

Chapter 10

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State law references – Housing corporation law, MCL 125.601 et seq.; economic development corporations act, MCL 125.1601 et seq.; housing and slum clearance projects, MCL 125.651 et seq.; urban redevelopment corporations, MCL 125.901 et seq.; rehabilitation of blighted areas, MCL 125.71 et seq.; economic development corporations, MCL 125.1601 et seq.

POTTERVILLE CODE

BUSINESS REGULATIONS

ARTICLE I. IN GENERAL

Secs. 10-1 – 10-30. Reserved.

ARTICLE II. HOUSING COMMISSION*

Sec. 10-31. Created.

Pursuant to Public Act No. 18 of the Extra Session of 1933 (MCL 125.651 et seq.), a commission is hereby created in and for the city to be known as the “Potterville Housing Commission.”

(Ord. No. 98, § 1, 3-21-1977)

Secs. 10-32 – 10-70. Reserved.

ARTICLE III. DOWNTOWN DEVELOPMENT AUTHORITY†

Sec. 10-71. Purpose.

The city hereby determines that it is necessary for the best interest of the city to halt property value deterioration and increase property tax valuation where possible in the business district of the city, to eliminate the causes of that deterioration, and to promote economic growth by establishing a downtown development authority pursuant to Public Act No. 197 of 1975 (MCL 125.1651 et seq.).

(Ord. No. 05-216, § 2, 5-10-2005)

Sec. 10-72. Definitions.

The terms used in this section shall have the meaning as given to them in Act 197 or as in this section provided unless the context clearly indicates to the contrary. As used in this article:

Act 197 means Public Act No. 197 of 1975 (MCL 125.1651 et seq.).

* **Cross reference** – Boards and commissions, § 2-131 et seq.

State law reference – Housing and slum clearance projects, MCL 125-651 et seq.

† **Cross reference** – Boards and commissions, § 2-131 et seq.

Authority means the downtown development authority of the city created by this article.

Board means the board of directors of the authority, governing body of the authority as established by this article.

Downtown district means the downtown district designated by this article as now existing or hereafter mentioned.

(Ord. No. 05-216, § 3, 5-10-2005)

Cross reference – Definitions generally, § 1-2.

Sec. 10-73. Created; authority.

(a) There is hereby created, pursuant to Act 197, a downtown development authority for the city. The authority shall be a public body corporate and shall be known and exercise its powers under the title of “Potterville Downtown Development Authority (PDDA).” The authority may adopt a seal, may sue and be sued in any court of the state, and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided by this article and Act 197. The enumeration of a power in this article or in Act 197 shall not be construed as a limitation upon the general powers of the authority.

(b) The downtown district in which the authority shall exercise its powers as provided by Act 197 shall consist of the following described territory in the city, subject to such changes as may hereafter be made pursuant to this article and Act 197: [See attachment A to Ordinance No. 05-216 for parcel descriptions].

(Ord. No. 05-216, § 4, 5-10-2005)

Editor’s note – Attachment A to Ordinance No. 05-216, mentioned in this section, is not printed herein but is on file in the city clerk’s office.

Sec. 10-74. Governing board of authority.

(a) The downtown development authority shall be under the supervision and control of a board of directors consisting of the council-appointed chair and eight members as provided by Act 197. The members shall be appointed by a majority vote of the board subject to approval by the council. Not less than a majority of the members shall be persons having an interest in property located in the downtown district. Of

the members appointed, an equal number of members, as near as is practicable, shall be appointed for one year eight months, two years eight months, three years eight months, and four years eight months, with terms expiring December 31 of each year. A member shall hold office until the member's successor is appointed. Thereafter, each member shall serve for a term of four years. An appointment to fill a vacancy shall be made by the board for the unexpired term only. Members of the board shall serve without compensation, but shall be reimbursed for actual and necessary expenses as approved by the council.

(b) The business which the board may perform shall be conducted at a public meeting of the board held in compliance with the Open Meetings Act, Public Act No. 267 of 1976 (MCL 15.261 – 15.275). Public notice of the time, date, and place of the meeting shall be given in the manner required by Public Act No. 267 of 1976. The board shall adopt rules consistent with Public Act No. 267 of 1976 governing its procedure and the holding of regular meetings, subject to the approval of the city council. Special meetings may be held if called in the manner provided in the rules of the board.

(c) Pursuant to notice and after having been given an opportunity to be heard, the council may remove a member of the board for cause. Removal of a member is subject to review by the circuit court.

(d) All expense items of the authority shall be publicized monthly and the financial records shall always be open to the public.

(e) In addition to the items and records prescribed in the previous subsection, a writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act No. 442 of 1976 (MCL 15.231 – 15.246).
(Ord. No. 05-216, § 5, 5-10-2005)

Sec. 10-75. Director; treasurer, secretary; legal counsel; other personnel.

