

BAY COUNTY BOARD OF COMMISSIONERS

NOVEMBER 29, 2016

THE BAY COUNTY BOARD OF COMMISSIONERS MET FOR A SPECIAL SESSION ON TUESDAY, NOVEMBER 29, 2016, IN THE FOURTH FLOOR COMMISSION CHAMBERS OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN ERNIE KRYGIER AT 4:05 P.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

ROLL CALL: COMMISSIONERS MICHAEL DURANCZYK, VAUGHN BEGICK, KIM COONAN, THOMAS HEREK, DONALD J. TILLEY, MICHAEL LUTZ AND CHAIRMAN ERNIE KRYGIER

OTHER MEMBERS: CYNTHIA A. LUCZAK, BAY COUNTY CLERK
DIANE YAWORSKI, SECRETARY TO THE COUNTY CLERK, EXCUSED
ROBERT J. REDMOND, FINANCIAL ANALYST, EXCUSED
DEANNE C. BERGER, BOARD COORDINATOR

ALSO PRESENT: TIFFANY JERRY, PERSONNEL AND EMPLOYEE RELATIONS DIRECTOR
DEBRA RUSSELL, ADMINISTRATIVE SERVICES DIRECTOR
JAN HISTED, FINANCE OFFICER
AMBER DAVIS-JOHNSON, CORPORATION COUNSEL
KEVIN KILBY, MCGRAW MORRIS P.C.
WILLIAM DARBEE, DARBEE AND HAMMOND
VARIOUS ELECTED OFFICIALS
VARIOUS DEPARTMENT HEADS
NEWS MEDIA

INVOCATION: THE INVOCATION WAS GIVEN BY THE BAY COUNTY CLERK, CYNTHIA A. LUCZAK.

PLEDGE OF ALLEGIANCE:

CITIZENS INPUT

THERE WAS NO CITIZENS INPUT

ITEMS FOR CONSIDERATION

RES 2016-292: COMM. TILLEY MOVED TO ADOPT RES. 2016-292 - THE BAY COUNTY BOARD OF COMMISSIONERS AUTHORIZED THE CHAIRMAN OF THE BOARD TO EXECUTE THE MONITOR TOWNSHIP RESTATEMENT OF

THE MONITOR TOWNSHIP DOWNTOWN DEVELOPMENT AUTHORITY DEVELOPMENT AGREEMENT 2016 AND THE MONITOR TOWNSHIP DOWNTOWN DEVELOPMENT AUTHORITY REVENUE SHARING AGREEMENT 2016 ON BEHALF OF BAY COUNTY. IT WAS SUPPORTED BY COMM. LUTZ AND PASSED BY A ROLL CALL VOTE: 7 YEAS: DURANCZYK, BEGICK, COONAN, TILLEY, LUTZ, HEREK, KRYGIER. 0 NAYS.

COMM. COONAN: I HATE TO VOTE ON SOMETHING I HAVE NOT SEEN SO MAYBE KEVIN CAN GIVE US A BREAKDOWN ON THIS PARTICULAR AGREEMENT.

