

**City of Brighton  
Downtown Development Authority  
Regular Meeting Minutes  
February 17, 2015**

The Board for the Downtown Development Authority (DDA) held a regular meeting on Tuesday, February 17, 2015 at the City of Brighton Council Chambers located at 200 N. First Street, Brighton, MI.

1. **Call to Order** – Chairperson Herbst called the meeting to order at 7:18 a.m.

**Members Present:**

Linda Botka, Scott Griffith, Bob Herbst, Ashley Israel, Pam McConeghy, Jim Muzzin (left at 8:50 a.m.), Lisa Nelson (arr. at 7:20 a.m.), Shawn Pipoly and Claudia Roblee

**Members Absent:** Dave Beauchamp, Mark Binkley, Tim Corrigan, Phil Garbacz

**Also present:**

Mr. Doug Cameron, DDA Attorney, Mr. Piet Lindhout, Lindhout Associates, Mr. Matt Modrack, DDA Executive Director/Community Development Director, City of Brighton, and an audience of two. City Manager Dana Foster attended the meeting for item 7 B only.

*Motion by Mr. Pipoly, supported by Ms. Botka, to excuse the absence of Board members Dave Beauchamp and Tim Corrigan. The motion carried 8-0-5.*

2. **Approval of February 17, 2015 Agenda**

*Motion by Mr. Pipoly, supported by Mr. Muzzin, to approve the February 17, 2015 meeting agenda as presented. The motion carried 8-0-5.*

3. **Call to the Public** was made at 7:20 a.m. Paul Godek from Colliers International, a commercial real estate company, introduced himself and Jeff Hohman. He indicated that Colliers has expanded into Livingston County. Hearing no further response, call to the public was closed.

4. **A. Approval of the January 20, 2015 Regular Meeting Minutes**

*Motion by Mr. Griffith, supported by Ms. McConeghy, to approve the January 20, 2015 regular meeting minutes as presented. The motion carried 9-0-4.*

- B. Approval of January 20, 2015 Closed Session Minutes**

*Motion by Ms. Roblee, supported by Mr. Muzzin, to approve the January 20, 2015 closed session minutes as presented. The motion carried 9-0-4.*

5. **Approval of Bills**

*Motion by Ms. Botka, supported by Mr. Pipoly, to approve the bills as presented. The motion carried 9-0-4.*

6. **Financial Report**

A. FY 14-15 Adopted Budget and YTD Summary (through 2/13/15) – Ms. French apologized for not including the financial report in the packet. She noted it was updated to include the latest revenue projections from our Finance Director and also known expenses through 2/13/15.

B. Updated FY 15-16 Budget Forecast – Mr. Modrack noted that the preliminary DDA budget that was approved by the board at last month's meeting was submitted to the Finance Director who has forwarded it to the City Manager. Mr. Modrack advised that there may be some changes to the budget as a result of discussions that City Manager Foster wants to have with the DDA Budget Subcommittee. Any changes will be brought to the full board for approval.

7. **New Business**

A. Stout Irish Pub request to use adjacent DDA property March 13-18, 2015 – Mr. Modrack advised that Stout is requesting again this year, as in past years, to use the DDA property directly behind the Stout patio to set up port-a-johns and a wash station for the St. Patrick's Day weekend.

*Motion by Ms. McConeghy, supported by Ms. Nelson, to approve the Stout Irish Pub request to use adjacent DDA property for the St. Patrick's Day weekend March 13-18, 2015 for port-a-johns and a wash station subject to Planning & Zoning Director Cyphert's approval. The motion carried 9-0-4.*

B. Discuss Pending Litigation (Doug Cameron) – Mr. Muzzin questioned whether this discussion should be done in closed session. Ms. Nelson noted that she is a tenant in the Shiposh building. Mr. Cameron noted that no action will be required on this subject and he is quite comfortable discussing it in the regular meeting. If further action has to be taken, Ms. Nelson may abstain from voting at that time.

