

**THE CHARTER TOWNSHIP OF OSHTEMO  
SOUTH DRAKE ROAD CORRIDOR IMPROVEMENT AUTHORITY (SoDA)**

**MINUTES  
September 26, 2018**

SoDA Board meeting was held at the Township Hall. The meeting was called to order by Chair Ashley at 12:03 p.m.

**MEMBERS PRESENT:**

Corey Ashley, Chair  
Kelly Bringman  
Joe Gesmundo  
Libby Heiny-Cogswell  
Cheri Jodoin, Vice Chair  
Dennis Patzer, Treasurer  
Galen Rike  
Dale Shugars (arrived at 12:11 pm)

**MEMBERS ABSENT:**

Theresa Spurr

Also present were Planning Director Julie Johnston, Township Attorney James Porter, and Public Works Technical Specialist Jamie Baker.

**ELECTION OF OFFICERS**

Director Johnston indicated that the Board needed to hold elections for the position of Secretary. She asked Mr. Patzer if he would be willing to hold a dual roll of Secretary and Treasurer, and he has agreed. However, the Board should see if there are any other nominations. Hearing none, Ms. Jodoin made a motion to elect Mr. Patzer as the Board Secretary. Mr. Gesmundo seconded the motion. The motion was approved with a vote of 7 to 0, with two absent.

**MINUTES**

Chair Ashley asked if there were any additions, deletions or corrections to the minutes of June 27, 2018. Hearing none, he asked for motion to approve the minutes.

Mr. Gesmundo made a motion to approve the minutes of June 27, 2018 as presented. Mr. Patzer seconded the motion. The motion was approved with a vote of 7 to 0, with two absent.

Chair Ashley had a question concerning Mr. Shugars comment in the July minutes related to the Board considering creative revenue generation. He asked if Mr. Shugars meant the SoDA Board or the Township Board. Attorney Porter clarified that under the current State statute, the SoDA Board had the ability to generate revenue in other ways outside of Tax Increment Financing, if they wished.

## **PUBLIC COMMENT**

Hearing none, the Chair moved to the next agenda item.

## **TREASURER'S REPORT**

Chair Ashley asked for the Treasurer's report. Director Johnston indicated that tax revenue was collected since the last Board meeting. A total of \$30,265.25 in revenue was received with interest earned of \$183. This was about \$2,200 less than expected. Also, the \$30,000 budget amendment approved at the June meeting was completed so the \$60,000 payment to the Township can occur.

Chair Ashley asked if we anticipated having costs outside of the \$60,000 payment to the Township for the Drake Road Path. Director Johnston indicated that Technical Specialist Baker will provide more information on the Path later in the meeting, but she didn't anticipate any additional costs for the Path this year.

Ms. Jodoin made a motion to approve the Treasurer's Report. Mr. Gesmundo seconded the motion. The motion was approved with a vote of 7 to 0, with two absent.

## **DRAKE ROAD PATH UPDATE**

### **Memorandum of Understanding**

Director Johnston indicated that updates were made to the Memorandum of Understanding based on input at the June SoDA meeting. If the Board is satisfied with the changes, a motion would be needed allowing Chair Ashley to sign the document. Then staff would place the document on the Township Board's agenda for review.

Chair Ashley asked if there were any comments on the document.

Mr. Gesmundo indicated he heard Costco was appealing their taxes, which Attorney Porter confirmed, indicating they are petitioning to lower the taxable value of their property.

Mr. Shugars asked if maintenance of Drake Road Path should be included in the Memorandum. Director Johnston indicated she did not include that in the Memo, but if the Board was interested, it could be added. Chair Ashley indicated that if the Board has decided they would maintain the path, including snow removal, we should consider putting language in the Memo.

Attorney Porter suggested that the SoDA Board should make that determination through their budget each year and not include it in this Memorandum of Understanding, which is more about reimbursing the Township for the cost of the Drake Road Path.

Chair Ashley indicated some additional changes he would like the Board to consider. He stated that "overtime" should be two words and would like to add "and other" to "based on revenue considerations" to read "based on revenue and other considerations."

Mr. Shugars made a motion to approve the Memorandum of Understanding with the changes requested and to allow Chair Ashley to sign the document for the SoDA Board. Chair Ashley seconded the motion. The motion was approved 8 to 0, with one absent.

