

Downtown Development Authority
Regular Meeting Minutes

Wednesday, April 21, 2010
Rochester Municipal Building – 400 Sixth Street
7:30 p.m.

1) Call to Order

The regular meeting of the Downtown Development Authority Board of Directors was called to order by Vice-Chair Cathy Daldin at 7:30 p.m.

2) Roll Call

Board Members Present:	Board Members Present: Mayor Jeffrey Cuthbertson, Cathy Daldin, Paul Haig, John Pino, Ken Johnson, Marilyn Trent(7:36 pm), Stan Surratt, John Modetz, Mary Wilson, Linda Lucaj
Board Members Absent:	Mike Clayman, Dr. Atallah, Donn Dumouchelle
Council Liaison Present:	Ben Giovanelli
School Board Liaison Member Present:	Lisa Nowak
Chamber Liaison Present:	John Gaber
Executive Director Present:	Kristi Trevarrow

Cathy Daldin welcomed Linda Lucaj to the DDA Board.

3) Approval of Meeting Minutes

- A. Approval of Regular Meeting Minutes – March 17, 2010
Stan Surratt had a correction to his comment as recorded in the March 2010 draft Minutes.
- B. Approval of Closed Session Minutes – March 17, 2010

Motion By:	Jeffrey Cuthbertson for approval of the Regular Meeting Minutes of March 17, 2010 with the correction as noted by Stan Surratt, and approval of the Closed Meeting Minutes of March 17, 2010 as presented.
Support By:	Ken Johnson
In Favor:	All
Opposed:	None
Motion Passed	

4) Audience Comments

Diane Young, 822 N. Main, Rochester. Ms. Young read a statement voicing her concerns over a comment made by Councilmember Giovanelli in The Oakland Press in regards to the Rochester Citizen.

Alice Benbow, 1582 North Cumberland, Rochester Hills, also spoke in support of the Rochester Citizen.

Bruce Fealk, owner of the Rochester Citizen, also spoke regarding Councilmember Giovanelli’s statements against him and his new business, and on the recent online incident on the Facebook page. The statements were on Mr. Giovanelli’s personal website, and not in an official City capacity.

Cathy Daldin noted that the subject of social media policies was later on the agenda. She thanked the audience for their comments.

5) Façade, Sign & Lighting Grants

A. Sign Grant Request for South Street Skateshop, 410 Main

Motion By:	John Modetz to approve the Sign Grant request for South Street Skateshop, 410 Main pending any required administrative approvals and the one-year waiting period for new businesses.
Support By:	Paul Haig
In Favor:	All
Opposed:	None
Motion Passed	

6) Liaison Reports

A. City Council

Ben Giovanelli said that at the March 22nd meeting the Council renewed outdoor dining permits for Kruse & Muer and Gus O’Connors; discussion continued on the Principal Shopping District and changing PSD boundaries, a report from the DPW on saving about \$100,000.00/year through changes in waste hauler, and reading of the bistro ordinance and the reactivation of the City Beautiful Commission. He also noted that the budget was close to being finalized, and gave kudos to administration and the DDA for their hard work on it.

The Council had asked for an opinion from the Michigan Attorney General’s Office regarding changing DDA boundaries, and the opinion given was that the boundaries could be reduced without impacting the TIF capture of the entire district. Stan Surratt asked if the question had been posed regarding DDAs enacted prior to 1994, as there

might be some different applicable rules, and said the County was looking at that as a significant difference. He suggested that the Council go back and ask the question in reference to pre-1994 DDA districts. Mayor Cuthbertson said that he would pass the request to the City Attorney and look into the matter.

B. Chamber of Commerce

John Gaber introduced himself and noted a few items of interest: sponsorships are up this year while membership is down 111 members, even after picking up 44 new members. He also noted the Chamber's participation in Tour Michigan, Buy Michigan program, the Rochester Prayer Breakfast on May 6, and the date for the Chamber Golf Outing is June 7, 2010.

C. School Administration

Lisa Nowak reported that the School Board has adopted an academic integrity policy, and noted the achievements of the Stoney Creek High competitive cheer team, as well as 14 Gold Key awards from Stoney Creek. Budget work is continuing.

7) General Business Agenda Items

A. Award of Bid for One-Way Alley Conversion

Gary Tressel from Hubbell, Roth, Clark presented the low bid for the project, Action Traffic Maintenance at \$14,442.00. This contractor has previously done work in the City and other communities. The estimated date for completion is May 21, although there might be a delay in finishing one block of the East Alley, which would be no more than a week.

Motion By:	Paul Haig to award the One-Way Alley Conversion Project to Action Traffic Maintenance per the bid presented.
Support By:	Marilyn Trent
In Favor:	All
Opposed:	None
Motion Passed	

B. Review of Main Street Reconstruction Total Closure Proposal

Gary Tressel reviewed the proposal with the Board. He also noted that the enhancement application for the Paint Creek Bridge is being completed and will be submitted on April 26.

Motion By:	Stan Surratt to approve the Main Street Reconstruction Total Closure Proposal and refer to City Council with recommendation.
Support By:	Mary Wilson
In Favor:	All
Opposed:	None
Motion Passed	

Gary said that they have developed a composite of the Wayfinding sign disposition, overlaying regulatory signs and finding some conflicts. They are working through that now with MDOT.

