

MEETING MINUTES
Berkley Downtown Development Authority
Meeting of the Board of Trustees
Berkley Public Safety Building, 2nd Floor Conference Room
Wednesday, September 12, 2007

I. CALL TO ORDER: The meeting was called to order at 7:44 AM with Chair Alan Semonian presiding.

II. DETERMINATION OF ATTENDANCE:

Present: Jane Bais-DiSessa
John Barbuscak
Diane Farrington
Keith Logsdon
Michael Pesendorfer
Alan Semonian
Aleta Young

Absent: Allen Dyer – *excused*
James Eshaki
Lawrence Gallagher – *excused*
John McGovern – *excused*

Also Present: Tom Biehl, HRC
Nate Geinzer, DDA Downtown Manager
Robert Liss, Attorney
Gary Tressel, HRC

III. APPROVAL OF AGENDA: Geinzer asked that the order of agenda items A. and B. under VII. Unfinished Business be reversed. The amended agenda was approved unanimously upon a motion by Bais-DiSessa and a second by Farrington.

IV. APPROVAL OF MINUTES:

A. Regular Meeting of August 8, 2007: On motion by Farrington and a second by Logsdon, the minutes were unanimously approved by the Board.

B. Special Meeting of August 14, 2007: On motion by Farrington and a second by Logsdon, the minutes were unanimously approved by the Board.

V. PUBLIC COMMENTS:

A. Communications: Alan Semonian – None received.

B. Introduction of First Time Visitors: Bais-DiSessa introduced Attorney Robert Liss, whose office is on Coolidge, as a prospective member of the DDA Board. Logsdon asked him how he came to Berkley and what interest he had in being a Board member. Liss said he had offices previously in Southfield and Birmingham and wanted to own his own building. Berkley's prices and location suited him. He's since done extensive renovation of the building he bought on Coolidge and noted his interest in the Board is as a business and property owner. If the downtown thrives, his property values and business should also thrive. Barbuscak noted that he had also sponsored a business banner. Bais-DiSessa said she would present his name to Council at their next meeting and make a recommendation that he be appointed. Barbuscak asked him if he would have a problem with the meeting time, and Liss said he would not. Semonian asked when the DDA Board would have a discussion about whether or not Liss would be invited to be on the DDA, and Bais-DiSessa responded that they don't. Barbuscak commented that there was a time in the past when they could. The Board had an opportunity to meet unofficially with candidates and make their recommendations to the City Manager prior to official recommendation of appointment. In the past, the Board also recruited the candidates. Bais-DiSessa responded that she always asks for Board input, and they have an opportunity to recommend individuals to her. Logsdon noted that when he was chair, it worked out well to have an informal meeting in Bais-DiSessa's office with potential candidates. Semonian said his only concern is that open discussion at the Board meeting, in front of the candidate, would not be

appropriate. Bais-DiSessa said she knows of no other board that decides who will be on it. She believes there needs to be that separation. Farrington noted some inappropriate candidates have approached her that she felt they would not be a good fit. She also urged having more retailers on the Board. Barbuscak said he thought the chair should be part of the initial interview. Bais-DiSessa disagreed, saying the Board should not be responsible for the selection. Logsdon noted that as the committee process outlined in the Main Street way gets going, committee members will move up to be Board members, and the Board will already be familiar with them. Bais-DiSessa noted there are not that many retailers on Coolidge. She also thinks it's important to have property owners on the Board. Semonian added that property owners can actually make upgrades to their buildings. Barbuscak noted an important distinction between the DDA and other Boards is that the DDA is a taxing authority. Past City Councils asked if candidates had been approved by the Board before appointing them. Semonian summarized that the Board will use committees as a means of getting potential candidates and give Bais-DiSessa recommendations as well as feedback on candidates presented.

