

**VIRTUAL MEETING OF THE ADVISORY PARKING COMMITTEE**

**WEDNESDAY, December 2, 2020 @ 7:30am**

**<https://zoom.us/j/92518167982> or dial: 877 853 5247 US Toll-free, Meeting ID: 92518167982**

1. Roll Call
2. Introductions
3. Review of the Agenda
4. Approval of Minutes, Meeting of November 4, 2020
5. City Attorney Memo
6. Request to be included in the Parking Assessment District
7. Meeting Open to the Public for items not on the Agenda
8. Miscellaneous Communications
9. Next Meeting – January 6, 2020 @ 7:30am
10. Adjournment

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Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-5115 (for the hearing impaired) at least one day before the meeting to request help in visual, hearing, or other assistance.

Las personas con incapacidad que requieren algún tipo de ayuda para la participación en esta sesión pública deben ponerse en contacto con la oficina del escribano de la ciudad en el número (248) 530-1800 o al (248) 644-5115 (para personas con discapacidad auditiva) un día antes de la reunión para solicitar ayuda a la visual, auditiva, o de otras asistencias. (Title VI of the Civil Rights Act of 1964).

City of Birmingham  
ADVISORY PARKING COMMITTEE  
REGULAR MEETING

Held Remotely Via Zoom And Telephone Access  
Wednesday, November 4, 2020

**MINUTES**

These are the minutes of the Advisory Parking Committee ("APC") regular meeting held on Wednesday, November 4, 2020. The meeting was called to order at 7:32 a.m. by Chairman Al Vaitas.

1. Rollcall

**Present:** Chairman Al Vaitas  
Vice-Chairwoman Gayle Champagne  
Richard Astrein  
Steven Kalczynski  
Judith Paskiewicz  
Lisa Silverman  
Jennifer Yert

**Absent:** Anne Honhart  
Lisa Krueger

**SP+ Parking:** Catherine Burch  
Sarah Burton  
Jay O'Dell

**Administration:** Scott Grewe, Patrol Commander  
Mike Albrecht, Police Commander  
Eric Brunk, IT Director  
Laura Eichenhorn, Transcriptionist

2. Recognition Of Guests

None.

3. Review of the Agenda

No changes.

4. Approval Of Minutes: Meeting Of October 7, 2020

Chairman Vaitas noted that 'Chairwoman' on the first page of the minutes should be amended to read 'Chairman'.

Dr. Silverman noted she was absent from the October 7, 2020 meeting and asked that the minutes be updated to reflect her absence.

**Motion by Mr. Astrein**

**Seconded by Ms. Champagne to approve the minutes of the regular APC meeting of October 7, 2020 as amended.**

**Motion carried, 6-0.**

**ROLL CALL VOTE**

**Yeas: Astrein, Vaitas, Champagne, Kalczynski, Yert, Paskiewicz**

**Nays: None**

**Abstain: Silverman**

5. Parking Meter Update

Pol. Cmdr. Albrecht provided the update.

In reply to Committee inquiries, Pol. Cmdr. Albrecht said:

- Maple Road should be reopening soon. He had not yet received a precise date from the Engineering Department.
- The display on the new meters is bigger and so should be easier to read than the previous meters.
- The new meters are operating more quickly than the previous meters due to new SIM cards with more network coverage.

6. ADA Compliance Review

Ptrl. Cmdr. Grewe reviewed the item.

The Committee commended the Ptrl. Cmdr. for the quality of the review.

In reply to Dr. Paskiewicz, Ptrl. Cmdr. Grewe stated that the City does not ticket vehicles that back into ADA spots since different vehicles have different ADA entrance and exit needs.

**Motion by Mr. Astrein**

**Seconded by Ms. Yert to move the 6 non-compliant ADA parking spaces in the open lot of the N. Old Woodward structure to the first level of the structure along the east wall, and to paint all non-ADA parking stalls in all City parking structures white.**

**Motion carried, 7-0.**

**ROLL CALL VOTE**

**Yeas: Astrein, Yert, Champagne, Paskiewicz, Kalczynski, Vaitas, Silverman**

**Nays: None**

7. Reduced Rate Parking

Ptrl. Cmdr. Grewe reviewed the item. He stated that BSD Director Ingrid Tighe recommended continuing the reduced rate parking in order to: support businesses during the holiday season, support businesses during the traditionally slow retail months of January, February, and March, and support businesses in light of the Covid-19 pandemic.

