

CHARTER TOWNSHIP OF BANGOR DOWNTOWN DEVELOPMENT AUTHORITY MINUTES

A regular meeting of the Charter Township of Bangor Downtown Development Authority was called by the Chair to be held on May 7, 2018, commencing at 8:00 AM, prevailing time at the offices of the Township pursuant to notice.

Present: B. Behmlander, L. Newton, B. Rowley, G. Rowley and T. Thelen
Absent: S. Covaleski, C. Gignac and J. Mayes
Also present: K. Wardynski and W. Darbee

The Secretary, Mr. Thelen, called the meeting to order at 8:00 AM after determining that a quorum was present by roll call.

The Secretary noted no persons were present who wanted to address the Board.

The Secretary confirmed the resignation of Mr. Rivet effective as of April 1, 2018. As a result elections of officer are needed. A slate of officers was presented as follows for election:

Chair: Mr. Rowley moved with support of Ms. Rowley to nominate Mr. Newton for Chair who accepted the nomination. After determining that no other nominations were forthcoming, the Secretary closed the nominations for Chair and asked for a unanimous vote to be cast in favor of Mr. Newton for the Chair position. All voted in favor of the motion and Mr. Newton was elected as Chair.

Vice-Chair: Mr. Rowley moved with support of Mr. Newton to nominate Ms. Rowley for the position of Vice-Chair, who accepted the nomination. After determining that no other nominations were forthcoming, the Secretary closed the nominations for Vice-Chair and asked for a unanimous vote to be cast in favor of Ms. Rowley for the Vice-Chair position. All voted in favor of the motion and Ms. Rowley was elected as Vice-Chair.

Secretary: Mr. Rowley moved with support of Mr. Newton to nominate Ms. Behmlander for the position of Secretary who accepted the nomination. After determining that no other nominations were forthcoming, the Secretary closed the nominations for Secretary and asked for a unanimous vote to be cast in favor of Ms. Behmlander for the Secretary position. All voted in favor of the motion and Ms. B. Behmlander was elected as Secretary.

Thus the following slate of officers were elected, to-wit:

Chair: Mr. L. Newton
Vice Chair: Ms. B. Rowley
Secretary: Ms. B. Behmlander

Chair Newton then proceeded to Chair the remainder of the meeting.

Chair Newton requested acceptance of the February 4, 2018 regular meeting minutes. Mr. Rowley moved acceptance of the February 4, 2018 regular minutes as circulated. Ms. Behmlander seconded the motion. The motion passed five votes in favor, zero votes against.

The Treasurer, Ms. Wardynski, reviewed the quarterly report. The Debt Retirement & Projects Fund has, after pre-approved payments of \$5,643.28 to Niswander for the wetland mitigation leaving a balance of \$895,303.90. The Operating Fund had a transfer of \$6,000 to the Township for administrative services and Bay Future for the 2nd of 3 annual payments of \$20,000 and payment of invoices for snow removal of \$4,550 and fees to Darbee Hammond, PC of \$4,197.50 leaves a balance of \$12,137.89 in the DDA Authority Fund. Ms. Rowley wonder what the legal fees entailed and was advised of what they consisted. Ms. Rowley moved with support of Mr. Rowley receive the report of the Treasurer including the payment of the non-recurring expenses. The motion passed 5 in favor and 0 votes against.

The Chair next questioned the Euclid Sign status which was to be placed on all upcoming agendas. A discussion followed on panel replacements and fees. The Treasurer noted that no annual fees are being collected and only a single initial fee is being charged. The last initial fee was paid by Tri City Brewing and no annual fees are being billed. Ms. Rowley suggested sending a letter to all persons to see if they are interested in having their name on the signs. The Treasurer passed out current applications and fee schedule. The Chair suggested to revisit and modify the Agreement and fees at the next meeting. Later in the meeting Mr. Thelen offered to pay a \$1000/year for sign rental and he would control same. Ms. Rowley suggested that all applications on the sign be reviewed before making any final decision. The Chair stated that all aspects of the sign would be up for review at the next meeting.

