



For Immediate Release

Contact: Michael Burns, City Manager
City of Lowell, 616.897.8457

City of Lowell will hold virtual Downtown Development Authority Meeting on Thursday January 7, 2021

As a result of COVID -19 and the current social distancing practices being mandated statewide, the Lowell Downtown Development Authority Meeting will be holding a board Meeting via teleconferencing on Thursday January 7, 2021 at 12:00 P.M.

The Downtown Development Authority will meet via the Zoom Computer Teleconferencing System. The meeting will be held in compliance with Public Act 254 of 2020 pertaining to the ability to conduct public meetings remotely.

The Zoom application allows for interactive public participation. The meeting will be available to those via online and/or telephone. To participate in the meeting via Zoom here is the contact information below:

Join Zoom Meeting

<https://us02web.zoom.us/j/84629651633>

Meeting ID: 846 2965 1633

One tap mobile

+13126266799,,84629651633# US (Chicago)

+16465588656,,84629651633# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

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+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 846 2965 1633

You may also provide input or ask questions of the Board relating to any items of business that will come before them at the meeting by emailing the City Clerk at sullery@ci.lowell.mi.us who will forward them to the Lowell Downtown Development Authority, or by mailing them via regular U.S. Postal service to c/o City Clerk, City of Lowell, 301 E. Main St, Lowell, MI 49331, or by calling 616-897-8457.

Persons with disabilities may attend and participate using any of the above described methods. If you require special accommodations, please email mburns@ci.lowell.mi.us and we will be happy to accommodate you. If you have any questions or need further assistance, please email sullery@ci.lowell.mi.us. More meeting information, including the meeting agenda, will be available at our website www.lowellmi.gov.

According to the Attorney General, interrupting a public meeting in Michigan with hate speech or profanity could result in criminal charges under several State statutes relating to Fraudulent Access to a Computer or Network (MCL 752.797) and/or Malicious Use of Electronics Communication (MCL 750.540). According to the US Attorney for Eastern Michigan, Federal charges may include disrupting a public meeting, computer intrusion, using a computer to commit a crime, hate crimes, fraud, or transmitting threatening communications. Public meetings are being monitored and violations of statutes will be prosecuted.

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301 East Main Street
Lowell, Michigan 49331
Phone (616) 897-8457
Fax (616) 897-4085

CITY OF LOWELL
DOWNTOWN DEVELOPMENT AUTHORITY
REGULAR MEETING
THURSDAY, JANUARY 7, 2021
12 NOON

Join Zoom Meeting

<https://us02web.zoom.us/j/86525888118>

Meeting ID: 865 2588 8118

One tap mobile

+13017158592,,86525888118# US (Washington D.C) 13126266799,,86525888118#

+US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington D.C)

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Meeting ID: 865 2588 8118

Find your local number: <https://us02web.zoom.us/j/86525888118>

1. CALL TO ORDER; ROLL CALL
2. APPROVAL OF THE AGENDA
3. APPROVAL MINUTES OF PREVIOUS MEETING(S)
 - a) November 5, 2020
4. TREASURER'S REPORT
5. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA
6. OLD BUSINESS
 - a) Amity
7. NEW BUSINESS
 - a) Street Furniture
 - b) Brick Project
 - c) Valley Vista
 - d) Social District
8. REPORTS AND MEMBER COMMENTS
9. ADJOURNMENT

**OFFICIAL PROCEEDINGS
OF THE
DOWNTOWN DEVELOPMENT AUTHORITY
OF THE
CITY OF LOWELL
ZOOM MEETING
THURSDAY, NOVEMBER 5, 2020**

1. CALL TO ORDER; ROLL CALL.

The Meeting was called to order at 12:00 p.m. by Chair Reagan.

Present: Boardmembers Brian Doyle, Julie DeVoe, Rita Reister, Rick Seese, Mike Sprenger, Eric Wakeman, Mike DeVore and Chair Jim Reagan.

Absent: None.

Also Present: City Manager Michael Burns, City Clerk Susan Ullery, Dan Czarnecki and Police Chief Christ Hurst.

