

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

MINUTES OF MEETING HELD MAY 17, 2012

The Oshtemo Charter Township Downtown Development Authority (DDA) Board of Directors held a regular meeting on Thursday, May 17, 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: Terry Schley, Kathleen Garland-Rike, Andy Wenzel, Jay Brown, Libby Heiny-Cogswell, Michael Lutke, Fred Gould, Glenn Steeg, and Chip Everett.

Members of the Board of Directors absent: Stephen Dallas, Bruce Betzler, Ron Zuiderveen, and Jack Siegel.

Also present was Gregory Milliken, Planning Director.

Approve Agenda

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

Approval Minutes

Ms. Garland-Rike indicated that the spelling of Mr. Wenzel's name was "Wetzel" and should be corrected. She also indicated that on page two, paragraph six, the last full line, "participated" should be "participate".

Mr. Everett made a motion to approve the minutes of the March 22, 2012 meeting with the suggested changes. Mr. Lutke seconded the motion. The Vice Chair called for a vote on the motion, and the motion passed unanimously.

Treasurer's Report

Mr. Brown indicated that the Treasurer's Report states that \$118,000 was captured this year by the DDA. He also stated that that report is through March and costs since then include \$240 for lawn maintenance in April and \$5,500 for the environmental studies by Prein & Newhof for the Citgo property.

Vice Chair Schley indicated that he reviewed the Treasurer's Reports from 2011 and revenues were higher on those reports than the carryover currently indicates. In September of last year, revenues were \$529,000 and the carryover balance on this report is \$490,000. He asked for this to be investigated.

Mr. Wenzel made a motion to approve the Treasurer's Report as presented. Mr. Gould seconded the motion. The Vice Chair called for a vote on the motion, and the motion was approved unanimously.

ITC Resolution

There were no citizens present to comment on the ITC proposal.

Ms. Heiny-Cogswell provided the DDA with an update from the Township perspective. She indicated that ITC has postponed their in service date to 2014 according to the NICE group. The Township has also heard that ITC has options to purchase easements from 4-5 properties along the route.

She said that she and Mr. Milliken met with members of the NICE group as well as representatives of the Nature Center to discuss a biological study of the proposed route. Instead of a comprehensive study of the entire route, individual property owners will proceed with the study due to the costs of the study. The Township continues to monitor the MPSC. Nothing has been presented by ITC to the MPSC or the Township to date.

Vice Chair Schley indicated that if anything comes forward for action, he will abstain as an affected property owner. He told the DDA that he has not had any recent contact with ITC. The last face to face meeting he had with ITC was in November when ITC held a meeting at the Holiday Inn. The most recent contact Vice Chair Schley had with ITC was in December when a local representative left a voicemail saying there was nothing new.

Mr. Wenzel wondered if that meant ITC was considering other routes.

Mr. Brown indicated he believed the lumber yard across the street from Vice Chair Schley had signed an option with ITC.

Vice Chair Schley stated that the DDA members were provided with copies of a draft resolution regarding the proposed ITC route prepared by Attorney Porter. He indicated that he believed the second paragraph in the resolution was not technically correct. He referenced sections from the Village Theme Development Plan and the Village Form Based Code Overlay District that discuss power lines not being overhead. Vice Chair Schley noted the South DDA Area is exempt from the architecture standards of the Form Based Code, which is where the requirement limiting overhead lines occurs. The Master Plan does not specifically call for the burial of power lines but does incorporate the visions of the DDA.

The DDA discussed the matter and the proposed resolution. They discussed the previous plans, the DDA area, and the requirements for limiting overhead lines as well as the potential changes to the resolution.

Mr. Milliken suggested some proposed changes to the second paragraph that would integrate references to the Village Form Based Code and the Village Theme Development Plan.

Mr. Lutke made a motion to amend the proposed ITC resolution by incorporating the suggestions provided by Mr. Milliken into the second paragraph and returning it to the DDA for further consideration. Ms. Garland-Rike seconded the motion. The Vice Chair called for a vote on the motion, and the motion was approved 7-1 with Mr. Brown voting against and Vice Chair Schley abstaining.

Mr. Wenzel asked if there was urgency. Mr. Lutke suggested it be passed on to Attorney Porter, and if urgency arises, a special meeting can be called.

