

Yea: Pearce, Russell, Scott, Stema, Suarez,

Mac Lean and McGillivray.

Nay: None.

218. Bid Award - Concrete for 1997-98.

Motion by Councilwoman Stema, supported by Councilwoman Russell, to concur with the recommendation of Purchasing Agent Elliott to award the bid for concrete for 1997-98 to the lowest responsible bidder, Maschmeyer Concrete with the lowest unit cost for an estimated total cost of \$35,000.00, and to reject all other bids.

Yea: Russell, Scott, Stema, Suarez, Mac Lean,
McGillivray and Pearce.

Nay: None.

219. Ordinance Number 948 - Final Reading.

Motion by Councilwoman Russell, supported by Councilman McGillivray, to adopt Ordinance Number 948 on second and final reading, as follows:

ORDINANCE NUMBER 948

AN ORDINANCE CREATING A DOWNTOWN DEVELOPMENT AUTHORITY FOR THE CITY OF MADISON HEIGHTS, DESIGNATING BOUNDARIES OF THE DOWNTOWN DISTRICT AND PROVIDING FOR OTHER MATTERS RELATED THERETO.

SECTION 1. TITLE. This ordinance shall be known as the "Downtown Development Authority Ordinance" of the City of Madison Heights.

SECTION 2. DETERMINATION OF NECESSITY; PURPOSE; POPULATION AND PLANNING COMMISSION. The City Council hereby determines that it is necessary for the best interests of the public to create a public body corporate which shall operate to halt property value deterioration, eliminate the causes of that deterioration, increase property tax valuation where possible in the business district of the City, and promote economic growth, pursuant to Act 197 of the Public Acts of Michigan, 1975, as amended.

SECTION 3. DEFINITIONS. The terms used in this ordinance shall have the same meaning as given to them in Act 197 or as hereinafter in this section provided unless the context clearly indicates to the contrary. As used in this ordinance:

"Authority" means the Downtown Development Authority of the City of Madison Heights created by this ordinance.

"Act 197" means Act No. 197 of the Public Acts of Michigan of 1975, as amended.

"Board" or "Board of Directors" means the Board of Directors of the Authority, the governing body of the Authority.

"Chief Executive Officer" means the Mayor of the City.

"City" means the City of Madison Heights, Michigan.

"Council" or "City Council" means the City Council of the City.

"Downtown District" means the downtown district designated by this ordinance, as now existing or hereafter amended, and within which the Authority shall exercise its powers.

SECTION 4. CREATION OF AUTHORITY. 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 title of the "Downtown Development Authority of the City of Madison Heights." The Authority may adopt a seal, may sue and be sued in any court of this state and shall possess all of the powers necessary to carry out the purposes of its incorporation as provided by this ordinance and Act 197. The enumeration of a power in this ordinance or in Act 197 shall not be construed as a limitation upon the general powers of the Authority.

SECTION 5. TERMINATION. Upon completion of its purposes, the Authority may be dissolved by the Council. The property and assets of the Authority, after dissolution and satisfaction of its obligations, shall revert to the City.

SECTION 6. DESCRIPTION OF DOWNTOWN DISTRICT. The Downtown District shall consist of the territory in the City described in Exhibit A, attached hereto:

EXHIBIT A

[DESCRIPTION OF THE DOWNTOWN DISTRICT]

