

TO: City Commissioners  
FROM: Roy Warren, Chairman, Downtown Development Authority  
DATE: 4-30-80  
SUBJECT: Rules and Regulations Governing the DDA

Background:

The attached Rules Governing the Sault Ste. Marie Downtown Development Authority were adopted by the DDA at a special meeting held April 29, 1980.

Pursuant to Act 197, Section 4(3), the adoption of these rules, which govern DDA procedures and the holding of regular meetings, are subject to the approval of the City Commission.

Action Received:

Approval of the attached Rules Governing the Sault Ste. Marie Downtown Development Authority.



RULES GOVERNING THE SAULT STE. MARIE  
DOWNTOWN DEVELOPMENT AUTHORITY

ARTICLE 1. PURPOSES AND POWERS

The purpose or purposes for which the Authority is organized are as follows: To act as a Downtown Development Authority in accordance with Act 197 of the Public Acts of 1975, as amended, including, but not limited to: correct and prevent deterioration in the downtown development district, encourage historic preservation, create and implement development plans, and promote economic growth. In furtherance of these purposes, the Authority shall have all of the powers which now or hereafter may be conferred by law on Authorities organized under Act 197, Public Acts of 1975 as amended and Public Law 91-646, being the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The power or authority given under Public Act 197 is as follows:

- (a) Prepare an analysis of economic changes taking place in the downtown district.
- (b) Study and analyze the impact of metropolitan growth upon the downtown district.
- (c) Plan and propose the construction, the renovation, repair, remodeling, rehabilitation, restoration, preservation or reconstruction of a public facility, an existing building, or a multiple-family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the board, aids in the economic growth of the downtown district.
- (d) Develop long-range plans in cooperation with the agency which is chiefly responsible for planning in Sault Ste. Marie, designed to halt the deterioration of property values in the downtown district and to promote the economic growth of the downtown district and take such steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.
- (e) Implement any plan of development in the downtown district necessary to achieve the purposes of this act in accordance with the powers of the Authority as granted by this act.
- (f) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.
- (g) Acquire by purchase or otherwise, on terms and conditions and in a manner the Authority deems proper or own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights of interest therein, which the Authority determines is reasonably necessary to achieve the purposes of this act, and to grant or acquire licenses, easements, and options with respect thereto.
- (h) Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair and operate any building including multiple-family dwellings and any necessary or desirable appurtenances thereto, within the downtown district for the use, in whole or in part, of any public or private person or corporation, or a combination thereof.



## Section 6. Removal

Pursuant to proper notice and opportunity to be heard, a member may be removed from office for neglect of duty including nonattendance at meetings, misconduct, malfeasance or any other good cause by a majority vote of the City Commission. Removal of a member is subject to review by the circuit court. It is the policy of the Downtown Development Authority of Sault Ste. Marie that any member with three unexcused absences may be removed from office.

## Section 7. Disclosure of Interest

A board member who has a direct interest in any matter before the Authority shall disclose his interest prior to the Authority taking any action with respect to the matter which disclosure shall become part of the record of the Authority's official proceedings. Further, any member making such disclosure shall then refrain from participating in the Authority's decision-making process relative to such matter.

## ARTICLE III. OFFICERS

### Section 1. Officers

The officers of the Authority shall be Chairman, Vice-Chairman, Secretary/Treasurer.

### Section 2. Removal of Officers

An officer may be removed by the board whenever in its judgement the best interest of the Authority would be served.

### Section 3. Filling of Vacancies

A vacancy may be filled by the board for the unexpired portion of the term.

### Section 4. Chairman

The Chairman shall preside at all meetings of the board and shall discharge the duties of a presiding officer.

### Section 5. Vice-Chairman

In the absence of the Chairman or in the event of his inability or refusal to act, the Vice-Chairman shall perform the duties of the Chairman and when so acting shall have all the powers and be subject to all restrictions of the Chairman.

## ARTICLE IV. MEETINGS

### Section 1. Annual Meeting

The annual meeting shall be held on the first Tuesday of April at 7:00 p.m. at a mutually agreed upon meeting place. The election of officers shall occur at the annual organizational meeting. If the election of officers should not occur on the day designated, or any adjournment thereof, the board shall cause the election to be held at a regular or special meeting of the board within ninety days of the annual meeting.

The director shall be the chief executive officer of the Authority. Subject to the approval of the board, the director shall supervise, and be responsible for, the preparation of plans and the performance of the functions of the Authority in the manner authorized by Act 197 of the Public Acts of 1975, as amended. The director shall attend the meetings of the board, and shall render to the board and to the City Commission a regular report covering the activities and financial condition of the Authority. If the director is absent or disabled, the board may designate a qualified person as acting director to perform the duties of the office. Before entering upon the duties of his office, the acting director shall take and subscribe to the oath, and furnish bond, as required of the director. The director shall furnish the board with information or reports governing the operation of the Authority as the board requires.

