

BIG RAPIDS CHARTER TOWNSHIP BOARD SPECIAL MEETING
Tuesday, July 18, 2023 BIG RAPIDS TOWNSHIP OFFICES,
14212 NORTHLAND DR. BIG RAPIDS, MI 49307 7:00PM
APPROVED

PLEDGE OF ALLEGIANCE.

CALL TO ORDER: 7:00pm

ROLL CALL: Saez, Bean, Currie, Everett, Geib, Routley, present. Stanek, absent.

PUBLIC COMMENT:

ADDITIONS:

SPECIAL APPEARANCES: Eric Williams

This special meeting was called by Currie, Everett, and Saez to discuss the following items of business.

ITEMS OF BUSINESS:

- 1. Resolution 2023-04; to Rescind the Renaissance Zone Resolution No. 2022-05 Resolution to Consent to Establishment of Renaissance Zone within the Township.**

Eric – explains Resolution & Memo provided (attached). Discussed letter where others are openly challenging the same issue – whether or not the Ren zone was legally formed, conditions haven't been met to exceed 15-year applicable Ren zone. Discussed risk analysis, Gotion having objection to resolution etc. Resolution likely written too strongly, because of no contact with Gotion, unsure of standing. Whether it will be effective - that is what I am advising you. Gotion may have an objection to the resolution if Gotion has expended any funds. Risk analysis - how they will react - significant chance any dependent on it could object/ignore/might well initiate legal action. Might just be time to reformulate ren zone and apply it to green township.

Questions - Currie - #1 – the application includes the proposed duration of the ren zone not to exceed 15 years - except as otherwise provided in this section. Eric - that's a quote out of the statute - none of which is included in the resolution that was adopted (2022-05) nobody put in - here is the otherwise provided part that says we can go 30 years. Maybe somebody has found it - I haven't seen it. I have not seen a way that anyone can make it 30 years, now.

Currie - #2, Gotion Inc. will not be purchasing and developing the land - this board has never motioned that statement; however, we have never been contacted to move forward, we can only assume that we're out - does that effect the resolution. Eric - it does, maybe the language is too strong because we don't know that for sure - if you don't then we should correct #2.

Eric - probably written too strong - or presumptive of a facts pattern, if that's not accurate my suggestion would be that someone either corrects it or strikes it, generated for discussion and comment.

Bean - as it relates to Gotion, and the state - there have been no discussions, gestures, etc. as I understand - no options in BRT, and the options purchased in green twp. were purchased prior to the ren zone approval. Unsure how the ren zone could have anything to do with purchase options.

Currie - talk to us about the letter that was sent out

Eric - law firm in - MN - reviewed and brought for discussion. Letter basically says same statute I cited proposed not to exceed 15 years. They go on to provide details "otherwise provided in this section" to say that none of those conditions apply or have been met. If someone tried to make it an alternative energy zone - that's not to exceed 20 years, but that's not what has been done. Tracks the same thing that the statute says not to exceed 15 years.

Currie - I read this letter as a demand letter - demand that they rescind/revisit the legality of it, or legal action could be taken. Gave them a 14-day window to respond

Eric - quotes letter

Currie - so it would be wise to wait the 14 days - make necessary changes to our resolution, or we could do it now. How do you feel about that as our legal aid?

Eric - first, board decision - have authority to do this. Would want to modify section 2. Risks associated with it, don't see any legal reason that the board has to act upon the resolution. Not running out of time to rescind the ren zone. Could wait 14 days to see what happens in response to other letter, wait 10-14 days to contact other parties involved to see if they're going to change the ren zone anyway - will it help or hurt?

Everett - obligated to sell water/wells to Gotion?

Eric - if you don't have a contract to sell anything including those items, no the twp. is not obligated. if the state decided that the property needed to be used - the twp. may end up having to give it up to the state somehow - really small possibility, not likely

Geib - at that point nothing we could do anyway

Eric - also limitations on sale of public items with government, not an easy thing to get through

Bean - as it relates; related to ren zone, if one of us or supervisor were to contact as rep of the twp., we might get shifted to the legal dept?

Eric - unsure, but not that hard to ask

Geib - could have atty ask for us

Eric - would be willing to, works best if an official from board would be a part of the request, dealing with political entities here and makes a difference when an official is in attendance. My recommendation would be that you could ask me to do it, but need to request that some member of the board

BRT can still be heard if you want it to go one way or another. Can still take action on which direction we'd like to go.

Geib - if we rescind - opening up to all legal actions, if we don't rescind and do nothing, are we less exposed to more legal expense by simply not selling? Nothing to sue us on, other than not wanting to sell.

Eric - risk analysis - if we do nothing, and there is no Gotion development in BRT, even if asked to sell and we don't, don't see any risk there.

Bean - risk on the other side - group that has already issued demand letter - coming in and suing the township

Eric - there is a risk, don't have the information of anyone other than taxpayers asking how they issued 30-year ren zone - unsure where taxpayer claim would go

Bean - letter drafted by law firm - same group could file claims against twp. - could make same demands against twp. that they did against MEDC.

Currie - asked Jeremy from MI strategic fund - where in the MI ren zone act does it allow for 30 years - he said "because we can"

Makes you wonder if something is wrong when Gotion - Chinese company - but FORD has only gotten a 15-year ren zone.

