

**CITY OF BRIGHTON
DOWNTOWN DEVELOPMENT AUTHORITY
REGULAR MEETING**

The City of Brighton Downtown Development Authority will hold a meeting on Tuesday, October 19, 2010 at 7:15 A.M. at the City of Brighton Council Chambers located at 200 N. First Street, Brighton, MI

AGENDA

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|--------|-----|---|-----------------|
| | 1. | Call to Order | |
| ACTION | 2. | Approval of October 19, 2010 Agenda | |
| ACTION | 3. | Call to the Public | |
| ACTION | 4. | Approval of the September 21, 2010 Regular and Closed Session Meeting Minutes | |
| ACTION | 5. | Approval of Bills | |
| | | A. McCririe & Cameron (Sept. 2010) | \$ 1,071.00 |
| | | B. Lindhout Associates (Sept. 2010) | \$ 3,082.50 |
| | | C. Rescue LLC (675 W. Grand River) | \$ 517.50 |
| | | D. City of Brighton (Water/Sewer Bill 9/1-9/30/10) | \$ <u>25.53</u> |
| | | TOTAL BILLS | \$ 4,696.53 |
| ACTION | 6. | Financial Report | |
| | | A. Financial Summary | |
| | 7. | Administrative Report (Matt Modrack) | |
| | | A. Planning & Community Development Report | |
| | | • Visioning Session Update | |
| | | • Main/West/North Grant Status | |
| | | B. City/DDA Installment Purchase Agreement – Mexican Jones (Doug Cameron) | |
| | | C. MEGA Family Diner Purchase Agreement Status | |
| | 8. | Report from Chair – DDA Administrator Progress Report | |
| | 9. | Lindhout Update | |
| | 10. | New Business | |
| | | <u>Sub-Committee Reports</u> | |
| | | A. Budget (No report) | |
| | | B. Mexican Jones (No report) | |
| | | C. Development (No report) | |
| | | D. Design – 10/1/10 meeting | |
| | | E. Business Recruitment/Promotions (No report) | |
| | 11. | Old Business | |
| | | A. “Five Fotos” | |
| | 12. | Other | |
| | | A. Downtown Brighton Merchants Association – Lisa Nelson, Chairperson | |
| ACTION | 13. | Adjournment | |

Next meeting is scheduled for Tuesday, November 16, 2010 at 7:15 a.m.

**City of Brighton
Downtown Development Authority Meeting Minutes
October 19, 2010**

The Board for the Downtown Development Authority (DDA) held a meeting on Tuesday, October 19, 2010 at the City of Brighton Council Chambers located at 200 N. First Street, Brighton, MI.

Chairman Herbst called the meeting to order at 7:15 a.m.

Members Present:

Ricci Bandkau, Dave Beauchamp, Mark Binkley, Tim Corrigan, Scott Griffith, Bob Herbst, Pam McConeghy, Mond Miller, Lisa Nelson, Shawn Pipoly, Greg Strouse and Al Wirth.

Members Absent: Linda Botka (excused)

Also present:

Mr. Doug Cameron, McCririe-Cameron Law Office
Mr. Piet Lindhout, Lindhout Associates
Mr. Matt Modrack, DDA Administrator/Community Development & Planning Director, City of Brighton

An audience of one was also present.

Approval of October 19, 2010 Agenda

Mr. Modrack noted that "Old Business" Item 11.A, "Five Fotos", should be deleted due to technical difficulties. Motion by Mr. Corrigan, supported by Ms. McConeghy, to approve the October 19, 2010 meeting agenda as amended. Motion carried 12-0-1.

Call to the Public was made at 7:16 a.m. Hearing no response, call to the public was closed.

Approval of the September 21, 2010 Regular Meeting Minutes

Motion by Ms. Bandkau, supported by Mr. Wirth, to approve the September 21, 2010 regular meeting minutes as presented. Motion carried 12-0-1.

Approval of the September 21, 2010 Closed Session Meeting Minutes

Chairperson Herbst distributed copies of the closed session meeting draft minutes from September 21, 2010. Motion by Mr. Griffith, seconded by Mr. Strouse, to approve the September 21, 2010 closed session meeting minutes as presented. Ms. McConeghy abstained from the vote. Motion carried 11-0-2.

Approval of Bills

Motion by Mr. Corrigan, supported by Mr. Pipoly, to approve the bills as presented. Motion carried 12-0-1.

Financial Report – Mr. Wirth noted that it looks like the Mexican Jones contingent liability is double-counted on the financial report (page 12 of the packet). Mr. Griffith pointed out that it was included under the "FY 2010-11 Budget" column under "Debt Service" and in the "FY 2010-11 Actual" column under "Reserved for Contingent Liability", so it does not look like it was counted twice. Matt Modrack will invite acting Finance Director Kelly Lalonde to the next Budget Subcommittee meeting to discuss the financial report and answer questions from the subcommittee to report back to the DDA Board. Motion by Mr. Griffith, supported by Ms. McConeghy, to approve receipt of the financial summary dated 10/13/10 as presented. Motion carried 12-0-1.