2. APPROVAL OF THE AGENDA.

IT WAS MOVED BY WAKEMAN and seconded by DEVORE to approve the agenda as written.

YES: 8. NO: 0. ABSENT: 0. MOTION CARRIED.

3. APPROVAL OF THE MINUTES.

IT WAS MOVED BY REISTER and seconded by WAKEMAN by to approve the minutes of September 10, 2020 as written.

YES: 8. NO: 0. ABSENT: 0. MOTION CARRIED.

4. TREASURER'S REPORT.

City Manager Michael Burn gave the treasurers report.

**DOWNTOWN DEVELOPMENT AUTHORITY FUND
FINANCIAL STATEMENT
November 5, 2020**

Beginning Balance:	\$427,461.68
Revenue:	
TIFA Revenue	\$542,800.00
Interest	
Total Revenues	\$734,961.68
Expenditures:	
Capital Outlay	\$72,235.19
Salaries	\$8,193.03
Maintenance Supplies	\$12,333.47
Utilities	\$4,845.90
Misc and Community Promotions	

Accrued Wages	\$4,626.50
Administration	\$14,530.90
Accrued Payables	\$2,901.55
Transfer to Equipment	
Transfer to General Fund	
Debt Service to light and power	\$34,263.28
Total Expenditures:	\$153,929.82
Ending Balance	\$817,331.86

IT WAS MOVED BY SPRENGER and seconded by DEVORE by to approve the financial report submitted by the City Treasurer.

YES: 8. NO: 0. ABSENT: 0. MOTION CARRIED.

5. **PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA.**

There were no public comments.

6. **OLD BUSINESS**

- a) Amity. City Manager Michael Burns updated the DDA on the Amity Street project. The project cost for the DDA is \$144,000 and it is currently in the design engineering stages at this point. This is a federally approved project with CDBG funding. The City can either go to the local county for CDBG funds or the State of Michigan. This is on a three-year cycle for funding. The project should be done before school begins and therefore should have no impact on school traffic.

7. **NEW BUSINESS.**

- a) Christmas Marketing.

City Manager Mike Burns stated the DDA has received its annual Christmas in Lowell marketing funds requests from the Lowell Area Chamber of Commerce. The DDA has provided sponsorship for a number of years on these events in the Downtown district.

This year the Chamber of Commerce is recommending \$3350 in sponsorship for the event. This is lower than years past but there are a number of changes this year due to COVID-19.

Executive Director Liz Baker stated the Chamber is organizing a drive by parade at the fairgrounds with Santa being at the end. They are also going to be hosting a four-part series with Santa on YouTube and social media. There is going to be a "walk by Santa" where people can visit him on the Showboat. Baker also noted there is going to be a new video that will be paid for out of the marketing budget.

A request was made to add \$150 into the requested amount covering police services at the event.

IT WAS MOVED BY DOYLE and seconded by WAKEMAN that the Downtown Development Authority provide a sponsorship to the Lowell Area Chamber of Commerce at a cost not to exceed \$3,500 (\$150 for two hours/police) for the Christmas in Lowell marketing sponsorship. to approve the request from the Lowell Area

YES: 8. NO: 0. ABSENT: 0. MOTION CARRIED.

- b. Monroe/Washington. Public Works Director Dan Czarnecki explained the plans for a major water and sewer replacement over 2022/23 with a full road replacement.

Overviews of both projects have been developed utilizing the asset management plans that have been previously developed for our storm water system and the sanitary sewer utility, the water reliability study, and the street PASER ratings.

8. **REPORTS AND MEMBER COMMENTS.**

Todd Schaal questioned who is responsible for keeping the downtown area looking sharp. It needs attention as the trash cans, benches and fences are looking run down.

IT WAS MOVED BY REGAN and seconded by REISTER to adjourn at 12:25.

YES: 7. NO: 0. ABSENT: 1. MOTION CARRIED.

