

Village of Byron  
Special Council – ZBA Meeting Minutes  
October 23, 2018

**Meeting called to order at:** 5:00 pm by President Prestonise

**Pledge of Allegiance Led By:** President Prestonise

**Roll Call – Present:** Bessenbacher, Chapman, Campbell, Berecz, Orr (came in at 5:55 pm) and Prestonise.  
**Absent:** Miller

**Approval of Agenda:** Bessenbacher moved to accept the agenda as written; seconded by Berecz. Voice Vote: Ayes – Bessenbacher, Chapman, Campbell, Berecz and Prestonise. Nays: None. Absent: Miller; Passed. Others attending Rob Vandemark, Beverly Miller and Adam Jenks (from the Fitness Foundation)

**Approval of Minutes:** None

**Public Comments – Agenda Items:** None

**Treasurers Report –** None

**Approval of Bills –** None

**Bills Awaiting Approval –** None

**Police Report:** None

**DPW Report:** None

**DDA:** None

**Commissioner Report:** None

**Committee Reports:** None

**Old Business:** None

**New Business - A) Safe Routes to School:** Prestonise turned the floor over to Vandemark. Vandemark introduced Adam Jenks (from Michigan Fitness Foundation/SRTS) and explained his involvement with the SRTS grant. He also explained the deadline of October 24, 2018. Jenks said if we don't meet the deadline that's ok in the long run, we would have to redo some of the process. Jenks explained the action plan process and Vandemark talked about the interaction between the Village and the school. Vandemark asked if there were any questions because of the gray areas he could not explain. Prestonise said all up until last week it was all about the DDA, school and the Village and we had questions on maintaining the school property, in which we said we were not going to maintain. Now it is down to crunch time and we are told that the school is out of it. How does the school get out if they are on there the whole application time? Vandemark said we can change it any way we want. It was the suggestion of MSU and this is what they suggested. Vandemark explained that the Village didn't want to pay the

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engineering cost of the school and the school said no problem and would see if they could come up with the money and decided that they couldn't and Prestonise asked who decided and Vandemark said the school. Prestonise asked again and Vandemark said Alderman. Prestonise said she never took it to the school board so how would they know? Vandemark said he doesn't know what she would have to take to the school board and Prestonise said I think she would have to take something to ask for money and the school board is Alderman's boss so, wouldn't you think she would have to ask them. Vandemark said however she decided to do it, the school decided to back off and now you don't have to worry about the engineering cost and that took a burden off the Village. It also took care of the question of who was going to maintain it; now you could get an agreement and it got to late. Prestonise said it shouldn't have. I have been bringing it up at least since March about the maintenance. Vandemark said as President why didn't you contact the school directly, you're on the DDA and the task force. Prestonise said he didn't know he was on the task force. Jenks talked about the maintenance portion of the grant and it is more of a tentative plan so everyone is board of what would need to be done for the lifespan of the infrastructure put in. Usually what happens is the school is responsible for any infrastructure on their property and anything in the municipality is covered by the municipality. The details could always be worked out after the submission of the application. Prestonise said I would hate like the dickens to give money and hash it out later, where do we go then? If both dig in heels to we go legal then? Jenks said a mediator would come in to settle it. Bessenbacher said what's the cost? We put in \$2,500.00 (in addition to the \$2,500.00 already given by Village), Burns Township \$2,500.00 and I take it the DDA would put in \$2,500.00 that would bring it to \$10,000.00 and Prestonise said Township would give \$5,000.00. Bessenbacher said is the DDA going to put in \$2,500.00 and Vandemark said at last week's meeting DDA agreed to \$1,500.00. Vandemark said he would receive an updated quote from Beckett and Raeder but, he didn't think it would go higher than \$11,500.00. Discussion on the engineering cost. Bessenbacher asked why the DDA was only putting in \$1,500.00 and Vandemark said their money is diminishing slowly and we are receiving a little TIFA money but, there are bigger projects we want to do. B. Miller said for any TIFA money there are guidelines on where we spend it and it can only be spent in the TIFA zone and a lot of the project is outside that area. Campbell asked if it was going to his road and Vandemark explained the area. Prestonise said it is going to be hard to say what the Village has to pay if we don't know the engineering cost. Both Vandemark and Jenks said that the engineering cost could vary by 10 to 15 percent. Vandemark said I can't nail down a dollar amount now. Berecz talked about the cost of materials and how they are going up. Jenks explained how the grant works with contracting for the materials. Berecz said he wished they would have put a little more effort into it. Prestonise talked about cost overrun and Jenks said once construction starts if it goes over you would be responsible. Prestonise said that attorney said we could put a cap on it and Jenks went into more detail on overrun. Vandemark said with this project we are not tearing out anything and can't see any overrun unless they hit a sewer pipe or something. Berecz asked another question and Jenks answered it. Prestonise said so when they did this application, the Village and the school was on the application and Jenks said that the ACT 51 recipient, the Village of Byron, would do the submission on behalf of the school. He went on to say that when the resolution was passed it allowed the application to move forward. Prestonise said so the school could drop out and Jenks said no the school is on the hook as well. In order to qualify for the grant, the school has to be part of it. Jenks said that it is the elementary school that is involved. B. Miller explained how the school had to qualify for the grant. Jenks gave a detailed explanation on school involvement and the school would act as the non-infrastructure fiduciary. Berecz said it would have been great to have that information because we feel that we are not getting all of it. Prestonise said all we have heard is that the school doesn't have any money and here we

