

Chapter 12

BOARDS, COMMITTEES AND COMMISSIONS

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[HISTORY: Adopted by the Village Council of the Village of Bellaire as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Planning Commission [Adopted 6-20-1996 by Ord. No. 36-1996]

- § 12-1. Commission established. [Amended 6-6-2001 by Ord. No. 6-2001; 8-18-05 by Ord. No. 6-2005; 9-20-06 by Ord. No. 15-2006; 01-07-09 by Ord. No. 01-2009]

A village planning commission is hereby created for the Village of Bellaire pursuant to the Michigan Planning Enabling Act, Act 33 of the Public Acts of 2008, as amended. This planning commission shall be known as the “Village of Bellaire Planning Commission.”

§ 12-2. Membership; Appointment; Compensation; Terms; Removal; Vacancy.

- (a). The village planning commission shall consist of five (5) members. One (1) member may be a member of the village council as an *ex officio* member with full voting rights on the planning commission. Except for one (1) member, all members of the village planning commission shall be qualified electors of the village. In addition, members of the village planning commission shall be representative of the entire geography of the village to the extent practicable and shall be representative of important segments of the village, such as the economic, governmental, educational, and social development of the village, in accordance with the major interests as they exist in the village, such as agricultural, natural resources, recreation, education, public health, government, transportation, industry, and commerce.
- (b). All members of the village planning commission shall be appointed by the village president, subject to the approval by a majority vote of the entire village council.
- ©. All appointed members of the village planning commission may be compensated at a rate to be determined by the village council.
- (d). Except for any *ex officio* member, the term of each appointed member shall be three (3) years or until his or her successor is appointed, except that the respective terms of one (1) of the members first appointed shall be for one (1) year and the respective terms of two (2) of the members first appointed shall be for two (2) years. The term of any *ex officio* member shall expire with his or her term of office on the village council.
- (e). After written charges and a public hearing before the village council, a member of the village planning commission, including any *ex officio* member, may be removed from office on the planning commission for misfeasance, malfeasance, or nonfeasance in office by the village president, subject to the approval by a majority vote of the entire village council. The failure of a planning commission member to disclose to the planning commission a potential conflict of interest, as defined in §12-5 of this Article, shall constitute malfeasance in office. The failure of a planning commission member to regularly attend scheduled meetings of the planning commission shall constitute nonfeasance in office. The planning commission secretary shall report to the village council when a planning commission member has failed to attend three (3) consecutive planning commission meetings.
- (f). A vacancy on the village planning commission occurring otherwise than through the expiration of a member’s term shall be filled for the unexpired term in the same manner as the original appointment.

§12-3. Organization; Chairperson, Secretary, and Other Officers; Committees; Meetings; Rules; Records.

- (a). The village planning commission shall elect a chairperson and secretary from its members; provided, however, any *ex officio* member shall not be eligible to serve as the chairperson of the planning commission. The planning commission may create and fill by election such other offices as it considers advisable. The term of chairperson and any

other officers shall be one (1) year, with eligibility for reelection as specified in the planning commission bylaws.

- (b). The planning commission may appoint advisory committees, whose members are not required to be members of the planning commission.
- ©. The village planning commission shall hold not less than four (4) regular meetings each year and shall by resolution determine the time and place of the meetings.
- (d). The village planning commission shall adopt bylaws for the transaction of its business.
- (e). The village planning commission shall keep a public record of its resolutions, transactions, findings, and determinations.

§12-4. Powers and duties.

- (a). The village planning commission shall have all powers authorized by, and shall perform all duties specified in, the Michigan Planning Enabling Act, being Act 33 of the Public Acts of 2008, as amended.
- (b). The village planning commission shall have all the powers and duties conferred on zoning commissions under the Michigan Zoning Enabling Act, being Act 110 of the Public Acts of 2006, as amended, and any other powers and duties conferred on planning commissions by other provisions of law. Any and all such powers and duties are hereby conferred and incorporated as if fully set forth herein.

§12-5. Conflict of Interest.

A member of the village planning commission shall declare a conflict of interest in connection with a matter pending before the planning commission and shall disqualify himself or herself from deliberating and voting on the matter when any of the following circumstances exist:

- (a). The applicant is the child, grandchild, great-grandchild, parent, grandparent, great-grandparent, brother, sister, nephew, niece, aunt, or uncle of the planning commission member or the member's spouse.
- (b). The planning commission member or the member's spouse, parent, child, or any relative residing in the member's household has a pecuniary interest in the outcome of the matter.
- ©. The planning commission member or the member's spouse resides on or has an ownership interest in land within 300 feet of the parcel regarding which the decision is to be made.
- (d). The planning commission member has made statements or taken any action outside the formal decision-making process that would suggest that he or she has prejudged the matter before the planning commission or would in any way preclude him or her from affording the applicant and the public a fair hearing.
- (e). The planning commission member concludes in good faith that because of prior business or personal relationships with the applicant or with other participants in the public

hearing process, or for other reasons, he or she cannot afford the applicant and the public a fair hearing.

