

Owosso Main Street/DDA

REGULAR BOARD MEETING

Wednesday, November 3, 2021 7:30 a.m.

Owosso City Hall; Council Chambers; 301 W. Main St., Owosso, MI



Owosso Main Street's mission is to foster an active and thriving downtown that is the heart of our community by promoting historic preservation and drawing both local residents and visitors to our city.

7:30 to 7:45

Call to order and roll call:

Review and approval of agenda: November 3, 2021

Review and approval of minutes: October 6, 2021

Public Comments:

7:45 to 8:25

Items of Business:

Committee Updates

- 1) Design & Business Vitality
- 2) Promotion & Outreach
- 3) Business Owners Meetings

Interim Director Updates:

Public Comments:

Board Comments:

Adjournment:

[The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon 72 hours notice to the City of Owosso. Individuals with disabilities requiring auxiliary aids on services should contact the City of Owosso by writing or calling Amy Kirkland, City Clerk, 301 W. Main St, Owosso, MI 48867 (989) 725-0500 or on the Internet. The City of Owosso Website address is www.ci.owosso.mi.us.]

MINUTES

REGULAR MEETING OF THE

DOWNTOWN DEVELOPMENT AUTHORITY/MAIN STREET

CITY OF OWOSSO

OCTOBER 6, 2021 AT 7:30 A.M.

CALL TO ORDER: The meeting was called to order by Chairman Dave Acton at 7:32 A.M.

ROLL CALL: Taken by Recording Secretary Debbie Hebert

<u>MEMBERS PRESENT</u>: Chairman Dave Acton, Vice-Chairman Jon Moore, Commissioners: Josh Ardelean, Brianna Carroll, Kenn Cushman, Bill Gilbert, Susan Osika and Melissa Wheeler

MEMBERS ABSENT: Authority Member Lance Omer

OTHERS PRESENT: Amy Fuller, Assistant to the City Manager, DeeAnn Biondi,

<u>AGENDA</u>: IT WAS MOVED BY AUTHORITY MEMBER OSIKA AND SUPPORTED BY AUTHORITY MEMBER GILBERT TO APPROVE THE AGENDA.

AYES: ALL. MOTION CARRIED.

MINUTES: IT WAS MOVED BY AUTHORITY MEMBER OSIKA AND SUPPORTED BY AUTHORITY MEMBER CARROLL TO APPROVE THE MINUTES FOR THE REGULAR MEETING HELD SEPTEMBER 1, 2021 AND SPECIAL MEETING HELD SEPTEMBER 15, 2021.

AYES: ALL, MOTION CARRIED.

PUBLIC COMMENTS: Carrie Farr, Glo Committee volunteer requested information pertaining to the budget for the Glo Committee's event. The board summarized the work plan and confirmed \$6,000 available to the committee for the 2021 event.

ITEMS OF BUSINESS:

1) CHECK REGISTER – Reviewed with no questions.

IT WAS MOVED BY VICE CHAIRMAN MOORE, SUPPORTED BY AUTHORITY MEMBER GILBERT TO APPROVE THE CHECK REGISTER FOR SEPTEMBER 2021 AS PRESENTED.

AYES: ALL. MOTION CARRIED.

- **2) BUDGET REPORT –** DeeAnn Biondi discussed with the board her intent to tie the current budget to the information in the Quickbooks Program the DDA uses for accounting.
- 3) EXCHANGE STREET PLANTERS Melissa Wheeler, Chairman of Streetscape & Beautification Subcommittee serving under Bill Gilbert, Design Committee Chairman presented options available to the board for completion of small planters on Exchange Street as shown below:
 - 1. Hire Sunburst Garden for \$3,600.00 to complete the planters on Exchange Street
 - 2. Purchase 144 bullnose capstones \$504 have DPW works complete the planters plus labor.
 - 3. Purchase 144 bullnose capstones organize volunteer group to complete planters.
 - 4. Leave planters as they are and monitor if contents stay put protecting vehicle bumpers that are low.