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are at crunch time and find out that Alderman never took it to the school board. Now to me that sounds like a scam. Then the school decides to see if the Township will give them some money and then they say they are just out of it. This isn't the first time we have dealt with the school. Six or seven months ago we were dealing with them about the park and we spent over a thousand dollars in lawyer fees just to have the school say they are keeping the park. Prestonise said that he is scared of what the school would do and he doesn't trust them. He went on to say he doesn't need the Village getting a bill for x number of thousands of dollars for cost overrun. We were told it was foolish on our part for not paying the \$22,000.00 to get \$400,000.00 but, if you turn it around to the school, they were going to get thousands of dollars of concrete around the school. So, it doesn't make sense to me and it doesn't make sense why they didn't go to the school board to begin with. Prestonise said we are not here to be resume builders for the superintendent, any other questions. Berecz asked about crossing guards as part of the program and Jenks said yes for volunteers and training could be paid for but, not the guard. Campbell asked if the guards would be paid and Jenks said not part of the non-infrastructure only training is. Vandemark said back to the beginning and this grant only covers up to a certain age so, the elementary and middle school can take part. Both schools are registered and that means we could get up to \$200,000.00 infrastructure for both and \$8,000.00 each for non-infrastructure. Jenks said with the possible \$400,000.00 the cost of the project should not even reach that amount. Berecz commented on the engineering cost of both the school and the Village. He also commented on Durand doing several crosswalks and B. Miller said that the part known as the Diamond District has been done with grants. Campbell asked where all of the thousands of dollars for grant money come from and Jenks said it started out as a federal grant and filtered down to MDOT and is very well supported by the state. Bessenbacher said if township puts in \$5,000.00, the Village \$5,000.00 and the DDA \$2,500.00, if the engineering cost was split between the Village and the DDA; just a suggestion. Chapman said she was thinking percentages and a certain percent for each group. Jenks asked if this was cost overrun? Bessenbacher said if we both put in \$2,500.00 and 2 years down the road your told you owe another \$5,000.00 then this would be split. Jenks said with how much the materials are going to cost, that will be set with the LAP (Local Agency Program) and once that goes in it won't change, it becomes static. Bessenbacher asked if there was any way we could find out before it is approved and Jenks said with the package from Beckett and Raeder, it is more or less the amount that will be approved. Prestonise said so the total construction cost is 77,000.00 am I correct and Vandemark said yes. Prestonise said and we are talking \$200,000.00 for the grant and Jenks said if middle school agreeable, it could go up to \$400,000.00 and he explained more on determined amount. Berecz asked if the school could pay engineering cost out of the grant and B. Miller said no, the engineering cost cannot come out of grant money. Jenks went into further detail. Berecz asked a question and Jenks said the LAP will determine the amount. Berecz said it sounds like a large figure but, in reality it is exactly what you need and Jenks said yes. Reed said because you keep referring to the school as the fiduciary over the grant itself and Jenks said just the non-infrastructure. Discussion continued and Prestonise said so if we don't vote for this, that the grant is still there and they would have to update some items. Jenks said we would have to resurvey the parents and students if this window is missed and the next file date is in February. Berecz asked Bessenbacher when budget time starts and she said November-December. Reed said it is according to MML. More discussion on what is necessary to refile in February and Jenks said I don't think much will have changed so, it would mainly be the surveys. Prestonise said well I don't know, I am still worried about the school and Chapman said I think we all are, it is a trust issue with the school. They are in and out, are they going to want to jump back in. Vandemark said I think if we waited and had to redo the surveys and stuff, we would be at the school's mercy and I can't speak for the school but, I