Date:

APPROVED:

James E. Reagan, Chair

Susan Ullery, Lowell City Clerk

DOWNTOWN DEVELOPMENT AUTHORITY FUND
FINANCIAL STATEMENT
January 6, 2021

Beginning Balance:	\$427,461.68
Revenue:	
TIFA Revenue	\$545,300.00
Interest	
Total Revenues	\$972,761.68
Expenditures:	
Capital Outlay	\$72,235.19
Salaries	\$10,984.92
Maintenance Supplies	\$16,865.49
Utilities	\$8,299.18
Misc and Community Promotions	\$8,027.00
Accrued Wages	\$4,626.50
Administration	\$23,427.82
Accrued Payables	\$2,901.55
Transfer to Equipment	
Transfer to General Fund	
Debt Service to light and power	\$34,263.28
<i>Total Expenditures:</i>	\$181,630.93
Ending Balance	\$792,971.98

CHECK DISBURSEMENT REPORT FOR CITY OF LOWELL
 CHECK DATE FROM 11/06/2020 - 01/06/2021

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 248 DOWNTOWN DEVELOPMENT AUTHORITY							
11/13/2020	GEN	74997	LOWELL LIGHT & POWER	ELECTRIC STATEMENTS	920.000	463	569.93
11/24/2020	GEN	75043	HOMETOWN DECORATION AND DISPLAY LLC	HOLIDAY DECORATIONS	880.000	740	4,677.00
11/24/2020	GEN	75051	MAG PLUMBING SERVICE LLC	TESTING BACKFLOW PREVENTERS	740.000	463	152.00
				TESTING BACKFLOW PREVENTERS	802.000	463	737.00
				CHECK GEN 75051 TOTAL FOR FUND 248:			<u>889.00</u>
12/04/2020	GEN	75072	CITY OF LOWELL	238 HIGH 41-20-02-404-003	740.000	463	520.06
12/04/2020	GEN	75094	LOWELL LIGHT & POWER	ELECTRIC 10/25 - 11/23/2020	920.000	463	1,061.25
12/04/2020	GEN	75114	THE VERDIN COMPANY	DOWNTOWN CLOCK SERVICE AGREEMENT	930.000	463	630.00
12/04/2020	GEN	75117	TRUGREEN	CHAMBER - LAWN CARE	930.000	463	39.00
12/18/2020	GEN	75124	BERNARDS ACE HARDWARE	ACCOUNT STATEMENT	930.000	463	31.96
12/18/2020	GEN	75145	LOWELL AREA CHAMBER	CHRISTMAS FESTIVITIES 2020 - DDA	880.000	740	3,350.00
12/18/2020	GEN	75159	ROCKET ENTERPRISSE INC	FLAG POLE R & M	930.000	463	325.00
12/18/2020	GEN	75168	VISA	VISA STATMENT	930.000	463	987.78
				Total for fund 248 DOWNTOWN DEVELOPMENT AUTHORITY			13,080.98

LOWELL DOWNTOWN DEVELOPMENT AUTHORITY

MEMORANDUM



DATE: January 5, 2021

TO: Downtown Development Authority Board of Directors

FROM: Michael T. Burns, City Manager *MTB*

RE: Street Furniture

At the last DDA Meeting, concern was expressed regarding the benches, garbage cans and repainting of the light poles. After discussions with the DPW Director, both he and I believe it may be time to replace the benches, garbage cans and to repaint the light poles. Many of the cans and benches are tired and need replacement. My understanding is these have been in place for approximately fifteen to twenty years.

Also the light poles should be fully painted either through a paint or powder coat. This would be a maintenance item that should be done approximately every ten years and they are done through a special process. Our DPW Staff doesn't have the capability to do these properly.

We would like the DDA Board to consider this in the 2021-2022 fiscal year. We would consider expanding the number of benches and garbage cans in the district as the Downtown has grown some with the Superior Building and improvements to the Big Boiler Brewing building.

We anticipate the total cost for this work in the range of \$35,000 to \$50,000. That being said, we will provide greater detail in regard to estimates as we get more involved in the budget process this spring. This is an eligible project by statute as this is a public improvement project within the district.

If the DDA Board is interested in moving forward with this, we will provide additional detailed budgetary information and include this project in the budget process.