VI. CHAIRPERSON'S UPDATE: Semonian passed out copies of a draft code of honor he had previously proposed for the Board, a template to agree on standards of how they do business. The ideas were open to discussion, and he asked Board members to e-mail their suggestions to him. Bais-DiSessa reported that City Council is considering a similar code of ethics that would also apply to the DDA. Semonian said a simple list of 5-10 rules would work to establish how the Board functions as a group, such as being on time and attendance at meetings. Farrington also suggested keeping outside conversation to a minimum and speaking only to the speaker. Semonian also proposed that each Board member become a liaison to businesses in the district, which would mean each would represent @20 businesses. That would give a face to the DDA. Each Board member would make it a priority to introduce him/herself to the business owners. Logsdon said he thought it was important that the list not be divided up geographically. Bais-DiSessa will get a business list to Geinzer and then the Board members will each get a copy.

VII. UNFINISHED BUSINESS:

A. Consider 07'-08' Fiscal Year Parking Lot Project and proceeding with design and engineering: Geinzer had met with Jerome and then Biehl at the site of the proposed project about upgrades and maximizing parking. In the process, Geinzer found out that one lot that borders Tyler is privately owned. Biehl and his associate Tressel met with Geinzer on site and walked the area. Then HRC provided a proposal and prepared a sketch of a design for the Griffith to Robina lot that would add @25 parking spaces with a central dumpster to help create a more inviting alley entrance. Some of the adjacent lots are privately owned. Bais-DiSessa noted that the project is funded by monies the DDA budgeted for 2007/08 and is in line with the TIF plan. Geinzer noted the project might be phased and be 2-3 years before completion. Biehl said Tressel does similar parking lot work for the City of Rochester, City of Southfield, Providence Hospital, and various universities, among other clients. The proposal they put together is based on a complete re-do of the parking lot. By changing to 60-degree angled parking in the eastern portion of the lot, they increased the total number of parking spaces. The traditional 90-degree parking would be retained for the western portion of the lot. The central dumpster would serve a number of private businesses and be secluded and accessible by businesses with a card. It would also have a compactor, a floor drain to the sanitary sewer, and a water spigot for washing it down. The central business district could be assessed for the improvement. The rebuilt lot would include new curbs and be re-contoured to facilitate flood protection. Semonian asked Tressel if there were lots he'd done nearby that the Board could view, and Farrington asked about feedback from the merchants where he'd done similar improvements. Tressel noted that in Rochester, businesses have entrances from the parking lots and they like having the dumpster set away from their "front door." Tressel will e-mail Bais-DiSessa some addresses that the Board can check out. Logsdon wondered if the proximity to residential property could be a problem. Tressel responded that in Rochester they have work crews that pick up litter, also noting that hosing the dumpster down in summer helps avoid odor problems. Logsdon then asked how the parking plan presented ties in with the master plan, as he didn't want to move on the project if it would have to be undone later. Geinzer said he had talked to Vansen, and she said there had been discussion of concentrating the public space part of the master plan catalytic project on the

