

# MINUTES

## Allen Park Downtown Development Authority

### REGULAR MEETING

Thursday, January 25, 2016

6:30 p.m.

The Allen Park Downtown Development Authority met in regular session on Thursday, January 25, 2016, at 6:30 p.m. in the conference room at the DDA offices.

#### 1. PLEDGE OF ALLEGIANCE

2. **CALL TO ORDER** Chairman Keenan called the meeting to order at 6:31 p.m.

3. **ROLL CALL** Vice-chair/Secretary Riviera called the roll. A quorum was present.

<b>Present:</b>	Fred Frank	Director
	Tracy Fressel	Director
	Tom Gunderson	Director
	Bob Keenan	Chairman
	Laura Kozlowski	Director
	Gail McLeod	Mayor Pro Tem
	Ron Mistor	Treasurer
	Kevin Potocsky	Director
	Cindy Riviera	Vice-Chair/Secretary

<b>Excused:</b>	Peter Zingas	Director
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<b>Others Present:</b>	Trevor Daniel	DDA Legal Counsel
	Jennifer Kibby	DDA Executive Director
	Kevin Rourke	Councilman
	Philip Antrassian	Downtown Property Owner

*Conflict of Interest forms were made available on the conference room table.*

#### 4. APPROVAL OF AGENDA

*Motion* by R. Mistor supported by L. Kozlowski

*Resolved* to approve the agenda.

*Motion carried.*

#### 5. APPROVAL OF MINUTES

*Motion* by T. Gunderson, supported R. Mistor

*Resolved* to approve the minutes from the December 7, 2017 meeting.

*Motion carried.*

**6. ELECTION OF OFFICERS**

- a) Robert Keenan was nominated and elected by acclamation as DDA Chairman.
- b) Cynthia Riviera was nominated and elected by acclamation as Vice-chair/secretary
- c) Ron Mistor was nominated and elected by acclamation as Treasurer.

**7. DISTRICT ISSUES AND UPDATES**

- a) Mr. Gunderson reported the new dumpster for cardboard provided by the city is wonderful and much appreciated.
- b) Mr. Mistor reported the cobra lights at N. Allen and Southfield are still out. Ms. McLeod stated the lights are Wayne County's responsibility, not DTE's as Ms. Kibby has been contacting.

**8. CITY UPDATE ON DISTRICT ISSUES.**

- a) Ms. McLeod had nothing to report.
- b) Mr. Rourke questioned if the corner of Philomene and Park by Fancy Pastry could be added to the spring striping list. The current parking configuration limits visibility. Ms. Kibby will take the issue to the city engineer for input.

**9. ATTORNEY'S REPORT.**

Mr. Daniel reported on his meeting with Mr. Miller and city attorney Joe Couvreur regarding limitations on TIF expenditures. Mr. Daniel and Mr. Miller presented the statement from Wayne County counsel asserting TIF funds cannot be used for municipal maintenance tasks. Mr. Daniel and Miller emphasized the DDA wants to partner with the city. Just because there are times when the DDA cannot legally use TIF funds to pay for maintenance work requested by the city does not mean the DDA is not a team player. Mr. Couvreur suggested addressing this on an issue by issue basis as projects come up.

Mr. Keenan provided background on events leading up to this meeting. He explained the DDA received several directives from city administration to pay for municipal maintenance including curb repairs, downtown trash collection, striping, etc. The DDA contends the TIF plan does not allow TIF funds to pay for such work and fears doing so could lead to legal/financial repercussions like those in Brownstown or dissolution of the TIF altogether. The DDA and city administration met in May to discuss, but reached no understanding. When presented with the \$45,000 rubbish bill, the DDA felt obligated to request guidance from Wayne County. County counsel issued a statement that TIF funds can only be used for programs in the TIF plan. "Except with respect to operation and maintenance of DDA owned buildings, the DDA Act speaks primarily to bricks and mortar development...Standard municipal services are not the kind of services or development envisioned by the statute." The board directed Mr. Daniel to meet with Mr. Couvreur to review the county statement and advise city administration accordingly.

Ms. McLeod stated she doesn't entirely agree with the DDA and county's interpretation. She sees the DDA law as ambiguous and subject to interpretation. The DDA captures rubbish millages, so she believes it follows it is the DDA's responsibility to collect trash. While she thinks it is good DDA counsel met with Mr. Couvreur, the DDA and city need to sit down with the state

for a final interpretation. She emphasized the need to work together and not draw lines in the sand.

Mr. Keenan replied the DDA captures school taxes too, so the trash millage does not mean the DDA is responsible for rubbish.

Mr. Daniel asked Ms. McLeod how she recommended the DDA and city sit down together. Ms. McLeod suggested a worksession so everyone hears the same thing.