IT WAS MOVED BY AUTHORITY MEMBER OSIKA, SUPPORTED BY AUTHORITY MEMBER KENN CUSHMAN TO APPROVE A CHANGE ORDER TO SUNBURST GARDENS CONTRACT FOR \$3,600 TO COMPLETE THE SMALL PLANTERS.

AYES: ALL. MOTION CARRIED.

4) FARMER'S MARKET SPONSORSHIP – The DDA/Mainstreet Board is in full support of the Owosso Farmer's Market. It is the intention of the board to provide a sponsorship of \$5,000 contingent upon the finalization of the process of submission of an application by the November 2021 Board meeting.

IT WAS MOVED BY AUTHORITY MEMBER CUSHMAN, SUPPORTED BY AUTHORITY MEMBER ARDELEAN TO APPROVE \$5,000 SPONSORSHIP OF OWOSSO FARMER'S MARKET CONTINGENT UPON SUBMISSION AND APPROVAL OF NEW APPLICATION FORM BY NOVEMBER 2021 MEETING.

AYES: ALL. MOTION CARRIED.

5) OMS SOCIAL MEDIA PLACEHOLDER – The DDA social media posts have been done voluntarily by Tracey Peltier. The board recommends paying \$100 per month for this service retroactive to September 1, 2021, October, November continuing new director is in place and assumes the responsibility.

IT WAS MOVED BY AUTHORITY MEMBER OSIKA, SUPPORTED BY AUTHORITY MEMBER CUSHMAN TO APPROVE PAYMENT OF \$100 PER MONTH TO TRACY PELTIER BEGINNING SEPTEMBER 1, 2021 FOR SOCIAL MEDIA POSTS UNTIL NEW DIRECTOR TAKES OVER.

AYES: ALL. MOTION CARRIED.

COMMITTEE UPDATES:

- 1) Design and Business Vitality No discussion
- 2) Promotion & Outreach No discussion
- 3) Business Owners Committee Downtown murals are being discussed and grants are being sought out. A Westtown mixer is being planned.

BOARD CONTINUING EDUCATION/INFORMATION: Osika will provide each board member with a copy of the Master Plan.

PUBLIC COMMENTS: None

BOARD COMMENTS: Downtown business Trick or Treating will be Noon – 1:00 P.M. to coordinate with Owosso Farmer's Market.

<u>ADJOURNMENT</u>: IT WAS MOVED BY AUTHORITY MEMBER ARDELEAN AND SUPPORTED BY AUTHORITY MEMBER OSIKA TO ADJOURN AT 8:54 A.M.

AYES: ALL. MOTION CARRIED.