## Section 2. Treasurer

The board may employ and fix the compensation of a Treasurer if he or she is not a board member, who shall keep the financial records of the Authority and who, together with the director, shall approve all vouchers for the expenditure of funds of the Authority. The Treasurer shall perform such other duties as may be delegated by the board and shall furnish bond in an amount as prescribed by the board.

## Section 3. Secretary

The board may employ and fix the compensation of a secretary, who shall maintain custody of the official seal and of records, books, documents, or other papers not required to be maintained by the controller. The secretary shall attend meetings of the board and keep a record of its proceedings, and shall perform such other duties delegated by the board.

## Section 4. Legal Counsel

The board may retain legal counsel to advise the board in the proper performance of its duties. The legal counsel shall represent the Authority in actions brought by or against the Authority.

## Section 5. Other Personnel

The board may employ other personnel deemed necessary by the board.

# ARTICLE VI. COMMITTEES AND ADVISORY BOARDS

## Section 1. Committees

The board by resolution may designate and appoint one or more committees to advise the board. The committee members shall be members of the Authority. The Chairman of the Authority shall appoint the members and select the chairman. The committees may be terminated by a vote of the Authority. At the annual meeting the committees will be evaluated and reappointed or dissolved. A majority of the committee will constitute a quorum. A majority of the members present at the meeting at which a quorum is present shall be the act of the committee.



## Section 2. Borrowing Money Prior to Collection of Tax

The City may at the request of the Authority borrow money and issue its notes therefor pursuant to Act 202 of the Public Acts of 1943, as amended, being Sections 131.1 and 138.2 of the Michigan Compiled Laws, in anticipation of collection of the ad valorem tax authorized in this section.

## Section 3. Revenue Bonds

The Authority may borrow money and issue its negotiable revenue bonds therefor pursuant to Act 94 of the Public Acts of 1933, as amended, being Section 141.101 to 141.139 of the Michigan Compiled Laws. Revenue bonds issued by the Authority shall not except as hereinafter provided be deemed a debt of the City of Sault Ste. Marie or the State of Michigan. The City Commission by a majority vote of the members may pledge its full faith and credit to support the Authority's revenue bonds.

## Section 4. Tax Increment Financing

When the Authority determines that it is necessary for the achievement of the purposes of Act 197, Public Acts of 1975, the Authority shall prepare and submit a tax increment financing plan to the City Commission. The plan shall include a development plan as provided in Section 17, Act 197, Public Acts of 1975, a detailed explanation of the tax increment procedure, the amount of bonded indebtedness to be incurred, the duration of the program, and shall be in compliance with Section 15 of that Act. The plan shall contain a statement of the estimated impact of tax increment financing on the assessed values of all taxing jurisdictions in which the development area is located. The plan may provide for the use of part or all of the captured assessed value, but the portion intended to be used by the Authority shall be clearly stated in the tax increment financing plan.

## Section 5. Contributions or Gifts

The board may accept on behalf of the Authority any contribution, gift, bequest or device for the general purposes or for any special purpose of the Authority.

## ARTICLE X. DISTRICT BOUNDARIES

The Authority shall exercise its powers within the downtown district of the City of Sault Ste. Marie so determined by ordinance Number 201 of the City Commission.

## ARTICLE XI. AMENDMENT TO RULES

These rules may be altered, amended, or repealed, and new rules adopted by a majority of the members present at any regular meeting.

Adopted by the Board of Directors, \_\_\_\_\_

April 29, 1980  
(date)  
[Signature]  
Chairman, Sault Ste. Marie Downtown Development Authority

Approved by the Sault Ste. Marie City Commission \_\_\_\_\_

May 5, 1980  
(date)

\_\_\_\_\_  
Audrey LeLievre, City Clerk



May 5, 1980

Re-con- 3. Communications:  
sideration  
Sher- Commissioner Huskey requested reconsideration of the Sherman Park camping fee of \$3.00 per day following discussion of the fees at the City Commission meeting of April 21 when a local resident, John Sharpe, objected to the fee as excessive for the facilities offered.

Park Mr. Sharpe met with the Community Services Board at its recent meeting; and, after discussion of the facilities offered at the park, the Board recommended the daily camping fee at Sherman Park remain at \$3.00 to all users, however, a resident of the city could obtain a seasonal pass for camping from the Park and Recreation Department for a flat fee of \$120.00.

Moved by Commissioner Huskey, supported by Commissioner Walsh,

That City Residents be charged a fee of \$1.00 per night for camping at Sherman Park; or purchase a \$50.00 annual sticker; however, charges to non-resident users of the camping facilities remain at \$3.00 per night.

Motion unanimously carried.

