

**CHARTER TOWNSHIP OF COMMERCE
DOWNTOWN DEVELOPMENT AUTHORITY MEETING
Tuesday, December 16, 2003
2840 Fisher Avenue
Commerce Township, MI 48390
12:00 p.m.**

CALL TO ORDER: Chairperson, Robert Shimmin, called the meeting to order at 12:25 p.m.

DETERMINATION OF QUORUM:

Present: Wynn Berry, Director
 Robert Shimmin, Chairperson
 Daniel Lublin, Member
 Douglas Lanni, Member
 James Gotts, Vice-Chairperson
 Thomas Zoner, Member
 Sandra Motz, Member
 Norman Levine, Member

Quorum of DDA Members determined

Absent: Robert H. Long, Member
 Herbert Feinstein, Member
 Paul Kirkwood, Member
 Frank Marotta, Member

Also Present: Sandra Abrams, DDA Secretary
 Susan Gross, DDA Treasurer
 Phillip Adkison, Township Attorney
 Chris Michaels, Township Attorney
 Thomas Rauch, DDA Attorney, Kemp Klein
 Pat Paruch, DDA Attorney, Kemp Klein
 Deb Kirkwood, DDA Administrative Assistant
 Kathleen Pogarch, Assessing Director
 Jeffrey Bowdell, Building-Zoning Director
 Matthew Schwanitz, Giffels Webster
 Loren Crandell, Giffels Webster
 Robert McGee, Planning Commission
 Jay James, Giffels Webster
 Mark Stacey, Resident
 Randal Yankee, Spinal Column
 Glen Ruggles, Resident
 Ray Cornellier, DDA Citizens Council
 Paul Scott, Real Estate Professional

Susan Averbuch, Campbell's Creek Homeowners Assn.
David B.Schwartz, Commercial Property Owner
Anthony Lombardo, Lombardo Companies
Paul Aragona, Aragona Properties
Bud Engelhart, Engelhart Reality
Mary Ellen Trott, Walled Lake Board of Education
James Geisler, Walled Lake Schools
Daniel Minkus, Walled Lake Schools
Al Onder, Walled Lake Board of Education

APPROVAL OF MINUTES: Tuesday, November 18, 2003

MOTION by Lanni, second by Lublin to approve the minutes of October 21, 2003, with one correction to page 3, last paragraph, line 4, to change the word "appraised" to "amended".

MOTION CARRIED UNANIMOUSLY

ITEM 1: Public Comments

Mark Stacey – Relative to the recent statement by Director Berry in the Spinal Column, Mr. Stacey commented that there would be opposition to any proposal for a five lane highway in the proposed commercial development area of the DDA. In addition, Mr. Stacey commented on the Marrotta Land Contract relative to changes in the contract relating to tax payments and early payoff of said contract citing disappointment in the decision.

Tom Rauch, DDA attorney expounded on the terms of the land contract and considerations taken into account relative to the changes in the contract.

Susan Averbuch, Campbell Creek Homeowners Association, stated that whatever is decided with regard to the sale of property to the Walled Lake School District or other purchasers, the Campbell Creek Association would like to establish an open line of communication and work together especially with regard to any north south roadway or east west roadway.

ITEM 2: Consent Agenda

A. Treasurer's Report for November, 2003

MOTION by Zoner, second by Lublin to receive and file the Treasurer's Report.

MOTION CARRIED UNANIMOUSLY

A. Approval of the Warrants

MOTION by Zoner, second by Lublin to approve the warrants with the additions as presented.

MOTION CARRIED UNANIMOUSLY

ITEM 3: Walled Lake School District

James Geisler, Superintendent of Walled Lake Consolidated Schools, addressed the Board, introducing Mary Ellen Trott and Al Onder, members of the Walled Lake School Board.

Mr. Geisler stated that Walled Lake Schools is not in the business of developing land, but purchasing land for school locations, stating the challenge is to acquire property to accommodate the residents of all the communities serviced by Walled Lake Consolidated Schools which includes property for the schools as well as all the equipment, ball fields, etc. He further stated the bond issue of 2000 was in part to build Northern High School, and another part was to purchase land. He encouraged the DDA Board to look at the benefit to the community to come to an agreement with WLCS for the purchase of property in the DDA area.

Dan Minkus, representing the Walled Lake Schools addressed the Board, stating the reason WLCS are attending this meeting is to give an opportunity for open communication between WLCS and the DDA.

Mr. Minkus discussed the events leading up to their presentation at this meeting, including purchase prices discussed, appraisals, date and time lines of receipt of written offer to purchase prepared by the seller and the conditions of the sale as outlined in the offer to purchase.

Mr. Minkus also discussed the parties involved in the sale of property, that being, the Walled Lake Consolidated School District and the Downtown Development Authority, stating that each entity has a common goal of benefit to the residents of the community and that both are here to serve the residents.

A proposal was made as follows:

WLCS proposed:

Purchase of 47-50 (mutually agreeable) acres at \$120,000 per acre (see attached maps indicating proposed acreage)

No restrictions on the property

No Deduction for wetlands

Bike path allowed (not bisecting the property)

Cash proposal

Closing in 60 days subject to survey and soil testing (phase I environmental)

Right of first refusal to the Township – for 5 years or until they build will sell back to the DDA at price paid of \$120,000 per acre.