Currie - Motion to direct Mr. Williams in conjunction with clerk Hannah to contact all of the parties involved with the ren zone. Would also advise them to revisit the current verbiage in the resolution and to address the situation which would be the response of the letter from the MEDC as soon as there is one - to revisit our thought on rescission after we get the response from the MEDC. Bean supports. Motion passes unanimously.

Routley - is it our direction to ask for support for our resolution, or to ask them to rewrite our ren zone?

Eric - plan to ask, will this resolution create problems, work towards something else, would any entities want this board to join in resolution that would undo ren zone collectively?

Routley - if we contact, that alleviates the concern for the risk, is their risk outside of the entities that we need to discuss or be aware of?

Eric - haven't seen it yet, need a little more time to think that through - if other risks like that I'll be able to identify them in august. May present themselves. Probably should note for minutes that motion to rescind hasn't been decided on.

2. Resolution 2023-05 Performance Resolution for Municipalities

A motion was made by Saez to approve of Resolution 2023-05 Performance Resolution for Municipalities to move forward with the sidewalk. Supported by Currie. Motion passed unanimously.

PUBLIC COMMENT:

Dawn baker - quick question - asked atty if he's bringing with Hannah the info - editing resolution first?

Bean - not actually taking resolution but asking first

Larry Finkbeiner - rather nice to see. Meeting without screaming and nice to have an attorney give conservative advice - there is the option if Gotion doesn't happen - no one cares, if Gotion doesn't move forward with the twp. does the twp. have anything involved? Your name is attached - could that effect anything in the future. Your attorney wisely advised you that you can be held accountable for money spent, parties affected. Gotion has options right now, in exploratory mode. Green twp. meeting may 9th, started off about 1/3 of that meeting was development agreement with Gotion. May be one aspect you need to call attorney. If your twp. doesn't remove itself from ren zone, and moves forward letting things as it may, can affect your ability to use that mechanism in the future, but waiting for a later date to remove yourself could have consequences if that development agreement is finished before you make your decision.

Debbie Diegert - Gotion all along in most meetings - has said no connection with CCP - conflict of interest - giving foreign country more leverage than an American company - research proves more and more direct ties to military and CCP. I view that as misinformation, deceit, am I wrong? Currie - nobody is disagreeing with you.

Norm McLain - do you think the state of MI - eminent domain - would they dare to use it with a case as high profile as this? If they went that route there would be a real problem.

Bean - problem with the state implementing that as it relates to an institution like us. Don't believe they can

Geib - won't speculate on what state will do

Norm - people in office, it would be a death sentence for political career

Christopher Long- thank you for notes you provide, agenda, minutes, board packet. Very transparent, just on last night looking through and you do an excellent job. You should teach others, should be training others.

Chris Gordy - so ren zone resolution - does that apply only to Gotion? Can't affect any future activities with industrial park

Currie - no but like Larry mentioned - under ren zone agreement - we would be unable to sell to someone else interested

Joe Bechaz - from first meeting, ren zone application had a lot of misinformation, that was presented after you, county and green twp. took vote to accept zone, did anyone see the application before the votes to approve ren zone?

Currie - the application changed probably 30 times.

Joe - my point - have asked Stanek, Chapman, Bullock, would be like attorney applying for license - false info, building permit, I'm sure it would be rejected - has anyone looked into that

Bean - as Eric referenced a number of other items not brought up in the resolution - we know parcels aren't the same, many details no longer current, original app is meant to be framework, think legally they can do some modifications, but this was a complete rewrite.

Joe - as board, due diligence would be - good enough reason as any to rescind resolution, because we didn't see false information before it was presented.

Bean - proceedings of this meeting should prove that we are very serious - as Eric said let's do a risk analysis

Kathy Flemings - Have any other counties contacted you? Not that far away

Bean - Not unless we don't know, nobody sitting here knows

Marjorie - Wanted to follow up Larry's comment - proceedings in particular - frankly I trust you - re-emphasize any opportunity to stay above the purchase of the land - now is the time to do so.

May sound strange but BR is lucky that we didn't have an Economic Development Company come purchase the land beforehand. Really wanted to reenforce that - please be bold. Follow that there are other elements to consider - media element - in our own county, many people think things like this are done deal - factor in the legal action into your risk analysis as well

Linda Ryder-Smith - Green twp. resident - appreciate a civilized meeting, kindness, not being yelled at - reiterate I appreciate the support - what you do will directly or indirectly affect green twp. because people are watching. We need as much support as we can get - fighting an uphill battle - we have an entire board that has not listened, have done things in secret. Was listening to radio broadcast from Jim Chapman - claims did not sign an NDA, what I heard was it was a verbal NDA, did not sign his name. I would ask that I know everyone is working hard, Green twp. is working really hard, ask not to let this go. Rescinding that ren zone would have a positive outlook on what we're trying to do in green twp., really feel that it would send a message. Keep praying Gotion will leave, we're fighting. So, thank you.

ADJOURNMENT: 8:12pm

Big Rapids Charter Township will provide necessary and reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed material, if individuals with disabilities, upon five business days' notice to the township.

Individuals requiring auxiliary aids or services should contact Hannah Saez, Big Rapids Charter Township Clerk, 14212 Northland Drive, Big Rapids, MI 49307- call 231 796 3603 or fax request to 231 796 2533.