

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

The City of Brighton Downtown Development Authority will hold a meeting on Tuesday, September 21, 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 September 21, 2010 Agenda | |
| ACTION | 3. | Call to the Public | |
| ACTION | 4. | Approval of the August 17, 2010 Regular and Closed Session Meeting Minutes and August 24, 2010 Special and Closed Session Meeting Minutes | |
| ACTION | 5. | Approval of Bills | |
| | | A. McCririe & Cameron (Aug. 2010) | \$ 3,265.00 |
| | | B Lindhout Associates (Aug. 2010) | \$ 7,237.72 |
| | | C. Contracting Resources (205 West) | \$ 93,968.55 |
| | | D. Desine, Inc. (Mex. Jones Easement Extension) | \$ 482.50 |
| | | E. Landscape Design & Associates | \$ 168.00 |
| | | F. City of Brighton (Water/Sewer Bill 8/1-8/31/10) | \$ <u>25.53</u> |
| | | TOTAL BILLS | \$105,147.30 |
| ACTION | 6. | Financial Report | |
| | | A. Financial Summary | |
| | 7. | Administrative Report (Matt Modrack) | |
| ACTION | | A. Planning & Community Development Report | |
| | | B. DDA Liquor License – Letter of Intent dated 8/26/10 | |
| | 8. | Lindhout Update | |
| | 9. | New Business | |
| | | <u>Sub-Committee Reports</u> | |
| ACTION | | A. Budget – 9/8/10 meeting | |
| | | B. Mexican Jones | |
| | | • Purchase agreement (handout) and due diligence status | |
| | | • Discuss disbanding subcommittee | |
| ACTION | | C. Development – 9/20/10 meeting | |
| | | • Request for Closed Session to discuss property acquisition | |
| | | D. Design (No report) | |
| | | E. Business Recruitment/Promotions (No report) | |
| | 10. | Old Business | |
| | | A. “Five Fotos” – Matt Modrack | |
| | 11. | Other | |
| | | A. Downtown Brighton Merchants Association – Lisa Nelson, Chairperson | |
| ACTION | 12. | Adjournment | |

Next meeting is scheduled for Tuesday, October 19, 2010 at 7:15 a.m.

**City of Brighton
Downtown Development Authority Meeting Minutes
September 21, 2010**

The Board for the Downtown Development Authority (DDA) held a meeting on Tuesday, September 21, 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, Linda Botka, Tim Corrigan, Scott Griffith, Bob Herbst, Pam McConeghy, Mondie Miller, Lisa Nelson, Shawn Pipoly (arrived at 7:20), Greg Strouse and Al Wirth.

Members Absent:

Also present:

Mr. Frank Mancuso, McCririe-Cameron Law Office
Mr. Piet Lindhout and Mr. Mike O'Leary, Lindhout Associates
Mr. Matt Modrack, DDA Administrator/Community Development & Planning Director, City of Brighton

An audience of two was also present.

Approval of September 21, 2010 Agenda

Motion by Mr. Griffith, supported by Mr. Wirth, to approve the September 21, 2010 meeting agenda as presented. Motion carried 12-0-1.

Call to the Public was made at 7:16 a.m. Susan Walters-Steinacker, 907 Brighton Lake Road, noted that since there were people absent at the special meeting on August 24, 2010, per Section 6.3 of the City Charter and the Open Meetings Act, that it was not appropriate for the Chairperson to have asked if there were any agenda items to add. Hearing no further response, call to the public was closed.

Approval of the August 17, 2010 Regular Meeting Minutes

Motion by Ms. Bandkau, supported by Ms. McConeghy, to approve the August 17, 2010 regular meeting minutes as presented. Motion carried 11-0-2.

Approval of the August 17, 2010 Closed Session Meeting Minutes

Copies of the closed session meeting draft minutes from August 17, 2010 were distributed. Motion by Mr. Corrigan, seconded by Ms. Botka, to approve the August 17, 2010 closed session meeting minutes as presented. Motion carried 10-0-3.

Mr. Pipoly arrived at 7:20 a.m.

Approval of the August 24, 2010 Special Meeting Minutes

Motion by Mr. Griffith, seconded by Mr. Beauchamp, to approve the August 24, 2010 special meeting minutes as presented. Motion carried 10-0-3.

Approval of the August 24, 2010 Closed Session Meeting Minutes

Copies of the closed session draft meeting minutes from August 24, 2010 were distributed. Motion by Mr. Griffith, seconded by Ms. Botka, to approve the August 24, 2010 closed session meeting minutes as presented. Motion carried 9-0-4.