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don't know if they would be helpful with us. Chapman said I don't know why they weren't more cooperative. Berecz said if they had to wait a few more months to think about it and participate, they would see how much they would have to gain. B. Miller said the work theirs was a sidewalk for the students to safely get to school and the student exit drive. It is about keeping the students, of Byron area schools, which are residents of Byron, safe walking to and from school. Discussion continued and Berecz asked more questions about students who ride bus and Jenks said it is part of the survey and a 3-day tally where they are asked how they got to school. Prestonise asked if any more questions and then asked for a motion. He added that he thought we needed more information. Berecz asked if we could work more closely on this and come out with better results. B. Miller said I would welcome any of you to help us fill out the application when the time comes and discuss all of these things, come to the meetings and Prestonise said as long as the meetings are about information, not side bar meetings. Vandemark said we had a public meeting which you attended...Jenks said that was 2 years ago and maybe after elections we could have a meeting about what the grant is and the objectives and what the program is, but that was 2 years ago. We could talk cost and overages. Berecz talked about having a meeting a month before instead of crunch time. Jenks said the first council meeting after elections is in December and Berecz said yes. It would also let us get it in our budget instead of scrambling for dollars and B. Miller said we scramble eggs for our dollars. Berecz said if we could go down there 2-3 times a year and spend that money the way we like we would like to do, not the tax payers' money. But, we can't do it and we have to work with the hand dealt to us. Bessenbacher made the motion to extend the grant application process until after the election and discuss at Decembers meeting; seconded by Berecz. Prestonise said to sit down with a committee and get everything straightened out. Bessenbacher said that she does think the DDA needs to put in at least \$2,500.00 and it is something we need to talk about. Prestonise said you have a committee and we will have a committee and I will tell you right now, if it's not done in February and if we don't get more than bits and pieces, as close as possible to the total cost and a percentage cap for over run cost from Gormley; we will sit down with a committee, not an email committee. I don't do email and will not meet at the school because they are out of it, except the elementary and middle school. Prestonise asked if any other comments. Roll Call: Ayes – Bessenbacher, Chapman, Campbell, Orr, Berecz and Prestonise. Nays: None. Absent: Miller; Passed. Prestonise said I won't be opposed, after the election, getting the committees together and then we can go from there. If we get everything hashed out we may be able to vote again in December.

**Any Other Business from Council /Comments:** None

**Public Comments:** Vandemark explained and gave the latest draft of the zoning ordinance and said that we picked the public hearing date of November 29, 2018 (moved the regular DDA meeting from November 15, 2018 to the November 29, 2018 date). Vandemark said he would send Reed the email with the draft. He also talked about the way finding signs and one in the wrong place and explained new location. Vandemark talked about miss dig and who contacts them and Reed said the sign company contacts them. Jenks thanked everyone and said he would return in December.

**Meeting adjourned at:** Motion to adjourn 6:10 pm by Bessenbacher; seconded by Chapman. Voice Vote: Ayes – Bessenbacher, Chapman, Campbell, Orr, Berecz and Prestonise. Nays: None. Absent: Miller; Passed.

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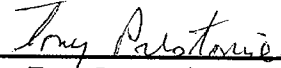
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Marsha Reed, Clerk

11-12-18

Approval Date



Tony Prestonise, President