§12-6. Planning Director and Personnel; Contract for Planning Services and other Technicians.

- (a). The village council may employ a planning director and other personnel as it considers necessary to assist the village planning commission in carrying out its powers and duties.
- (b). The village council may contract for professional planning services and other technical services, such as attorneys and engineers, as it considers necessary to assist the village planning commission in carrying out its powers and duties.

§12-7. Notification to County Planning Commission.

Within fourteen (14) days after the village council adopts the ordinance amending this Article the village clerk shall transmit a notice of the adoption of the ordinance to the county planning commission.

ARTICLE II
Downtown Development Authority
[Adopted 2-5-2014 by Ord. No. 1-2014]
[Amended 12-7-2016 by Ord. No. 3-2016 and Ord. No. 4-2016]

§12-8. Creation of Downtown Development Authority.

Pursuant to Act No. 197, Public Acts of 1975 as amended, (the “Act”) the Village of Bellaire, Antrim County, Michigan does hereby establish a Downtown Development Authority, which shall be established and regulated pursuant to said Act.

§ 12-9. Name of Authority.

The name of the Downtown Development Authority created by this ordinance shall be the Village of Bellaire Downtown Development Authority, hereinafter referred to as the Authority.

§12-10. Powers of the Downtown Development Authority

The Authority shall be a public body corporate and may sue and be sued in any court in this state. The Authority shall analyze the impact of economic changes and growth in the downtown district and have all the powers, duties and responsibilities as set forth in Section 7 of the Act, as may be amended from time to time, to-wit:

- (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, 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). Plan, propose, and implement an improvement to a public facility within the development area to comply with the barrier free design requirements of the state construction code promulgated under the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.
- (e). Develop long-range plans, in cooperation with the agency which is chiefly responsible for planning in the village, 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.
- (f). 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 the Act.
- (g). Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.
- (h). Acquire by purchase or otherwise, on terms and conditions and in a manner the authority considers proper, or own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests in property, 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 to that property.
- (i). 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 to that property, within the downtown district for the use, in whole or in part, of any public or private person or corporation, or a combination of them.
- (j). Fix, charge, and collect fees, rents, and charges for the use of any building or property under its control or any part thereof, or facility therein, and pledge the fees, rents, and charges for the payment of revenue bonds issued by the authority.
- (k). Lease any building or property under its control, or any part of a building or property.
- (l). Accept grants and donations of property, labor, or other things of value from a public or private source.

- (m). Acquire and construct public facilities.
- (n). Create, operate, and fund marketing initiatives that benefit only retail and general marketing of the downtown district.
- (o). Contract for broadband service and wireless technology service in the downtown district.
- (p). Operate and perform all duties and exercise all responsibilities described in this section in a qualified township if the qualified township has entered into an agreement with the village under section 3(7) of the Act.
- (q). Create, operate, and fund a loan program to fund improvements for existing buildings located in a downtown district to make them marketable for sale or lease. The Authority Board may make loans with interest at a market rate or may make loans with interest at a below market rate, as determined by the Authority Board.
- (r). Create, operate, and fund retail business incubators in the downtown district, subject to the requirements of Section 7(2) of the Act.

§ 12-11. Ad Valorem Tax; Borrowing in Anticipation of Collection.

- (a). The Authority with the approval of the Village Council may levy an ad valorem tax on the real and tangible personal property not exempt by law and as finally equalized in the downtown district. The tax shall not be more than 2 mills. The tax shall be collected by the Village at the same time and in the same manner as it collects its other ad valorem taxes. The tax shall be paid to the treasurer of the Authority and credited to the general fund of the Authority for purposes of the Authority.
- (b). The Village may at the request of the Authority borrow money and issue its notes under the Revised Municipal Finance Act, 2001 PA 34, MCL 141.2101 to 141.2821, in anticipation of collection of the ad valorem tax authorized in this section.

§ 12-12. Boundaries of District.