Mr. Cameron gave the board some background on a lawsuit that has been filed which names the DDA and several other parties by Dusan and Deborah Shiposh, who are seeking quiet title to a small 12' strip on Lot 99. They own the westerly 22' on Lot 99 and 6' on Lot 98 but their building at 431 W. Main was built on the 12' strip which was never deeded or titled out. They are trying to cure the title problem by now securing a deed by court order through adverse possession. Mr. Cameron has spoken to the Shiposhs' attorney, Ken Burchfield, who advised that the DDA was included in the legal documents because the property in question is adjacent to DDA-owned property (Lot 107 south of the Shiposh building along with two other lots – the Hyne Street parking lot and the walkway, which was grant by easement by the Shiposhs', their son Brian and the former owner of the Buon Gusto property, the Anjou Bakery).

Mr. Cameron emphasized that we have no issues in the lawsuit and the walkway is not affected. He has met with City Attorney Paul Burns, Mr. Lindhout and Mr. Modrack about this issue. In his opinion, if no one contests it, it's a done deal.

C. Sub-Committee Reports

1. Design – No meeting
2. Budget – No meeting
3. Development – No meeting
4. Executive – no meeting
5. Parking Strategy – 1/30/15 meeting and 2/13/15 meeting with Chief Wightman – Mr. Modrack reviewed the parking strategy outline from the January 30, 2015 Parking Enforcement Strategy subcommittee meeting which contains a recommendation to only use enforcement at the present time. He outlined the next steps to be taken which include six informational meetings to be scheduled in March. Mr. Muzzin suggested holding the meetings at various businesses in the downtown instead of City Hall, which might increase attendance. The plan is to have a part-time parking enforcement officer hired and managed by the Police Department. No parking tickets will be written for the first month but informational "tickets" will be given along with a copy of the long-term parking lot locations. Parking meters are not being considered at this time but could be considered if the enforcement strategy is found not to be working. Ms. French added that the enforcement plan includes gathering metrics for three or six months or longer to determine in which parking lots the most tickets are being written. She also noted that Chief Wightman has been provided the arrival and leave times of employees for the downtown businesses from Adam Kokenakes' survey so he can determine the best hours of enforcement for the part-time officer.

**8. Lindhout Report**

A. CSX West Parking Lot project update – Piet Lindhout reviewed the site plan and noted that a couple of changes have been made since the last DDA meeting at the Planning & Zoning Department's request as a result of the amended transitional and overflow parking lot ordinance not having been approved and which won't be in effect when construction starts on the paved portion of the lot. The changes include removal of the gravel overflow area along with the lights and fencing. The ordinance requires screening from Main Street, so additional shrubs have been added to the plan, as well as 40 arborvitae that will be placed as screening from the adjacent neighbors' property. He also noted we were requested to take out the brick pavers and replace them with 6' wide concrete sidewalk. Mr. Modrack noted he had requested wider sidewalks so that two moms with strollers could walk side by side.

Mr. Lindhout reviewed the demo and pavement plans along with a new drainage system (a bio-swale or ditch). He noted that the revised site plan was approved by Planning Commission on February 9 and will be on the City Council agenda on February 19. In response to a question about how the changes would impact the budget, Mr. Lindhout noted that removing the pavers reduces our Phase I costs but that the Phase II costs would probably be higher due to a second mobilization being required. There was discussion about alternatives to just building the 22 space front parking lot including delaying the entire project until the amended ordinance is in effect. Mr. Modrack spoke about the negative impact this option would have on our parking enforcement strategy. Mr. Pipoly noted that as of April 15, 2015, the effective date of the lease, any insurance liability transfers from the CSX to the City and noted that if people want to park in the unimproved area, they will find a way to do it since we won't have the fences up yet at Third Street or around the entire parking area. With no lights installed and the non-paved portion not having been leveled, he considers it a safety issue. It was suggested that the DDA recommend to City Council that they supersede Planning Commission and approve the entire project to be done at the same time despite the ordinance amendment not being in effect until possibly May or June 2015. City Council's approval could be made conditional on the DDA not being allowed to open the gate separating the paved and unpaved lots until the ordinance amendment is in effect.