Owosso Main Street Check Detail

October 1 through November 1, 2021

| | Туре | Num | Date | Name | Account | Paid Amount | Original Amount |
|-------|-----------------|---|--------------------------|------------------------|--|----------------------|--------------------|
| | Bill Pmt -Check | 3361 | 10/01/2021 | City of Owosso | 296-000-101.250 Checking #0657 | | 0.00 |
| TOTAL | | | | | | 0.00 | 0.00 |
| | | | | | | | |
| | Bill Pmt -Check | 3362 | 10/01/2021 | The Mattesons LLC | 296-000-101.250 Checking #0657 | | -250.00 |
| TOTAL | Bill | 032519R-R-0031 | 10/01/2021 | | 296-696-818.000-DOWNTOWNPROMO | -250.00 -250.00 | 250.00 250.00 |
| | | | | | | | |
| | Bill Pmt -Check | 3364 | 10/01/2021 | City of Owosso | 296-000-101.250 Checking #0657 | | -452.65 |
| | Bill | 000005777 | 09/01/2021 | | EV Charging Station - DDA RLF 296-697-828.000-EVSTATION | -377.23 -75.42 | 377.23 75.42 |
| TOTAL | | | | | 230-037-020.000-EVSTATION | -452.65 | 452.65 |
| | | | | | | | |
| | Bill Pmt -Check | 3365 | 10/04/2021 | Kelly's Refuse | 296-000-101.250 Checking #0657 | | -1,300.00 |
| | Bill Bill | 2115-Sept 2021 4196-Sept 2021 | 09/30/2021 09/30/2021 | | 296-200-831.000 MAINTENANCE 296-200-831.000 MAINTENANCE | -1,000.00 -300.00 | 1,000.00 300.00 |
| TOTAL | | | | | | -1,300.00 | 1,300.00 |
| | Bill Pmt -Check | 3366 | 10/19/2021 | AJ Morris | 296-000-101.250 Checking #0657 | | -4,800.00 |
| | Bill | 37 | 10/12/2021 | | 296-695-818.000-WEBSITE | -4,800.00 | 4,800.00 |
| TOTAL | | | | | | -4,800.00 | 4,800.00 |
| | Bill Pmt -Check | 3367 | 10/19/2021 | Deeann M Biondi LLC | 296-000-101.250 Checking #0657 | | -862.50 |
| | Bill | | | Decamin in Biolici LLC | | 962.50 | |
| TOTAL | ВШ | 2021-21 | 09/30/2021 | | 296-200-818.000 CONTRACT SER | -862.50 -862.50 | 862.50 862.50 |
| | | | | | | | |
| | Bill Pmt -Check | 3368 | 10/29/2021 | City of Owosso | 296-000-101.250 Checking #0657 | | -452.65 |
| | Bill | 0000005816 | 10/01/2021 | | EV Charging Station - DDA RLF 296-697-828.000-EVSTATION | -378.17 -74.48 | 378.17 74.48 |
| TOTAL | | | | | | -452.65 | 452.65 |
| | Bill Pmt -Check | 3369 | 11/01/2021 | City of Owosso | 296-000-101.250 Checking #0657 | | -7,255.56 |
| | Bill | 000005854 | 10/04/2021 | | 296-966-999.397 SIDEWALK FUND | -6,755.56 | 6,755.56 |
| TOTAL | | | | | 296-966-999.397 SIDEWALK FUND | -500.00 | 500.00 |
| TOTAL | | | | | | -7,255.56 | 7,255.56 |
| | Bill Pmt -Check | 3370 | 11/01/2021 | City of Owosso | 296-000-101.250 Checking #0657 | | -2,080.15 |
| | Bill | 2859590001-10-2021 | 10/01/2021 | | 296-200-831.000 MAINTENANCE | -698.28 | 698.28 |
| | Bill Bill | 2190650001-10/2021 2901110002-10/01/21 | 10/01/2021 10/01/2021 | | 296-200-831.000 MAINTENANCE 296-200-831.000 MAINTENANCE | -172.59 -1,209.28 | 172.59 1,209.28 |
| TOTAL | | | | | | -2,080.15 | 2,080.15 |
| | Bill Pmt -Check | 3373 | 10/29/2021 | City of Owosso | 296-000-101.250 Checking #0657 | | -20.96 |
| | Bill | 2190650001-10/19/21 | 10/22/2021 | • | 296-200-831.000 MAINTENANCE | -20.96 | 20.96 |
| TOTAL | | | | | | -20.96 | 20.96 |
| | Dill Devi Ci | 0074 | 40/00/2224 | Ballia III | 000 000 404 070 01 | | |
| | Bill Pmt -Check | 3374 | 10/29/2021 | Debbie Hebert | 296-000-101.250 Checking #0657 | | -49.00 |
| TOTAL | Bill | 202110 | 10/22/2021 | | 296-200-818.000 CONTRACT SER | -49.00 -49.00 | 49.00 49.00 |

