

**CHARTER TOWNSHIP OF COMMERCE  
DOWNTOWN DEVELOPMENT AUTHORITY**

**Tuesday, July 20, 2004**

**2840 Fisher Avenue**

**Commerce Township, MI 48390**

**12:00 p.m.**

**CALL TO ORDER:** Chairperson Shimmin called the meeting to order at 12:30 p.m.

**Downtown Development Authority**

**Present:** Wynn Berry, Director  
Robert Shimmin, Chairperson  
Daniel Lublin, Member  
James Gotts, Vice-Chairperson  
Thomas Zoner, Member  
Paul Kirkwood, Member  
Norman Levine, Member  
Randall Thomas, Member  
Marina Bilopolska, Member  
Douglas Lanni, Member  
Frank Marotta, Member

Quorum of DDA Members determined

**Absent:** Sandra Motz, Member  
Paul Kirkwood, Member

**Also Present:** Tom Rauch, DDA Attorney  
Pat Paruch, DDA Attorney  
Matt Schwanz, Giffels Webster  
Sandra Abrams, DDA Secretary  
Phillip Adkison, Township Attorney  
Chris Michaels, Township Attorney  
Bob Mc Gee, Planning Commission  
Jeffrey Bowdell, Building/Zoning Director  
Jim Galbraith, HDC  
Earl Whitlock, Resident  
Susan Averbuch, Resident  
Susan Gross, DDA Treasurer  
Deb Kirkwood, DDA Administrative Assistant  
Sandra Hermanoff, Hermanoff & Associates  
Melissa Moon Burchart, Hermanoff & Associates  
Bud Engelhart, Engelhart Realty  
Raymond Cornellier, Citizens Representative  
Rebecca Foley, Resident  
Mark Stacey, Resident  
Eric Nagler, Resident  
Joseph Schornack, Commerce Fire Chief  
Debbie Squires  
Lois Shulman  
Pam Polcyn  
Mike Kahm, Singh Development  
Matt Abell, Cushmann & Wakefield

Paul DeRoche, Resident  
Daniel Chad, Resident  
Ken Cobb, JJR  
Hank Byma, JJR  
Ted Kress, Resident  
Paul W. Tames, Pine Cove Villa  
Gary Rosteck, Pine Cove Villas  
Jerry Fertig, Resident  
Concetta Green, DDA Citizens Council

**Approval of the Minutes:**

MOTION by Zoner, second by Levine, to approve the minutes of the June 15, 2004, Regular DDA Meeting.

MOTION CARRIED UNANIMOUSLY

**Item 1: Public Comments**

- Mark Gutman, Homestead Shores Association, concerned about road traffic, stating Haggerty Road improvement is the answer, not putting traffic into subdivisions. And stated he is not against the development
- Gary Rostech, Pine Cove Villa, stated a five lane development will not increase property values.
- Paul Tames, Pine Cove Villas, does not want a highway to end at Richardson Road.
- Paul DeRoach, interested in the corner of Haggerty Road and Oakley Park Road, which he will discuss at a later time with Director Berry.
- Mark Stacey, resident, stated the DDA is trespassing on his property and requested they ask before coming onto his property in the future. Also, discussed the recent response to a Freedom of Information request made relative to eligibility of DDA members, and stated he liked the recent letters sent to Association Presidents.
- Jeffy Fertag, Golfview Lake Estates, asked about noise abatement measures.
- Susan Averbuch requested an update on communication with the Walled Lake School District, the 70-90 acres of open space within the project area, the Master Plan process and the roads indicated in the Master Plan and language that was suggested in the Planning Commission meeting relative to roads in the DDA project area. In addition, she feels the homeowners should be allowed in all meetings and that a better final product will be achieved if all interested parties are allowed to participate.
- Jim Galbraith of Haggerty Development was present expressing ongoing interest in any and all residential land available.

**Item 2: Consent Agenda**

- A. Treasurer's Report for June 2004
- B. Approval of the Warrants

MOTION by Zoner, second by Lublin, to approve the Treasurer's Report as presented.

MOTION CARRIED UNANIMOUSLY

MOTION by Zoner, second by Lanni, to approve the warrants as presented.