Being Parts of Sections 13, 14, 23 & 24

Lying in the City of Madison Heights

06/30/97

T1N, R11E, SEC 13, BEGINNING AT THE W 1/4 COR OF SEC 13, A/K/A INTERSECTION OF GARDENIA & JOHN R, TH E ALG CENTERLINE OF GARDENIA ST 163.06 FT TO A PT; TH S 1,980.34 TO A POINT, TH E ALG S LINE OF LOT 136 OF 'TUXEDO PARK SUB' 150.0 FT TO A PT IN THE CENTERLINE OF GROVELAND ST, TH S ALG SD CENTERLINE 160.0 FT TO A PT, TH W 150.0 FT, TH S 40.0 FT, TH E 150.0 FT TO A PT, TH S ALG CENTERLINE GROVELAND 210.0 FT TO A PT, SD PT BEING 163 FT N OF THE CENTERLINE OF E ELEVEN MILE RD; TH ELY 1,163.0 FT TO A PT ON THE CENTERLINE OF LORENZ AVE, TH S ACROSS E ELEVEN MILE RD 323 FT TO A PT IN CENTERLINE OF LORENZ ST, SD PT BEING 170 FT S OF THE CENTERLINE OF E ELEVEN MILE RD; TH W 100.1 FT, TH N 40.0 FT +/-, TH W 157.59 FT, TH S 32.0 FT +/-, TH W 300.16 FT TO A PT IN THE CENTERLINE OF DELTON AVE, TH S 54.83 FT, TH W 450.0 FT, TH S 130.0 FT TH THE SE COR OF LOT 156 OF 'GROVELAND SUB', TH W 150.0 FT, TH N 150.0 FT, TH W 150.0 FT TO THE NW COR OF LOT 72 OF 'GROVELAND SUB', TH S 645.0 FT TO A PT IN THE CENTERLINE OF GREIG ST, SD PT BEING 158.0 FT E OF THE CENTERLINE OF JOHN R RD; TH E ALG CENTERLINE OF GREIG 600.0 FT TO A PT, TH S 625.0 FT, TH W 300.0 FT, TH N 50.0 FT, TH W 175.0 FT, TH S 50.00 FT, TH W 125.0 FT TO THE SW COR OF LOT 89 OF 'GROVELAND SUB', TH S 1,183.0 FT TO A PT IN CENTERLINE OF LINCOLN AVE, SD PT BEING 152.0 FT E OF CENTERLINE OF JOHN R RD; TH S 663.74 FT TO A PT, SD PT BEING THE SW COR OF LOT 157 OF 'OAKLAWN SUB', TH E 20.0 FT, TH S 433.98 FT TO A PT ON THE S LINE OF E BROCKTON ST, TH E 50.0 FT, TH S 484.28 FT TO A PT IN CENTERLINE OF E BARRETT, TH E 50.0 FT, TH S ALG CENTERLINE OF N/S ALLEY IN 'OAKLAWN SUB' 1,086.0 FT +/- TO A PT IN THE S LINE OF E 10 MILE RD; TH W ALG SD CENTERLINE 434.0 FT TO A PT, TH N 151.0 FT, TH W 70.0 FT +/-, TH N 35.0 FT +/-, TH ELY 200.0 FT TO A PT, SD PT BEING THE NW COR OF LOT 23 OF 'SLATER PARK SUB', TH N 475.0 FT TO A PT, TH W 40.0 FT, TH N 260.0 FT TO A PT, TH E 40.0 FT, TH N 130.0 FT, TH W 40.0 FT, TH N 132.64 FT, TH E 40.0 FT, TH N 132.64 FT, TH W 10 FT +/-, TH N 133.0 FT, TH W 46.5 FT TO A

PT, TH N 133.0 FT TO A PT IN THE CENTERLINE OF W BROCKTON AVE, TH E 46.5 FT, THE N 1,072.0 FT TO A PT IN THE CENTERLINE OF W LINCOLN AVE, TH WLY ALG SD CENTERLINE 53.0 FT TO A PT, TH N 131.0 FT TO A PT, TH E 58.0 FT +/- TO A PT IN CENTERLINE OF N/S ALLEY, SD PT BEING 160 FT W OF CENTERLINE OF JOHN R RD; TH N 1,215.78 FT TO A PT IN CENTERLINE OF ANDOVER, TH E ALG SD CENTERLINE 11.0 FT +- TO A PT; TH N 650.0 FT, TH W 160.0 FT, TH N ALG CENTERLINE OF BRUSH ST 225.0 FT, TH E 160.0 FT TO A PT, TH N 100.0 FT, TH W 160.0 FT, TH N 100.0 FT, TH W 320.0 FT, TH N 100.0 FT, TH W 635.0 FT TO A PT IN CENTERLINE OF BARRINGTON, TH N ALG SD CENTERLINE 38.0 FT TO A PT; TH W 1,240.0 FT TO CENTERLINE OF LENOX ST, TH S 70.0 FT +/- TO A PT, TH W 223.31 FT TO A PT IN E RIGHT-OF-WAY LINE OF I-75, TH NWLY ACROSS W ELEVEN MILE RD 410.0 FT +/- TO A PT, SD PT BEING 170.0 FT N OF CENTERLINE OF W ELEVEN MILE RD; TH E 1681.53 FT TO A PT, TH N 9.0 FT, TH E 29.67 FT, TH N 39.0 FT, TH E 164.0 FT, TH S 48.0 FT TO A PT, TH E 810.0 FT TO A PT, SD PT BEING 163 FT W OF THE CENTERLINE OF JOHN R RD AND ALSO IN THE CENTERLINE OF A N/S ALLEYWAY OF 'SYMPHONY PARK SUB', TH N 1,158.35 FT TO A PT IN THE S LINE OF FARNUM PLAZA; TH W 170.87 FT TO A PT IN THE CENTERLINE OF BRUSH ST; TH N 381.36 FT; TH E ALG CENTERLINE OF FARNUM AVE 160.0 FT; TH N 121.82 FT; TH E 10.0 FT; TH N ALG THE CENTERLINE OF A N/S ALLEY IN 'MAX SPOON SUB' 833.61 FT TO A PT IN CENTERLINE OF W GARDENIA; TH E 170.27 FT TO PT OF BEG

