



BATA Board of Directors Meeting Minutes

Thursday, August 24, 2023 @ 12:00pm

115 Hall St, Traverse City, MI

1. Call to Order - Chairperson Cochrun called the meeting to order at 12:00 pm.
2. Pledge of Allegiance and Moment of Silence

Roll Call

Richard Cochrun	PRESENT
John Somavilla	PRESENT
Jamie Kramer	TARDY (Arrived 12:05)
Joe Underwood	ABSENT
Heather Harris-Brady	PRESENT
Robert Fudge	PRESENT
Brad Jewett	PRESENT

Also in attendance: Kelly Dunham, Eric Lingaur, Phil Masserant, Keir Rasmussen and Britny Schwartz.

3. First Public Comment*

Kevin Query – Addressed the Board on behalf of his client who formerly submitted an offer for the purchase of the building at 3233 Cass Rd. He is here today to learn the outcome of the Board's decision to consider the new offers that were submitted to BATA representatives (at the meeting) in the amount of \$2.32 million with an escalation clause of \$15,000 higher than any other bid received, without a cap. Mr. Query encouraged the board to increase communication regarding the due process that was followed during the sale process of the building.

4. Approval of Agenda/Declaration of Conflict of Interest

On a motion made by Brad Jewett and seconded by Robert Fudge, the BATA Board of Directors approved the August 24, 2023 Special Meeting Agenda as presented.

MOTION CARRIED: 6-0

5. Closed Session
 - a. Closed session pursuant to MCL 15.268(1)(h) To consider material exempt from discussion or disclosure by state or federal statute – a written legal opinion.

On a motion made by Brad Jewett and seconded by Robert Fudge, the BATA Board of Directors moved to go into a closed session at 12:05 pm pursuant to MCL 15.268(1)(h), to consider material exempt from discussion or disclose by the state or federal statue – a written legal opinion.

MOTION CARRIED: 6-0

On a motion made by Brad Jewett and seconded by Heather Harris-Brady, the BATA Board of Directors moved to adjourn Closed Session at 12:32 pm and reopen the Regular Meeting.

MOTION CARRIED: 6-0

Chairperson Cochrun requested a motion to approve adhering to the original listing process for BATA's properties based on discussion amongst the board and its legal representation.

On a motion made by Brad Jewett and seconded by John Somnavilla, the BATA Board of Directors approved the defined and established purchase process as conducted with an August 1, 2023, deadline.

Heather Harris-Brady reemphasized that this decision is being made based on the discussion between the BATA Board and their attorney in the Closed Session.

John Somnavilla	YES
Jamie Kramer	YES
Heather Harris-Brady	YES
Robert Fudge	YES
Brad Jewett	YES
Richard Cochrun	YES

MOTION CARRIED: 6-0

6. Old Business

a. Presentation of Purchase Offers for 3233 Cass Road

Scott Hardy from Coldwell Banker Commercial Schmidt, Realtors presented the original 3 offers that were submitted by the August 1, 2023 deadline.

Brad Jewett requested the recommendation from FOT on what offer they would recommend accepting.

John Somnavilla from the Finance Oversight Team stated that FOT worked with the broker to ensure all questions were answered to satisfaction and recommends accepting the highest offer of \$2.1 million.

b. Authorization for Executive Director to execute the purchase agreement for the sale of 3233 Cass Road

On a motion made by Brad Jewett and seconded by Robert Fudge, the BATA Board of Directors authorized the Executive Director to execute the purchase agreement for the sale of 3233 Cass Road as recommended by the Finance Oversight Team.

ROLL CALL:

John Somnavilla	YES
Jamie Kramer	YES
Heather Harris-Brady	YES
Robert Fudge	YES
Brad Jewett	YES

Richard Cochrun

YES

MOTION CARRIED: 6-0

Chairperson Cochrun additionally stated that although members of the public may have felt as though the sale of 3233 Cass Road should have been handled as an auction sale, this would lead him to question why they did not add an escalating clause in the original offer to begin with. Offers were reviewed based on the original August 1, 2023, deadline.

Scott Hardy also stated that the offer accepted was \$200,000 over the asking price as well as substantially over the commercial appraisal price.

Brad Jewett noted that as discussed in the Closed Session of this meeting; that all offers that were reviewed today were offers that were received by the August 1, 2023, deadline.

7. Second Public Comment*
No public comment was made.
8. Directors Comments/Open Floor
9. Adjournment

On a motion made by Brad Jewett and seconded by Robert Fudge, the BATA Board of Directors moved to adjourn the August 24, 2023, Special Meeting of the BATA Board of Directors at 12:48 pm.

Approved on 9/28/23

Robert A. Fudge

Robert A. Fudge, Secretary