

- Any changes have to be approved by the Village Council and DDA Board

Council Member Cyrowski called the question.

George Dandalido, 226 Bellevue, stated this is a great idea; however, three Council Members have asked for two week delay. He stated he does not see any issues with waiting two weeks and has not heard a good reason not to delay it. Ms. Dandalido stated he supports the two week delay and Council should provide the three Council Members the additional time to review the information.

Cory Johnston, Village resident, stated many questions have been raised that were not answered, including why 75%. Attorneys advise is not the only thing to consider; you should do the right thing which is different than doing what is legal. Three Council members do not understand all of the issue and asked for additional time. They should have a full understanding prior to voting on the Resolution. If Council evokes this today, it changes nothing;

Mr. Johnston asked that the Committee provide all of their information from the Committee to the three other Council Members and the Public.

**MOTION 2**

<b>RESULT:</b>	<b>ADOPTED [5 TO 2]</b>
<b>MOVER:</b>	Kenneth VanPortfliet, Council Member
<b>SECONDER:</b>	Carl Cyrowski, Council Member
<b>AYES:</b>	Cyrowski, Luchsinger, Narsh, Rutt, VanPortfliet
<b>NAYS:</b>	Lamb, Moshier

**VILLAGE OF LAKE ORION**  
**COUNTY OF OAKLAND**  
**STATE OF MICHIGAN**  
**RESOLUTION 2022-043**

**RESOLUTION FOR DESIGNATION OF TAX INCREMENT REVENUES FROM THE**  
**DDA TIF CAPTURE TO BE DEDICATED FOR PUBLIC FACILITY**

**WHEREAS**, the Village of Lake Orion is a Michigan municipal corporation duly established under The Home Rule Village Act, Public Act 278 of 1909, being MCL 78.1, *et seq.*; and

**WHEREAS**, the Lake Orion Downtown Development Authority is a duly established Downtown Development Authority, established by the Village of Lake Orion, pursuant to Part 2 of the Recodified Tax Increment Financing Act, Public Act 57 of 2018, being MCL 125.4201, *et seq.*; and

**WHEREAS**, the DDA has the authority to plan and propose for 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 DDA Board, aids in the economic growth of the downtown district pursuant to the Recodified Tax Increment Financing Act, Public Act 57 of 2018, being MCL 125.4207; and

**WHEREAS**, the Village owns and has the responsibility to construct, renovate, repair, remodel, rehabilitate, restore, preserve, or reconstruct “public facilities” as defined in MCL 125.4201(x), within the DDA district, that are necessary and appropriate to the execution of the DDA Development Plan and which aid in the economic growth of the DDA district; and

**WHEREAS**, the DDA has met, studied and discussed the needs for ongoing maintenance and improvements to the Downtown District public facility infrastructure as a means to maintain and increase business and residential property values in the Downtown District; and,

**WHEREAS**, the Village has analyzed the Downtown District and concludes that the maintenance and improvements to the public facility infrastructure in the Downtown District is vital to the Downtown District and the Village as a whole; and,

**WHEREAS**, both the Village and the DDA have determined and agreed that the Village is best situated to address the public facility infrastructure needs of the Downtown District in coordination with the infrastructure of the entire Village; and,

**WHEREAS**, both the Village and the DDA have determined and agreed that a dedicated public facility infrastructure account is a viable response to the Downtown District public facility infrastructure needs, with the Village best positioned to use those funds to coordinate infrastructure construction, maintenance, and improvements to the Downtown District; and

**WHEREAS**, the Village and the DDA both approved the formation of a joint committee to explore the legal options regarding how to use DDA tax capture to focus on the Downtown District public facility infrastructure costs by way of a dedicated account for

the construction, renovation, repair, remodeling, rehabilitation, restoration, preservation, or reconstruction of public facility infrastructure performed by the Village; and

**WHEREAS**, the joint committee has reviewed the issues and the available data and is recommending that the Village adopt a budgetary resolution to provide that 75% of all future tax increment revenues captured from the DDA TIF, from all newly realized Captured Taxable Value commencing from the execution of this Resolution and corresponding DDA Resolution, be transferred to a dedicated DDA District Public Facility Infrastructure account for the Village to construct, renovate, repair, remodel, rehabilitate, restore, preserve or reconstruct any and all “public facilities” within the defined boundaries of the DDA District on behalf of the DDA, and further, that the DDA retain the remainder of the 25% of all future tax increment revenues from the DDA TIF, from all newly realized Captured Taxable Value commencing from the execution of this Resolution and corresponding DDA Resolution, which shall be utilized in any lawful manner by the DDA as determined by the DDA.