The downtown district in which the Authority shall exercise its power shall consist of the following described property situated in the Village of Bellaire, Antrim County, Michigan:

Beginning at the Southwest corner of Lot 21, Block 1 of the Plat of Mesick and Wadsworth's Addition to the Village of Bellaire; thence East to the Southeast corner of said Lot 21; thence continuing East 20 feet to the East right-of-way of a public alley currently known as South Hickory Lane; thence North along the East right-of-way of South Hickory Lane to the Northwest corner of Lot 50, Block 1 of the Plat of Mesick and Wadsworth's Addition to the Village of Bellaire; thence Northwesterly to a point 10 feet South and 10 feet East more or less, of the Southwest corner of Lot 6, Block 1 of the Plat of Mesick and Wadsworth's Addition to the Village of Bellaire; thence West

to a point 10 feet South of the Southwest corner of said Lot 6; thence North to the Northwest corner of said Lot 6; thence Northerly to the Southwest corner of Lot 7, Block F of the Original Plat of the Village of Bellaire; thence North along the East right-of-way of a public alley currently known as North Hickory Lane to the Northwest corner of Lot 1, Block F of the Original Plat of the Village of Bellaire; thence North to the Southwest corner of Lot 1, Block G of the Original Plat of the Village of Bellaire; thence North 00 degrees West 163.31 feet along the East right- of-way of a public alley currently known as North Hickory Lane; thence North 13 degrees East 50.29'; thence North 00 degrees East 75.48 feet; thence North 27 degrees West 96.61 feet; thence North 75 feet; thence East 20 feet more or less to the Intermediate River; thence Northwesterly along the Intermediate River 457 feet, more or less, to the Northwest corner of Lot 1, Block H of the Original Plat of the Village of Bellaire, said point being on the East side of the public alley currently known as North Bridge Lane; thence South along the East side of the public alley known as North Bridge Lane to the Southwest corner of Lot 10, Block H of the Original Plat of the Village of Bellaire; thence West 33 feet to the West side of the public alley known as North Bridge Lane; thence South along the West side of said public alley to a point 213 feet North and 61.67 feet West of the Southeast corner of Section 24, Town 30 North, Range 8 West; thence South 89 degrees West 100.90 feet; thence North 45 degrees West 129.98 feet; thence South 89 degrees West 130.25 feet; thence South 00 degrees West 302.11 feet more or less to the centerline of what was known as River Street in the Original Plat of the Village of Bellaire and is now known as West Cayuga Street; thence East along the centerline of West Cayuga Street to a point 60 feet West of the Northeast corner of Section 25, Town 30 North, Range 8 West; thence South along the East side of a public alley known as South Bridge Lane to a point 60 feet West of the Southwest corner of Lot 4, Block 3 of the Plat of Mesick and Wadsworth's Addition to the Village of Bellaire; thence East to the Southeast corner of said Lot 4; thence continuing East 66 feet to the East right-of-way of a public street shown as Bridge Street on the Plat of Mesick and Wadsworth's Addition to the Village of Bellaire and currently known as South Bridge Street; thence South along the East right-of-way of South Bridge Street to the Point of Beginning, all in the Village of Bellaire, County of Antrim, State of Michigan.

§12-13. Authority Board; Appointment; Membership; Terms; Vacancy; Removal; Compensation; Chairperson; Rules; Oath; Records

- (a). The Authority shall be under the supervision and control of a board consisting of the Village President and eight (8) additional members.
- (b). Members of the Authority Board other than the Village President shall be appointed by the Village President, subject to approval by the Village Council. Not less than a majority of the members shall be persons having an interest in property located in the downtown district or officers, members, trustees, principals, or employees of a legal entity having an interest in property located in the downtown district. Not less than one (1) of the members shall be a resident of the downtown district, if the downtown district has 100 or more persons residing within it. Except for the Village President, whose term shall be commensurate with his or her term as Village President, the term of each appointed member shall be four (4) years or until his or her successor is appointed, except that the respective terms of two (2) of the members first appointed shall be for one (1) year, the respective terms of two

- (2) of the members first appointed shall be for two (2) years, the respective terms of two (2) of the members first appointed shall be for three (3) years, and the respective terms of two (2) of the members first appointed shall be for four (4) years.
- (c). A vacancy on the Authority Board occurring otherwise than through the expiration of a member's term shall be filled for the unexpired term in the same manner as the original appointment.
 - (d). After written charges and a public hearing before the Village Council a member of the Authority Board other than the Village President may be removed from office for misfeasance, malfeasance, or nonfeasance in office by the Village Council.
 - (e). Members of the Authority Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses.
 - (f). The Authority Board shall elect the chairperson of the board and shall adopt rules of procedure for the transaction of its business, subject to the approval of the Village Council.
 - (g). Before assuming the duties of office a member of the Authority Board shall qualify by taking and subscribing to the constitutional oath of office.
 - (h). The Authority Board shall keep a public record of its resolutions, transactions, findings, and determinations.