Mr. Astrein and Chairman Vaitas recommended free parking in the structures be continued through March 31, 2021. Both noted that small business owners usually pay for their employees' parking passes, and that with revenue down it would be tremendously helpful to not have to pay those fees for a bit longer. They also concurred with BSD Director Tighe's list of reasons for recommending that parking in the decks remain free until the end of March 2021.

There was limited discussion of possibly reducing some charges for parking in the decks while not eliminating all of the charges.

Mr. Astrein stressed what a detrimental impact Covid-19 is having on the retail environment, and said charging no fees through the end of March 2021 was the only prudent decision.

SP+ reported that about 220 parking passes had been recently relinquished, largely by corporate pass holders. He said SP+ was now working through the list of individual pass holders to see if they wanted to retain their passes.

SP+ reported the decks have had an average occupancy of 30%, with Pierce showing a bit more at 50%.

Ms. Champagne said the impact on the City would likely be relatively little if charges for the parking decks remained suspended until March 31, 2021. She said that if that would help support the City's businesses, it would be the right option.

SP+ asked whether people coming off the parking permit waiting list should be charged the \$100 fee to hold the permits.

There was APC consensus that it would be appropriate to charge the new passholders the one-time \$100 fee in order to ensure their interest in retaining the passes.

**Motion by Mr. Astrein**

**Seconded by Ms. Champagne to recommend to the City Commission that free parking in the structures remain in effect beginning January 1, 2021 and continue through March 31, 2020.**

**Motion carried, 7-0.**

**ROLL CALL VOTE**

**Yeas: Astrein, Champagne, Paskiewicz, Kalczynski, Yert, Vaitas, Silverman**

**Nays: None**

8. Master Plan Review

Chairman Vaitas said most master plan matters concerning the APC had been discussed at previous APC meetings. He noted the only topic left to potentially discuss had been some concerns on the part of one APC member regarding residential parking issues.

Ptrl. Cmdr. Grewe advised the APC that the topic of residential parking is outside the scope of the APC as a committee. He stated that if individual APC members had concerns about residential parking in the master plan they should submit those comments as members of the public to the master planning team or to Planning Director Ecker. He stated that both the master planning team and the Planning Department are still actively soliciting feedback from the public regarding all aspects of the master plan.

Drs. Silverman and Paskiewicz suggested that the 'Committee comments' listed in former Assistant City Manager Gunter's June 3, 2020 memo were a compilation of ideas, questions and concerns from individual Committee members. They opined that the list should not be taken as a set of formal recommendations agreed on by the Committee as a whole.

Chairman Vaitas said he recalled the APC discussing and agreeing, at least informally, on the comments listed in the June 3, 2020 memo.

9. Meeting Open to the Public for items not on the Agenda

Given some uncertainty on the part of some APC members, Ptrl. Cmdr. Grewe said he could put together a review of Open Meetings Act requirements for a future meeting. In particular, there was debate as to whether the OMA prohibits:

- Informal conversations between individual APC members whose numbers do not reach quorum; or,
- Informal conversations between an individual APC member and an individual member of another board or Commission.

In reply to Dr. Paskiewicz, Ptrl. Cmdr. Grewe stated that whenever the Commission reviews an item that was previously reviewed by the APC the Commission is provided with a memo that summarizes the APC's recommendation and is also provided with the minutes of the relevant APC discussion.

There was APC consensus that a joint meeting between the APC and Commission would be beneficial. Members of the APC said they wanted clarity regarding the Commission's priorities for the APC. One of the questions the APC would like clarity on is whether the APC's focus should be more on increasing and stewarding the balance of the Parking Fund or to providing parking downtown as a service.

Dr. Paskiewicz expressed concern that parking items sometimes go before the City Commission without having been reviewed by the APC. She stated the design of the potential parking management study was an example of an item the APC should have been asked to provide feedback on.

Advisory Parking Committee Proceedings  
November 4, 2020

Ptrl. Cmdr. Grewe stated he would take the request for a joint meeting to the City Manager.

Ptrl. Cmdr. Grewe and the APC acknowledged Ms. Champagne's resignation of her position on the Committee. They thanked Ms. Champagne for her service.