LOWELL DOWNTOWN DEVELOPMENT AUTHORITY

MEMORANDUM



DATE: January 5, 2021

TO: Downtown Development Authority Board of Directors

FROM: Michael T. Burns, City Manager *MB*

RE: Showboat Bricks

As we all know the Showboat is forging ahead and is nearing construction completion. There has been a fundraising effort to raise a gap of approximately \$870,000 and they are approximately \$160,000 away from their goal. To date, no City of Lowell tax dollars have been utilized towards this project.

One of the projects which has raised approximately \$80,000 for the Showboat is the brick campaign project. These funds have been turned over for to the City to complete the Showboat. I have had discussions with the Showboat Committee, the fundraising group tasked with the efforts, and the DDA is being asked to assist.

While a portion of the proceeds for the bricks could go to pay for the bricks and to lay them out by the Showboat. The City is being asked to consider implementing this task. By doing so, it will allow all the proceeds from the brick project to go entirely to the Showboat.

The DPW Director has begun estimating the cost to this. However, if this was something the DDA would consider doing this we could add it to the Fiscal Year 2021-22 budget. Being this would be a public improvement in the Downtown District this would be an eligible expense.

If there is interest in the DDA assisting with the brick project, we can provide better estimates and incorporate them into the upcoming budget.

LOWELL DOWNTOWN DEVELOPMENT AUTHORITY

MEMORANDUM



DATE: January 5, 2021

TO: Downtown Development Authority Board of Directors

FROM: Michael T. Burns, City Manager (M/TB)

RE: Valley Vista

With the way municipalities and infrastructure projects are restricted in funding, Cities need to be creative with their funds to address the needs of the community. The City Council has tasked me with two major tasks. First, generate as much revenue as I can and secondly fix as many streets as I can with the funds provided.

Michigan in comparison to other states, does not provide their municipalities much freedom to generate additional revenue to fund our needs and when it is done it is limited. With the potential for excise taxes from Adult Use Marijuana this is really one of the only new revenue generators municipalities may have. One of the things, I have attempted is to stretch out as many road projects as I can with the revenue we have and I will continue to do this. In review of our streets, I am requesting the Downtown Development Authority to pave an additional street in either 2022 or 2023 based on the revenue we have on hand.

A highly traveled street which is in need of maintenance is Valley Vista Dr. from Bowes Road to Deborah Dr. This street is in the DDA District and is an eligible project by statute as this is a public improvement project within the district.

The City doesn't anticipate much underground work for this area. We have yet to complete an engineer's estimate on this, but the length of the project is equivalent to the length of each of the three streets we completed this year. I would anticipate the cost anywhere between \$100,000 to \$150,000 to complete.

I would like the Downtown Development Authority to consider this project. If there is support, I will provide an engineer's estimate and incorporate this project in either the upcoming budget or the 2022-23 budget.

LOWELL DOWNTOWN DEVELOPMENT AUTHORITY

MEMORANDUM



DATE: January 6, 2021

TO: Downtown Development Authority Board of Directors

FROM: Michael T. Burns, City Manager

RE: Social District

Due to the COVID-19 pandemic, the Michigan Liquor Control Commission has developed a special license creating Social Districts in a Downtown District. This allows participating establishments within a designated district to sell their liquor products and the purchaser can leave the premises into a designated area. There are a number of regulations which must be followed. That said, there are currently 23 communities statewide, including Rockford and Grand Rapids whom allow this in their downtown.

The City Council has already approved the initial resolution and district (map attached). One of the additional requirements is all interested entities must be approved by the City Council and we are in the process of doing this. We hope to have everything ready for this to begin in early February.

The DDA is able to assist in funding costs for the zone. We have set up the district so all of the licensed establishments in the Downtown could participate. They would be required to get an additional liquor license allowing this. In addition, they are responsible for providing no more than a 16 ounce cup and marking the cup with their liquor license number. The patron could then go anywhere in the marked district (except other liquor establishments with the drink). It would be up to each individual business downtown if they would want patrons in their business with their containers. In addition, the City Council has to approve rules and regulations for the district and they have already.

The components the City will need to address are security, trash pickup, signage delineating the district and warming areas. While the entire district would essentially be the commons area, we are looking to have congregation (warming) areas. We are looking at closing Monroe Street between Main St. and the alley behind the north side buildings adjacent to it. We are also looking at a second location at the Riverwalk. We designated Broadway and Riverside to be closed in front of the entrances to the parking lot if the demand is there. However, we are not planning this currently. I have estimates to costs for all of the areas.