**NOW, THEREFORE, BE IT RESOLVED**, by the Village Council of the Village of Lake Orion, County of Oakland, State of Michigan, that the Village has the responsibility to construct, renovate, repair, remodel, rehabilitate, restore, preserve or reconstruct “public facilities,” as defined by MCL 125.4201(x), within the DDA District, which is necessary and appropriate to the execution of the DDA Development Plan and aids in the economic growth of the DDA District and the Village as a whole; and

**BE IT FURTHER RESOLVED**, that as part of the DDA budget, the DDA shall transfer to a dedicated public facility infrastructure account, 75% of all future tax increment revenues captured from the DDA TIF, from all new realized Captured Taxable Value commencing from the adoption of this Resolution and corresponding Resolution of the DDA, on a monthly basis; and

**BE IT FURTHER RESOLVED** that the Village shall invoice the DDA to utilize the funds, to construct, renovate, repair, remodel, rehabilitate, restore, preserve or reconstruct any and all “public facilities” as defined in MCL 125.4201(x), within the defined boundaries of the DDA district on behalf of the DDA; and

**BE IT FURTHER RESOLVED** that the current tax increment revenues from the DDA TIF capture, shall remain with the DDA, in its general fund, and that the residual 25% of the future tax increment revenues captured from the DDA TIF, from all new realized Captured Taxable Value commencing from the adoption of this Resolution and corresponding DDA Resolution, shall be retained by the DDA, in its general fund, and utilized by the DDA as provided for by law; and

**BE IT FURTHER RESOLVED** that this Resolution shall remain effective though the duration of the currently approved DDA Tax Increment Financing and Development Plan ending December 2039 and, if the DDA Tax Increment Financing and Development Plan is extended, the term of this Resolution shall be extended to the same term; and

**BE IT FURTHER RESOLVED** that nothing in this Resolution shall be construed or shall have any impact on the current Agreement between the parties for the provisions of Village services to the DDA.

3. Appointment of Council Members to Boards, Commission and Committees

**Motion to** Confirm Village Council President Jerry Narsh's appointments to the Planning Commission and Downtown Development Authority for terms to expire November 9, 2024.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kenneth VanPortfliet, Council Member
<b>SECONDER:</b>	Teresa L Rutt, President Pro Tem
<b>AYES:</b>	Cyrowski, Lamb, Luchsinger, Moshier, Narsh, Rutt, VanPortfliet

**Motion to** appoint Council Member Kenneth Van Portfliet as the Village Council representative to the Village of Lake Orion Planning Commission two a two-year term to expire November 9, 2024.

<b>RESULT:</b>	<b>DEFEATED [2 TO 5]</b>
<b>MOVER:</b>	Kenneth VanPortfliet, Council Member
<b>SECONDER:</b>	Carl Cyrowski, Council Member
<b>AYES:</b>	Carl Cyrowski, Kenneth VanPortfliet
<b>NAYS:</b>	Lamb, Luchsinger, Moshier, Narsh, Rutt

**Motion to** appoint Council Member Michael Lamb Village Council representative to the Village of Lake Orion Planning Commission two a two-year term to expire November 9, 2024.

<b>RESULT:</b>	<b>ADOPTED [6 TO 1]</b>
<b>MOVER:</b>	Sarah Luchsinger, Council Member
<b>SECONDER:</b>	Nancy Moshier, Council Member
<b>AYES:</b>	Cyrowski, Lamb, Luchsinger, Moshier, Narsh, Rutt
<b>NAYS:</b>	VanPortfliet