(a) The board of directors of the downtown development authority may employ and fix the compensation of a director, subject to the approval of the council. The director shall serve at the pleasure of the board. A member of the board shall not be eligible to hold the position of director. Before entering upon the duties of his office, the director shall take and subscribe to the constitutional oath, and furnish bond, by posting a bond in a reasonable amount to be determined by the city attorney and payable to the authority for the use and benefit of the authority, approved by the board, and filed with the city clerk. The premium on the bond shall be deemed an operating expense of the authority payable from funds available to the authority for expenses of operation. 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 this article and Act 197. The director shall attend the meetings of the board, and shall render to the board and to the council a regular report covering the activities and financial condition of the authority. If the director is absent, disabled, or has not been appointed, the chairperson shall act as director to perform duties of the office.

(b) The board may employ and fix the compensation of a treasurer, subject to the approval of the council, 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 by the board and shall furnish a bond in an amount prescribed by the board.

(c) The board shall employ and fix the compensation of a secretary, subject to the approval of the council, who shall maintain custody of the official seal and records, books, documents, or other papers not required to be maintained by

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the treasurer. 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.

(d) 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.

(e) The board may employ other personnel deemed necessary by the board.
(Ord. No. 05-216, § 6, 5-10-2005)

Sec. 10-76. Employees' retirement and insurance programs.

The fulltime, compensated employees of the downtown development authority shall be eligible to participate in the city's retirement and insurance programs as if they were civil service employees except that the employees of the authority are not civil service employees.
(Ord. No. 05-216, § 7, 5-10-2005)

Sec. 10-77. Powers of the board.

The board of directors of the downtown development authority may:

- (1) Prepare an analysis of the economic changes taking place in the downtown district.
- (2) Study the impact of metropolitan growth upon the downtown district.
- (3) Plan and propose the construction, renovation, repair, remodeling, rehabilitation, preservation, or reconstruction of a public facility, an existing building, or 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.
- (4) 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 State Construction Code Act of 1972, Public Act No. 230 of 1972 (MCL 125.1501 – 125.1531).

- (5) Develop long range plans, in cooperation with the agency which is chiefly responsible for planning in the city, 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 plans to the fullest extent possible.
- (6) Implement any plan of development in the downtown district necessary to achieve the purposes of Act 197, in accordance with the powers of the authority granted by Act 197 and this article.
- (7) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.
- (8) 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 leasee, land and other property, real or personal, or rights or interests therein, which the authority determines is reasonably necessary to achieve the purposes of Act 197 and this article, and to grant or acquire licenses, easements, and options with respect thereto.
- (9) 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.

- (0) 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.
- (0) Lease any building or property under its control, or any part thereof.
- (0) Accept grants and donations of property, labor, or other things of value from a public or private source.
- (0) Acquire and construct public facilities.

(Ord. No. 05-216, § 8, 5-10-2005)

Sec. 10-78. Authority as instrument of political subdivision.

The downtown development authority shall be deemed an instrumentality of a political subdivision for the purposes of Public Act No. 227 of 1972 (MCL 213.321 – 213.332).

(Ord. No. 05-216, § 9, 5-10-2005)

Sec. 10-79. Eminent domain.

The city may take private property under Public Act No. 149 of 1911 (MCL 213.21 – 213.41) for the purpose of transfer to the downtown development authority, and may transfer the property to the authority for use in an approved development, on terms and conditions it deems appropriate, and the taking, transfer, and use shall be considered necessary for public purposes and for the benefit of the public.

(Ord. No. 05-216, § 10, 5-10-2005)

Sec. 10-80. Financing of activities.

The activities of the downtown development authority shall be financed in accordance with the provisions identified in Act 197 (MCL 125.1661 – 125.1677)

(Ord. No. 05-216, § 11, 5-10-2005)

Sec. 10-81. Budget; fund handling and auditing costs.

() The director of the downtown development authority shall prepare and submit for the approval of the board a budget for the operation of the authority for the ensuing fiscal year. The budget shall be prepared in the manner and contain the information required of municipal departments. Before the board may adopt the budget, it shall be approved by the council. Funds of the municipality shall not be included in the budget of the authority except those funds authorized in Act 197 or by the council.

() The council may assess a reasonable pro rata share of the funds for the cost of handling and auditing the funds against the funds of the authority, other than those committed, which cost shall be paid annually by the board pursuant to an appropriate item in its budget.

(Ord. No. 05-216, § 12, 5-10-2005)

Sec. 10-82. Dissolution of authority.

An authority that has completed the purpose for which it was organized shall be dissolved by ordinance of the council. In addition, the downtown development authority may be otherwise dissolved in accordance with Act 197 and other applicable state law. The property and assets of the authority remaining after the satisfaction of the obligations of the authority belongs to the city.

(Ord. No. 05-216, § 13, 5-10-2005)