

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

**MINUTES OF REGULAR MEETING HELD SEPTEMBER 20, 2012**

The Oshtemo Charter Township Downtown Development Authority (DDA) Board of Directors held a regular meeting on Thursday, September 20, 2012. The meeting was called to order at approximately 12:06 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, and Fred Gould.

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

Also present were Dennis and Laura Raher, and Gregory Milliken, Planning Director.

Approve Agenda

The meeting was called to order at approximately 12:06 p.m. by Vice Chair Schley. The Vice Chair asked for approval of the agenda. Mr. Brown moved to approve the agenda, as submitted. Ms. Heiny-Cogswell seconded the motion. The Vice Chair called for a vote on the motion, and the motion passed unanimously.

Approval Minutes

Vice Chair Schley asked for approval of the minutes of the special meeting of August 23, 2012. Ms. Garland-Rike moved to approve the minutes of the August 23, 2012 special meeting as presented. Mr. Wenzel 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 he had reviewed the Treasurer's Report and discussed the balance discrepancy between 2011 and 2012 with Township Staff. He indicated that the additional carryover funds are held in a separate account, and perhaps the DDA should consider putting additional funds there instead of budgeting for undetermined projects.

Vice Chair Schley asked about the Attorney's time and why nothing had been billed yet for the Attorney. He pointed out that certainly there will be charges at some point in the future and

wanted to be sure the DDA kept that in mind. Ms. Heiny-Cogswell reviewed the agreement between the DDA and the Township Attorney and how that time is tracked and invoiced to the DDA. This invoicing typically occurs at the end of the year.

The DDA asked to be informed of the current status of that time and kept up to date of the Attorney's charges.

Mr. Lutke 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.

### 9<sup>th</sup> Street Rear Access Discussion

Mr. Lutke provided minutes of a meeting with the Township Board on February 14<sup>th</sup>, 2012 as well as Vice Chair Schley's summary of that meeting and other discussions with the Township regarding the proposed rear access drive. Review of these accounts determined that a request was made by the Township Board for more information from the adjacent property owners, particularly regarding their willingness to participate in this project.

Mr. Lutke indicated that in talking with the Township, at least one member of the Board is against using the Township land for this drive and others would like the DDA to talk with the adjacent property owners about utilizing at least some private property for this purpose.

Mr. Lutke indicated that he talked to some of the property owners along this stretch in the last month. The property owners that were contacted said to Mr. Lutke that all they want is a simple drive, but the Township wants something different, more complicated. He indicated that the property owners are not interested in just giving up land. He also stated that no one is opposed to limiting access points once rear access is provided.

Vice Chair Schley indicated that this project needs a champion, whether that be the original committee, the Chair, or someone else. The plan needs to be more fully developed and then presented to the Township Board in a complete package. Otherwise, he fears it will continue to spin. He also indicated that the drive needs a temporary attitude in order to get it done more quickly.

Mr. Brown indicated that he does not feel it is right for the Township to have parking on private property adjacent to the Community Center but to not allow a driveway on public property.

Vice Chair Schley asked if the DDA should continue to keep it simple. Mr. Lutke stated that was the original intent; for the drive to be big enough for commercial vehicles and fire trucks. However, some on the Board wanted to broaden the scope.

Mr. Wenzel asked if he meant in terms of width or the incorporation of the park. Mr. Lutke said both.

Ms. Heiny-Cogswell indicated that the drive came up at a Township subcommittee meeting as well, and what would be needed is some sort of confirmation, like a letter, from property owners indicating whether they would be willing to have all, some, or none of the proposed drive on their property.

Vice Chair Schley indicated he would be willing to draft such a letter.

Mr. Wenzel suggested that perhaps the DDA could pay for the drive and install it on the private property in exchange for the property owners providing the maintenance.

Mr. Brown did not know what the Board's interest was in the property behind the Community Center as they have not maintained it at all. Mr. Lutke indicated that there is significant interest in rear access.

Vice Chair Schley suggested releasing information to property owners in three stages starting with a mailing that discussed the idea of the driveway and a public-private partnership. It would then ask if the property owners would be willing to contribute property to the project.

Mr. Lutke stated that he did not think there would be consensus on that idea. One owner indicated he would not give up any property and another, although not contacted, likely would not either.

Mr. Wenzel brought up maintenance again and stated he was not sure that the maintenance component was being discussed enough. Mr. Lutke stated that maintenance could be accommodated as he has been maintaining that area for several years.

Mr. Gould said that the DDA needs to have some information to take to the Township Board regarding the commitment or lack thereof from the property owners along this proposed route.

Dennis Raher suggested that the driveway be located on the Township property because the private property owner has no incentive to put it on his property, particularly the residential owners. He suggested that perhaps, a significant connection fee could be instituted if the driveway is located solely on the Township property. However, if the property owner donated land and allowed some or all of the drive to be developed on their property now, that connection fee would be waived. This might be an incentive to induce locating the drive on private property.