Ptrl. Cmdr. Grewe noted that with Ms. Champagne's resignation there are now three vacancies on the APC. He encouraged the Committee members to reach out to other members of the community who may be interested in joining.

10. Miscellaneous Communications
11. Next Meeting: Wednesday, December 2, 2020
12. Adjournment

No further business being evident, the meeting adjourned at 9:30 a.m.

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Patrol Commander Scott Grewe

## MEMORANDUM

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**DATE:** November 17, 2020

**TO:** Commander Scott Grewe

**FROM:** Mary M. Kucharek

**SUBJECT:** APC MEETINGS AND THE OMA

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There have been issues and questions raised by the APC involving the Open Meetings Act and City Commissioners. The first question is whether a City Commissioner may attend a committee meeting. The simple answer is "yes." In fact, there are many communities whose committees are comprised of boards which include commissioner/council members. As long as there is not a quorum of the City Commission present then there is no violation of the OMA. Furthermore, the OMA does not prohibit the attendance of Commissioners. A City Commissioner that attends a committee meeting and speaks to committee members does not violate the OMA in and of itself.

The second question was whether members from the committee, including a commissioner, may speak to individual members of a committee. An informal canvass by one member of a public body to find out where the votes would be in a particular issue does not violate the OMA. What can violate the OMA is if decisions are made during the individual discussions or if there are deliberations made in the discussions with an attempt to avoid the public meeting and speaking openly in front of the public.

The third question is whether the OMA applies to ad hoc committees such as the APC. The general rule is that the OMA does not apply to committees composed of less than a quorum of the full public body, if they are merely advisory or only make recommendations to the governmental authority. However, if the committee makes decisions and takes those decisions then to the governmental body without a full discussion and rather is almost making a quasi-decision for the City Commission to act upon, then that activity could in fact subject them to the OMA. Let me give an example. If a committee was formed in order to discuss monkey bars for a playground, and the committee did its research and at the end determined there were three different companies that made three different monkey bars and put together a presentation to the governmental authority to describe their options and then say here is our recommendation, but yet allowing the governmental body to make the final decision, that sort of behavior would not fall under the OMA because it is in fact advisory only, and not making a decision. On the other hand, if the same research was conducted and the committee chose one monkey bar and then went to the governmental authority and said here is the one that we picked and here is the one you should approve, then they have deliberated and have made decisions affecting the public, and, therefore, that type of activity would in fact be subject to the OMA.

In conclusion, Commissioners, as long as not a quorum, may attend committee meetings. Individual members may talk with each other and discuss items of interest, but those discussions cannot have decisions or deliberations. Finally, the OMA may apply to a committee if that

committee is in fact making final decisions for presentation to the governmental authority for adoption or acceptance of their recommendation.

I hope this has been helpful. If you have any further questions, please do not hesitate to contact me. I would also be happy to meet with the APC to discuss the implications of the OMA further.





## MEMORANDUM

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**DATE:** November 24, 2020

**TO:** Advisory Parking Committee

**FROM:** Cmdr. Scott Grewe, Police Department

**SUBJECT:** Request by The Pearl (856 N. Old Woodward)

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The City has received a request from the property owner at 856 N. Old Woodward, The Pearl, to be part of the Parking Assessment District. Frank R. Simon of FLS Properties #5, LLC submitted a letter with a request to be part of the Assessment District (see attached).

Currently, the Parking Assessment District ends at the property bordering the south side of The Pearl. Adding The Pearl into the district would be a seamless continuation of the existing border.

If The Pearl becomes part of the Parking Assessment District, they will have the benefit of being able to purchase monthly parking permits at any structure at their normal price. Those outside of the district are asked to pay double. Also, once a property have become part of the district, all commercial uses are exempt from the parking requirements contained in the zoning ordinance. All residential uses are still required to provide parking on site.

Finance Director, Mark Gerber, prepared a memo and spreadsheet identifying the assessment fee that would be charged to The Pearl to become part of the assessment district (see attached).

**Suggested Recommendation:**

To approve the request by The Pearl and FLS Properties #5, LLC to be part of the Parking Assessment District.

