

**Birmingham City Commission Minutes**  
**April 15, 2024**  
**Municipal Building, 151 Martin**  
**7:30 p.m.**  
Vimeo Link: <https://vimeo.com/935151470>

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

Elaine McLain, Mayor, opened the meeting with the Pledge of Allegiance.

**II. ROLL CALL**

City Clerk Bingham called the roll.

Present: Mayor McLain  
MPT Schafer  
Commissioner Baller  
Commissioner Haig  
Commissioner Host  
Commissioner Long  
Commissioner Longe

Absent: None

Staff: City Manager Ecker; City Clerk Bingham, Assistant City Manager Clemence, Assistant City Engineer Coatta, Planning Director Dupuis, Assistant City Manager Fairbairn, Police Chief Grewe, City Attorney Kucharek

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

**Announcements**

- Proclamation for Rotary Club 100 years.
- Residents are invited to participate at the Parks and Recreation Board Meeting on Tuesday, May 7 at 6:30 p.m. at the Department of Public Services to provide feedback on preliminary design work for the Booth Park Entry Plaza and Trail Improvements project. Those who cannot attend may still provide feedback during the month of May via an online survey coming soon on Engage Birmingham at [engage.bhamgov.org](https://engage.bhamgov.org). Sign up to receive notifications about this and other parks and recreation projects at [bhamgov.org/enews](https://bhamgov.org/enews).
- Please join us for our annual Arbor Day Celebration this month on Arbor Day, Friday, April 26th at 4:15 p.m. near the Quarton Elementary School tennis courts at the corner of Oak Street and N. Glenhurst Drive. We will celebrate our 46th year as a Tree City USA and Quarton School students will participate in a short program and help plant a new tree, a Hackberry, which is native to Michigan. All are welcome to attend and parking is available at Quarton Elementary School for this event only.

**Appointments**

**04-107-24 Housing Board of Appeals**

Nadim Yahchouchi was interviewed by the Commission.

There was a discussion regarding potential conflicts of interest and quorum issues. It was requested that staff return with further guidance on the matter.

**MOTION:** Motion by Commissioner Host, seconded by Commissioner Long:  
To postpone the confirmation of the nomination.

VOICE VOTE: Ayes, Commissioner Baller  
MPT Schafer  
Commissioner Longe

Commissioner Haig  
Commissioner Host  
Mayor McLain  
Commissioner Long

Nays, None

**04-108-24 Public Arts Board**

Kristin Lewis was interviewed by the Commission.

**MOTION:** Nomination by Commissioner Long:  
To appoint Kristin Lewis to the Public Arts Board to serve as an alternate member for the remainder of a three-year term to expire January 28, 2025.

VOICE VOTE: Ayes, Commissioner Baller  
MPT Schafer  
Commissioner Longe  
Commissioner Haig  
Commissioner Host  
Mayor McLain  
Commissioner Long

Nays, None

CC Bingham swore in Ms. Lewis.

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

**V. CONSENT AGENDA**

**04-109-24 Consent Agenda**

**MOTION:** Motion by Commissioner Host, seconded by Commissioner Longe:  
To approve the Consent Agenda.

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

Nays, None

- A. Resolution to approve the warrant list, including Automated Clearing House payments, dated April 11, 2024 in the amount of \$790,000.49.
- B. Resolution to support statutory revenue sharing reform and support the adoption of State of Michigan House Bills 4274 and 4275.
- C. Resolution to set the Public Hearing of Necessity of installing new pavement meeting the requirements for assessment, for all properties within the project area on Pierce Alley, from Merrill Street to Pierce Street, and West Maple Alley, from Henrietta Street to Pierce Street on Monday, May 6, 2024 at 7:30 P.M.; and

If necessity is determined on May 6, 2024, to meet on Monday, May 20, 2024, at 7:30 P.M., for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the new pavement installation meeting the requirements for assessment, for all properties within the project area on Pierce Alley, from Merrill Street to Pierce Street, and West Maple Alley, from Henrietta Street to Pierce Street.

- D. Resolution to set the Public Hearing of Necessity for the road surface cape seal treatment meeting the requirements for assessment, for all properties within the project area on N. Worth Street from Rivenoak to Kennesaw and Knox to Maple, Rosedale Avenue from Oakland to Rivenoak, Oakdale Avenue from Oakland to Ridgedale, Oxford Drive from Madison to Rivenoak, Lawndale Avenue from Madison to Oakland, Chestnut Street from Elm to Adams, Hazel Avenue from Elm to Adams, Worthington Avenue from Southfield to Latham, Wakefield Drive from Southfield to Latham and Latham to Norfolk, and Southlawn Drive from Southfield to Latham on Monday, May 6, 2024, at 7:30 P.M.; and