Approval of Bills

Mr. Wirth asked for clarification of the Contracting Resources bill. Chairperson Herbst explained it requires approval of the DDA due to the local match that will be paid by the DDA. Motion by Mr. Griffith, supported by Mr. Corrigan, to approve the bills as presented. Motion carried 13-0.

Financial Report – Motion by Mr. Griffith, supported by Ms. Bandkau, to approve receipt of the financial summary dated 9/16/10 as presented. Motion carried 13-0.

Administrative Report

A. Planning & Community Development Report

Mr. Modrack noted that the Development Subcommittee will ask for a closed session this morning to discuss a proposed property acquisition. Mr. Modrack noted that the 205 West project is proceeding and Mr. Lindhout will cover this item in his report. We have received the Release of Funds letter from the MEDC for the West/North/Main Streetscape project, which means we can start to spend money on it. The grant does not include Bagger Dave's façade money, as the owner opted out due to Federal wage requirements and time schedule; he has signed the grant agreement that allows us to leverage his job creation for grant dollars.

Mr. Modrack discussed a request from board member Miller to hold a "visioning session" for members of the DDA board. This would be a separate, non-business meeting to determine what the members want the downtown to look like and will likely bring new ideas to the table. Mr. Modrack mentioned "The Great Reset", a book by Richard Florida, and suggested it be read prior to holding the meeting so everyone is on the same page, and he will investigate the cost to purchase enough copies for each board member. He also suggested using a facilitator for the meeting. Ms. Miller is interested in what other board members have to say. Ms. Nelson noted it is hard to have in-depth discussions at regular meetings due to the full agendas. Mr. Modrack asked if there was a morning or evening preference for the meeting, and an evening meeting would be preferred. Lauri French will send out a meeting notice email and try to schedule the visioning session within the next few weeks.

Mr. Modrack also noted that he, Kathy Lupi (City Assessor) and Lauri French were chosen to give a presentation at last weeks' Michigan Downtown Association Conference in Bay City with the topic of redevelopment liquor licenses. Mr. Modrack believes that Brighton is second only to Grand Rapids for the number of redevelopment licenses issued.

B. DDA Liquor License – Letter of intent dated 8/26/10

Mr. Modrack reported he had received an unsolicited bid for the liquor license now owned by the DDA. He stated there are two options for the license; one is to sell the asset and the other is to keep it and use it as leverage for any new restaurants that might require it. Mr. Wirth asked if the offer was reasonable and for what average price other licenses are selling. Mr. Griffith noted that the cost of non-redevelopment licenses used to be high but have been reduced as a result of the economy and the availability of redevelopment licenses. Mr. Wirth also wanted to know if there is a time limit to hold the DDA license in escrow. Mr. Corrigan noted it is five years but we could get an extension if necessary. Mr. Griffith also mentioned that if we were to accept the offer that the buyer could take the license with them if they leave the City, unlike the redevelopment licenses.

Motion by Mr. Binkley, seconded by Mr. Wirth, to direct Mr. Modrack to thank Mr. Tobbe for his offer and advise him the DDA Board is not interested in selling the liquor license at this time. Motion approved 13-0.

Lindhout Update

Mr. Lindhout provided an updated status for the St. Paul Parking Lot & Pocket Park. He noted that the project is on schedule; however, we have spent a large portion of our contingency money due to bad soil, having to rebuild the front wall of the crypt in the cemetery and removing buried tires. He reviewed the

site plan and explained that volunteers and city staff are working on the cemetery and the contractor is working on the parking lot, which has left an "island of ugliness" in the middle section. He has received a \$19,000 bid from the contractor to grade this area while he still has his equipment on-site. We would still have landscaping to do and that cost is not included in the \$19,000. There are some gravesites within the work area that have to be shored up. Mr. Lindhout noted that the cemetery is City property. Mr. Modrack asked for a breakdown of costs for this project. Mr. Lindhout advised the Contracting Resources contract is \$350,000 plus design costs and an allowance for benches. The grant amount was approximately \$400,000 with a \$40,000 plus grant match from the DDA.

The least expensive alternative for landscaping this section would be to hydro seed; ground cover such as creeping myrtle could also be an alternative but would cost more. Mr. Beauchamp asked if the Garden Club could maintain this area as a flowerbed, but Mr. Lindhout noted it is a very large area to maintain. Mr. Lindhout also noted the parking lot should be complete by mid-October and we can't wait until the October meeting to approve the landscaping. The contractor would rebuild the retaining wall to make it structurally sound and remove debris and small trees from the area. Motion by Mr. Corrigan, seconded by Ms. Bandkau, to approve the increase to the Cemetery Parking Lot and Streetscape project as provided in the bid by Contracting Resources in the amount of \$19,039 to secure the structural integrity of the cemetery retaining wall, to direct Lindhout Associates to move forward on a bid for hydro seeding the area of the site plan as discussed in this morning's meeting and to authorize Chairperson Herbst to sign the hydro seeding contract after bids have been received and a contract awarded. Motion carried 13-0.

