WHEREAS, The City Commission, after the public hearing, has determined that the Bird Phase 1B Project, the replacement of sewer services that are 50 years of age or older or of material that is not acceptable for City standards, the replacement of water services that are 60 years or older or less than 1 inch in diameter, is a necessity and is in the best interest of the City; and

WHEREAS, The Commission has approved the detailed plans and estimates of cost prepared by the City Engineer; and

WHEREAS, Formal bids have been received and the actual cost of sewer service and water service replacement has been determined; and

WHEREAS, The City Engineer has determined the boundaries of sewer service lateral and water service laterals located within the limits of the following streets shall be installed as part of the Bird 1B Project (Contract #7-26(W)):

Bird Avenue – Grant Street to Cummings Avenue

WHEREAS, The formula used in making the assessment is 100% of the contractor's charge for replacing the lateral service that is 50 years of age or older or constructed of materials that are not acceptable and water service that is 60 years of age or older or less than 1 inch in diameter within the public right-of-way between the utility and the property line (calculated at the rate of \$112.00 per foot of 6" diameter sewer service pipe, \$53.00 per foot of 1-inch water service pipe).

THEREFORE LET IT BE RESOLVED, The City Commission has determined that the scope of the public improvement as described is in the best interest of the City and will benefit the properties listed in the assessment roll and is a necessity, and the City Commission directs the Manager to prepare a Special Assessment Roll and present the same to the City Commission for confirmation and further set a Public Hearing of Confirmation on March 23, 2026 and give notice of same, and this applies to the sewer and water laterals under Sidwell number, street address, estimated sewer SAD costs and estimated water SAD costs that are located in Section 8D of tonight's agenda packet on pages 378, 379, and 380.

ROLL CALL VOTE

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

Nays: None

Recused: None

03-052-26 Playground Layout Design for Pembroke Park and Purchase of Equipment through Landscape Structures, Inc.

DPSD Zielinski presented the item.

Commissioners discussed the following regarding the item:

- Staff succeeded in integrating both playground design best practices and resident feedback into this proposal.
- Penchura representative Lance Shipman surveyed the existing playground equipment to see what could be retained, which included two extant swings and two extant sandboxes.
- There was valuable discussion about the performance and cost benefit ratio of the various surfacing materials, and the placement of the sidewalk in relation to the parking and extant

sidewalks. Some future planning occurred as well.

- This project was comprehensively considered.
- The comments on the survey were addressed in the making of these designs as well.
- This is the Parks and Recreation bond doing what it was intended to do. This project is being paid for primarily by this bond, which the Commission supported, and which the residents of Birmingham passed with approximately 70% in favor.
- Smaller parks' playground equipment is being updated with this bond to make them more safe and more engaging.

MOTION: Motion by Longe, seconded by Kolb:

To approve the playground layout design for Pembroke Park and purchase of equipment through Landscape Structures, Inc. with Sourcwell cooperative purchase pricing in the amount of \$222,554.94, and the installation of the playground equipment, shade structure, and site amenities by Penchura, LLC in the amount of \$443,381.55 for a total purchase price of \$665,936.49.

In addition, to appropriate and amend the 2025-2026 budget as follows:

Park System Construction Fund

Revenues

Draw from Fund balance	408.0-000.000-400.0000	\$35,936.49
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Expenditures

Land Improvements	408.2-901.751-979.0000	\$35,936.49
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ROLL CALL VOTE

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

Nays: None

Recused: None

03-053-26 Retaining Walls along Brookside Avenue, Ravine Road, and Park Street

CE Coatta, CM Ecker, DPSD Zielinski, and CA Kucharek presented the item and answered questions.