Owosso Main Street Check Detail

October 1 through November 1, 2021

| | Туре | Num | Date | Name | Account | Paid Amount | Original Amount |
|-------|-----------------|------|------------|-----------------|--------------------------------|-------------|-----------------|
| | | | | | _ | | |
| | | | | | | | |
| | Bill Pmt -Check | 3375 | 11/01/2021 | First Bank Card | 296-000-101.250 Checking #0657 | | -29.99 |
| | | | | | | | |
| | Bill | | 09/27/2021 | | 296-000-202.100 Credit Card | -29.99 | 29.99 |
| TOTAL | | | | | | -29.99 | 29.99 |

Owosso Main Street Profit & Loss Budget vs. Actual July through October 2021

| | Jul - Oct 21 | Budget | \$ Over Budget |
|-------------------------------------|--------------|------------|----------------|
| Ordinary Income/Expense | | | |
| Income | | | |
| 296-000-401.403 GEN PROP TAX | 28,284.92 | 44,000.00 | -15,715.08 |
| 296-000-401.405 TIF | 16,207.79 | 195,000.00 | -178,792.21 |
| 296-000-664.664 INTEREST INCOME | 907.96 | | |
| 296-000-671.676 DESIGN INCOME | | | |
| 296-000-671.676-STREETSCAPE | 20,000.00 | 20,000.00 | 0.00 |
| 296-000-671.676-WAYFINDING | 630.00 | | |
| Total 296-000-671.676 DESIGN INCOME | 20,630.00 | 20,000.00 | 630.00 |
| 296-000-671.677 ER INCOME | | | |
| 296-000-671.677-MATCH ON MAIN | 2,091.00 | 0.00 | 2,091.00 |
| 296-000-671.677-SERVICE | 2,325.00 | 5,000.00 | -2,675.00 |
| Total 296-000-671.677 ER INCOME | 4,416.00 | 5,000.00 | -584.00 |
| 296-000-671.678 PRO INCOME | | | |
| 296-000-671.678-DOWNTOWNPROMO | 2,500.00 | 2,000.00 | 500.00 |
| 296-000-671.678-GLOW | 0.00 | 6,000.00 | -6,000.00 |
| 296-000-671.678-VINTAGEMOTORCY | 3,100.00 | 3,000.00 | 100.00 |
| Total 296-000-671.678 PRO INCOME | 5,600.00 | 11,000.00 | -5,400.00 |
| 296-000-671.679 ORG INCOME | | | |
| 296-000-671.679-BUSSTEWARD | 175.00 | 175.00 | 0.00 |
| 296-000-671.679-COMMDEVELSERVES | 4,096.66 | 24,580.00 | -20,483.34 |
| Total 296-000-671.679 ORG INCOME | 4,271.66 | 24,755.00 | -20,483.34 |
| 296-000-695.699 FUND BAL | 6,011.90 | 6,100.00 | -88.10 |
| Total Income | 86,330.23 | 305,855.00 | -219,524.77 |
| Expense | | | |
| DEP 200 GEN SERVICES | | | |
| 296-200-728.000 OPER SUPPLIES | 208.56 | 2,000.00 | -1,791.44 |
| 296-200-818.000 CONTRACT SER | 1,058.50 | 3,100.00 | -2,041.50 |
| 296-200-831.000 MAINTENANCE | 17,991.04 | 40,000.00 | -22,008.96 |
| 296-200-858.000 MEMBER + DUES | 300.00 | 1,000.00 | -700.00 |
| 296-200-860.000 ED + TRAINING | 0.00 | 2,000.00 | -2,000.00 |
| 296-200-999.101 MANAGER WAGES | 9,515.36 | 61,450.00 | -51,934.64 |
| Total DEP 200 GEN SERVICES | 29,073.46 | 109,550.00 | -80,476.54 |
| DEP 695 ORGANIZATION EXPENSES | | | |
| 296-695-818.000 ORG WK PLNS | | | |
| 296-695-818.000-VOLDATA | 80.00 | 240.00 | -160.00 |
| 000 005 040 000 WEDGITE | 4 800 00 | 4 000 00 | 000.00 |
| 296-695-818.000-WEBSITE | 4,800.00 | 4,000.00 | 800.00 |