#### 10. CITIZEN'S COMMENTS ON AGENDA ITEMS.

- a) Mr. Antrassian, owner of the property between Dairy Queen and the DDA's building at 17410 Ecorse, asked the board to reconsider the parking ban at its property. He reminded the board the city is in the process of revising the ordinance prohibiting overnight parking on private property. Mr. Antrassian would like the DDA to hold off on its ban until the ordinance revision is complete. Doing so would foster growth and development of businesses in the area.

Mr. Keenan explained the DDA is an arm of the city and while lots of other businesses are violating the current ordinance, it is improper for the DDA to knowingly break the rules

Mr. Antrassian asked if his customers don't park in the DDA lot overnight, could it remain open during business hours?

Mr. Frank suggested Mr. Antrassian, the executive director, and the executive committee come back to the board with a proposal. He noted the tenants should know, however, the DDA's long term goal is not to keep the property for parking.

In the meantime, Mr. Antrassian was encouraged to advise his tenants to park in the public lot across the street. He, in turn, encouraged the DDA to consider turning its property into new public parking

- b) Mr. Rourke asked if it would be possible to give council the Finance 101 session the DDA board received last year. He encouraged more involvement with council, citing how the food truck park project went to the Planning Commission, bypassing council entirely. Chairman Keenan replied the DDA asked city administration for a meeting about the food truck park but was denied. Mr. Rourke advised the DDA to come to council and request a meeting publicly. Ms. McLeod advised all relevant department heads should be in the meeting as there are lots of things involved in the project the DDA hasn't considered. Chairman Keenan asserted the DDA would like to bring everyone together at the front end of a project, like the Philomene Pedestrian Street, for instance. The DDA invested in preliminary drawings to illustrate our concept. When they were presented to the city administrator, he said no and council never heard about the proposal. Mr. Fressel stated certain people have shown they don't respect the DDA. Ms. McLeod countered the DDA has projects halfway down the road before they come to council. She recommends meeting to define roles and responsibilities and how to interact. She recommends additional communication so the DDA knows what is going on. Mr. Fressel interjected the DDA roles are already defined. We're not interpreting or

negotiating. The DDA ACT and TIF plan clearly define the DDA's roles. It is the city that doesn't seem to understand them. Ms. McLeod replied some items are not clearly defined.

#### 11. FINANCIAL REPORT

*Motion* by R. Mistor, supported by C. Riviera

*Resolved* to approve the December and January financial reports.

*Motion carried.*

Treasurer Mistor asked Ms. McLeod if the city could provide a receipt for the \$2,500 deducted from the DDA account for the audit. The DDA was not consulted about the deduction and did not provide an approval. Ms. McLeod replied she is not sure there is a bill, it was simply an allocation.

Ms. McLeod requested the DDA financial reports cover a single month instead of the entire time between board meetings. She was also concerned the TIF amount in the DDA budget does not match the city's. Ms. Kibby explained the full TIF amount is never captured. If the DDA budgets the entire amount, there is a shortfall at the end of the year. Therefore, the DDA opted to budget 9% less than the city's TIF estimate. Ms. McLeod stated that adjustment should be reflected on the P & L.

#### 12. CHAIRMAN'S REPORT

Chairman Keenan thanked the board members who submitted their executive director evaluations for the annual performance review. The contract provides for a cost of living raise upon a "favorable review". Mr. Keenan noted there are no criteria defining "favorable". The board must decide if Ms. Kibby's score of 81.6 is favorable, thereby granting a 3% raise and one year contract extension. He recommends setting a target number for the next review. Mr. Fressel recommended a hard end date.

*Motion* by T. Fressel, supported by G. McLeod

*Resolved* to consider the 2018 score favorable and revise the contract to clear up wording and look at some of the provisions.

*Motion carried.*

Mr. Daniel and Ms. Kibby were directed to work together to draft a revised contract and bring to the Executive Committee for input. Ms. Kibby and the board could agree to open the contract and negotiate a new one or the revisions could take effect after the current contract expires in three years.

#### 13. Executive Director's Report.

- i) *17410 Ecorse*. Ms. Kibby reported at Neil Silver's advice, the DDA scheduled a meeting with MDEQ Feb. 14. Mr. Silver thinks we have a reasonable position: we didn't cause the contamination, we didn't worsen the contamination, and we've mediated some of it. Without MDEQ's help releasing the DDA from liability, we will be forced to demolish the building and create a parking lot, even though we have a potential buyer. If MDEQ won't cooperate, we can go to our state legislators. The LUST report is still not closed out because the state tightened vapor intrusion regulations just as we ended the last quarter

of testing. The consultant thinks the report is finally acceptable and can be submitted after our meeting with MDEQ.

- ii) *Pocket Park*. Ms. Kibby asked the court workers to clean up the dead leaves in the Pocket Park uncovered by the melting snow.
- iii) *Handbooks*. The FY18-19 board handbook revisions are complete. Copies were emailed to all directors and hardcopies provided to those requesting them.

