

**Birmingham City Commission /  
Planning Board Workshop Session  
Monday, October 11, 2021**

**7:30 p.m.**

**851 S. Eton, Birmingham**

**Vimeo Link: <https://vimeo.com/event/3470/videos/623002279/>**

**WORKSHOP SESSION**

**This will be considered a workshop session. No formal decisions will be made. The purpose of this workshop format is to focus on problem definition and desired outcomes. Each commissioner will have an opportunity to share their perspective and thoughts on problems and possible solutions and engage the Planning Board for input. Citizens will have an opportunity to make public comment at the end of each new business item.**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Pierre Boutros called the meeting to order at 7:32 p.m.

**II. ROLL CALL**

Commission

ROLL CALL:

Present:

Mayor Boutros

Mayor Pro Tem Longe

Commissioner Baller

Commissioner Hoff

Commissioner Host

Commissioner Nickita

Commissioner Sherman

Planning Board

ROLL CALL:

Present:

Chair Scott Clein

Robin Boyle

Stuart Jeffares

Bert Koseck

Daniel Share

Janelle Whipple-Boyce

J. Bryan Williams

Nasseem Ramin, alternate

Absent:

Jason Emerine, alternate

Daniel Murphy, student

Jane Wineman, student

Administration: City Clerk Bingham, Planning Director Dupuis, Assistant City Manager Ecker, City Attorney Grochowski, City Manager Markus

**III. ITEMS FOR DISCUSSION**

Mayor Boutros explained the purpose of the joint workshop session and the meeting procedures that would be followed.

#### A. Food Trucks

PD Dupuis introduced the item.

There was general consensus that the topic of food trucks in Birmingham should be studied.

Commissioners Hoff and Nickita and Ms. Whipple-Boyce said the City should be careful to ensure food trucks do not create competition for the brick-and-mortar restaurants.

Commissioner Hoff recommended food trucks potentially be restricted to special events and Ms. Whipple-Boyce said food trucks might be better in parks outside of the downtown.

Commissioner Hoff said cleanliness around food trucks might also be an issue.

Mr. Jeffares said a local restaurateur had recently told him that food trucks would be beneficial to brick-and-mortar restaurants because they bring more people into Birmingham.

Commissioner Host said his intention with food trucks would be to provide a place for neighbors to meet each other and bond in the neighborhoods. He said he was not interested in having food trucks in the downtown area.

Commissioner Baller said the Planning Board should meet with a food truck operator to find out what it would take to have food trucks interested in operating in Birmingham.

Mayor Boutros agreed with Commissioner Baller, saying the City should ascertain whether food truck operators would be interested in operating in Birmingham.

Commissioner Nickita concurred with Mayor Boutros and Commissioner Baller about determining interest from food truck operators. He said the Planning Board should also determine what goals the City would be trying to meet by bringing in food trucks in order to know what the ordinance recommendations should be.

Both Mr. Jeffares and Mayor Pro Tem Longe said food trucks would be useful for people looking to get a smaller or less expensive meal while in Birmingham.

Mayor Pro Tem Longe said food trucks would benefit residents and also draw visitors to the City.

Mr. Jeffares cited the success of food trucks in Traverse City and Mayor Pro Tem Longe cited the success of food trucks in Detroit. Both noted that food trucks can incubate dining options that later become restaurants.

#### Public Comment

David Bloom said he was in favor of trialling food trucks in a few locations. He said speaking to food truck operators would also be appropriate. He said food trucks might be especially

appropriate on Mondays when brick-and-mortar restaurants are often closed. He also said he would not view them as encroaching into the neighborhoods.

A Birmingham resident stated he and his wife were food truck operators and could provide insight into what would be required to make Birmingham attractive for food truck operators.

Mayor Boutros recommended the aforementioned member of the public reach out to PD Dupuis to further discuss his experiences operating a food truck.

## B. Outdoor Dining

PD Dupuis introduced the item.

There was general consensus that full enclosures should not be permitted as part of an expansion of the outdoor dining standards.

Commissioner Nickita said he was in favor of finding ways to activate the streets in winter. He noted that there are occasionally warmer days in winter where dining outside would be pleasant.

Mr. Koseck said architectural standards and codes' impact on outdoor dining would require further study.

Commissioner Nickita recommended exploring how other local municipalities have interpreted and enforced building, plumbing, fire or other codes for winter outdoor dining. He stated that guardrails much shorter than 42 inches might suffice and asked the Planning Board to look into it further.

Mayor Pro Tem Longe, Commissioner Nickita and Mr. Jeffares concurred that snow clearing or similar needs could be figured out and should not be treated as an impediment to winter outdoor dining.

The Mayor Pro Tem said that restaurant staff might be willing to help clear the street in front of their restaurants.

Commissioner Baller stated that it was not the City's responsibility to legislate to protect certain kinds of dining establishments. He noted outdoor dining's overwhelming popularity per the Engage Birmingham survey and said it likely did not matter to residents whether a particular establishment was a bistro or Class C license holder. He said it was worth considering relaxing the bistro outdoor dining standards for the winter months since people are in favor of being able to dine outside.