and made a part hereof, subject to such changes as may hereinafter be made pursuant to this ordinance and Act 197.

SECTION 7. BOARD OF DIRECTORS. [The Authority shall be under the supervision and control of the Board]. Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses. The Chairperson of the Board shall be elected by the Board. The Board shall adopt Bylaws governing its procedures subject to the approval of the Council. In the event that the Board determines to employ a Director of the Authority, such Director shall furnish a bond in the penal sum of One Hundred Dollars (\$100.00) payable to the Authority for use and benefit of the Authority and shall file the same with the City Clerk of the City.

SECTION 8. POWERS OF AUTHORITY. Except as specifically otherwise provided in this ordinance, the Authority shall have all powers provided by law subject to the limitations imposed by law and herein.

SECTION 9. FISCAL YEAR; ADOPTION OF BUDGET.

- (a) The fiscal year of the Authority shall begin on July 1st of each year and end on June 30th of the following year, or such other fiscal year as may hereafter be adopted by the Council.
- (b) The Board shall prepare annually a budget and shall submit it to the Council for approval in the manner and at the time, and which budget shall contain the information, required of municipal departments. The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the Council. 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 Council at the same time and on the same basis as departments of the City are required to submit reports. The Authority shall be audited annually by the same independent auditors auditing the City

and copies of the audit report shall be filed with the Council.

SECTION 10. SECTION HEADINGS; SEVERABILITY; REPEALER.

Section headings are provided for convenience only and are not intended to be part of this ordinance. If any portion of this ordinance shall be held to be unlawful, the remaining portions shall remain in full force and effect. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 11. PUBLICATION, RECORDING AND FILING. This ordinance shall be published once after its adoption in full in the Daily Tribune, a newspaper of general circulation in the City of Madison Heights and the City Clerk shall file a certified copy of the ordinance with the Michigan Secretary of State promptly after its adoption.

SECTION 12. EFFECTIVE DATE. This ordinance shall take effect immediately upon its publication, but not earlier than ten days after enactment.

Yea: Scott, Stema, Suarez, Mac Lean, McGillivray, Pearce and Russell.

Nay: None.

220. Minutes.

Motion by Councilman Mac Lean, supported by Councilman Pearce, that the minutes of the Regular Meeting held on May 27, 1997 be adopted as printed.

Yea: Stema, Suarez, Mac Lean, McGillivray, Pearce, Russell and Scott.

Nay: None.

221. Miscellaneous Discussion.

Councilwoman Stema thanked the students who participated in the Mock Student Council and the Police Department for the "Say No to Drugs" rally. She also complimented the Fire Department for their quick response to the alarm at the Simonds Elementary School which turned out to be a false.

Councilman Mac Lean offered his sympathy to the family of retired Police Lieutenant Donald Szuminski who passed away on June 3, 1997.

Mayor Pro Tem Russell also offered her condolences to the Szuminski family.

City Attorney Larry Sherman offered his sympathy on the passing of Donald Szuminski. He also congratulated the Red Wings for winning the Stanley Cup after 42 years.

Councilwoman Scott thanked all the participants of the "Say No to Drugs" rally.

Councilman McGillivray congratulated all the graduates of Madison, Lamphere and Bishop Foley. He also congratulated the Red Wings and the fans for their orderly celebration.

Mayor Suarez thanked the Police Department and the students who participated in the successful "Say No to Drugs" Rally.

222. Certificates of Appreciation Requested.

Councilwoman Scott requested the preparation of a Certificate of Recognition to Plastics Plus, the State's Number One