Air- Commissioner Huskey also requested clarification of the period when the airport is open. He called attention to the City Commission minutes of May 22, 1979, pertaining to the opening of the airport at which it was recommended to be open during the summer months only. He also said the airport was used quite frequently during the summer months. It was his opinion, the airport should be closed or fees charged for the use of the tie-down area, etc.

At present, the City is operating its airport with a "Class D" license which allows for no services to be rendered by the owner and provides that pilots take off and land at their own risk. Because of the mild winter, the runways were free of snow and, on several occasions, planes used the airstrip.

Commissioner Lawrence pointed out the difficulties the U. S. Custom Service were encountering checking planes flying in from Canada.

The City Manager was requested to contact the U. S. Custom officials concerning problems which they may be having checking persons flying aircraft into the U. S. and landing at the airport; to obtain an actual count of aircraft using the airport; to check with other Class D airports to determine what services are provided and the charges for these services, if any; to obtain costs of employing CETA personnel for use at the airport to collect fees should a fee system be established.

Moved by Commissioner Alford, supported by Commissioner Honkanen,

#### RESOLUTION

Down- BE IT RESOLVED, that the Rules governing the Sault Ste. Marie Downtown Development Authority, approved by its Board of Directors of April 29, 1980, are hereby approved by the City Commission in accordance with Act 197, Public Acts of 1975, as amended.

Rules Carried. Yeas: Mayor Peters, Commissioners Alford, Garlinghouse, Honkanen, Huskey, and Walsh.  
Nays: Commissioner Lawrence.

A.I.S. Phyllis Sipniewski, Client Services Manager, E. U. P. Mental Health Board, Home and Helen Shipman, representing mentally retarded and physically impaired individuals, summarized the AIS home concept (Alternative to Institutional Setting) for members of the City Commission and the public to help them understand the right that some mentally retarded individuals have to live in a community setting which can promote growth and greater independence. The proposed home site will be located on Pine Street on the site of the old Washington School. The home would house from six to eight persons with a full-time staff of 9-12 persons, which would be of benefit to the economy of the area.

Moved by Commissioner Walsh, supported by Commissioner Alford,

THAT the report of the representatives of the E.U.P. Mental Health Board concerning the AIS Home Concept, be received and placed on file.

Motion unanimously carried.



MAY 17, 1982

COMMUNICATIONS:

Letters were received from the Michigan Municipal League announcing that the Annual Region X meeting will be held June 10-11, 1982, in Norway, Michigan; and the Annual League Convention will be held September 16-18 on Mackinac Island.

City Manager Godby and Commissioner Lawrence will attend the Region X meeting.

Moved by Commissioner Huskey, supported by Commissioner Alford,

BE IT RESOLVED, that the City Commission approves the following changes in the By-Laws of the Downtown Development Authority:

1. Article II, Section 2 be amended as follows:

"The board of the Authority shall consist of at least nine members and no more than THIRTEEN (fifteen), the Chief Executive Officer of the City of Sault Ste. Marie and up to TWELVE (fourteen) members..."

2. Article IV, Sections 1 and 2 to reflect a change in the normal meeting times to the second Monday of the month at 5:00 p.m. in the Sault Savings Bank.

Motion unanimously carried.

A letter was read from Basil J. Christie, Soo Township Supervisor, requesting formal permission from the City to connect sewage from the Dondee Lanes to the municipal sewer system under any reasonable rules that the City might require. The letter indicated that Joseph Ball, district engineer of the Water Quality Division of the Department of Natural Resources, met with the Township Board on April 14, 1982, relative to the Dondee Lanes sewage problems.

Mr. Christie's letter indicated that preliminary studies showed a connection to the municipal sewer system in the vicinity of the Colonial Inns would be the most logical solution to the problem.

Discussion ensued. The City Manager recommended authorizing he and the City Engineer to enter into discussions with Soo Township on the various issues that would arise should the Commission approve the request such as 1) When and how does the township plan to repay the City for the oversizing of the Riverside Sewer; 2) How the sewage effluent would be metered entering the city; 3) Who would handle maintenance on the system outside the City; and 4) What rates should be charged; etc.

Moved by Commissioner Huskey, supported by Commissioner Alford,

That the City Manager review the request of Soo Township and return a report to the City Commission for consideration.

Motion unanimously carried.

City Manager's Report:

Dan Cook, Parks and Recreation director, and Robert LeFlar, Water Treatment Plant superintendent, presented their annual departmental reports.

Moved by Commissioner Huskey, supported by Commissioner Lynn,

That the annual reports of the Parks and Recreation Department and the Water Treatment Plant superintendent, be received and placed on file.

Motion unanimously carried.

Quotations for liquid calcium chloride for dust control were received from Bay Dust Control Division of Liquid Calcium Chloride Sales, Inc. of KawKawlin, Michigan and from Michigan Chloride Sales, Inc. Alma, Michigan as follows: