VILLAGE OF SPRING LAKE

102 W. SAVIDGE ST. • SPRING LAKE, MI 49456
PHONE: 616-842-1393 • FAX: 616-847-1393
www.springlakevillage.org

CBDDA Meeting

Thursday, May 14, 2015
7:30 a.m. Village Hall – EOC Room

I. Call to Order

II. Roll Call:

Lou Draeger, Chairperson
Karla Constantine
Tim Dean
Andrew Dull
Gary Hanks
Doug Heins
James Moore
Steve Nauta
Stacie Venhuizen

III. Approval of Minutes (03/12/2015)

IV. Approval of the Agenda:

V. Business
   A. Development Area Citizens Council

   B. 2015 Meeting Dates

   C. Spring Lake Township Memorandum of Agreement

   D. 2015/2016 Budget (Marv Hinga)

   E. Communications/Miscellaneous

REMINDER - NEXT MEETING IS TBD

DRAFT MINUTES

Central Business District Development Authority (CBDDA)
Thursday, March 12, 2015
7:30 a.m. Village Hall - Upstairs Conference Room

I. Call to Order

The meeting was called to order at 7:35 a.m.

II. Roll Call

Present: Constantine, Dean, Draeger, Moore, Nauta and Venhuizen

Staff Present: Marv Hinga (Village Clerk/Treasurer), Roger Belknap (DPW Director), Jennifer Howland (Village Planner), and Maryann Fonkert (Deputy Clerk)

Absent: Dull, Heins and Hanks

III. Swearing In & Introduction of New Member (Andrew Dull – A Good Concept)

Andrew Dull was not able to attend today's meeting and will be sworn in at the May 14, 2015 meeting.

IV. Selection of Chairperson & Vice-Chairperson

Motion by **Venhuizen**, seconded by **Moore**, to nominate Lou **Draeger** for Chairperson and Doug **Heins** for Co-Chair. All in favor, motion carried.

Yes: 6 No: 0

V. Approval of Minutes (01/08/2015)

Motion by **Venhuizen,** seconded by **Moore,** to approve the Minutes of the January 8, 2015 regular meeting. All in favor, motion carried.

Yes: 6 No: 0

VI. Approval of the Agenda

Motion by **Nauta,** seconded by **Moore,** to approve the Agenda as presented. All in favor, motion carried.

Yes: 6 No: 0

VII. Business

A. Amendment to the SL Downtown Plan (Jennifer Howland)

1. Attorney Opinion (attached)
2. Ordinance No. 275

Village Planner, Jennifer **Howland,** explained that the first step to amend the SL Development Plan and Tax Increment Financing Plan would be to formulate potential amendments to the Plan. **Howland** went over the proposed amendments that staff has developed, including extending the timeframe of the plan because it expires in December 2015, changing the name from CBDDA to

DDA, and adding allowable expenditures such as land acquisition, streetscape, paving, and branding. She discussed the timeline for amending the plan, which is detailed in the Scholten Fant letter dated January 5, 2015.

B. Appointment of DACC (Jennifer Howland)

Howland went on to explain that the Development Area Citizens Council must be established by the Village Council and consist of not less than nine members. **Howland** then reviewed the procedure to establish the DACC, what would be expected of the members and a suggested scheduled of events.

The Committee discussed different options to help recruit the nine members including a press release and/or a letter to residents that would include a map of the CBDDA area and a summarization of the duties and time commitment. Staff will send the CBDDA Board information to share with potential DACC candidates, and staff will also send out a press release and mailing to encourage applicants to self-nominate.

C. DDA Budget (Marv Hinga)

Hinga reviewed Tax Capture and Village Council priorities.

Belknap reported to the Committee that he is in the process of setting up a program to be more specific in tracking different jobs and duties his department does in order to have a better idea on money spent.

The Committee discussed charging a fee or security deposit for sandwich board signs since some businesses are not taking care of them and they are in poor condition.

The Committee also discussed amending the Grant policy to offer larger Grants for façades and fire suppression that would encourage businesses to take advantage of them.

After much discussion regarding the Heritage Festival and ways to help with allowable expenses the Committee suggested moving a portion of the money left in the Façade and Fire Suppression Grant fund that was not going to be used, to Promotions to use on allowable expenses for events in the community.

Motion by **Venhuizen**, seconded by **Dean**, to move $2,500 from the Grant fund to the Promotions fund. All in favor, motion carried.

Yes: 6 No: 0

D. Updates: Draeger suggested that instead of the usually planned hour for their meetings, they should plan for an hour and a half for future meetings.

I. Adjournment: There being no further business, the meeting adjourned at 9:14 a.m.

_____

Maryann Fonkert, Deputy Clerk

Scholten Fant
Attorneys
Over 50 Years of Service

Robert E. Sullivan • rsullivan@scholtenfant.com • 616.842.3030 • Fax 616.846.6621
100 North Third Street, P.O. Box 454, Grand Haven, MI 49417
www.scholtenfant.com

January 5, 2015

Via Email and First Class Mail

Ms. Christine Burns
Village Manager
Village of Spring Lake
102 W. Savidge Street
Spring Lake, Michigan 49456

Re: Amendments to the Spring Lake Development Plan and Tax Increment Financing Plan

Dear Ms. Burns:

You have requested information concerning the process to amend the Spring Lake Development Plan and Tax Increment Financing Plan. From our records, it would appear that this would be the fourth amendment to the Plan.

The first step in this process would be to formulate potential amendments to the Plan. It will also be necessary to include the 2014-2015 taxable value for the entities set forth in the Development Area. Once that information has been formulated, the proposed amendments will need to be reviewed by the Development Area Citizens Council and ultimately approved by the Village Council. It is our understanding that a Development Area Citizens Council has been established. If not, the procedure is as follows:

1. Review By Development Area Citizens Council. If there are 100 or more residents residing within the proposed development area, a development area citizens council must be established at least 90 days before the public hearing.

- The development area citizens council would be established by the Village Council and consist of not less than nine members.
    - The members must be residents of the development area and must be appointed by the Village Council.
    - The members must be at least 18 years of age.

- The members must be representative of the development area.

- The development area citizens council acts as an advisory body to the DDA and the governing body in the adoption or amendment of the development or tax increment financing plans.

- Periodically a representative of the DDA responsible for preparation of the Plan shall consult with and advise the development area citizens council regarding the aspects of the Plan.

  - This includes consultation regarding the development of new housing for relocation purposes located either inside or outside of the development area.

  - The consultation should begin before any final decisions by the DDA and the Village Council regarding the Plan

  - The consultation shall continue throughout the preparation and implementation of the Plan or amendment to the Plan.

- Meetings of the development area citizens council must be open to the public.

  - Notice of meetings must be given by publication in a newspaper of general circulation not less than 5 days before the meeting.

  - A person present at those meetings shall have reasonable opportunity to be heard.

- A record of the meetings, including information and data presented, shall be maintained by the development area citizens council.

- The development area citizens council may request and receive from the DDA information and technical assistance relevant to the preparation of the Plan for the development area.

- Failure of a development area citizens council to organize or to consult with and be advised by the DDA, or failure to advise the Village Council, as provided in the DDA Act, <u>shall not</u> preclude the adoption of a development plan by a municipality if the municipality complies with the other provisions of the DDA Act.

- A development area citizens council may not be required and, if formed, may be dissolved in any of the following situations:

- On petition of not less than 20% of the adult resident population of the development area by the last federal decennial or municipal census, a governing body, after public hearing with notice thereof given in accordance with the Act and by a 2/3 vote, may adopt an ordinance for the development area to eliminate the necessity of a development area citizens council.

- When there are less than 18 residents, real property owners, or representatives of establishments located in the development area eligible to serve on the development area citizens council.

- Upon termination of the authority by ordinance of the governing body.

2. Governing Body Must Hold a Public Hearing. After the review by the development area citizens council, the Village Council must conduct a public hearing on the proposed amendments to the plan.

   a. Notice of Public Hearing. The Notice must provide:

      - the date, time, and place of public hearing;

      - a description of the boundaries of the proposed development area in relation to highways, streets, etc.;

      - a statement that maps, plats, and a description of the development plan, including the method of relocating families and individuals who may be displaced from the area, are available for public inspection at a place designated in the notice;

      - a statement that all aspects of the development plan will be open for discussion at the public hearing; and

      - other information that the governing body considers appropriate.

   b. Publication of Notice. The Village Council must provide notice of the hearing at least 20 but not more than 40 days before the date of the hearing.

      - the notice must be published twice in a newspaper of general circulation; and

      - the notice must be posted in at least 20 conspicuous and public places in the proposed downtown district; and

- the notice must be mailed to all property owners/taxpayers of record in the proposed downtown district; and

- certified mailing to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if a tax increment financing plan is approved must also be sent. This would include notice to members of the County Board of Commissioners, the Spring Lake and Ottawa Area Intermediate School Boards and the Spring Lake Township Board.

c. Other Taxing Jurisdictions. Before holding the public hearing on the tax increment financing plan, the Village Council must provide a reasonable opportunity to the taxing jurisdictions levying taxes subject to capture to meet with the Council.

- The Downtown Development Authority must fully inform the taxing jurisdictions of the fiscal and economic implications of the proposed development area.

- The taxing jurisdictions may present their recommendations at the public hearing on the tax increment financing plan.

- The Downtown Development Authority may enter into agreements with the taxing jurisdictions and the Village Council in which the development area is located to share a portion of the captured assessed value of the district.

d. Public Hearing. At the public hearing, the Village Council must provide an opportunity for interested persons to be heard and must receive and consider communications in writing with reference to the development plan.

- The public hearing shall provide the fullest opportunity for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the development plan.

- The Village Council must make and preserve a record of the public hearing, including all data presented at the public hearing.

3. Citizens Council's Input. Within 20 days after the public hearing on an amended development and tax increment financing plan, the development area citizens council shall notify the Village Council, in writing, of its findings and recommendations concerning the proposed amended development plan. A five day newspaper notice is required for this meeting as set forth above.

4. Determination By Village Council. After completion of this process, the Village Council must make a determination that the amended development and tax increment financing plan constitutes a public purpose.

   a. Determination of Public Purpose. If the Village Council determines that the amended development and tax increment financing plan constitutes a public purpose, the Village Council must then approve or reject the amended Plan, or approve it with modifications, by ordinance based on the following considerations:

      i. The findings and recommendation of the development area citizens council, if a development area citizens council was formed.

      ii. The plan meets with the requirements set forth in section 17(2) of the Act which are as follows:

         - Designation of boundaries of the development area in relation to highways, streets, streams, or otherwise.

         - Location and extent of existing streets and other public facilities within the development area, along with the location, character, and extent of the categories of public and private land uses then existing and proposed for the development area, including residential, recreational, commercial, industrial, educational, and other uses, and shall include a legal description of the development area.

         - Description of existing improvements in the development area to be demolished, repaired, or altered, a description of any repairs and alterations, and an estimate of the time required for completion.

         - Location, extent, character, and estimated cost of the improvements including rehabilitation contemplated for the development area and an estimate of the time required for completion.

         - Statement of the construction or stages of construction planned, and the estimated time of completion of each stage.

         - Description of any parts of development area to be left as open space and the use contemplated for the space.

- Description of any portions of the development area that the DDA desires to sell, donate, exchange, or lease to or from the municipality and the proposed terms.

- Description of desired zoning changes and changes in streets, street levels, intersections, or utilities.

- Estimate of the cost of the development, a statement of the proposed method of financing the development, and the ability of the DDA to arrange the financing.

- Designation of the person or persons to whom any portion of the development is to be leased, sold, or conveyed in any manner and for whose benefit the project is being undertaken if that information is available to the DDA.

- The procedures for bidding for the leasing, purchasing, or conveying in any manner any portion of the development upon its completion, if there is not express or implied agreement between the DDA and another party that all or a portion of the development will be leased, sold, or conveyed in any manner to the other party.

iii. The proposed method of financing the development is feasible and the authority has the ability to arrange the financing.

iv. The development is reasonable and necessary to carry out the purposes of the Downtown Development Authority Act.

v. The land included within the development area to be acquired is reasonably necessary carry out the purposes of the plan and of this act in an efficient and economically satisfactory manner.

vi. The development plan is in reasonable accord with the master plan of the municipality.

vii. Public services, such as fire and police protection and utilities, are or will be adequate to serve the project area.

viii. Changes in zoning, streets, street levels, intersections, and utilities are reasonably necessary for the project and for the municipality.

b. Once the Village Council has conducted this review, it could then adopt a resolution approving the amendment to the plan.

As you are aware, there needs to be action concerning this matter by December 2015. Our recommendation would be that this Council should take action no later than its November 2015 meeting. If that is in fact the case, our suggested scheduled of events would be as follows:

1. The proposed amendments to the Plan would be formulated during the Spring of 2015.

2. The development area citizens council would review the matter no later than July, 2015 (notice must be given five days prior to the meeting).

3. In August, 2015, the Village Council would schedule a public hearing for its September, 2015 meeting (notice must be at least 20 days but not more than 40 days prior to the public hearing).

4. A public hearing would be conducted at the Village Council meeting in September, 2015.

5. The development area citizens council would conduct its review in October, 2015 (notice must be given five days prior to the meeting).