If necessity is determined on May 6, 2024, to meet on Monday, May 20, 2024, at 7:30 P.M., for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the new pavement installation meeting the requirements for assessment, for all properties within the project area on N. Worth Street from Rivenoak to Kennesaw and Knox to Maple, Rosedale Avenue from Oakland to Rivenoak, Oakdale Avenue from Oakland to Ridgedale, Oxford Drive from Madison to Rivenoak, Lawndale Avenue from Madison to Oakland, Chestnut Street from Elm to Adams, Hazel Avenue from Elm to Adams, Worthington Avenue from Southfield to Latham, Wakefield Drive from Southfield to Latham and Latham to Norfolk, and Southlawn Drive from Southfield to Latham.

## **VI. CITY MANAGER'S REPORT**

CM Ecker and CE Coatta presented information regarding the City's infrastructure improvement process.

CM Ecker then presented the City Manager's report. Staff answered informational questions from the Commission.

Commissioners' comments were as follows:

- Future parking reports should reflect when each deck is most full and the time at which that occurs, information on permits, an abbreviated profits and loss statement, and an eventual future comparison of the parking system finances under SP+ versus under the City's management.
- There might be a way to standardize the input data for these reports to get a readable graphic out.
- There are many board and committee vacancies and an application for the positions is available online.
- In the interest of community safety, the City regularly inspects trees and removes damaged and/or otherwise unsafe ones.
- The City Manager deserved commendation for visiting the Multi Modal Transportation Board to thank them for their service and to seek their input.
- The City complies with and regularly exceeds the minimum legal noticing requirements, and residents with further questions are encouraged to contact the City for further information.
- Minutes and recordings of meetings are also available online for public review, and residents with any questions about specific topics are encouraged to review those sources as well.

## **VII. UNFINISHED BUSINESS**

## **VIII. NEW BUSINESS**

### **04-110-24 Public Hearing – 34244 Woodward – Papa Joe's/Bistro Joe's – Special Land Use Permit Review**

The Mayor opened the public hearing at 8:58 p.m.

PD Dupuis presented the item.

Kelly Allen, attorney, spoke on behalf of Tony Curtis, owner of Papa Joe's/Bistro Joe's.

Seeing no public comment, the Mayor closed the public hearing at 9:04 p.m.

Staff answered informational questions from the Commission.

Commissioners' comments were as follows:

- Mr. Curtis' explanation was satisfactory, and since Papa Joe's/Bistro Joe's had not been cited for excess seating before, a Memorandum of Understanding may not be necessary.
- The discussion of a Memorandum of Understanding and the site visit seem to have communicated the seriousness of the concern to Papa Joe's/Bistro Joe's management.
- This citation was for a significant number of excess seats.
- During the Covid-19 pandemic, Papa Joe's/Bistro Joe's was in front of the Commission for other issues, and so it would be most appropriate to proceed with a Memorandum of Understanding.

**MOTION:** Motion by Commissioner Haig, seconded by Commissioner Host:  
To add the Memorandum of Understanding to the Special Land Use Permit for Bistro Joe's/Papa Joes.

Public Comment

Ms. Allen commented regarding the motion.

ROLL CALL VOTE: Ayes, Commissioner Baller  
Commissioner Longe  
Commissioner Haig  
Commissioner Host

Nays, MPT Schafer  
Mayor McLain  
Commissioner Long

**04-111-24 Public Hearing – 245 S. Eton – Big Rock Italian Chophouse – Special Land Use Permit Amendment, Final Site Plan & Design Review**

The Mayor opened the public hearing at 9:21 p.m.

PD Dupuis presented the item.

Mark Knauer, architect, spoke on behalf of Big Rock Italian Chophouse.

Seeing no public comment, the Mayor closed the public hearing at 9:25 p.m.

Staff and Mr. Knauer answered informational questions from the Commission.

**MOTION:** Motion by Commissioner Long, seconded by Commissioner Host:  
To approve the Special Land Use Permit Amendment, Final Site Plan and Design Review application for 245 S. Eton – Big Rock Italian Chophouse.

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

Nays, None

**04-412-24 Rear Yard Road Assessment from Unimproved to Improved Road Assessment Policy (Part I)**

CE Coatta presented the item and Staff answered informational questions from the Commission.

Commissioner Baller noted that he had been advised that he could participate in this discussion because it pertained to City-wide policy and not Arlington and Shirley in particular.

Commissioners' comments were as follows:

- Equity should be taken into account when considering whether to assess a property with both front and rear frontage on a road being converted from an unimproved road to an improved road.
- It may be appropriate not to assess a property with rear frontage on a road being converted from an unimproved road to an improved road unless said property has a driveway exiting onto said road.
- It might be most appropriate to treat rear frontages on a road being converted from an unimproved road to an improved road the same as side frontages on a road being converted from an unimproved road to an improved road.
- The City should declare the land deeded to the City as being in the right of way at a future meeting.