*Motion by Mr. Griffith, supported by Ms. McConeghy, to approve the site plan as amended with the recommendation that City Council consider allowing the full parking area to be done at the same time (paved and non-paved) under the condition that the DDA agrees not to open the gate between the paved and non-paved lots until the amended parking ordinance goes into effect. The motion carried 9-0-4.*

Mr. Lindhout was directed to proceed with the bid documents for the CSX construction for the entire project.

**9. Administrative Report – Matt Modrack**

A. 212 E. Grand River Phase I and II environmental test results – Mr. Modrack reviewed the summary report information included in the packet and noted there were no significant findings. A magnetomer survey found no oil tank on the property and nothing of note was found in the soil borings. The issue to be decided by the DDA Board is whether to go ahead and do the analytics on the soil samples for an additional cost of \$4,000. There was discussion about the necessity to do the analytics based on the summary reports from Innovative Environmental. Mr. Cameron noted that the Phase 1 study addressed the plume issue and indicated it does not touch the 212 E. Grand River property. There was discussion about the pros and cons of proceeding with the analytics and any future liability if we don't do them.

*Motion by Ms. McConegy, supported by Ms. Botka, to approve performing the analytics in Phase II at a cost of \$4,000. There was a friendly amendment by Ms. McConeghy, supported by Ms. Botka, to allocate an additional \$3,050 to the budgeted amount of \$6,000 to cover this expense. The motion carried 8-0-5.*

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B. Consider approval of resolution to authorize Chairperson Herbst to sign any documents required pursuant to the Purchase Agreement signed January 29, 2015 – Doug Cameron. Mr. Cameron advised that he has received the title work for the 212 E. Grand River property. There were a couple of minor issues that he addressed and he indicated that a written resolution is required to authorize Bob Herbst to sign all documents on behalf of the DDA. Mr. Cameron has a resolution prepared for Mr. Herbst's signature.

*Motion by Mr. Griffith, supported by Mr. Pipoly, to authorize Chairperson Robert Herbst to sign any documents required for 212 E. Grand River pursuant to the Purchase Agreement signed on January 29, 2015. The motion carried 8-0-5.*

C. Discuss 212 E. Grand River building demolition and consider approval for Lindhout Associates to send out bid documents – Mr. Lindhout will prepare the bid documents after we receive the analytics from the Phase II and schedule the closing, so no action is required at today's meeting.

D. Yogurtopia Façade Grant (MEDC) – Lauri French. Ms. French provided an overview and some before and after pictures of the Yogurtopia front and rear facades for the approximately \$77,000 MEDC grant. She also noted that the owners have made a substantial investment with the building purchase, interior build-out construction costs (which will be used as the private match for the grant) and equipment costs. She advised that construction cannot begin until we receive permission from the MEDC, which we expect on February 27. The owners of Yogurtopia want the store to open by the end of April, if possible.

10. **Chamber of Commerce Report – Pam McConeghy** – Ms. McConeghy asked Mr. Modrack to comment on the latest speaker at the Tuesday Power Lunch on February 4. Mr. Modrack noted that the speaker was Steve Arwood, who was just appointed the Michigan Economic Development Corporation CEO. Mr. Arwood frequently comes to Brighton for dinner and he was very complimentary about the City and the downtown. Mr. Modrack also noted that the Chamber hosted a Civic Event "Thank You" pizza luncheon last week. Ms. McConeghy said there were employees from the City including DPW and the Police Department. She reminded the board members that the I-96/US 23 construction informational meeting is Wednesday, February 18, at the Brighton Township Hall from 5-7 p.m.

11. **City Council Report** – No report.

12. **Adjournment**

*Motion by Mr. Griffith, supported by Ms. McConeghy, to adjourn at 9:05 a.m. Motion carried 8-0-5.*

Respectfully submitted,

Lauri French, Deputy Director  
Community Development, Planning & Zoning  
February 18, 2015