Mr. Jeffares said he was not overly concerned with maintaining the distinction between Class C and bistro outdoor dining since colder temperatures would cause outdoor dining to be self-limiting regardless. He said if outdoor dining decks were not being used by an establishment during the winter they should be taken inside.

Mayor Pro Tem Longe and Mr. Boyle also both noted the overwhelming popularity of outdoor dining according to the Engage Birmingham survey and said it was the City's responsibility to

figure out how to deliver that option to residents. They both noted the importance of being responsive to feedback received.

Mr. Jeffares and Mayor Pro Tem Longe said the City needed to determine what it would do on November 15, 2021 while the study of outdoor dining standards was still on-going.

Mayor Boutros said it would be important to determine whether there is demand for winter outdoor dining from restauranteurs, especially in light of current staffing difficulties in the service industry.

Chair Clein noted that the Planning Board would not make changes to the distinction between bistro and Class C licenses since that falls under the Commission's purview. Consequently, he said the Planning Board was focusing on keeping them distinct while trying to determine what outdoor dining allowances would be appropriate. He stated that the decision about what to do for Winter 2021-2022 was a Commission one since the Planning Board would not have its ordinance recommendations ready by then.

Commissioner Baller said the Commission should discuss the matter of outdoor dining during Winter 2021-2022 during its next two meetings.

Commissioner Sherman said there could be temporary regulations for Winter 2021-2022.

Allowing decks to remain and allowing wind breaks were mentioned as possibilities for Winter 2021-2022.

Commissioner Hoff observed that dining establishments already had an option in the City for offseason outdoor dining and suggested that no changes be made for Winter 2021-2022. She said that perhaps the City could not charge for offseason licenses during this season only as a compromise.

CM Markus stated that the Birmingham Shopping District was in the process of collecting feedback from its members regarding the potential expansion of the outdoor dining standards.

Commissioner Baller said he did not want to see the outdoor dining standards stem the creativity of the restauranteurs too much.

Mr. Williams, Chair Clein, Mr. Jeffares spoke in favor of having some sort of trial period once the ordinance recommendations are determined. Mr. Jeffares specified that they would have to make clear to the restauranteurs that it would be a trial period.

CM Markus expressed concerns about the management and enforcement that will be required of Staff for trial periods.

Commissioner Baller said the City would have to ensure that the costs to the City are outweighed by the benefits.

Mr. Share said the Planning Board was not looking to guarantee all-weather dining.

Mr. Share, CM Markus and Commissioner Hoff all commented on the importance of preventing outdoor dining from encroaching beyond its permitted areas.

### Public Comment

Anthony Long said residents would need to know what outdoor dining might look like to provide relevant feedback. He recommended posting another survey to Engage Birmingham with descriptions. He also concurred with prior comments that the restaurateurs' interest in having outdoor dining needs to be ascertained. Mr. Long also recommended extending outdoor dining through the winter since Covid-19 remains an issue, and then soliciting further feedback from the public and restaurateurs then.

Mr. Bloom said it would be positive if the Planning Board could recommend temporary standards for Winter 2021-2022. He said the City should also consider two sets of outdoor dining standards: one for normal circumstances and one for ongoing Covid-19 issues.

### C. 2040 Master Plan Update

PD Dupuis introduced the item.

Chair Clein, Mr. Williams and Commissioner Baller all noted that the Planning Board was presently working with the second draft of the master plan, and not with a finalized document.

Commissioner Nickita said the Planning Board should pay specific attention to what changed between the first and second drafts.

PD Dupuis confirmed that would be the case.

Commissioner Baller said more attention should be paid to the presentation of the Master Plan, including keeping maps on one page and with legible street names. He said the presentation should make it easy for residents to review.

In reply to Mr. Share, PD Dupuis said that in addition to speaking at Planning Board meetings members of the public could submit feedback on the Master Plan directly to staff or at [thebirminghamplan.com](http://thebirminghamplan.com).

Mr. Williams encouraged the public to attend Planning Board meetings and submit feedback. He said there were likely to be a number more changes before review of the second draft is completed.

Mr. Boyle noted Commissioners Nickita, Sherman and Hoff were stepping down in November and acknowledged them for their contributions to the City.

### Public Comment

Mr. Bloom said he would like to see redline maps to see what how the maps changed from draft one to draft two. He expressed concern about some of the draft's recommendations and said he wanted to make sure they would all be thoroughly vetted. He said he also wanted to ensure that residents' concerns about the draft would be taken into account.

**IV. PUBLIC COMMENT**

Occurred during the discussion of each item.

**V. ADJOURN**

Seeing no further comment, Mayor Boutros adjourned the meeting at 9:13 p.m.

*Alexandria D. Bingham*

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Alexandria Bingham, City Clerk  
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