north side of 12 Mile. He suggested taking the preliminary parking plan to the Planning Commission for input before moving forward. Bais-DiSessa agreed with getting Planning Commission input. Pesendorfer noted that these were issues that need to be addressed and rectified. He said parking was a disaster in that lot, water runoff from roofs was a big problem, especially in winter, and the current dumpster situation meant there was always garbage behind the buildings. Logsdon noted some brief discussion in the past about a parking assessment district that would generate funds to cover maintenance. He also asked if screening between the lot and residential area would be part of the project. Biehl said they could include dressing up the perimeter depending on what the DDA wants to spend. Parking meters could also be installed to generate additional revenue. Logsdon would like to see some of the streetscape elements replicated in the parking lot upgrade. He asked Biehl about a budget for the project, and Biehl responded @\$400,000 (complete tear down, consistent lighting, etc.). Barbuscak said he thought they should have a DDA plan that encompasses all the phases, as some residential lots should be bought up and rezoned. Geinzer said landscaping would be part of the proposal package. Buying up houses would be on the project list of the new development plan. Barbuscak would like to see all three phases at once, from the beginning. Pesendorfer said the whole parking area looks like one big space from behind the buildings, and just fixing one part would make the comparison in condition striking. He wondered if the City code governs the condition of parking lots. Geinzer said there were possibilities to involve private lot owners in the discussions. Bais-DiSessa said City Council wants stronger code enforcement, but it's sometimes difficult to find the owners. Barbuscak suggested that a small DDA committee walk the area with the City engineer, keeping in mind that this will be the focal point of the downtown. Geinzer said he was open to suggestion but needed direction on where to go from there. Bais-DiSessa said she wasn't so sure a committee was needed. They could lose what they need to do as a Board. Semonian said he thought all Board members should be involved. Logsdon asked what the next step is, and it was agreed to meet with the Planning Commission. Farrington agreed with Barbuscak that looking at a larger idea was good. Geinzer reminded her that this space they're looking at now is the only one in the current development plan. If the area was expanded, paving is about all they could afford. Semonian said his concern was inconsistency with long term planning. Geinzer noted that if the Board wants to proceed with conceptual plans, then they should decide what the look of future parking lots should be, and then have the Planning Commission review it. He said there's not a lot of money available now. Perhaps City Council should revisit how parking is handled in the site plan approval process. Logsdon noted that businesses get the benefit of having parking requirements reduced or waived by paying into a parking assessment district. He suggested getting in the next work session with the Planning Commission, with interested Board members showing up. Bais-DiSessa asked that Biehl attend as well. Barbuscak said he wanted to go on record as not trying to stall the project but that he strongly feels it's important to look long range. Geinzer was charged with getting on the Planning Commission agenda.

B. Consider proposals for legal services for the DDA Development/ TIF Plan Update: Geinzer reported that at Sabuda's suggestion, he had gotten some quotes from the law firms previously mentioned about reviewing the new TIF development plan. He got quotes from three firms, and Miller-Canfield and Dickenson-Wright's quotes were more reasonable than the third. Theirs were between \$2,000 and \$2,500. Dickenson-Wright has worked with the City in the past. Miller-Canfield does this kind of work more than other firms. Geinzer asked for a vote on the two firms so that he could start discussion about the process. Logsdon asked if they were voting to spend the money for the attorneys to review the plan. Geinzer said he had no bills. The vote would be on which firm to contract with for the review and could include language such as "not to exceed \$2,500.00 without further approval from the DDA." Logsdon said at this point he saw no basis for selecting either firm. Bais-DiSessa said she would recommend Miller-Canfield. Pesendorfer said he wasn't comfortable voting based on what he'd heard, approving a vendor based on no proposal, on hearsay. Geinzer responded that he had been directed at the August meeting to get at least three prices for legal services so that the DDA could move forward, and he had done that. Farrington asked if it was a contract or a quotation. Young said it wasn't for the law firm to put up a proposal since the Board is soliciting their business. Bais-DiSessa said she was confident that either firm could do the job because she's worked with both. Farrington said she agreed with Pesendorfer, and if she had to vote on spending money, she wanted something in writing. Barbuscak made the point that the plan isn't