**FLS PROPERTIES #5, LLC**

P.O. BOX 689  
BLOOMFIELD HILLS, MICHIGAN 48303  
TELEPHONE: 248-680-1401  
FACSMILIE 248-720-0293

November 13, 2020

Cmdr. Scott Grewe  
Birmingham Police Dept.  
151 Martin Street  
Birmingham, MI 48009

Re: The Pearl, 856 N. Old Woodward – Request for Parking Assessment District  
Inclusion Application

Dear Cmdr. Grewe:

Please accept this letter as our formal request for an application for the parking spaces located at/around The Pearl at 856 N. Old Woodward to be included in the Parking Assessment District in that particular area of Birmingham.

Thank you in advance for your time and consideration. I look forward to receiving the parking assessment district inclusion application and proceeding in the process for approval of same.

Very truly yours,

FLS PROPERTIES #5, LLC



Frank R. Simon

cc: Joe Valentine  
Mayor Pierre Boutros



# MEMORANDUM

Finance Department

**DATE:** November 18, 2020  
**TO:** Scott Grewe, Operations Commander  
**FROM:** Mark Gerber, Director of Finance/Treasurer  
**SUBJECT:** 856 N. Old Woodward Parking Assessment District Fee

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Per your request, I have calculated the fee that would need to be paid in order for 856 N. Old Woodward were to be added to the parking assessment district. The parking assessment fee is based on the amounts and methodology that were in effect at the time the original special assessment for each structure was assessed. This is the same process that has been applied for other properties that have joined the parking assessment district.

There are 3 factors that determine the cost of the assessment: parking demand, merchandising, and distance.

The parking demand is determined based on the zoning ordinance requirements. The total demand for 856 N. Old Woodward retail space is 40 which is a low demand so they get a factor of 1.

The merchandising factor is determined by the distance the building is from the Maple/Old Woodward intersection. The thought here is that the closer to the center of the business district you are the more likely you will be to generate parking demand. 856 N. Old Woodward is the furthest building from this intersection, therefore, it gets a rating of 1.

The distance factor is determined by the distance the building is from a particular parking structure. The closer your business is to a structure the more likely it will be used by your customers. 856 N. Old Woodward is also the furthest building from any parking structure, so it gets a rating of 1.

The total special assessment is allocated between the following categories: building frontage 25%, land square footage 25%, and existing business square footage 50%. Each of the factors above are multiplied by the individual building frontage, land square footage, and existing business square footage categories to come up with a weighted amount per category. The total amount of the special assessment per category is divided by the total weighted amounts for each category to come up with a weighted dollar amount per frontage or square foot. The individual property's measurements are multiplied by these weighted dollar amounts to come up with the special assessment for the property.

Based on this process, the amount that would be required is \$2,524.

ATTACHMENTS:

1. 856 N. Old Woodward parking assessment fee per structure.

Parking Assessment District Inclusion Estimate for a portion of Parcel # 19-25-376-079 at the intersection  
 Assumes Front Footage of 135 feet and Building Area of 49,000

<b>Parcel ID Address Taxpayer of Record</b>	<b>Business Use</b>	<b>Land Frontage</b>	<b>Land Area</b>	<b>Present Demand Factor</b>	<b>Floor Area Ratio</b>	<b>Potential Additional Building Area</b>	<b>Potential Parking Demand Factor</b>
<b>N Old Woodward</b>							
19-25-328-001		152					
856 N. Old Woodward			24,730				
<b>City of Birmingham</b>	Retail			4,445		0	40
					4,445		
<b>Pierce Street</b>							
19-25-328-001		152					
856 N. Old Woodward			24,730				
City of Birmingham	Retail			4,445		0	40
					4,445		
<b>Park Street</b>							
19-25-328-001		152					
856 N. Old Woodward			24,730				
City of Birmingham	Retail			4,445		0	40
					4,445		
<b>Peabody</b>							
19-25-328-001		152					
856 N. Old Woodward			24,730				
City of Birmingham	Retail			4,445		0	40
					4,445		
<b>Chester Street</b>							
19-25-328-001		152					
856 N. Old Woodward			24,730				
City of Birmingham	Retail			4,445		0	40
					4,445		



Current Special Assessment	Deferred Special Assessment	Current Special Assessment
49		
61		
0		
	0	110
67		
86		
0		
	0	153
294		
370		
2		
	0	666
329		
406		
27		
	0	762
358		
446		
29		
	0	833

**TOTAL** 2,524













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