Security – The Social District will be open from 4 PM to 10 PM Monday through Friday and 12 PM to 10 PM on Friday and Saturday. We are planning to assign a part-time officer to the district on Wednesday, Thursday and Friday from 4PM to 10 PM. On Saturday from 2 PM to 10 PM and 12 PM to 8 PM on Sunday. We anticipate the cost through June 30, 2021 will be \$13,932.16 for this.

DPW Assistance – We will need to assign the weekend on call person for trash pickup and possibly fill propane in the heaters when necessary. To keep the costs down, we would try to assign this to a

part-time employee. However, to be conservative, we would budget the cost of a full time DPW employee at their overtime on-call rate. We anticipate the cost through June 30, 2021 to be \$6,060.12.

Warming areas – Due to the cold, it might be a good idea for warming areas. This is done in Rockford, however, they have firefighters on site overseeing the fires as they do open burning. Our Fire Chief would prefer us not to do this. He would prefer us to use the propane tank heaters you would see at restaurants. We have found propane heaters on Amazon from \$250 to \$350 each. I would like to purchase 10 to 15 of these. I would budget no more than \$5,000 for this. We would place these at Monroe and along the Riverwalk. These could be used for future winter events if needed.

Signage – We would need signage designating where the district ends. Rockford's signage is very minimal. I would budget no more than \$500 for this and I don't believe it would even come close to this amount.

Another item the DDA could participate with is to purchase cups. Eventually this would be a responsibility of the licensed premises but maybe purchase \$500 of paper cups (with City of Lowell DDA branding) and distribute them evenly to the participating entities.

To pay for this in our current budget, we won't be begin construction for Amity until the next Fiscal Year so we can take a portion of the cost for Amity and put it towards this. I anticipate the Social District isn't going to go away for some time and I would budget this in the upcoming fiscal year. We also will see a reduction in expenditures for this year's marketing so we can put some funds from there towards this also.

I have reviewed these with the City Attorney and she believes this is an event and marketing to impact businesses in the DDA District. She believes all of these in the matter prescribed are allowable expenditures in the DDA Statute.



New Social District Permit Information

On July 1, 2020, Governor Whitmer signed House Bill 5781 into law creating the Social District Permit. The governing body of a local governmental unit may designate a Social District within its jurisdiction. Qualified licensees whose licensed premises are contiguous to the commons area within the Social District, and that have been approved for and issued a Social District Permit, may sell alcoholic liquor (beer, wine, mixed spirit drink, spirits, or mixed drinks) on their licensed premises to customers who may then consume the alcoholic liquor within the commons area of the Social District.

SOCIAL DISTRICT REQUIREMENTS FOR LOCAL GOVERNMENTS

Includes the requirements for establishing a Social District and what documents a local governmental unit must provide to the MLCC when establishing a Social District.

SOCIAL DISTRICT PERMIT APPLICATION FOR LICENSEES (LCC-208)

Information for licensees on the requirements to apply for a Social District Permit. The application also includes a local governmental unit approval form that is required to be approved prior to applying.

[Click here for a list of local governmental units that have established Social Districts](#)

The term commons area is defined by MCL 436.1551(8)(a) as "**...an area within a Social District clearly designated and clearly marked by the governing body the local governmental unit that is shared by and contiguous to the premises of at least 2 other qualified licensees. Commons area does not include the licensed premises of any qualified licensee.**" This means the commons area must have at least two qualified licensees whose licensed premises are contiguous to the commons area to qualify to be established as a commons area. The actual physical licensed premises of the licensees, including any approved outdoor service areas, are not considered part of the commons area.