Administrative Report

A. Planning & Community Development Report

Mr. Modrack noted that the Visioning session has been scheduled for Tuesday, November 9, 2010. Ms. Miller reported that she, Matt Modrack and Leslie Hall, a professional facilitator, had met last week to discuss the focus of the 11/9 session, and it was agreed it would be good to focus on other than Board duties and responsibilities, which we don't have time to do at regular meetings. Ms. Hall has produced an agenda, which Matt will review and forward to the DDA Board. He noted this will be a public meeting but no action will be taken. Matt also noted that he has one additional copy of "The Great Reset", and Scott Griffith asked to borrow it to read before the 11/9 session. Ms. Miller stated the book would be helpful since it illustrates how other communities are dealing with the same issues facing Brighton.

Mr. Modrack reported that the Bagger Dave's project is under way and we have received the Release of Funds letter from the MEDC, which means we can spend money on the project. He will be working with the Development Subcommittee and Lindhout Associates to develop the construction schedule timeline. He also noted we have to be aware of scheduled events in order to not disrupt them with the North/West/Main streetscape and/or walkway construction.

B. City/DDA Installment Purchase Agreement (Mexican Jones) – Doug Cameron

Mr. Modrack reported that we have received an Installment Purchase agreement for review at this morning's meeting. This document was required according to the City's bond counsel. The Installment Purchase Agreement and a Resolution Authorizing Execution of Installment Purchase Agreement and Reimbursement Agreement were distributed to the DDA Board. Mr. Cameron reviewed the terms of the Installment Purchase Agreement. If the Board approves the Authorizing Resolution at today's meeting, Mr. Cameron will arrange for Mr. Herbst and Mr. Corrigan, as Chairperson and Secretary, respectively, to sign the documents.

Motion by Mr. Griffith, seconded by Mr. Corrigan, to approve the attached Resolution Authorizing Execution of Installment Purchase Agreement and Reimbursement Agreement authorizing the Chairperson and Secretary of the DDA to execute the Agreement and a separate Reimbursement and Indemnification Agreement.

Roll Call Vote:	Ms. Bandkau – Yes	Ms. McConeghy - Yes
	Mr. Beauchamp – Yes	Ms. Miller - Yes
	Mr. Binkley – Yes	Ms. Nelson - Yes
	Ms. Botka - Absent	Mr. Pipoly - Yes
	Mr. Corrigan – Yes	Mr. Strouse - Yes
	Mr. Griffith – Yes	Mr. Wirth - Yes
	Mr. Herbst - Yes	

Motion approved 12-0-1.

C. MEGA Family Diner Purchase Agreement Status

Mr. Modrack advised that MEGA is utilizing the additional 60-day extension in the Purchase Agreement for due diligence. They have run into some soil issues at the site but are working hard to use the site regardless. Mr. Griffith noted they could lose their \$35,000 deposit if they don't go through with the deal. The initial due diligence period will expire on October 29, 2010. The extended due diligence period will expire on December 28, 2010.

Mr. Modrack reported that he met with the Chamber of Commerce last week to discuss a proposal to put together one event per month, and he will meet with the Business Recruitment/Promotions subcommittee to flesh out ideas. He also noted that when the City secured the CSX Property for the Second Street Parking Lot, an additional 700 feet was included that could be used for event parking, possibly even "green" parking. This subject will be reviewed by the Design Subcommittee at a future meeting.

Mr. Modrack reported that the DDA has budgeted \$7,500 for FY 10-11 for Holiday Glow lighting and Chairperson Herbst's signature will be required for the check request. Ms. McConeghy also mentioned the Chamber is trying to raise money for additional speakers that are portable and could be moved to the municipal parking lot for other events (e.g., Farmers Market, Smokin' Jazz). The Chamber will be meeting this week with Bob Ressler from Stonefire to see if they will be the primary sponsor of Holiday Glow again this year.

Mr. Modrack noted that the Chamber has the DDA's signed purchase agreement and is working on the purchase of the Mellus building for the Chamber.

Report from Chair – DDA Administrator Progress Report

Chairperson Herbst advised that he would not be able to attend the Visioning session on November 9 due to a prior commitment.

Mr. Herbst advised that election of officers is scheduled for the January 2011 DDA meeting. He also noted that Mr. Modrack's contract is due to expire in January and distributed a DDA Administrator's Progress Report covering the period from January 1 through October 15, 2010. There were several positive comments from board members Corrigan and McConeghy complimenting Mr. Modrack and his staff on his achievements with the DDA this year. Chairman Herbst endorsed Mr. Modrack's coordination of the various DDA subcommittees, which he stated enables the full board to be more productive. Ms. Miller noted that Mr. Modrack is very responsive to concerns and suggestions. Mr. Pipoly stated that the DDA has been able to accomplish a great deal the first ten months of this year, even with the Mexican Jones issue, which took up a lot of everyone's time. Ms. Bandkau remarked how well the City and DDA blend together to get things done.

Mr. Modrack thanked everyone for their comments and noted that this was a very good board to work with. He has more work to do with the Design subcommittee regarding development of a façade program. The Business Recruitment/Promotions subcommittee has met twice; one of the meetings was a very productive interview with three new retail business owners and Matt would like to do the same type of meeting with some long-term downtown businesses.

