

**OSHTEMO CHARTER TOWNSHIP  
DOWNTOWN DEVELOPMENT AUTHORITY  
BOARD OF DIRECTORS**

**MINUTES OF MEETING HELD MARCH 22, 2012**

The Oshtemo Charter Township Downtown Development Authority (DDA) Board of Directors held a regular meeting on Thursday, March 22, 2012. The meeting was called to order at approximately 12:00 p.m. at the Oshtemo Community Center at 6407 Parkview Avenue.

Members of the Board of Directors present: Bruce Betzler, Tom Brodasky, Jay Brown, Libby Heiny-Cogswell, Michael Lutke, Fred Gould, Ron Zuiderveen, Glenn Steeg, Jack Siegel, and Chip Everett.

Members of the Board of Directors absent: Terry Schley, Kathleen Garland-Rike, Andy Wenzel, and Stephen Dallas.

Also present was James W. Porter, Township Attorney, and Greg Milliken, Interim Planner.

Approve Agenda

The meeting was called to order at approximately 12:00 p.m. by Chairman Betzler. The Chairman asked for approval of the agenda. Mr. Lutke moved to approve the agenda, as submitted. Ms. Heiny-Cogswell seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

Approval Minutes

The Chairman said the next item on the agenda was approval of the minutes of January 19, 2012. Mr. Brown made a motion to approve the minutes, as submitted. Mr. Steeg seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

Treasurer's Report

Mr. Brown indicated that the Treasurer's Report included in the packets was incomplete and did not provide all information necessary. Mr. Milliken stated he would work with Mr. Brown to provide the desired information for future meetings. He indicated that the reports included with the packets provided the information for December and January, which are as up to date as possible. The January report shows a current fund balance for the DDA of \$584,572.

Ms. Heiny-Cogswell pointed out the footnote at the bottom of the January report stating that the estimated tax capture for 2012 is \$95,000.

## ITC Project

The Chairman indicated that he had discussed the ITC project and any updates or progress since the last DDA meeting with Mr. Wenzel. He reminded the DDA that there was significant discussion and participation by residents along the proposed corridor at the January DDA meeting.

Mr. Porter described a draft resolution he prepared in opposition to the proposed ITC project for the DDA to use and approve if they desire. It can be approved as written or modified to fit their needs. The resolution opposes any work conducted by the utility that is not underground within the downtown area.

Ms. Heiny-Cogswell stated that ITC has not officially done anything. They have not applied to the Township or the State. Mr. Porter reiterated saying that there is no rush to pass this, but it may be helpful to get the DDA's position on the books.

A citizen representative of the NICE Group indicated that the group has been made aware that individual property owners have been provided numbers of what ITC would be willing to pay for easements and in some cases acquisition contracts. There is activity taking place, and the urgency may be there. ITC has acquired right of entry on 70% of the properties, and they have indicated verbally that they are preparing estimates of the cost of underground installation, primarily for argument purposes against the requirement for such action.

Ms. Heiny-Cogswell asked about referencing DDA documents calling for buried cable in the resolution. Mr. Porter suggested adding the form based code from the Zoning Ordinance to the resolution language.

Chairman Betzler said that there are a couple of key people that have been a part of the discussions regarding this project and should be a part of the discussion on this resolution. He believed perhaps this should be tabled until they can participate, and if a special meeting needs to be held, it can be.

Mr. Milliken was asked to send an email with the draft, amended resolution to all of the DDA Board members and ask whether they want to call a special meeting to consider this issue or take it up at the next Board meeting.

Ms. Heiny-Cogswell asked if it matters if this is adopted by the DDA before or after a submittal by ITC. Mr. Porter indicated that it did not matter as this is just the DDA taking a position on the issue.

Ms. Heiny-Cogswell confirmed that she should abstain. Mr. Porter agreed saying that the Board should remain impartial.

Mr. Brown made a motion to table the resolution and future discussion of the matter until the next meeting or until a special meeting if such is called. The motion was seconded by Mr.

Zuiderveen. The Chairman called for a vote, and the motion passed with one abstention by Ms. Heiny-Cogswell.

### Sidewalk Discussion

Ms. Heiny-Cogswell distributed material related to the Stadium Drive sidewalks. This included a maintenance and inventory study of the sidewalk completed by Larry Harris. This study was contracted following the annual maintenance survey was conducted and detected the declining status of the sidewalk. The study recommended the replacement of the entire sidewalk with a six foot concrete walk on the north side of Stadium from 9<sup>th</sup> Street to 11<sup>th</sup> Street.

Further, Ms. Heiny-Cogswell indicated that concerns have been raised by DDA members about pedestrian and non-motorized vehicles travelling along Stadium Drive particularly west of 9<sup>th</sup> Street. She knew that the DDA had a list of priorities, and that these sidewalk improvements were lower on that list. But she wondered if these two circumstances – the maintenance evaluation and the safety concerns – raised the priority level as the Township considers ways to improve the existing sidewalks and mitigate liability in these areas.

Mr. Porter addressed the liability concerns. He indicated that if the sidewalk had less than two inches of displacement, it was considered properly maintained. However, it is also important that it be reasonably safe and walkable.