After the first five years, the DDA would have a right of first refusal for another five years to purchase the property at fair market value

Discussion and questions ensued relative to the Third Amended DDA Plan; differences in their offer and what the DDA offer of sale included; commitment of the WLCS and DDA

to the community; documentation and information necessary to properly review and comment on the proposal of WLCS.

Following discussion it was suggested that representatives from WLCS and the DDA meet and discuss the proposal to provide documentation and information to the entire DDA Board to afford the DDA Board the information necessary to make a decision relative to the sale of the property in question.

ITEM 4: Engineer's Update

- A) Progress Report on Haggerty Road
- B) Traffic Studies

Progress Report on Haggerty Road: Loren Crandell of Giffels Webster reported that they are working on the alignment and traffic study. A meeting was held on November 19, 2003, with the Road Commission for Oakland County. The traffic study was received well by the Road Commission. They requested traffic projections. It was estimated by the engineers that the traffic projections would be \$10,000. A report will be done from the traffic study but the additional data is necessary which are the traffic projection is in order to complete the report.

In addition the Road Commission requires additional items as requested by MDOT, that being, a model and information on the intersections (M5) and how they would be treated at termination points.

MDOT suggested they will give up limited access if the Road Commission will support it.

Giffels Webster is working with Metro Transportation Consultants

MOTION by Lublin, second by Zoner to approve \$10,000 for additional traffic information as requested by Giffels Webster Engineers.

MOTION CARRIED UNANIMOUSLY

- C. Sign Permits No Update
- D. Montante Drain

An analysis of the tributary area of the Montante Drain indicated the area would need 4.5 to 4.7 CFS

ITEM 5: Planning Director Update

- A. PUD Ordinance

Discussion of the PUD Ordinance and the time line and progress made to date. John Jackson of McKenna and Associates addressed the Board stating the new version of the PUD Ordinance is streamlined and inquired the opinion of the DDA Board as to their proposed use of the Ordinance and viability of the new version for their purposes. It was specifically noted that the Ordinance procedure was a particularly laborious process before it was streamlined.

Discussion of PUD Ordinances as an overlay district and procedures relating the PUD process ensued.

It was determined that Chairperson Shimmin and Supervisor Zoner will work with McKenna and the Township Planner on the PUD Ordinance to clarify the needs of the DDA in relation the ordinance.

Discussion of the Master Plan timeline and progress to date. At this time the Master Plan is at the County for review. When returned from the County with their comments it will go back to the Planning Commission.

Meeting is set for January 5, 2004 for the Planning Commission to review the comments from the County and others relative to the Master Plan. It was requested that the DDA members submit changes and comments relative to the Master Plan to the Township Planner prior to that date.

Thomas Zoner, DDA member and Wynn Berry, DDA Director to meet with McKenna & Associates prior to the end of the year relative to the PUD Ordinance and Master Plan.

ITEM 6: Attorneys Update

A. Discussion of Brownfield impact

Marty Semann was present to discuss the proposed construction of a Lowe's in Commerce Township in the DDA Area. The particular site discussed qualifies for a Brownfield. Mr. Semann is the Brownfields Initiative Manager at Oakland County and has been successful in receiving federal funds in Oakland County and assist communities that do not have their own Brownfield Authority.

Pat Bell, Environmental Consultant for Lowe's was present and stated Lowe's would like the DDA to consider allowing the corporation to participate in the Brownfield Initiative through Oakland County including the tax ramifications to the Township and DDA to assist Lowe's in the \$265,000 required to clean up the property.

It was suggested that Thomas Zoner meet with Lowe's representatives to obtain all the particulars to take back to the DDA Board in January.

A. Compensation Contracts

MOTION by Lanni, second by Lublin to approve compensation contracts as presented for the DDA Director and DDA Administrative Assistant

MOTION CARRIED UNANIMOUSLY

A. License Agreement for Shopping Center Agreement

MOTION by Lublin, second by Zoner to approve Temporary License Agreement to include extension beyond 90 days, if necessary, at the discretion of the Chairperson and Vice Chairperson

MOTION CARRIED UNANIMOUSLY

ITEM 7:

A. EL Dorado Golf Course Management

MOTION by Lanni, second by Gotts to authorize the DDA Director to investigate and proceed with securing management and operation arrangements for the Golf Course and clubhouse and arrange for the security of the house and clubhouse on the property.

MOTION CARRIED UNANIMOUSLY

B. Budget Amendments

MOTION by Zoner, second by Lublin to approve the budget amendments as presented.

MOTION CARRIED UNANIMOUSLY

ITEM 8: Executive Session
Not required

ITEM 9: Other Matters

MOTION by Lublin, second by Zoner to accept the resignation of Herbert Feinstein as submitted and reduce the DDA membership to 10 members.

MOTION CARRIED UNANIMOUSLY

MOTION by Zoner, second by Gotts to adjourn, **motion carried unanimously**, meeting adjourned at 3:15 p.m.

Sandra S. Abrams, CMC
Secretary for the DDA
Clerk, Charter Township of Commerce