Mr. Lindhout advised that he met with the Brighton Arts and Culture Commission (BACC) regarding art for the 205 West Pocket Park, and they indicated they would include the pocket park art in their next Call to Artists, either permanent or rotating pieces. Mr. Lindhout also noted that since there is a large wall area that the BACC may want to include the walls for some type of art. He also suggested to the BACC that they include the design of "benches as art" in their Call to Artists.

Mr. Lindhout reviewed the West/North/Main site plan and gave an update on the status of the wood boardwalk planned as an alternate project (not in original cost estimates or budget; this would only be considered if bids come in lower than grant budget). City staff questioned how this would be maintained (i.e., snow removal) and its sustainability. Mr. Lindhout noted they are now looking at concrete instead and are looking to simplify the project. Mr. Pipoly questioned whether they could still do the overlook from the sidewalk and Mr. Lindhout indicated that could be done. Mr. Binkley reiterated that he would prefer not to take out green space for parking spaces.

New Business

Sub-Committee Reports

A. Budget – Mr. Corrigan reported the subcommittee met last week to review the FY 10-11 budget structure, determine what budget amendments might be required and how to move forward for next year's budget. He noted they are still exploring options for "Lower Town" and Mr. Modrack is still pursuing this with the property owners. The subcommittee will meet again prior to the October DDA meeting and present their findings in further detail at that meeting.

B. Mexican Jones

- Purchase Agreement and Due Diligence Status - Mr. Corrigan reported that we are in the due diligence period and the buyer may have access to the property at any time. Mr. Modrack noted he met with the buyer's architect on September 10. He also mentioned he had received a backup offer from another buyer which was discussed with the Mexican Jones subcommittee.
- Discuss disbanding subcommittee – It was suggested by Mr. Griffith that the subcommittee not be disbanded until after we have closed on the property sale in case there are any issues that need to be discussed by the subcommittee. No action required by board.

C. Development – Chairperson Herbst asked for a motion to go into a closed session to review and consider a proposed property acquisition. Motion by Mr. Corrigan, supported by Ms. Bandkau, to

close the regular session of the DDA meeting to go into a closed session to review and consider a proposed property acquisition.

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

The DDA Board convened into Closed Session at 8:20 a.m.

The DDA Board reconvened the Regular Session at 8:40 a.m.

Motion by Mr. Corrigan, seconded by Mr. Pipoly, to direct Chairperson Herbst to sign the purchase agreement on behalf of the Downtown Development Authority as discussed in today's closed session. Motion approved 12-0-1 (one abstention).

D. Design – No report.

E. Business Recruitment/Promotions – No report.

Old Business

A. "Five Fotos" – Matt Modrack

Mr. Modrack reported that Ms. Miller's "Five Fotos" could not be viewed this morning due to a technical difficulty, but that Ms. Bandkau had also submitted photos from her recent visit to Charlevoix. The Board reviewed the photographs of a lighted splash pad and its "donor wall", flowers along curbing, which are maintained by prisoners for their community service work, and a photo of the tractor and reservoir used by Charlevoix to water their flowers. Mr. Modrack encouraged the board members to take photographs in their travels and submit them to his office for future DDA meetings.

Other

A. Downtown Brighton Merchants Association – Lisa Nelson, Chairperson

Ms. Nelson reported the DBMA is planning a third Ladies Night Out on September 30, 2010 from 6-9 p.m. and Reaching Higher, Inc. is the charity they are sponsoring. She noted that more structure is being put in place for the DBMA and they are working with the Chamber to tie in to Chamber events. For Holiday Glow, the merchants are looking at doing a window-decorating contest with people voting for the best decorations and possibly a merchant parade.

Mr. Herbst asked Mr. Modrack if there had been any action on the demolition grant application. Mr. Modrack responded that he had received a negative on the application from the MEDC. They noted that requests far exceeded the money available for these grants and they made a decision not to accept any applications from new clients to the program due to the time required to get them on board. They did indicate they would hold our application in the event funds become available in the future.

Adjournment

Motion by Mr. Griffith, supported by Ms. Nelson, to adjourn at 9:00 a.m. Motion carried 13-0.

Respectfully submitted,

Lauri French, Community Development & Planning Department
September 21, 2010