The term qualified licensee is defined by MCL 436.1551(8)(c):

- **A retailer that holds a license, other than a special license, to sell alcoholic liquor for consumption on the licensed premises. (This includes the following license types: Class C, Tavern, A-Hotel, B-Hotel, Club, G-1, G-2, Brewpub.)**
- **A manufacturer with an on-premises tasting room permit issued under section 536.**
- **A manufacturer that holds an off-premises tasting room license issued under section 536.**
- **A manufacturer that holds a joint off-premises tasting room license issued under section 536.**

A qualified licensee may apply to the Commission for a Social District Permit using the attached application. The licensee must first obtain approval from the governing body of the local governmental unit before applying for the permit.

A licensee that has been issued a Social District Permit may sell alcoholic liquor for on-premises consumption on its licensed premises only, but then customers may remove the alcoholic liquor from the premises to be consumed in the commons area. A licensee must not sell alcoholic liquor in the commons area.

The commons area is not considered part of any licensee's licensed premises. Nevertheless, a licensee that has been issued a Social District Permit must make every effort to ensure that it does not sell alcoholic liquor to a minor or intoxicated person.

Any alcoholic liquor sold to customers for consumption in the commons area by a licensee with a Social District Permit must comply with all of the following:

- The serving container must prominently display the licensee's trade name or logo or some other mark that is unique to the licensee that sold the alcohol.
- The serving container must prominently display a logo or some other mark that is unique to the commons area.
- The serving container is not made of glass.
- The serving container does not have a liquid capacity over 16 ounces.

A customer that purchases alcoholic liquor to be consumed in a commons area must not transport that alcoholic liquor onto the licensed premises of another licensee contiguous to the commons area from which the customer did not purchase the alcoholic liquor. A licensee shall not allow alcoholic liquor purchased from another licensee to be brought onto its licensed premises. A customer that purchases alcoholic liquor to be consumed in a commons area must not transport that alcoholic liquor outside of the commons area.

Additional sections of the Liquor Control Code for a local governmental unit to consider when establishing a Social District or commons area within a Social District:

MCL 436.1915 - Possessing or consuming alcoholic liquor on public highway or in park, place of amusement, or publicly owned area; authority of local governmental unit or state department or agency to prohibit possession or consumption of alcoholic liquor; definitions.

(1) Alcoholic liquor shall not be consumed on the public highways. ✘

(2) Except as provided in subsections (3) and (4), alcoholic liquor may be possessed or consumed in public parks, public places of amusement, or a publicly owned area not licensed to sell for consumption on the premises.

(3) The governing body of a local governmental unit may prohibit by ordinance, order, or resolution the possession or consumption of alcoholic liquor in any public park, public place of amusement, or publicly owned area that is owned or administered, or both, by that local governmental unit. When land is leased from a department or agency of this state, an ordinance, order, or resolution adopted pursuant to this subsection shall be subject to the approval of the department or agency.

(4) A department or agency of this state that administers public lands may prohibit by rule, order, or resolution the possession or consumption of alcoholic liquor on the public land under its jurisdiction.

(5) As used in this section:

(a) "Local governmental unit" means a county, city, township, village, or charter authority.

(b) "Publicly owned area" means an area under the jurisdiction of a local governmental unit.

MCL 436.1913(1), (2), & (5) - Prohibited conduct; unlicensed premises or place; unlawful consumption of alcoholic liquor; exceptions; construction of section; "consideration" defined.

(1) A person shall not do either of the following:

(a) Maintain, operate, or lease, or otherwise furnish to any person, any premises or place that is not licensed under this act within which the other person may engage in the drinking of alcoholic liquor for consideration.

(b) Obtain by way of lease or rental agreement, and furnish or provide to any other person, any premises or place that is not licensed under this act within which any other person may engage in the drinking of alcoholic liquor for consideration.

(2) A person shall not consume alcoholic liquor in a commercial establishment selling food if the commercial establishment is not licensed under this act. A person owning, operating, or leasing a commercial establishment selling food which is not licensed under this act shall not allow the consumption of alcoholic liquor on its premises.