Commissioners discussed the following regarding the item:

- The proposed design, which will look like a landscape wall, may not be in line aesthetically with the more historic context of this area.
- It is likely that the wall on private property will need to be shored up during the repair process.
- Residents in this area seem to be largely supportive of the proposed plans. They also value the existence of sidewalks in the neighborhood.
- It may not be necessary to continue discussing the minutia of this project since the Commission is a policy board.
- No residents that attended the resident meeting on this project raised concerns about the aesthetics of the retaining wall.
- There should be a consistent approach to special assessments in the City.
- While the appropriate split is not clear, it is challenging to understand why the City would not assess the affected homes at least in part for these repairs, since other homes throughout the City are assessed for similar repairs.
- If this project is not going to have a cost split between residents and the City, it might be most appropriate to only fix the most essential areas and to leave the rest be.
- It is possible to assess for this wall since its building was originally funded by special assessment before the adoption of the City Charter.
- These repairs benefit the homeowners because it prevents their homes from potentially shifting, they benefit the City because they allow a public sidewalk, and they benefit the City by helping to maintain the neighborhood character of little San Francisco.
- In the letter from the City Attorney in 1949 included in the agenda item, it indicated that residents' approval of the City Charter did not intend to assume financial responsibility for every improvement made before the Charter's adoption.
- Residents living on an improved road can still be assessed for sidewalk repairs. It is likely at

least appropriate to assess for the sidewalk repairs in this project.

- It is likely not possible to remove the wall and grade the hill in the majority of this area.
- Given that costs could increase if this project does not proceed, it may be appropriate to determine whether the project can occur and the cost split could be resolved at a later date.

MOTION: Motion by Long, seconded by Kolb:
To temporarily table this item.

VOICE VOTE

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

03-054-26 Closed Session Pursuant to MCL § 15.268, Sec.8(1)(e) of the Open Meetings Act

MOTION: Motion by Kozlowski, seconded by Longe:
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.

ROLL CALL VOTE

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

03-055-26 Closed Session Pursuant to MCL § 15.268, Sec.8(1)(d) of the Open Meetings Act

MOTION: Motion by Kolb, seconded by Long:
To meet in closed session pursuant to MCL § 15.268, Sec.8(1)(d) of the Open Meetings Act 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: Host, Kolb, Long, Kozlowski, Baller, Longe
Nays: None
Recused: None

The Commission entered into closed session at 10:06 p.m. and returned from closed session at 10:57 p.m.

03-059-26 Retaining Walls along Brookside Avenue, Ravine Road, and Park Street (CONT'D)

CA Kucharek presented the continuation of the item and answered questions.

Commissioners discussed the following:

- Given the City Attorney’s reading of the relevant ordinance, City administration should clarify whether Motion 03-049-26 is in compliance.
- Since the prices of oil and crude have increased recently, prices for construction projects are likely to increase as well. This project should not be re-bid as a result.
- This is an example of some of the challenges of the City’s present project approval process. The Commission was provided little information about this project prior to this meeting’s agenda packet, and has little room to disapprove of this project because of the potentially cascading effects on other City projects.
- The Commission is not able to carry out its deliberative role, to conduct appropriate due

diligence, and/or to raise and address issues when information on major projects is provided with relatively short notice.

- This is why increasing the City's capacity to spread this process out would be beneficial.
- This project was raised with the Commission during the City's 2025 Long Range Planning meeting. It was not broken out in either that fiscal year's budget or the following one. The Commission and the staff can work together to improve this process.
- The Engineering Department did an excellent job pulling historic resources together, creating the presentation and designs, and answering Commission questions.
- The engineering elements of this project raised no concerns. Since residents seemed satisfied with the wall design, that should raise less of a concern as well.
- Moving forward, the Commission should be provided with any materials provided to residents during residents' meetings at the time those meetings occur.

MOTION: Motion by Host, seconded by Kozlowski:

To make a motion adopting a resolution to proceed with the replacement of the existing retaining walls along Brookside Avenue, Ravine Road, and Park Street as part of the 2025 and 2026 Asphalt Resurfacing Program; and

Make a motion adopting a resolution to set the Public Hearing Date of Necessity for the replacement of staircases in the retaining wall meeting the requirements of assessments for all properties within the project area on Park Street, Brookside Avenue, and Ravine Road on April 13, 2026, at 7:00 p.m.; and

If necessity is determined on April 13, to meet on Monday, April 27, 2026, at 7:00 p.m., for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the replacement of staircases meeting the requirements for the assessments, for all properties with the project area within the project area of Park Street, Brookside Avenue, and Ravine Road.