written yet, and he felt they should talk to McGovern first. Geinzer said he was ready to get the plan submitted but needed to get the committee together to meet. Logsdon also thought it was premature to vote on the law firm and that the committee needed to talk about the work Geinzer had done on the plan. Bais-DiSessa moved that the Board ask Geinzer to proceed with contracting with Miller-Canfield at a cost not to exceed \$2,500.00 for review of the TIFA plan. Young seconded. Farrington said she felt pressured. Young urged that Geinzer be allowed to do his job and the Board should trust him. Bais-DiSessa agreed with her. Barbuscak said he strongly believed McGovern should be consulted about the decision. He had questions about Miller-Canfield's previous work for the City. He also wanted to have a copy of the plan to review before turning it over to a law firm for review. Semonian noted that in August the Board directed Geinzer to go forward on legal service proposals. He came back with quotations. Now the Board was "re-deciding" its August decision. Semonian said he could foresee no point in having a DDA manager if Geinzer weren't empowered to do his job. Pesendorfer said he wanted to see details on paper. If they could save \$500.00, maybe they could buy a banner for one of the empty poles. Logsdon asked if they were basing their fee on a boilerplate plan, and if they hadn't seen the actual plan, how would they know what it would cost to review. Young said she thought they needed to table discussion on the motion. She advised that all Board members look at the development plan and then proceed. Barbuscak asked when they would get to see what Geinzer has done on the plan so far. Geinzer said he was waiting for the DDA members of the committee to get together with City staff. Semonian noted that Geinzer tried very hard to get the meeting together but schedules were making it difficult. Logsdon stated that the meeting needs to happen after 5:00. On a roll call vote, Bais-DiSessa, Semonian, and Young voted in favor of Bais-DiSessa's motion, Barbuscak, Farrington, Logsdon, and Pesendorfer voted against, and the motion failed 4 to 3. Barbuscak suggested that they were putting Geinzer in spot where he's getting direction from all over. Young said she thought the decision about the law firm was a very simple one and if the Board couldn't make simple decisions, what would happen when it was time to seriously discuss the development plan. Farrington said things may seem simple to someone and not so simple to someone else. Young said they have to allow Geinzer to do his job. Semonian said it was disempowering to Geinzer, but Logsdon countered that they weren't stopping the process. Pesendorfer said he was amazed that an issue that was not pressing was getting rammed through when they couldn't get flowers in the planters in time for the season. When they need urgency, they can't get it, and an issue that doesn't warrant urgency is getting so much attention and emotion. Semonian stated the development plan committee members should pick a time to meet. Geinzer said he had to consult with the City staff members before committing to a time. Logsdon asked him how he had arrived at the previous meeting times, and Geinzer said he had tried to make them as late in the day and with as much lead time as possible. He suggested finding a time for the whole group to meet to determine what specific involvement the City staff and DDA Board would have from this point on and what each group's role would be. Barbuscak suggested Geinzer give the input from the City staff to the Board. Logsdon said his impression was that Vansen and Sabuda were there to support rewriting the plan and provide input. Geinzer responded that the point of having the committee is to be involved in *all* of the discussion, not just to do their role. Semonian noted that the point is the group be together. The development plan isn't more urgent than other issues, but he wants momentum on everything to continue. Maybe issues need to be prioritized better. Barbuscak noted that the ballot issue is genuinely urgent. Barbuscak said if the four DDA committee members get together, they could expedite the plan work and Geinzer could then make finishing touches. Semonian asked Geinzer to see if he could arrange a meeting between 4:00 and 5:00 with a lead time of a week. Barbuscak has the 1999 and 2007 voter roster. He thought there would be a maximum of 20 actual voters to reach. Geinzer said he has a sheet from Staran on the talking points that he would e-mail to the Board. Semonian asked him to move the issue to the front burner. Geinzer said the City Clerk is investigating the voter list, and Barbuscak should contact her to find out if she's gathered any additional information about those voters. Barbuscak asked him to find out when absentee ballots will be sent out.

C. Receive update concerning website enhancement services and provide staff further direction regarding the further solicitation of proposals: No report.

VIII. NEW BUSINESS:

A. Receive update regarding upcoming DDA ballot question: Nothing additional to report.

IX. COMMITTEE REPORTS:

A. Treasury/Budget/Finance: Aleta Young – No report.

B. Development: Jane Bais-DiSessa – No report.

C. Build Berkley/B.B.A.T.: Keith Logsdon – No report.

D. Business Recruitment: No report.

E. Banners/Appearance: John Barbuscak – No report.

F. Newsletter: John Barbuscak – No report.

G. Web Site: Nate Geinzer – No report.

X. LIAISON REPORTS:

A. City Council Liaison: Absent – no report.

B. Planning Commission Liaison: Absent – no report.

C. Beautification Committee Liaison: Absent – no report.

D. Chamber of Commerce Liaison: Absent – no report.

E. Zoning Board of Appeals Liaison: Absent – no report.

XI. ADJOURNMENT:

The meeting lost quorum, and no motion to adjourn could be made.