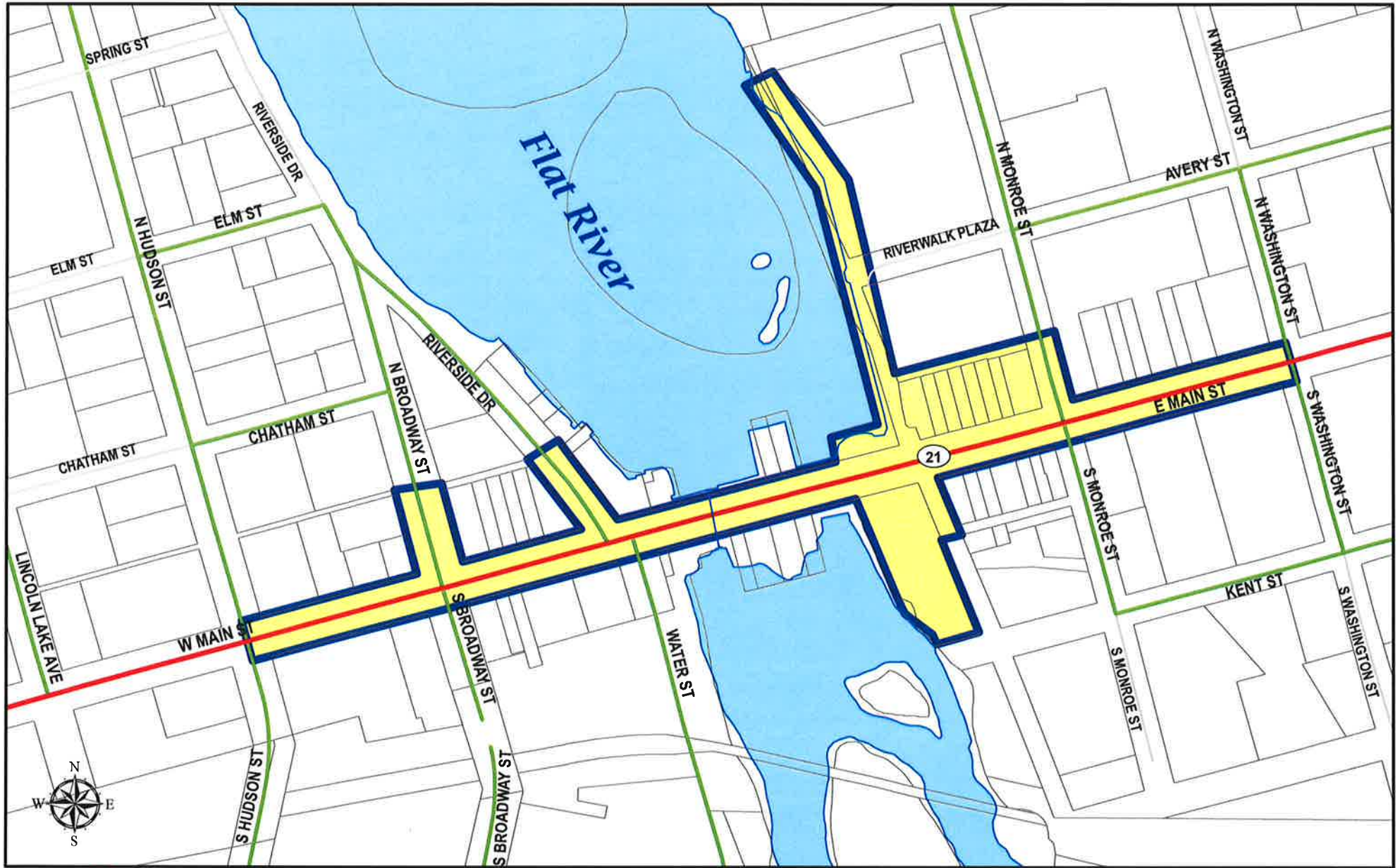
(5) As used in this section, "consideration" includes any fee, cover charge, ticket purchase, the storage of alcoholic liquor, the sale of food, ice, mixers, or other liquids used with alcoholic liquor drinks, or the purchasing of any service or item, or combination of service and item; or includes the furnishing of glassware or other containers for use in the consumption of alcoholic liquor in conjunction with the sale of food.




**About LARA
Administrative Rules
FOIA**

●
**MICHIGAN.GOV HOME
ADA
MICHIGAN NEWS
POLICIES**

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- Legend**
-  Social District Boundary
 -  Social District Commons Area

City of Lowell Downtown Social District

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