KEVIN KILBY: ATTORNEY AT MCGRAW MORRIS P.C., VIA EMAIL YOU SHOULD HAVE RECEIVED TWO DOCUMENTS. I WILL GO OVER EACH SEPARATELY SO WE CAN KEEP EVERYTHING CLEAR. AFTER CLOSED SESSION, I MET WITH REPRESENTATIVES OF THE COUNTY, THE TOWNSHIP AND DDA. FROM THIS JOINT MEETING IT WAS CONCLUDED THAT WE HAVE THE SAME GOALS. WITH A FEW CHANGES, LIKE SEPARATING ONE AGREEMENT INTO TWO SEPARATE AGREEMENTS. THE FIRST AGREEMENT THAT CAME OUT OF THIS, IS THE RESTATEMENT OF MONITOR TOWNSHIP DOWNTOWN DEVELOPMENT AUTHORITY DEVELOPMENT AGREEMENT 2016. WE HAD THE ORIGINAL AGREEMENT AND THREE SEPARATE ADDENDUMS TO THAT AGREEMENT. THIS ONE AGREEMENT WILL REPLACE ALL FOUR OF THOSE DOCUMENTS. THIS IS NOW THE CONTROLLING DOCUMENT. WE AGREED TO THE REMOVAL OF THE PROPERTY FROM THE DISTRICT AFTER THE TEN YEARS, AFTER THE TERM OF TEN YEARS THE PROPERTY WOULD COME OUT, OR THESE PARTIES WOULD GET TOGETHER AND RENEGOTIATE. IN 2025, ONE YEAR IN ADVANCE OF THE AGREEMENT EXPIRING, THE PARTIES WILL MEET TO DISCUSS WHETHER-OR-NOT TO CONTINUE THIS AGREEMENT. THIS AGREEMENT ACTUALLY EXPIRES ONCE THEY EITHER TERMINATE THEIR TIF AND THEIR DDA AND ALL THE OTHER DOCUMENTS ASSOCIATED WITH IT, OTHERWISE THIS REINSTATEMENT WILL STAY IN PLACE. THIS DOCUMENT PREVENTS THE DDA FROM ISSUING DEBT, GUARANTEEING IT AND THEN COMING TO YOU AFTER THE FACT. THEY NEED TO COME TO YOU FIRST AND GET PERMISSION TO ISSUE THE DEBT. WHICH WILL MEAN THEN THAT THE REVENUE SHARING AGREEMENT WOULD ALSO BE INVOKED. THE PARTIES TO THE FIRST DOCUMENT ARE FABIANO BROTHERS, THE TOWNSHIP, THE DDA, AND BAY COUNTY. THE SECOND

DOCUMENT IS A REVENUE SHARING AGREEMENT. THE MONITOR TOWNSHIP DDA CONTINUES AND WILL CONTINUE TO EXIST TO THE FUTURE. RIGHT NOW THE TOWNSHIP CAPTURES 400,000 PER YEAR. UNDER THE REVENUE SHARING AGREEMENT, THAT MONEY IS PASSED BACK THROUGH TO THE COUNTY EVERY SINGLE YEAR. UNLESS THERE IS A PROJECT THAT THE TOWNSHIP, COUNTY AND THE DDA, FEELS IS MUTUALLY BENEFICIAL. WHEN SOMEONE PAYS THEIR TAX BILL, THAT MONEY IS IMMEDIATELY AT THE END OF THE DAY TRANSMITTED TO THE COUNTY, AS OPPOSED TO WAITING A WEEK OR A MONTH, IT IS NOW INSTANTANEOUS DUE TO WIRE TRANSFERS. AFTER THE BOOKS ARE RECONCILED AT THE COUNTY LEVEL, THEN THE FINAL TIF PAYMENTS ARE DUE TO YOU.

COMM. COONAN: SO I UNDERSTAND, THE MONEY DOES NOT COME IN ONE LUMP SUM, IT WILL BE COMING AS PEOPLE PAY THEIR TAXES.

KEVIN KILBY: CORRECT. THE LAST THING I HAVE RECEIVED QUESTIONS ON IS THE 80,000 RETAINAGE BY THE DDA. PART OF THE REQUIREMENTS OF THAT IS THAT THEY PUT THE 2 MIL LEVY ON THE NOVEMBER TAX BILL. DUE TO THE LATE DATE, THE LEVY WILL NOT GO ON THE TAX BILL UNTIL NOVEMBER 2017. THEY WILL NOT SEE ANY MONEY UNTIL JANUARY 2018. THAT IS THE REASON THAT THEY NEED THAT 80,000 TO CARRY THEM THROUGH. THE REVENUE SHARING AGREEMENT IS ONLY WITH THE COUNTY AT THIS POINT AND TIME. I CANNOT SPEAK FOR METRO NOR CAN I SPEAK FOR DELTA COLLEGE.