Net Income

Owosso Main Street Profit & Loss Budget vs. Actual

July through October 2021

| | Jul - Oct 21 | Budget | \$ Over Budget | |
|--------------------------------------|--------------|------------|----------------|--|
| Total DEP 695 ORGANIZATION EXPENSES | 4,880.00 | 4,240.00 | 640.00 | |
| DEP 696 PROMOTION EXPENSES | | | | |
| 296-696-818.000 PRO WK PLNS | | | | |
| 296-696-818.000-DOWNTOWNPROMO | 3,604.00 | 2,000.00 | 1,604.00 | |
| 296-696-818.000-GLOW | 0.00 | 6,000.00 | -6,000.00 | |
| 296-696-818.000-VINTAGEMOTORCY | 2,327.70 | 3,000.00 | -672.30 | |
| Total 296-696-818.000 PRO WK PLNS | 5,931.70 | 11,000.00 | -5,068.30 | |
| Total DEP 696 PROMOTION EXPENSES | 5,931.70 | 11,000.00 | -5,068.30 | |
| DEP 697 DESIGN EXPENSES | | | | |
| 296-697-818.000 DES WK PLNS | | | | |
| 296-697-818.000-FLOWER PROGRAM | | | | |
| 296-697-818.000-BASKETS | 0.00 | 3,500.00 | -3,500.00 | |
| 296-697-818.000-BED PLANTS | 156.18 | 1,500.00 | -1,343.82 | |
| Total 296-697-818.000-FLOWER PROGRAM | 156.18 | 5,000.00 | -4,843.82 | |
| 296-697-818.000-STREETSCAPE | 34,665.00 | 55,000.00 | -20,335.00 | |
| Total 296-697-818.000 DES WK PLNS | 34,821.18 | 60,000.00 | -25,178.82 | |
| 296-697-828.000-EVSTATION | 303.54 | 5,400.00 | -5,096.46 | |
| DEP 697 DESIGN EXPENSES - Other | 0.00 | 3,000.00 | -3,000.00 | |
| Total DEP 697 DESIGN EXPENSES | 35,124.72 | 68,400.00 | -33,275.28 | |
| DEP 698 ER EXPENSES | | | | |
| 296-698-818.000 - MATCH ON MAIN | 2,091.00 | 0.00 | 2,091.00 | |
| DEP 698 ER EXPENSES - Other | 0.00 | 1,500.00 | -1,500.00 | |
| Total DEP 698 ER EXPENSES | 2,091.00 | 1,500.00 | 591.00 | |
| DEP 901 - CAPITAL OUTLAY | | | | |
| 296-901-965.730 CAPITOL BOWL | 900.62 | 9,000.00 | -8,099.38 | |
| Total DEP 901 - CAPITAL OUTLAY | 900.62 | 9,000.00 | -8,099.38 | |
| DEP 966 TRANSFER OUT | | | | |
| 296-966-999.397 SIDEWALK FUND | 7,255.56 | 80,000.00 | -72,744.44 | |
| Total DEP 966 TRANSFER OUT | 7,255.56 | 80,000.00 | -72,744.44 | |
| Total Expense | 85,257.06 | 283,690.00 | -198,432.94 | |
| Net Ordinary Income | 1,073.17 | 22,165.00 | -21,091.83 | |
| Income | 1,073.17 | 22,165.00 | -21,091.83 | |
| | | | | |



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DATE: November 2, 2021

TO: OMS/DDA Board

FROM: Nathan Henne, City Manager

SUBJECT: Farmers Market Sponsorship

BACKGROUND:

The city has met with ChargePoint and Future Energy to discuss setting rates for the EV charging stations once they come online. They explained that the average price for these stations is between \$0.25 – \$0.40 per kilowatt hour. Some things to consider in setting this rate:

- 1. You need to make enough to pay off the RLF loan that the DDA took out on the station construction
- 2. The average price for electricity in Michigan is \$0.16 per kilowatt hour.
- 3. Nearby cities with EV stations like these charge around \$0.35 per kilowatt hour.
- 4. The price of everything continues to rise and volatility in energy markets is getting worse.