6. Council would make its ultimate determination at its meeting in November, 2015.

Please review the information set forth above and advise as to any questions or comments you may have.

Your anticipated attention is appreciated.

Very truly yours,

SCHOLTEN FANT

Robert E. Sullivan

RES/kat

VILLAGE OF SPRING LAKE

102 W. SAVIDGE ST. • SPRING LAKE, MI 49456
PHONE: 616-842-1393 • FAX: 616-847-1393
www.springlakevillage.org

Development Area Citizens Council (DACC)

Chip Bohnhoff
222.5 W. Savidge
Spring Lake, MI 49456
Cell: 231-578-4039
Email~cbohnhoff.slvillagepc@gmail.com
Term: 5/2015 ~ 11/2015

Laura DeVries
930 W. Savidge Unit 21
Spring Lake, MI 49456
616-283-3235
Email- laura.l.devries@gmail.com
Term: 5/2015 - 11/2015

Casey Elenbaas
917 W. Savidge Unit 19
Spring Lake, MI 49456
616-889-8939
Email- casey@endlesscarpet.com
Term: 5/2015 - 11/2015

Jan Esh
107 S. Division
Spring Lake, MI 49456
616-847-0207
Email-
Term: 5/2015 - 11/2015

Renee McCulloch
607 Parkview
Spring Lake, MI 49456
616-405-3732
Email-
Term: 4/2015 - 11/2015

Gloria Sayen
118 Millpoint
Spring Lake, MI 49456
616-405-6220
Email- gloletshavefun@yahoo.com
Term: 5/2015 - 11/2015

James Willison
626 E. Savidge
Spring Lake, MI 49456
616-842-7270
Email- tricityauto6@gmail.com
Term: 5/2015 - 11/2015

The DACC meets as needed to recommend changes to the Downtown Development Plan when convened.

Draft Date
04/30/15

SALE OF TOWNSHIP HALL MEMORANDUM OF AGREEMENT

This Sale of Township Hall Memorandum of Agreement ("Agreement") is made between the Village of Spring Lake, 102 West Savidge Street, Spring Lake, Michigan 49456 (the "Village") and Spring Lake Township, 106 South Buchanan Street, Spring Lake, Michigan 49456 (the "Township").

This Agreement is based upon the following facts.

A. The Township is anticipating the relocation of its fire station and its administrative offices from 106 South Buchanan in the Village ("Township Property"); and

B. The Township and the Village are anticipating the consolidation of administrative offices at the Village Hall, located at 102 West Savidge Street in the Village ("Village Hall"); and

C. Particularly with the consolidation of Township administrative offices and Village administrative offices at the Village Hall, the Village Hall will need additional parking space;

THEREFORE, the Township and the Village agree as follows.

1. The Village will make its best efforts to purchase, and the Township will make its best efforts to sell, the Township Property for its fair market value, or a percentage of the fair market value which is mutually agreeable to the Township and the Village. The Village will make its best efforts to accomplish this purchase through its Downtown Development Authority.

2. The Village recognizes that it can purchase the Township Property through an installment purchase agreement, as authorized by Public Act 99 of 1933, which allows the purchase price to be paid over 15 years.

3. The Township understands that, pursuant to MCL 41.2, the Township may sell the Township Property through an installment purchase agreement.

4. The Village agrees that ultimately, upon the Village's purchase of the Township Property, the Township Property will likely be used to provide additional space to accommodate the needs of the Downtown Business District.

5. The Village and the Township agree that the Village's purchase of the Township Property, and the Township's sale of the Township Property, shall be the subject of future negotiations between the Village and the Township, and shall be subject to the approval and execution of further documentation between the Village and the Township.

6. This Agreement and its rights and obligations shall not be assignable unless both parties agree in writing, which agreement shall not be unreasonably withheld. All notices and

other documents to be served or transmitted shall be in writing and addressed to the parties at the addresses stated on page 1 of this Agreement or such other address or addresses as shall be specified by the parties from time to time and may be served or transmitted in person or by ordinary mail properly addressed with sufficient postage. This Agreement has been executed in the State of Michigan and shall be governed by Michigan law. The waiver by any party of a breach or violation of any provision of this Agreement shall not be a waiver of any subsequent breach of the same or any other provision of this Agreement. If any section or provision of this Agreement is unenforceable for any reason, the unenforceability shall not impair the remainder of this Agreement, which shall remain in full force and effect. It is contemplated that this Agreement will be executed in multiple counterparts, all of which together shall be deemed to be one contract.

