

PLANNING AND DEVELOPMENT

An ordinance to amend the municipal code of the Village of Brooklyn by amending Chapter 42, Planning and Development, creating Article IV, establishing a Corridor Improvement Authority.

THE VILLAGE OF BROOKLYN ORDAINS:

Section 1. Amendment to Chapter 42, Planning and Development; Sections 42-48 through 42-56, Corridor Improvement Authority.

Chapter 42 of the Village of Brooklyn Municipal Code is amended with the following changes or additions:

Sec. 42-48. Definitions.

The terms used in this article shall have the meaning ascribed to them in Public Act No. 280 of 2005 or such words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

PA 280 or the Act means Public Act No. 280 of 2005 (MCL 125.2871-125.2899).

Authority means the Village corridor improvement authority created by this article.

Board means the board of directors of the corridor improvement authority.

Development Area means the district designated by this article or as hereafter amended.

Governing Body means the elected body of a municipality.

Tax Increment Financing means the tax authorized by this article pursuant to PA 280 to be imposed by the authority in the development area.

Sec. 42-49. Establishment of Corridor Improvement Authority.

In recognition by the governing body of the Village that it is in the best interest of the public to correct and prevent deterioration in the business districts, to redevelop the commercial corridors and to promote economic growth of commercial districts, a Corridor Improvement Authority is hereby established in and for the Village, pursuant to PA 280 of the Public Acts of 2005, as amended.

The Authority shall analyze the impact of economic changes and growth in the development area and develop plans in coordination with the Village Planning Commission to promote orderly economic growth in the commercial districts. With the advice and consent of the governing body, the Authority shall implement a development plan and tax increment financing plan in the development area as necessary to achieve

the purposes of the Corridor Improvement Authority Act and in accordance with the powers granted by said Act.

The Village may enter into an agreement with an adjoining municipality that has created a corridor improvement authority to jointly operate and administer those authorities under an interlocal agreement under the urban cooperation act of 1967 (Public Act 7 of 1967, MCL 124.501 to 124.512). Such interlocal agreement shall include, but is not limited to, a plan to coordinate and expedite local inspections and permit approvals, a plan to address contradictory zoning requirements, and a date to implement all provision of these plans. A copy of said interlocal agreement shall be filed with the state tax commission within 60 days of entering into the agreement.

Sec. 42-50. Boundaries of District.

The boundaries of the development area within which the Corridor Improvement Authority shall exercise its powers shall be comprised of parcels contained in part or in whole by the area within 500 feet of the right-of-ways of M-50 (North and South Main Streets) or M-124 (Wamplers Lake Road) within the Village of Brooklyn as may be delineated in a development plan. The governing body may alter or amend the boundaries of the development area to include or exclude lands from the development area in the same manner as adopting this ordinance pursuant to PA 280.

Sec. 42-51. Board Membership.

The affairs of the Corridor Improvement Authority shall be under the supervision and control of a Board consisting of the Village President or designee and a minimum of four (4) members and a maximum of eight (8) members, in conformance with the following:

a) Members shall be appointed by the Village President subject to approval by the governing body. Not less than a majority of the members shall be persons having ownership of or a business interest in property located in the development area. At least one (1) of the members shall be a resident of the development area or within one-half (1/2) mile of the development area.

b) Of the members first appointed, an equal number of the members, as near as is practicable, shall be appointed for one year, two years, three years and four years. A member shall hold office until the member's successor is appointed. After the initial appointment, each member shall serve for a term of four years.

c) Excluding the initial terms of one, two or three years, or appointments for partial terms to fill a vacancy due to resignation or death of a member, members may serve only one four-year term before rotating from the Board for a minimum of one year before being considered for reappointment. The governing body may consider appointment of members to consecutive terms if, in its judgment, a bona fide effort to solicit qualified members has been unsuccessful.

d) Other than appointments to fill a vacancy due to resignation or death of a member, the governing body shall appoint members during December each year for terms commencing the following January.

e) Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office.

f) An appointment to fill a vacancy shall be made by the Village President, for the unexpired term only, subject to approval of the governing body.

g) Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses.

h) A chairperson shall be elected by the Board each January from the current members. A member may serve as chairperson no more than two (2) consecutive years.

i) The proceedings and rules of the Board are subject to the open meetings act. The Board shall adopt rules consistent with PA 267 of the Public Acts of 1976 governing its procedure and the holding of regular meetings, subject to the approval of the governing body. Special meetings may be held if called in the manner provided in the rules of the Board.

j) Should two or more adjoining municipalities determine to operate a Board under a joint interlocal agreement, each shall have equal representation on the Board and shall maintain the same staggered terms for members, as near as practicable. Each municipality's membership of the Board shall be determined by the respective governing body. The interlocal agreement shall state a process for appointment of a minimum of one resident from the collective development area to the Board.