Director Johnston asked if Chair Ashley should sign the document before it is sent to the Township Board. Ms. Heiny-Cogswell asked what would happen if the Township Board wished to make changes to the document. Attorney Porter indicated that Chair Ashley should sign the document before it goes to the Township Board. If the Township Board wishes to make changes, it should come back to the SoDA Board for review as it is their funding in question.

Chair Ashley moved on to the next agenda item, which is an update on the Drake Road Path from Public Works.

### **Drake Road Path Update**

Jamie Baker from the Township's Public Works Department provided an update.

He indicated that there is good news and bad news on the Drake Road Path. The good news is that the north section of the Path (West Main Street to Green Meadow) has been bid and it came in approximately \$50,000 under the expected budget, which is 7% less. The contract is being awarded to Kamminga and Roodvoets (K&R). That section of the path should start in the Spring of 2019. The plan is to have a resident meeting likely in March to provide a timeline for construction.

The bad news is that the Path from Green Meadow to Stadium Drive is currently on hold. MDOT and Amtrak are in discussion about environmental responsibilities and liabilities, which is affecting the development of the path. Mr. Baker stated his understanding is that Amtrak told MDOT they want them to assume all environmental liabilities in perpetuity. MDOT stated they cannot take on those liabilities and pulled out of the agreement between the two entities so no road work can occur which involve railroad tracks. As the Drake Road Path crosses an Amtrak right-of-way it has placed a hold on our project. At this time, there is no understanding of how long it will take MDOT and Amtrak to come to an agreement.

Mr. Baker indicated the Township is in talks with MDOT to see if we can initiate the Safety Grant to allow us to complete the Path from Green Meadow to at least KL Avenue. The full Drake Road Path project is intended to be funded in three phases;

- Phase I (Federal Safety Grant) – Michigan Ave to Green Meadow Ave.
- Phase II (Transportation Alternatives Program Grant) – Stadium to Michigan.
- Phase III (Transportation Alternatives Program Grant) – Green Meadow to West Main

This request is still under discussion.

There was further discussion of the impact of Amtrak's decision regarding liabilities. Mr. Shugars suggested all local municipalities with projects that are impacted by this decision work together to try and resolve this issue. Ms. Heiny-Cogswell indicated that State legislatures have been informed. MDOT executives made the decision to delay all projects while negotiations with Amtrak are underway, stating that attorneys from MDOT

and Amtrak were involved with the decision. Ms. Heiny-Cogswell went on to state that MDOT thought it would take three to five years to resolve this issue.

Chair Ashley asked if there was anything that the SoDA Board could do to assist. Ms. Heiny-Cogswell indicated that the Board could pass the same resolution that the Township Board intends to pass. Attorney Porter suggested in lieu of a resolution the Board could allow the Chair to sign a letter of support of the Township's resolution. Chair Ashley indicated he thought it was important for the SoDA Board to review any letter or resolution before he signs.

It was determined that the resolution adopted by the Township Board, which should outline the impacts of the policy conflicts between Amtrak and MDOT, would be framed as a request from the SoDA Board who is a partner in the development of the Drake Road Path.

Chair Ashley asked for a motion to request the Township Board to pass this resolution. Mr. Gesmundo made a motion to request the Township Board pass a resolution related to the Amtrak/MDOT conflict. Mr. Shugars seconded the motion. The motion was approved 8 to 0, with one absent.

## **ANY OTHER BUSINESS**

### **Continuation of June discussion on amending SoDA Plan**

Attorney Porter stated he reviewed the Public Act for the Corridor Improvement Authority to see if changes can be made to the SoDA Plan. He continued that we could modify the Tax Increment Financing (TIF) Plan if the County made a change to their policy regarding funding levels. This would not reset the TIF Plan causing the tax increment to start over. It would just modify the amount the County contributes to the tax revenue.

There was further discussion related to who should approach the County to consider changing their TIF policies. It was determined that the request might be better received if it came from a neutral party, not local government or other Authorities who benefit from the tax revenue. Mr. Gesmundo suggested Southwest Michigan First as the intermediary. Mr. Shugars cautioned working with them as they have many other interests. He went on to recommended waiting until the new County Board begins after elections. It was determined to tread cautiously and review trends in policy changes from the new County Board to see if they would be receptive.

There being no further business, the meeting was adjourned at approximately 1:05 p.m.

Minutes prepared:  
May 31, 2019

Minutes approved:  
July 10, 2019