The Chair then asked Mr. Darbee to review the proposed Agreement with PG Enterprises, LLC (Krebs) concerning Lot 13. Mr. Darbee noted that several issues were raised in the negotiations. The summation is basically as follows:

- Effective date is the last date the Agreement is signed
- PG receives the Lot as is
- Closing date is within 90 days of the Effective Date. Between Effective date and Closing Date PG does all that is necessary in order to start construction.
- Construction must be complete within one calendar year of Closing Date or they pay \$50,423 to the DDA.

A discussion followed. Mr. Newton asked to abstain on the vote indicating that he is a member of the PG Enterprises, LLC. Mr. Rowley moved with support of Mr. Thelen to allow Mr. Newton to abstain on the vote. All voted to allow Mr. Newton to abstain from the vote except for Mr. Newton who abstained. Mr. Rowley then moved to approve the development Agreement with PG Enterprises, LLC and to authorize the Vice-Chair to sign the Agreement on behalf of the DDA. Ms. Behmlander seconded the Motion. Passed unanimously

The Chair then asked Mr. Darbee to review the status of the Development Agreement with Tri County, LLC (Lesneski). Mr. Darbee stated that for several months extending back to prior to the last meeting of the DDA that the developer has required that the DDA fill the site as required by the DEQ. Both Mr. Rivet and Mr. Darbee have been indicating that the position seems to be somewhat at odds with construction in that the fill being trucked onto the site by the DDA would then have to be trucked off the site for construction. Additionally the developer has now been insistent upon getting under construction. The weight limits have been on the highway and so even if the DDA desired to fill the site that it could not because of the weight limits. Now the developer has proposed that the DDA fill the site not used for construction. Mr. Darbee stated that this is an issue that is fraught with trouble. After discussion it was the consensus of the Board that the position with the current Agreement is that the Developer is to receive the Lot in an "as is" condition which means the DDA will not be filling the lot. Should the Developer decide to terminate the negotiations, then the DDA will proceed with filling the lot and offering it for sale after the fill has occurred. If that is the case then the DDA can offer to have the contractor of PG Enterprises LLC to fill the required low spots with fill taken from their site.

The Chair determined that no update of Bay Future status has been received. Furthermore the status of the commissioned report completed through Bay Futures a couple of years prior on the viability of the DDA is unknown and should be reviewed.

The Chair determined that the mitigation of the site as reported from Mr. Rivet is on schedule. It was determined that the weeds may need to be cut and Mr. Rivet had his crew available for that work and is that going to continue. Mr. Darbee indicated he would contact Mr. Rivet to see if his crew will continue to be available for that work.

Under other business, Mr. Rowley indicated that he would be nominating Kevin Peil from Tri City Brewing to replace the position of Mr. Rivet on May 8.

Mr. Thelen questioned a ban on marijuana sales from within the commercial park. Mr. Darbee stated all owners would have to approve the language for a plat restriction. Mr. Rowley stated that in that area no marijuana growers can be located and that for commercial purposes, the vehicle traffic is not sufficient to support a retail outlet. He then summarized the revenue situation under both the current interim rules and the proposed but not yet adopted final rules.

Mr. Darbee indicated that a new act will be effective as of January 1, 2019 which will place further reporting to the state than there is currently and is plodding through the lengthy new act to see what else might be involved.

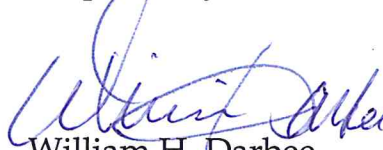
Mr. Newton led a discussion on DDA continuance and plan of the DDA. Since the Commercial Park is coming to a successful close it would now be the time to determine if the DDA should continue past its current expiration date and what the long term plan is if it is the choice to do so. It was suggested that a meeting should be held including a possible separate work session to update the DDA Plan.

Ms. Behmlander summarized a quick review of the status of the Bay City Town Center following the Yonkers (Bon Ton) bankruptcy. There is some interest in the Old Sears area. The current Yonkers building is older and likely will need to

be updated. The Town Center owners are close to selling the Target store and a prospective tenant is interested in the site.

The Chair hearing no further request for business, Mr. Rowley moved with support of Ms. Behmlander to adjourn the meeting at 9:08. The Chair adjourned the meeting without further debate at 9:08 AM.

Respectively submitted,



William H. Darbee
Recording Secretary