Sec. 42-52. Board Powers.

The Board may do any of the following:

- a) Prepare an analysis of economic changes taking place in the development area.
- b) Study and analyze the impact of metropolitan growth upon the development area.
- 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 development area.
- d) Plan, propose and implement an improvement to a public facility within the development area to comply with barrier-free design requirements of the state construction code promulgated under the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1531.
- e) Develop long-range plans in cooperation with the agency that is chiefly responsible for planning in the municipality, designed to halt the deterioration of property values in the development area and to promote economic growth in the development area, and take 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 development area necessary to achieve the purposes of this Act in accordance with the powers of the authority granted by this 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

the property, that the Authority determines is reasonably necessary to achieve the purposes of this Act, and to grant or acquire licenses, easements, and options.

- i) Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair, and operate any building, and any appurtenances to those buildings, within the development area for the use, in whole or in part, of any public or private person or corporation or a combination thereof.
- j) Fix, charge and collect fees, rents and charges for the use of a facility, building or property under its control or any part of the facility, building, or property, and pledge the fees, rents, and charges for the payment of revenue bonds issued by the Authority.
- k) Lease, in whole or in part, any facility, building or property under its control.
- l) Accept grants and donations of property, labor or other items of value from a public or private source.
- m) Acquire and construct public facilities.
- n) Conduct market research and public relations campaigns; develop, coordinate and conduct retail and institutional promotions; and sponsor special events and related activities.
- o) Contract for broadband services and wireless technology in the development area.
- p) Employ and fix compensation for a director, treasurer, secretary legal counsel and other personnel considered necessary to the Board, who serve at the pleasure of the Board, subject to the approval of the governing body and in accord with provisions of section 9 of the Act.

Sec. 42-53 Financing Sources.

The activities of the Corridor Improvement Authority shall be financed, subject to the approval of the governing body, from one or more of the following sources:

- a) Donations to the Authority for the performance of its functions.
- b) Money borrowed and to be repaid as authorized by sections 16 and 17 of the Act.
- c) Revenues from any property, building or facility owned, leased, licensed or operated by the Authority or under its control, subject to the limitations imposed upon the Authority by trusts or other agreements;
- d) Proceeds of a tax increment financing plan as established under sections 18 to 20 of the Act.
- e) Proceeds of a special assessment district created as provided by law.
- f) Money obtained from other sources approved by the governing body or otherwise authorized by law for use by the Authority or the Village to finance a development program.
- g) Money received by the Authority and not covered under subsections (1) shall be immediately deposited to the credit of the Authority, subject to disbursement pursuant under this Act. Except as provided in this Act, the Village shall not obligate itself, and shall not be obligated to pay any sums from public funds,

other than money received by the Village under this section, for or on account of the activities of the Authority.

Sec. 42-54. Fiscal year; adoption of budget.

- a) The fiscal year of the Corridor Improvement Authority shall begin on July 1 of each year and end on June 30 of the following year or such other fiscal year as may hereafter be adopted by the governing body.
- b) The board shall annually prepare a budget and shall submit it to the governing body on the same date that the proposed budget for the Village is required to be submitted. The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the governing body. The Board may, however, temporarily adopt a budget in connection with the operation of any improvements which have been financed by revenue bonds where required to do so by the ordinance authorizing the revenue bonds.
- c) The Authority shall submit financial reports to the governing body as requested. The Authority shall be audited annually by the same independent auditors auditing the Village and copies of the audit report shall be filed with the governing body.

Sec. 42-55. Dissolution.

An Authority that has completed the purposes for which it was organized shall be dissolved by ordinance of the governing body. The property and physical assets of the Authority remaining after the satisfaction of the obligations of the Authority belong to the municipality. Surplus funds remaining in the tax increment financing account shall be reimbursed proportionately to the Village, Columbia Township and Jackson County treasurers.

Sec. 42-56. Effective Date.

This ordinance shall take immediate effect and shall be published once in a newspaper of general circulation in the Village as required by the Act.

YEAS: _____

NAYS: _____

ABSENT: _____

Ordinance declared adopted on December 11, 2017.

John Bernard DeJeu, Village President
Village of Brooklyn

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Mick Linderman, the Clerk of the Village of Brooklyn certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Village Council of the Village of Brooklyn on December 11, 2017, and published in the Brooklyn Exponent, a newspaper of general circulation in the Village of Brooklyn on December 19, 2017.

Mick Linderman, Village Clerk
Village of Brooklyn

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