Mr. Wenzel asked that the revised resolution be distributed to the DDA members as soon as it is available for consideration in advance of the next related DDA meeting.

9th Street Rear Access Road

Vice Chair Schley indicated his understanding of the way it was left at the conclusion of the last meeting attended by himself, Mr. Wenzel, Chairman Betzler, and Township representatives. The DDA was asked to contact property owners along the proposed route to determine if the drive can be located on their private property in lieu of previously proposed on Township land.

Mr. Lutke indicated that he did not think anyone had been approached.

Vice Chair Schley stated that he hopes the DDA continues to make this rear access road a priority and believes broad village planning improvements will take time to do well, but this can quickly make a difference, if not for the whole district, at least in immediate improvement for vehicular safety.

Mr. Brown indicated that he believes this is more important than completing the landscaping at the community center.

Vice Chair Schley said he is disappointed this is moving slowly.

Ms. Garland-Rike questioned if the DDA had targeted an upcoming date for the project to be completed. Vice Chair Schley noted the original goal was implementation in early summery 2012 but the process has made such a goal difficult to meet.

Mr. Lutke again noted that the Township has asked the DDA to contact the related property owners.

Vice Chair Schley stated this project remains an excellent opportunity for public-public-private consensus and should be pushed as an example for forthcoming larger DDA projects in which collaboration will be necessary.

Ms. Heiny-Cogswell wondered if it would make sense to have a DDA meeting with all of the property owners together along the target route as well as some Township Board members rather than the current effort of individual meetings with individual property owners. It was decided to refer this matter to DDA Chair Betzler who has previously take responsibility for the individual property contacts.

The matter in discussion concluded with all in agreement to continue to seek an access road on private property as requested by the Township, and then if not possible, to come back to the DDA for further instructions.

Updates.

a. Citgo

Vice Chair Schley indicated that he had received from Chair Betzler and reviewed the Phase I Analysis, Baseline Environmental Analysis, and Due Care Analysis for the Citgo property prepared by Prein & Newhof. He described the purpose of each report and summarized the results.

The property is still classified as a LUST – Leaking Underground Storage Tank. There is not a leaking tank there, but some residual effects of the former leaking tank (benzene) remain. The DEQ is working on a closure report.

Vice Chair Schley said the report has stated that the contamination is not vaporous, and that it should not be a problem to humans in surface use. It does have to be capped, such as with asphalt or another hard surface. The Due Care Analysis suggested having the existing owner remove tanks and provide typical warnings and standard precautions during any demolition. It is believed obtaining these reports is the last of the environmental steps and analysis that was requested to be completed before Attorney Porter advanced a sales agreement.

Mr. Milliken said that he had discussed this with Attorney Porter, and if the DDA is inclined to proceed, Attorney Porter would be happy to develop a sales agreement for them.

Vice Chair Schley made a motion to direct Attorney Porter to draft a sales agreement on the condition that Chairman Betzler agrees this is an appropriate step in the process and that the draft be then next brought back to the DDA for further review. Mr. Lutke seconded the motion.

Mr. Steeg indicated he was concerned about the cost of the clean up and if the DDA would be responsible for the clean up activities.

Vice Chair Schley confirmed that the tanks removal are understood to remain as the responsibility of the property owner.

Mr. Lutke stated that he thought there was previously a vague discussion of general sales terms.

Vice Chair Schley said there have been some preliminary discussions as to price and contingencies with the seller and these have been previously shared with the DDA. He does not expect Attorney Porter to just do a basic sales agreement but to include language that addresses such issues and the continuing development as has been led by Chair Betzler.

The Vice Chair called for a vote on the motion, and the motion passed unanimously.

b. KATS Traffic Circulation Study

Mr. Milliken indicated that the RFP and agreement have been approved by both the Township and KATS. KATS has forwarded the RFP to MDOT for their review and comment. It is not required that MDOT review the RFP, but KATS felt it was prudent to engage them in the process.

Any Other Business

There was no other business discussed at this time.

Announcements and Adjournment.

The next meeting is scheduled for July 26th.

Having no other business on the agenda, the Mr. Steeg made a motion to adjourn and was seconded by Mr. Wenzel at approximately 1:10 p.m.

Oshtemo Charter Township
Downtown Development Authority

Minutes Prepared: May 22, 2012
Minutes Approved: August 23, 2012