§12-14. Meetings.

- (a). Within thirty (30) days after the appointment of the members of the Authority Board, the Village Clerk shall call a meeting of the Authority Board. The meeting shall open with a call for election of Authority Board officers which shall consist of the following: Chairperson, Vice-chairperson, Secretary, and Treasurer.
- (b). The business of the Authority shall be conducted at a public meeting of the Authority Board held in compliance with the Open Meetings Act, being Act No. 267 of the Public Acts of 1976, as amended. Public notice of the time, date, and place of the meeting shall be given in the manner required by the Open Meetings Act.
- (c). The Authority Board shall establish a schedule of regular meetings and shall give notice of these regular meetings as required by the Open Meetings Act. Special meetings may be held when called in the manner provided in the rules of the Authority Board and after giving notice of these special meetings as required by the Open Meetings Act.

§12-15. Employees of the Authority Board; Legal Counsel; Other Personnel.

- (a). The Authority Board may employ and fix the compensation of a director, subject to the

approval of the Village Council. The director shall serve at the pleasure of the Authority Board and shall have the duties and responsibilities specified in Section 5 of the Act, as amended. Before entering the duties of the office the director shall take and subscribe to the constitutional oath and shall furnish and file with the Village Clerk a bond in the penal sum of \$5,000.00 payable to the Authority for the use and benefit of the Authority. The premium on the bond shall be deemed an operating expense of the Authority.

- (b). The Authority Board may employ and fix the compensation of a treasurer, 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 to him or her by the Authority Board and shall furnish bond in an amount as prescribed by the Authority Board.
- (c). The Authority 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 treasurer. The secretary shall attend meetings of the Authority Board and keep a record of its proceedings, and shall perform such other duties delegated by the Authority Board.
- (d). The Authority 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.
- (e). The Authority Board may employ other personnel deemed necessary by the Board.

§12-16. Sources of Revenue; Permitted Expenditures.

The activities of the Authority shall be financed from one or more of the funding sources set forth in Section 11 of the Act, as amended.

§ 12-17. Legislative Findings for Development and Tax Increment Financing Plan.

The Village Council hereby makes the following legislative findings:

- A. The Village of Bellaire Downtown Development Authority (the “Authority”) has prepared and recommended for approval the Village of Bellaire Development and Tax Increment Financing Plan (the “Plan”) for the Development Area in the Downtown District within the Village of Bellaire (the “Village”).
- B. On November 2, 2016 and December 7, 2016, the Village Council held public hearings on the Plan for the Authority’s Development Area in the Downtown District pursuant to Act 197, Public Acts of Michigan, 1975, as amended (the “Act”).
- C. The Village Council has given the taxing jurisdictions in which the Development Area is located an opportunity to meet with the Village and to express their views and recommendations regarding the Plan, as required by the Act.

§ 12-18. Statutory Findings.

The Village Council hereby finds that the Plan complies with all statutory requirements of the Act, to-wit:

- A. The Development Plan portion of the Plan meets the requirements set forth in section 17(2) of the Act, and the Tax Increment Financing Plan portion of the Plan meets the requirements set forth in section 14(2) of the Act.
- B. The proposed method of financing the development is feasible and the Authority has the ability to arrange the financing.
- C. The development is reasonable and necessary to carry out the purposes of the Act.
- D. Any land included within the Development Area to be acquired is reasonably necessary to carry out the purposes of the Act.
- E. The Development Plan portion of the Plan is in reasonable accord with the master plan of the Village.
- F. Public services, such as fire and police protection and utilities, are or will be adequate to service the Development Area.
- G. Changes in zoning, streets, street levels, intersections, and utilities, to the extent required by the Plan, area reasonably necessary for the Plan and for the Village.

§12-19. Public Purpose.

The Village Council hereby determines that the Plan constitutes a public purpose

§12-20. Best Interest of the Public.

The Village Council hereby determines that it is in the best interest of the public to halt property value deterioration, increase property tax valuation, eliminate the causes of the deterioration in the property values, and to promote growth in the Downtown District to proceed with the Plan.

§ 12-21. Approval and Adoption of Plan.

The Plan is hereby approved and adopted. A copy of the Plan and all later amendments thereto shall be maintained on file in the Village Clerk's Office.