Commissioners made the following comment regarding the motion:

- While concern for the aesthetics of the neighborhood was appreciated, residents were comfortable with the proposed designs.
- The City needs to come into compliance with the ADA for the grade of the sidewalk.

ROLL CALL VOTE

Ayes: Long, Host, Kolb, Kozlowski, Longe

Nays: Baller

Recused: None

Commission Items for Future Discussion

03-056-26 Short Term Rentals

MOTION: Motion by Host, seconded by Kolb:

To put on the agenda short term residential rentals in our neighborhoods.

Commissioners discussed the following regarding the motion:

- The motion may not be sufficiently specific for other Commissioners to understand the proposed topic.
- The Commission has thoroughly discussed the City's legal authority vis-a-vis short term rentals in the past.
- Short term rentals are addressed under the City's current ordinances.
- Some feel that short term rentals negatively impact the neighborhood and community experience and might negatively affect property values.
- If new information regarding short term rentals had arisen, there might be more support for this motion.
- It might be helpful in the future if Commissioners spoke individually with other Commissioners before raising an item in order to clarify the intent and gain support.

VOICE VOTE

Ayes: Host, Kolb

Nays: Long, Kozlowski, Baller, Longe

Recused: None

Commission discussion on items from a prior meeting

03-057-26

Discussion on Immigration Enforcement Actions

The Mayor said he wanted a presentation on 287G agreements.

MOTION: Motion by Baller, seconded by Longe:
To make this a full agenda item.

Public Comment

Danielle Mallon supported the motion, and supported following the law which would prohibit Immigration and Customs Enforcement (ICE) officials from being allowed in City property without a judicial warrant.

Stacy Schreiber concurred with Ms. Mallon and commented that other residents sent in emails about the matter.

Commissioners discussed the following regarding the motion:

- A 287G agreement is an agreement between a Police Department and ICE that a Police Department will report potential candidates for deportation to ICE when such candidates are encountered during routine policing activity.
- It would be up to the Police Department to agree or not agree to enter into a 287G agreement.
- The City does not presently have a 287G agreement.
- The City of Ferndale may have just passed a relevant resolution recently. This could be included in the presentation.

VOICE VOTE

Ayes: Host, Kolb

Nays: Long, Kozlowski, Baller, Longe

Recused: None

03-058-26

Birmingham Country Club Variances

MOTION: Motion by Baller, seconded by Long:

To make a motion to direct the City Manager to draft and pass a letter to Bloomfield Township's Supervisor as well as Bloomfield Township's Planning Director stating that the Birmingham Country Club variances will disrupt the peace and quiet of the residential neighbors.

Commissioners discussed the following regarding the motion:

- Commissioner Host offered to hand deliver the letter at the next meeting on the variances.
- It was unclear if Commissioner Host hand delivering the letter would be appropriate. Staff should be able to ensure that the letter is received by the intended recipients.

VOICE VOTE

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

Nays: None

Recused: None

9. REMOVED FROM CONSENT AGENDA

10. COMMUNICATIONS

- A. Communication regarding ICE
- B. Communications regarding the cape seal program
- C. Communication regarding trees
- D. Communication regarding street conditions and maintenance

11. REPORTS

- A. Commissioner Reports
 1. Notice of Intention to Appoint to the Housing Board of Appeals

B. Commissioner Comments

MPT Long noted recent resident issues with the Birmingham Post Office and asked whether the City could communicate with the Birmingham Postmaster to express concerns on behalf of residents.

C. Advisory Boards, Committees, Commissions' Report

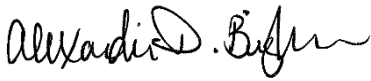
D. Legislation

E. City Staff

F. Information Only

12. ADJOURN

The Commission motioned to adjourn at 11:22 p.m.



Alexandria Bingham, City Clerk



Laura Eichenhorn, City Transcriptionist