Motion by Mr. Pipoly, seconded by Ms. Nelson, to extend Mr. Modrack's DDA Administrator role under the same terms for an additional year through December 2011. Motion passed 12-0-1.

Ms. Bandkau advised that she received a letter from the American Legion authorizing repairs to the World War II Memorial at the Mill Pond. She noted that a couple of donations has been received and a separate account has been established if people want to make a donation (payable to the City of Brighton). Ms. Bandkau has also been in contact with City DPS regarding possible repairs. Mr. Pipoly asked if there were any plans to expand the memorial and Ms. Bandkau noted that the groups involved with the memorial would keep that in mind.

Chairperson Herbst asked about the status of the MEDC Rural Arts Grant. Ms. French reported that the acceptance or rejection letters are supposed to go out this week and we should know by the next meeting whether we will be receiving the \$10,000 grant.

Lindhout Update

Mr. Lindhout discussed Change Order #03 for the Cemetery Parking Lot/Pocket Park project and asked for approval by the DDA Board for an additional \$1,785.05 as noted in that change order. The additional costs are for excavation and another retaining wall. They also discovered another headstone as a result of excavation, and the Historical Society will do the cleaning. Motion by Mr. Griffith, seconded by Mr. Wirth, to authorize Chairperson Herbst to sign Change Order #03 in the amount of \$1,785.05. Motion carried 12-0-1.

The pocket park wall is in place and the seating area should be completed soon. They are still working on the walls to smooth them out; the problem was due to using 2-foot wide sections for forms instead of

curved forms. The base coat for the cemetery parking lot will be done shortly and the final coat should be done by the end of November. Mr. Lindhout advised the building tenants have been told they may be able to move into the building in late December.

Mr. Beauchamp asked whether the Mill Pond side of the cemetery would be cleaned out as there are a lot of scrub trees and whose responsibility it is to remove them. Mr. Lindhout noted that the Brighton Area Historical Society volunteers clean the cemetery twice a year but the scrub grows pretty quickly. He also responded to Chairman Herbst's question regarding if there would eventually be a fence along the backside of the cemetery (there will be). Mr. Herbst also asked about the Dairy Queen issue that was on the last City Council meeting agenda. Mr. Pipoly explained that the Dairy Queen has a lease agreement with the City for an easement that was required when they put in their drive-through window. The owner, Dave Eichen, is asking for the annual lease payment to be waived.

New Business

Sub-Committee Reports

- A. **Budget** – Mr. Herbst reported that the Budget subcommittee met with City Manager Foster last week at his request to discuss various issues.
- B. **Mexican Jones** - No report
- C. **Development** - No report
- D. **Design** – Mr. Strouse advised that the Design subcommittee met on October 1 to discuss the cemetery hillside excavation and additional retaining wall as previously discussed above. The subcommittee's recommendation took into account how DPS would maintain the hillside (i.e., could it be easily mowed?).

Prior to the 10/1/10 meeting, the subcommittee met to review its purpose. They discussed that we don't seem to be taking care of what we have now, even though the DDA has helped to fund the purchase of equipment to plow, clean up after the geese at the Mill Pond, etc. The subcommittee agreed that future projects should either be self-maintaining or have maintenance costs built into the project (the downtown flower installation, for example, which includes watering and fertilizing). Mr. Strouse noted the subcommittee would be more vocal about maintenance issues. For example, they plan to contact DPS to find out why parking lots are not cleaned and why cigarette butts are not swept up off the sidewalks outside establishments, particularly since the "no smoking" law went into effect earlier this year. They also questioned why they don't see the equipment the DDA paid for in use? (e.g., the Bombardier). Mr. Wirth noted that the true cost of ownership should be considered going forward on projects.

- E. **Business Recruitment/Promotions** – No report.

Old Business

- A. **"Five Fotos" – Matt Modrack** – Deleted from agenda due to technical difficulties.

Other

- A. **Downtown Brighton Merchants Association – Lisa Nelson, Chairperson**

Ms. Nelson reported the third Ladies Night Out on September 30, 2010 was slow but that it was expected since it was the first one done in the fall. She noted that communication could have been better for the event; some people told her they were in Brighton for dinner anyway and didn't know it was Ladies Night.

For Holiday Glow, the merchants will feature a window-decorating contest with people voting for the best decorations and possibly a merchant parade.

Mr. Cameron reported that his office had paid a \$300 fine to the Liquor Control Commission assessed to the previous owner of Mexican Jones in order to get the liquor license transferred.

Mr. Binkley asked if anyone knew who decorates the large tree in the roundabout at Third Street. Ms. Bandkau thought one of the local homeowners did it on their own. Mr. Modrack will check with Matt Schindewolf from DPS to see if he knows anything about it.

Adjournment

Motion by Ms. Bandkau, supported by Mr. Wirth, to adjourn at 8:20 a.m. Motion carried 12-0-1.

Respectfully submitted,

Lauri French, Community Development & Planning Department
October 19, 2010