Another fee that will need to be set is the idle fee. This is for EVs that plug into the charger but remain after the vehicle is fully charged. In order to discourage this activity, you must set the idle time fee higher than the regular charging fee.

RECOMMENDATION:

Approve KwH rate for EV charging station at \$0.35. Approve idle fee in the amount of \$25 per hour.



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DATE: November 2, 2021

TO: OMS/DDA Board

FROM: Nathan Henne, City Manager

SUBJECT: Christmas Decorations

BACKGROUND:

I understand there are multiple facets to the annual Christmas decorating efforts for the downtown. A group of volunteers have historically done most of the work – to my understanding. Now, the Freemasons have become very active with volunteering for various work in the community. Finally, there is a small group of people who charge for their decorating services I understand.

RECOMMENDATION:

The OMS/DDA board needs to come to a consensus on how to go about decorating for the holidays. Do you want to hire people? Do you want to engage with the local volunteer pool? A decision must be made by the board so that the plan moving forward is clear to everyone.

The budget does not include a clear expense for paying for decorations and it is equally unclear if some of the \$55,000 budgeted for streetscape expenses includes money for this. Some direction and decisions to move this forward is what is needed. If streetscape did not include paying for Christmas decorations, there is a risk you will go over budget for streetscape. It is up to the Board what you wish to accomplish this year and how.



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DATE: November 2, 2021

TO: OMS/DDA Board

FROM: Nathan Henne, City Manager

SUBJECT: Farmers Market Sponsorship

BACKGROUND:

For FY 20-21, the OMS/DDA sponsored the Owosso Farmers Market in the amount of \$3000. This was a very general sponsorship for the Market that year. OMS/DDA did not have any involvement in the administration or oversight of Market Operations nor did it review the Market's financials or policies to justify such a sponsorship.

For FY 21-22, the OMS/DDA wishes to sponsor the Market again. It has been proposed to sponsor the Market in the amount of \$5000 to include some Market oversight and administration to assist with the Market management transition.

I have done some research on this topic from the City's perspective. Most city attorneys and city managers steer clear of this type of sponsorship using city funds. DDA's are slightly different in that they are funded by tax capture within the district but depending on the respective DDA's TIF plan, sometimes these Market sponsorships can work from a legal standpoint. However, due to the Farmer's Market's own bylaws, giving taxpayer funds from the city or DDA is not possible.

The city attorney has reviewed this matter extensively at my request and has provided the enclosed written legal opinion advising against such a sponsorship.

RECOMMENDATION:

On advice from legal counsel, the DDA/OMS Board should cease sponsorship of the Farmers Market until these legal concerns are addressed and satisfied. If the DDA/OMS board wishes to give taxpayer funds to the Farmer's Market at this time, it will be against the recommendations of legal counsel and could open the DDA up to legal challenges on this matter.



TO:

Nathan Henne, City Manager

FROM:

Scott J. Gould, City Attorney

DATE:

April 22, 2021

RE:

Owosso Downtown Development Authority Contribution to the Farmers' Market

Question: Is it appropriate for the Owosso Downtown Development Authority (hereinafter ODDA) to make a contribution the Downtown Owosso Farmers Market (DOFM), a Domestic Nonprofit Corporation?

Answer: No, not without changes to the DOFM's Articles of Incorporation, complete financial disclosures and the ODDA's review and input of DOFM's Policies.

The Downtown Development Authority (DDA), Public Act 57 of 2018, is designed to be a catalyst in the development of a community's downtown district. The DDA provides for a variety of funding options including a tax increment financing mechanism, which can be used to fund public improvements in the downtown district and the ability to levy a limited millage to address administrative expenses.