#### 14. COMMITTEE REPORTS

- a) **Design**. Mr. Mistor reported the committee started review of the LED retrofit proposals. They are reaching out to a few more contractors for additional bids. The committee is also considering creating decorative bump outs on mid-Allen.
- b) **Marketing**  
*Motion* by C. Riviera, supported by L. Kozlowski  
*Resolved* to approve the 2018 special event calendar.  
*Motion carried.*

#### 15. UNFINISHED BUSINESS.

- a) **Philomene Pedestrian Street**. Chairman Keenan stated the DDA would like the opportunity to sit down with the city's Municipal Complex Committee and discuss our proposal. The Master Plan calls for placemaking projects just like the DDA's proposed plaza connecting with the municipal complex. The city administrator denied Mr. Keenan's meeting request, stating the city does not want people walking around the enclosed parking lot. Board members stated the DDA should go directly to the chair of the city committee and request a meeting. Ms. McLeod stated she had seen the plans. She suggested the police chief and architect should be included in the meeting. She believes allowing citizens near the enclosed parking lot could invite damage to police cars. Mr. Rourke stated he knew nothing about the proposed project.

#### 16. NEW BUSINESS

#### 17. CITIZEN COMMENTS

- a) Mr. Rourke asked for clarification, is the executive director an at will employee? Chairman Keenan stated Mr. Miller has always maintained that. Mr. Rourke also suggested the DDA consult with the Parks and Rec director to piggyback on the Philomene pedestrian street. He could see pickleball courts outside or other activities for citizens.

#### 18. DIRECTORS' COMMENTS.

- a) Chairman Keenan apologized for the meeting's length and reassured new attendees this is not the norm.
- b) Mr. Potocky stated he thought the conversation was healthy but a bit repetitious.
- c) Mr. Fressel stated he thought this was a good discussion and don't worry about time. He commended Ms. Kibby on her six years with the DDA and thanked her for the revised handbooks. He welcomed Mr. Potocky to his first meeting as an official director. He stated the DDA wants to help the city. There are lots of examples of how the DDA has helped over

the years. There seem to be some people/gatekeepers who disrespect the DDA. It is frustrating for this organization, which has done so much good for the city. He thanked the Executive Committee for the hours they have put into these issues.

- d) Mr. Mistor thanked Ms. McLeod, Mr. Rourke, and Mr. Antrassian for attending. He stated the board all cares about the city. We may get defensive as does city administration, but the DDA would like to talk about our issues and work this out. He stated as a citizen of the city, he wants Allen Park to follow its master plan.
- e) Ms. McLeod stated she tries to take input from all sides, to not take sides, and to do the right thing for the right reason. She advises DDA members to be objective, try and understand others' perspective, and have no hidden agendas. She believes one shouldn't come out of a meeting with the same opinions going in.

**19. ADJOURNMENT**

The meeting adjourned at 8:38 p.m.

Respectfully submitted,

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Bob Keenan, Chairman

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Cynthia Riviera, Vice-Chair/Secretary

**Expense Report: December 5, 2017-January 17, 2018**

Name	Description	Classification	Amount
Affordable Comfort HVAC	Furnace repair	Reserve	587.30
Antonia Wisniewski	DDA office cleaning	A: DDA	90.00
City of Allen Park	Audit overage	Reserve	2,500.00
D & B Landscaping	Ecorse/Larme restoration	CAG: Land. Replace	850.00
Downriver Pest Control	Quandt rat abatement	CAG: Pest Removal	130.00
DTE 8221 3	5301 Allen lot lights	CAG: Electricity	148.50
DTE 3687 3	17425 Ecorse lot lights	CAG: Electricity	42.07
DTE 9927 5	DDA office electric	A: DDA	84.41
DTE 0923 6	DDA office gas	A: DDA	115.73
Haddix Electric	September & October light checks	CAG: Electricity	1,744.50
Jennifer Kibby	Reimbursement	Split	644.36
JoNick Properties	Winter taxes	A: Rent	765.60
John's Landscaping	Snow removal (1 of 4)	CAG: Snow	4,175.00
Law Offices of Miller	November retainer	A: Legal	1,250.00
Matthew Leger	Ted's Coney Island	D: FG	250.00
<b>Total</b>			<b>\$13,377.47</b>

**Account Balance: December 4, 2017**

PNC Operating	76,299.45
Petty Cash	(\$174.40)
Comerica Operating	1,844,271.13
	<b>\$1,920,396.18</b>

**Reimbursement: Jennifer Kibby**

Purchase	Description	Classification	Amount
Wow!	Past due payment	A: Phone/Internet	486.69
Facebook	MIM advertising	M: MIM	37.67
West Bend	MIM liquor license bond	M: MIM	50.00
Verizon	iPad and iPhone upgrade fees	Reserve	70.00
<b>Total</b>			<b>\$644.36</b>