The parties have executed this Agreement as of the dates noted below.

SPRING LAKE TOWNSHIP

By: _____
John Nash, Supervisor

By: _____
H. Carolyn Boersma, Clerk

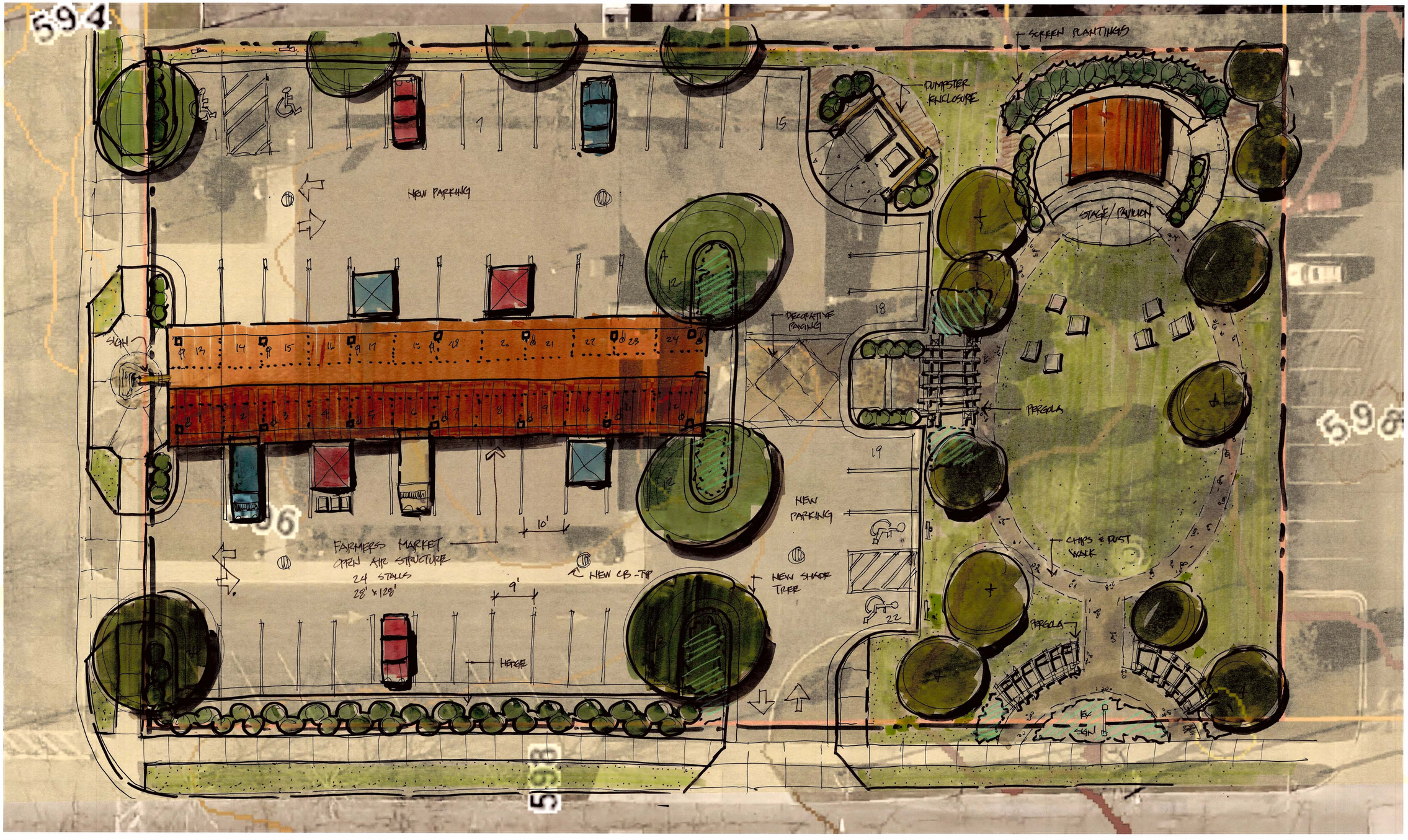
Dated: _____, 2015

VILLAGE OF SPRING LAKE

By: _____
Jim MacLachlan, President

By: _____
Marv Hinga, Clerk

Dated: _____, 2015



Conceptual Site Plan

Spring Lake Area Farmers Market

Scale: 1"=10' May 7, 2015

FLEIS&VANDENBRINK
DESIGN. BUILD. OPERATE.