Vice Chair Schley reminded the Board that there is value in pursuing this. Even residential property owners, although there would be no requirement to connect, would see potential increased commercial value of their property in addition to convenience for their own use should they choose to take advantage.

Vice Chair Schley suggested a letter be written indicating that the DDA is looking to build a drive and is seeking an easement on the back of the properties fronting on 9<sup>th</sup> Street. There would be no connection fee or cost for construction of the driveway. However, there would

likely be some responsibility for maintenance. The subcommittee will convene to complete this task.

### Citgo Property

Vice Chair Schley distributed an email from the Citgo property owner indicating that he would be willing to wind down his operations by March, 2013. The DDA agreed that conceptually, that works with the timing that has been discussed to date.

The DDA then discussed the dates in the Sales Agreement as well as the dates for the tank removal and other details.

Mr. Wenzel indicated that he had several minor comments or edits to address within the agreement and believed that a subcommittee was needed to address them.

Mr. Wenzel asked about the contamination and what could be done on the property due to the conditions in the ground. The DDA discussed the asphalt cap that would likely be required and the various alternatives that could be used to beautify the property on top of it. This included the use of planters, pavers, and/or building up an area for broader planting.

Vice Chair Schley reminded the DDA that the property owner is already executing a long effective plan by the DEQ to get acceptable closure due to contamination on the property. This plan dictates that the site will have a cap.

Vice Chair Schley stated that if the business continues to March of 2013 and the DDA takes the property then, the owner could have 120 days to remove the tanks at that time as the tanks will be necessary to continue to operate the business. The DDA could then proceed with plans to redevelop the site.

Mr. Wenzel suggested that under that plan, some of the money be put in escrow or some other similar mechanism as opposed to giving the property owner all of the money prior to the removal of the tanks. He also indicated that the 120 days has to match the timing in the agreement for closing.

Vice Chair Schley suggested scheduling one meeting with Chair Betzler and Attorney Porter to review the comments from the owner as well as comments from Mr. Wenzel, Mr. Steeg, and others. He said he would like to get this approved, but cannot quite at this moment without a few of these issues resolved, but he indicated that everyone sounds comfortable with the concept.

Vice Chair Schley pointed out that the land area still seems questionable. Mr. Wenzel said that a survey should be done regardless.

Mr. Gould feels that Mr. Wenzel, Mr. Steeg, and Vice Chair Schley should be on the subcommittee due to the skill sets that they have and expertise in this area.

Vice Chair Schley stated that such a subcommittee would meet with Mr. Porter to review the comments and finalize the agreement. Mr. Gould and Ms. Heiny-Cogswell stated that they would join if available.

Mr. Brown cautioned that the agreement cannot put too many requirements on the owner that he will leave the table. Mr. Wenzel agreed and said that his comments were detail oriented and did not add any significant conditions for the applicant.

Vice Chair Schley stated that at some point, the DDA will need to come to the Township Board for approval of the expenditure.

Mr. Wenzel suggested that it may make sense to enter into the sales agreement subject to approval of the Township Board.

Vice Chair Schley indicated that he felt that with one meeting, the subcommittee could communicate to Attorney Porter all of the comments from this meeting and additional edits from the assembled members. That version would then be ready for final presentation. Mr. Brown made a motion to delegate approval of the buy-sell agreement, with the amendments as discussed at this meeting and the understanding that the owner will maintain possession until spring 2013, to the subcommittee assembled for this purpose. Ms. Garland-Rike seconded the motion. The motion was approved unanimously.

#### Any Other Business.

Mr. Milliken indicated that Township Staff had been in communication with the Church on Stadium Drive regarding the former car wash. The Enforcement Officer met with the President and Vice President of the Board to discuss the maintenance of the property and steps that could be taken to improve the appearance in order to address some complaints received. During the conversation, the two Board members stated a willingness to work with the DDA on redevelopment of the site in concert with the redevelopment of the Citgo property.

Mr. Brown reminded the DDA that the two Board members do not speak for the entire Church Board and that there are several plans being discussed for that property.

Mr. Milliken also stated that at the September 18 Joint Meeting, the Boards and Commissions discussed the potential reuse of the former Post Office as a microbrewery. Vice Chair Schley inquired about the applicability of the form based code.

#### Announcements and Adjournment

The next meeting is scheduled for November 15<sup>th</sup>.

Having no other business on the agenda, Mr. Lutke made a motion to adjourn. The motion was seconded by Mr. Wenzel. The motion was approved unanimously, and the meeting was adjourned at approximately 1:21 p.m.

Oshtemo Charter Township  
Downtown Development Authority

Minutes Prepared: September 25, 2012  
Minutes Approved: November 15, 2012