C. Review Revised City/DDA Contractual Services Agreement

Jaymes Vettraino, City Manager, reviewed response to the DDA’s attorney comments, and said that the process for determining costs would be included. Ken Johnson said he was pleased for the most part with the changes, but suggested that on Page 4, 2.e. Police and Fire Department Special Event Services, “if requested by the DDA” should be added, and that Page 5, 3.e. Payment In-lieu-of Meters should be eliminated. Stan Surratt queried re: Page 4, 2.g. Snow Removal from Parking Lots, noting that DDA lots are listed as lower priority than streets, but equal to City lots, and was curious about the timeframe, to which Jaymes responded that there was a standard practice policy and procedure. Stan suggested an addendum for standard practice on snow removal, and Jaymes said it could be incorporated by reference.

Ben Giovanelli noted that the City was still responsible for policing the lots, and also noted that weather was not predictable.

Mayor Cuthbertson thought that the payment in lieu of meters (3.e.) should stay; discussion ensued. DDA Counsel Jim Adams noted that he hadn’t seen this agreement, and the Board shouldn’t approve anything until after attorney review.

Motion By:	Mayor Cuthbertson to modify item 2.e. to include the language “if requested by the DDA”, regarding the right of the City Council to determine police and fire needs, pending confirmation by DDA attorney.
Support By:	John Pino
In Favor:	All
Opposed:	None
Motion Passed	

Mayor Cuthbertson then asked for a roll call vote on the next motion:

Motion By:	Mayor Cuthbertson to affirm the payment of \$34,000 in item 3.e.
Support By:	John Pino
In Favor:	Jeffrey Cuthbertson, John Pino, Cathy Daldin, Mary Wilson, Linda Lucaj
Opposed:	Ken Johnson, Stan Surratt, Marilyn Trent, John Modetz, Paul Haig
Motion Failed – tie vote	

Discussion continued on this item. Kristi asked if a sunset clause could be inserted. Stan said the DDA has paid for all heavy maintenance and electrical work in the past. To add snow removal and continue the in lieu payment is double dipping.

Mayor Cuthbertson offered a compromise in the amount of \$12,000.00 to be paid by the DDA for enforcement.

Motion By:	Mayor Cuthbertson to revise 3.e. in the Contracted Services Agreement to reflect an annual fee of \$12,000 for parking lot enforcement.
Support:	Ken Johnson
In Favor:	All
Opposed:	None
Motion Passed	

It was noted that this would reduce the DDA budget by \$22,000.00. Jaymes Vettraino explained the budgetary details. Ken Johnson asked Jaymes to put some references to the dates in the back-up report for future reference.

D. Review Revised PSD Budget

Kristi reported that the Principal Shopping District was approved by City Council for 3 years. The Council changed the boundaries of the PSD, which requires the creation of a separate PSD Board. Since that Board has yet to be formed, the DDA should still consider the approval of the PSD Budget.

Motion By:	Jeffrey Cuthbertson to accept PSD Budget as presented.
Support By:	Marilyn Trent
In Favor:	Jeffrey Cuthbertson, Marilyn Trent, Cathy Daldin, Ken Johnson, John Modetz, John Pino, Mary Wilson, Paul Haig, Linda Lucaj
Opposed:	Stan Surratt
Motion Passed	

E. Discussion of Social Media Policies, Procedures and Directives

Kristi reviewed a recent incident that occurred on the DDA Facebook page and her response. Ben Giovanelli spoke at length about individual rights and freedom of speech, and Mayor Cuthbertson echoed the concern that public/governmental entities must protect free speech. DDA counsel Jim Adams from Butzel Long noted that a contractual agreement exists with Facebook and to let Facebook handle any violation of its policies. This is a new area of law, and everyone is trying to figure it out. He suggested that his firm's First Amendment specialist come and speak to the Board on this topic. Considerable discussion ensued, and the consensus was to refer this item back to Kristi and the Executive Committee.

- 8) Receipt of Regular Reports
 - A. Executive Director’s Update
 - B. Events & Marketing Update
 - C. Business Recruitment Update
 - D. March 2009 Financial Report for DDA/Promotions
 - E. Organization Committee
 - F. Business Development Committee
 - G. Promotions Committee
 - H. Site Development Committee
 - I. Green City Committee of Rochester

The reports were received.

- 9) Discussion of Reports

Ben Giovanelli noted to the Green Committee that the Fire Department is adding a solar array on the fire department roof. Marilyn noted that the Green Committee was recognized by the National Main Street Center for their efforts through a “Story of the Week” on their website. Kristi announced that there is an opening for a DDA member on the Amazing Race Committee.

- 10) Miscellaneous

Marilyn noted that the Green Committee will have a booth at the Michigan Earth Day Fest.

Jeffrey Cuthbertson asked Stan Surratt which County Commissioner had the concerns about the pre-1994 DDA regulations. Stan said it was Commissioner Douglas.

Audience member Bruce Fealk spoke and clarified his actions in the Facebook incident.

11) Closed Session to Discuss Acquisition of Property

Motion By:	Mayor Cuthbertson to move to Closed Session without an intent to return to Open Session.
Support By:	Stan Surratt
In Favor:	All
Opposed:	None
Motion Passed	

The Board meeting went into Closed Session at 9:42 p.m.

Respectfully Submitted,

Karen Koski
Recording Secretary