Mr. Brown stated that these are existing sidewalks. The DDA's duty is to develop business, not to supplement Township taxes or take care of Township issues. The DDA is not currently able to build up enough funds to do the things that are desired, so another project is not practical. He believes this is a Township issue and not a DDA issue.

Mr. Steeg asked if this is a DDA issue or a Township issue.

Ms. Heiny-Cogswell stated that it is a property owner issue. Sidewalks are maintained and repaired by the adjacent property owner. Mr. Porter added, however, that the purpose of the discussion is to introduce the idea of coordination regarding a replacement plan.

Ms. Heiny-Cogswell reiterated that the Township Board senses a strong demand for sidewalks along Stadium Drive between 131 and 8<sup>th</sup> Street and the legal department senses a need to address the liability. She wanted to know if that changed the prioritization for the DDA.

Mr. Milliken addressed the potential for grant funding from MDOT considering the non-motorized improvements that would be included with the US 131 / Stadium Drive interchange project.

Mr. Steeg stated that prioritization is important and the first priority is the core area and the 9<sup>th</sup> Street and Stadium intersection and going out from there.

Chairman Betzler said that he agreed but that he understood the importance of coordinating effort.

The DDA continued the discussion and liked the idea of talking with MDOT about potential grant funding opportunities.

Ms. Heiny-Cogswell said that she appreciated the feedback and comments and that as individual enforcement issues arise, she would take them to the adjacent property owners for enforcement.

#### Community Center Maintenance Contract

Mr. Brown asked why there was only one bid and this was not competitively bid. Chairman Betzler indicated that the contract was competitively bid last year and at least three bids were received at that time. This contractor was selected through that process and has provided a similar proposal again this year. He asked if that satisfied Mr. Brown's desire for a competitive process.

Mr. Milliken explained that the contractor contacted the planning department and stated that they would like to continue to provide the maintenance. Staff indicated that they should provide a proposal, and it would be presented to the DDA for their review.

Mr. Steeg asked if the DDA was satisfied with the work that the contractor did last year. The DDA agreed that they were satisfied with the work that was done last year. He therefore believed that they should be approved for the work again, particularly if it was the same as last year.

Mr. Milliken reviewed the previous year's proposal and compared it to the 2012 proposal. The line item tasks and costs per item were identical. However, the total proposed cost for 2012 was slightly higher than the 2011 cost, and there was no reason indicated on the proposal for this increase in cost. It appeared to be an error on the proposal.

Mr. Steeg made a motion to approve the contract for maintenance of the Community Center submitted by S&T Lawn Service, dated March 15, 2012 on the condition that the price for the serviced provided not exceed the amount proposed in 2011, \$1,920.00. The motion was seconded by Mr. Gould. The Chairman called for a vote, and the motion passed unanimously.

#### Updates.

##### a. 9<sup>th</sup> Street Rear Access Discussion Update

Chairman Betzler indicated that he had received a report from Mr. Schley regarding the meeting with the Township Board about the 9<sup>th</sup> Street Rear Access proposal. Mr. Lutke indicated that it was a lively discussion with the Board. The Board would like to see it expanded. Discussion was raised again about the park. They discussed approaching neighbors to get additional space for the road, and it was agreed that that would probably kill the idea.

Chairman Betzler stated that he thought it sounded like a productive meeting. The notes from Mr. Schley say that a meeting with the Planning Department is desired, so he will work to set that up.

Ms. Heiny-Cogswell said that she understands the hope from the DDA is to have this drive constructed this year. Mr. Lutke said that that might be wishful thinking but that is the desire.

Mr. Milliken asked about the KATS Study of circulation in the area and the timing of the drive construction. He indicated that he did not want to see the DDA invest in a project now and then have the study reveal a different conclusion or recommendation.

Mr. Lutke indicated he thought they should proceed now as it is a small, quick project, and one that they have wanted to do for a while.

Mr. Steeg asked how long the study will take and how much does it cost. Mr. Milliken said he did not know exactly, but it could be a couple of months before it gets started. Mr. Steeg indicated that he understood the drive construction to be quick. He suggested giving an end date of July 1 for waiting for recommendations from the KATS Study. At that time then, the DDA can either respond to the study or still have time to get the project done. He hopes they can get the project done this year.

Chairman Betzler stated that the Board wants to move ahead with this but also give just a little time to see if any information is provided by KATS.

Mr. Gould said that there were street configurations in the form based code that KATS should be aware of as it may influence their conclusions.

b. Citgo Property Update

Chairman Betzler indicated that Prein & Newhof provided him with a Notice from the DEQ that contains land use restrictions for the Citgo property. The property needs a hard cap, but with a creative design, there will still be the potential for lawn and landscaping on top of it.

The process that is ongoing now is necessary to get the DDA to the purchase agreement.

There was discussion about the car wash property to the west. Mr. Brown indicated that there was been no conclusions on what to do with the car wash that is owned by the Methodist Church.

Any Other Business

There was no other business discussed at this time.

Announcements and Adjournment.

Having no other business on the agenda, the Chairman adjourned the meeting at approximately 1:25 p.m.

Oshtemo Charter Township  
Downtown Development Authority

Minutes Prepared: March 28, 2012

Minutes Approved: May 17, 2012