

OCTOBER 16, 2020
CHARTER TOWNSHIP OF BANGOR
DOWNTOWN DEVELOPMENT AUTHORITY
(SPECIAL MEETING)
MINUTES

The October 16, 2020 Special Meeting was called together pursuant to the Zoom invitation by Vice Chairman Brenda Rowley. Meeting began at approximately 8:00 a.m.

Attorney Sheppard indicated that both he and attorney Justin Ebel were present but the DDA was only being charged for the attendance of one (1) attorney since Mr. Sheppard felt he had more knowledge regarding the DDA law and Mr. Ebel had more to offer regarding the specific evaluation of the loan program.

The meeting was then open for public input. There was no public present and it was thereafter closed for public input.

Roll call was completed by the Acting Chair who indicated that in addition to herself, Brenda Rowley, Barb Behmlander, Sandra Covaleski, Dr. Lee Newton, Glenn Rowley, Kevin Peil, Jeff Mayes and Mike Thelen were present, together with attorneys Justin Ebel and Richard Sheppard. Christine Gignac was absent.

Acting Chair asked Attorney Sheppard to explain the letter he had submitted. Attorney Sheppard basically indicated that this is a precedent setting request and we have very little within the Development Plan or TIF Plan which gives guidance on how to evaluate and make grants or loans. While the powers of the DDA are statutorily defined in MCL 125.4207 (copy attached) there should be some overall plan on how and why expenditures to assist private businesses are going to be accomplished. This is especially true in light of the other taxing jurisdictions that may or may not want their captured funds in a TIF to be utilized in such a fashion. Obviously, if a different funding source such as the 2 mil levy by the DDA is utilized, the TIF Plan would not need to be amended.

Thereafter, the acting Chair solicited comments from all of the Board Members present. Mr. Peil comments that while there is some information he had asked for not in the format that he thought he was going to receive such as a balance sheet, there did appear to be a need for a sit down restaurant in the Shrestha Drive area and this might be worthy of supporting. Also, his business has no agreement with Mr. Buzzard.

Ms. Behmlander indicated that while it may technically be legal, she would be most comfortable if we amended the TIF Plan and Development Plan to set some criteria for awarding any grants or loans. Ms. Covaleski agreed via email with the comments of Kevin Peil and Barb Behmlander that we may need clear guidelines since this is a precedent setting loan.

Glenn Rowley commented that we should endeavor to assist wherever possible, although it should be done in a legal fashion so as to not create an inappropriate precedent.

Mike Thelen then commented that his car lot has property in the DDA district directly behind his car lot that if we simply award this grant without any criteria being established, he would be asking for similar funds for a Jeep course behind his car lot.

Jeff Mayes concurred that he had legitimate concerns about the precedent setting aspect of this request.

Brenda Rowley also agreed with the majority that in lieu of attempting to do grants based on a business need, it may be more beneficial in this instance to attempt to spend DDA funds on making public facility improvements which the statute clearly allows the Board pursuant to the powers of the Board being MCL 125.4207, Subparagraph (m) "acquiring and construct public facilities".

With that being the input of all of the present Board Members, Attorney Sheppard and Attorney Ebel indicating that not only if you are going to amend the Development and TIF Plan you should consider the difference between grants and loans to ensure you have criteria for each.

Motion by Behmlander, supported by Peil to table consideration of the request and get more information from the applicant specifically directed toward funding public facilities.

Roll call: all in favor with Dr. Newton abstaining.

Motion to adjourn by Glenn Rowley, supported by Barb Behmlander, all in favor and meeting adjourned at approximately 9:06 a.m.

Richard C. Sheppard
Recording Secretary

***Approved at the November 6, 2020 meeting.