WILLIAM DARBEE: ATTORNEY FOR MONITOR TOWNSHIP AND THE DDA, WE ARE TREATING ALL TAXING JURISDICTIONS THE SAME. WITH THE 100% CAPTURE BY THE COUNTY, IT WILL BE 100% CAPTURE BY EVERY OTHER TAXING JURISDICTION. EITHER BY STATUTE OR CASE LAW, YOU CANNOT PICK-AND-CHOOSE WHO YOU WANT TO TAKE YOUR MONEY, IT'S A NON-ISSUE FROM OUR STAND POINT. BETWEEN THE DDA AND THE OTHER TAXING JURISDICTIONS WITHOUT THE COUNTY, WE COULD NOT DO A PROJECT MUCH BIGGER THAN BUILDING A GAS STATION. IT DOES NOT MAKE ANY SENSE TO TRY AND GO AROUND TO GET THEM TO SIGN ON, WE HAVE TO TREAT THEM ALL THE SAME.

MOTION 122: COMM. TILLEY MOVED TO AMEND RESOLUTION 2016-292 TO APPROVE AND AUTHORIZE THE CHAIRMAN'S SIGNATURE ON ANY OF THE DOCUMENTS PERTAINING TO THE MONITOR TOWNSHIP

RESTATEMENT OF THE MONITOR TOWNSHIP DOWNTOWN DEVELOPMENT AUTHORITY AGREEMENT 2016 AND THE DOWNTOWN DEVELOPMENT AUTHORITY REVENUE SHARING AGREEMENT 2016 ON BEHALF OF BAY COUNTY. IT WAS SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

COMM.
DURANCZYK:

I ENJOYED WORKING WITH THE DDA AND THE TOWNSHIP OFFICIALS. FOURTEEN HUNDRED JOBS AND ABOUT 40 MILLION DOLLAR PAYROLL WHICH IS COUNTY WIDE, THIS IS A BIG DEAL FOR BAY COUNTY.

COMM. BEGICK:

THE TOWNSHIP BOARD HAD BEEN SPLIT PRETTY MUCH ON THIS ISSUE BEFORE AND NOW HAS COME TOGETHER, THERE IS ALWAYS ONE OR TWO NEIGH SAYERS.

RES. 2016-291:

COMM. TILLEY MOVED TO ADOPT RES. 2016-291 - THE BAY COUNTY BOARD OF COMMISSIONERS APPROVED THE THREE MONTH TELEPHONE SYSTEM MAINTENANCE AGREEMENT WITH PRO-TECH FOR THE COUNTY'S CURRENT ROHM PHONE SYSTEM AND AUTHORIZED THE CHAIRMAN TO EXECUTE SAID AGREEMENT ON BEHALF OF BAY COUNTY FOLLOWING LEGAL REVIEW/APPROVAL. FUNDS OF \$3,900 ARE BUDGETED FOR THE MAINTENANCE AGREEMENT IN THE BUILDING AND GROUNDS BUDGET. IT WAS SUPPORTED BY COMM. LUTZ AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

UNFINISHED BUSINESS

THERE WAS NO UNFINISHED BUSINESS.

NEW BUSINESS

THERE WAS NO NEW BUSINESS

MISCELLANEOUS

THERE WAS NOT MISCELLANEOUS

ANNOUNCEMENTS

THERE WERE NO ANNOUNCEMENTS

CLOSED SESSION

THERE WAS NO REQUEST FOR A CLOSED SESSION

RECESS/ADJOURNMENT

MOTION 123: COMM. DURANCZYK MOVED TO ADJOURN THE SPECIAL BOARD MEETING OF NOVEMBER 29, 2016. IT WAS SUPPORTED BY COMM. COONAN. THE MEETING CONCLUDED AT 4:25 P.M. BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

ERNIE KRYGIER, CHAIRMAN
BOARD OF COMMISSIONERS

CYNTHIA A. LUCZAK, COUNTY CLERK
BOARD OF COMMISSIONERS

DIANE YAWORSKI
SECRETARY TO THE CLERK
BOARD OF COMMISSIONERS