**MOTION:** Motion by Commissioner Host, seconded by Commissioner Haig:  
To establish a policy to exempt rear yard frontages for all residential properties from special assessment when the rear yard fronts a road being converted from an unimproved road to an improved road.

Commissioners' comments were as follows:

- Since this policy would apply to so few homes in the City, it may be most prudent to exempt properties from special assessment when the rear yard fronts a road being converted from an unimproved road to an improved road.
- It was not clear how side and rear frontages were being differentiated in this matter. The motion also does not address a possible difference represented by homes with driveway access on both front and rear sides.
- Approving this motion may be creating more inequitable circumstances for people who had previously paid special assessments for corner lot properties.
- The differences in benefits for side or rear yard frontage improvements may warrant different policy treatments. A property with rear driveway access may also warrant a different policy treatment.
- It would be possible for a home to have front, side, and rear frontages on roads being converted from unimproved roads to improved roads at different times.

#### Public Comment

John Smith made a comment regarding whether this project would represent a benefit for homes that have their water and sewer infrastructure on Linden.

Barbara Heller commented that her home with rear frontage on Shirley would not derive benefit from the project since her driveway is on Linden.

ROLL CALL VOTE: Ayes, Commissioner Haig  
Commissioner Host

Nays, MPT Schafer  
Mayor McLain  
Commissioner Long  
Commissioner Baller  
Commissioner Longe

Commissioner Baller then made a motion to establish a policy which would assess all residential properties that had rear yards located on a road being converted from an unimproved road to an improved road at 25% the long foot costs for the rear yard frontage. The motion died for lack of a second.<sup>1</sup>

### **04-413-24 Rear Yard Road Assessment from Unimproved to Improved Road Assessment Policy (Part II)**

Staff answered informational questions from the Commission.

**MOTION:** Motion by Commissioner Longe, seconded by Commissioner Baller:  
To establish a policy to assess all residential properties that have rear yards located on a road being converted from an unimproved road to an improved road at 25% of the long-foot costs for the rear yard frontage, if and only if that yard has a legally allowed driveway access over City

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<sup>1</sup>As amended at the May 6, 2024 meeting.

property to the road that is being improved at the time of the creation of the special assessment district during the hearing of necessity and confirmation of the roll.

ROLL CALL VOTE:   Ayes,   Commissioner Longe  
  Commissioner Host  
  Commissioner Long  
  MPT Schafer  
  Mayor McLain

                                  Nays,   Commissioner Haig  
  Commissioner Baller

**Commission Items for Future Discussion**

**04-414-24   Making Deeded Portions Referenced During Item 04-112-24 Into Part of the Right of Way**

**MOTION:**                    Motion by Commissioner Baller, seconded by Commissioner Host:  
Move to discuss property that is owned by the City on Shirley Road that is not currently designated as Right of Way.

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

                                  Nays,   None

**Commission Discussion On Items From A Prior Meeting**

**VIII.   REMOVED FROM CONSENT AGENDA**

**IX.    COMMUNICATIONS**

A. Shirley & Arlington Letters

Commissioner Baller recused himself due to his residence in the project area and left the room at 10:37 p.m.

Jim Mirro and David Mendelson commented on Shirley and Arlington.

Commissioner Baller rejoined the meeting at 10:45 p.m.

**X.    REPORTS**

- A. Commissioner Reports
  - 1. Notice of intention to appoint to the Historic District Study Committee
  - 2. Notice of intention to appoint to the Board of Ethics
- B. Commissioner Comments

MPT Schafer noted the Birmingham Youth Assistance 'Youth in Service' Award ceremony would be held on April 24, 2024.

Commissioner Long commented regarding fire safety on Arlington and Shirley and also on the Commission's infrastructure improvement process.

Commissioner Baller recused himself during Commissioner Long's comment due to his residence in the project area and left the room at 10:46 p.m. He rejoined at 10:49 p.m.

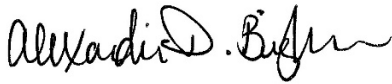
The Mayor commented on her conversation with Michigan Secretary of State Benson, the Oakland County election safety tabletop exercise, FirstNet AT&T priority phones, and the discussion of Woodward noise at the South Oakland County Mayors Association Dinner. She encouraged residents to continue their use of the GovAlert app to report concerns.

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

INFORMATION ONLY

<b>XI. ADJOURN</b>
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The Commission motioned to adjourn at 10:53 a.m.



Alexandria Bingham, City Clerk



Laura Eichenhorn, City Transcriptionist