Under the "Powers of Board" MCL 125.4207(n), the board may create, operate, and fund marketing initiatives that benefit only retail and general marketing of the downtown district.

Per MCL 125.4207(r), the board may create, operate, and fund retail business incubators in the downtown district.

The ODDA has various financing options for its worthy activities, including but not limited to contributions from the local government which will promote economic growth. Clearly, the ODDA finds the DOFM is an important program and is addressed within the

ODDA's Master Plan. Specifically, the ODDA Master Plan (page 63) speaks to the need of having a local farmers' market:

The Downtown Owosso Farmers Market strives to promote a strong local economy, support our downtown businesses, celebrate our talented and diverse community and foster a social gathering place where relationships are built and our community grows together!

The market runs on Saturdays from May through October and takes place on Exchange Street. [This] is important to transform one of the Downtown parking lots into a permanent Farmers Market location.

Permanent farmers' market structures serve as sources of community and economic development. The markets create reliable sources of vendor income. <u>In addition, the economic benefits extend to the surrounding business community creating a shared customer base for local shops.</u>

Through the ODDA's Bylaws, Section 1(f), a broad power is given to the board to enter into contracts:

Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.

The following are my suggestions for the ODDA going forward, in order to fund the DOFM.

First:

The DOFM is a Domestic Nonprofit Corporation and was formed on or about April 4, 2013. Within the DOFM's Articles of Incorporation, Article II states:

...receives no funding from the City of Owosso, in which it is entirely resides."

This is problematic for the City as there is a clear directive within the DOFM's mission not to accept money from the City. The ODDA is a derivative of the City and any funds given to the DOFM could be viewed as a conflict. ODDA should evaluate whether it should require the DOFM to amend and/or clarify its articles.

Second:

Given that the DOFM is a Nonprofit Corporation, the ODDA needs to request the past financials of the DOFM with an itemized list of expenditures. Being that the DOFM is an independent private entity which controls the farmers' market; the ODDA needs to see how the funds are spent to fully understand and to evaluate whether said funds further the ODDA's

objectives. To make sure the expenditures comply with the spirit of the DDA Act. Further, the ODDA shall demand proof of expenditures of FODM, post disbursement.

Third:

The ODDA should evaluate how it intends to shift from funding a nonprofit, to developing its own farmers' market as suggested in its Master Plan. The Master Plan intends to devote resources to securing real property (a "permanent Farmers Market location upon a downtown parking lot) and constructing a "pavilion-style farmers market structure." To date, the DOFM secures a special use permit/traffic control order from the City for its use of Exchange Street.

Funding the FODM with ODDA money, in perpetuity, is likely to be problematic because it lacks ODDA control. For example in <u>Detroit Museum of Art v Engel</u>, 187 Mich 432 (1915) the Supreme Court ruled that Detroit could not pay the salary of the museum director, even though the city had title to the real estate on which the museum was located and had minority representation on its board of directors. The Court opined the following: "The object and purpose of relator is a public purpose in the sense that it is being conducted for the public benefit, but it is not a public purpose within the meaning of our taxing laws, unless it is managed and controlled by the public." Granted, this ruling predates the DDA Act, and the DDA Act allows for more leeway; however, it is still sage guidance when giving government money to private interest.

Fourth:

The ODDA needs to evaluate the FODM's participation policies and practices. Being that ODDA funds are municipal in nature, scrutiny needs to be applied when reviewing these policies. In no way should a policy of the FODM discriminate against applicants without a very sound reason why.

In conclusion the DOFM seems to provide a benefit to the City. Benefits of having a local farmers' market include, but are not limited to, the community having additional access to fresh food, entertainment, services, commodities and the fostering of local commerce; albeit not needed by all or by a large number of the public. Overall, the local Farmers' Market is likely to achieve the ODDA economic goal; i.e. fostering economic retail growth within its jurisdiction.

The ODDA should not contribute money to the FODM until the aforementioned items have been addressed, evaluated and documented to make sure funding the FODM furthers the ODDA's objectives.