Discussion: Lublin requested explanation of several warrant items.

MOTION CARRIED UNANIMOUSLY

**Item 3: Director's Update**

**3A: Newsletter and Website Information**

Sandra Hermanoff addressed the DDA Board with an update on the status of the newsletter. It is currently at the printers and will be mailed within the next week. In addition, they need the bio information of each DDA Board Member for inclusion on the DDA website, and stated a letter had been sent to all subdivision association Presidents. Finally, a preview of the DDA website was given the Board.

**3B: Proposal for Overall Development Plan Consultants**

Development Plan Consultants JJR were present and gave an overview of their proposal for the scope of services they are offering in their proposal to the DDA.

**Item 5: Tentative Executive Session (Taken Out of Order)**

MOTION by Zoner, second by Gotts, to enter into executive session for the purpose of discussion of acquisition of property.

ROLL CALL VOTE:

AYES: Marotta, Lanni, Bilopolska, Thomas, Levine, Zoner, Gotts, Lublin, Shimmin

NAYS: None

ABSENT: Motz, Kirkwood

MOTION CARRIED UNANIMOUSLY

Entered into Executive Session at 1:05 p.m.

Returned from Executive Session at 1:25 p.m.

MOTION by Lublin, second by Lanni, to director the DDA Director and Chairperson to pursue purchase of property that was discussed in Executive Session.

MOTION CARRIED UNANIMOUSLY

Return to Item 3B

JJR Proposal

Discussion of the proposal of JJR Development Consultants, the scope of services, and time frame.

MOTION by Gotts, Second by Lublin to accept the proposal of JJR Development Consultants.

Discussion

AMENDMENT TO THE MOTION BY Lanni, second by Levine to further negotiate with JJR Development Consultants with intent to contract services.

Vote on the AMENDMENT TO THE MOTION CARRIED UNANIMOUSLY

Vote on the Original Motion CARRIED UNANIMOUSLY

Item 3 D: Update on Property Acquisitions

The DDA does have a Purchase Agreement on the Links of Pinewood Property with appropriate "do diligence" time period with provisions for extensions.

**Item 3E: Discussion Regarding Request for Appraisal of Unit Artist Theatre**

United Artist Theatres has requested the assistance of the DDA for appraisal of the theatre. It would be beneficial to the DDA to assist as any revenue loss to the theatre would be a direct loss to the DDA.

MOTION by Zoner, second by Lublin to hire Fuller Appraisal to complete an appraisal of Regal Theatre property to defend a tax tribunal issue.

MOTION CARRIED UNANIMOUSLY

**ITEM 3C: Update on Traffic Study (Taken Out of Order)**

DDA area Traffic Study was distributed. Loren Crandell of Giffels Webster stated the traffic study has been approved by the Road Commission for Oakland County and would be discussed in further detail next month.

**Item 4A: Update on Haggerty Road**

Haggerty Road Reconstruction Schedule was distributed. Loren Crandell of Giffels Webster stated the reconstruction schedule for Haggerty Road was an aggressive schedule and the right of way was the key element of the schedule as presented.

**Item 4B: Approval of Sign Permit**

The Road Right of Way permit to install the sign at Maple and Haggerty Road has been obtained.

**Item 6: Other Matters**

Discussion of property at Oakley Park and Haggerty Road and the process to be followed to submit and offer to purchase on the property. A letter of intent should be submitted to Director Berry.

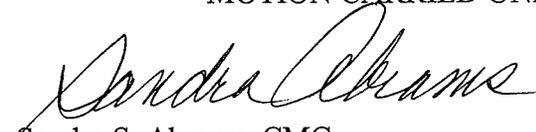
DDA Attorney Paruch discussed the written opinion on DDA membership issues. The DDA statute requires that a majority of the DDA Board Members have an interest in property in the downtown district, and further requires that one DDA Board Member be a resident of the district. KKUE conducted a survey of Commerce DDA Board Members in early July. Six of the eleven Board Members have an interest in property in the district, and one Board Member is a resident. At the present time, the DDA Board complies with the statutory requirements.

KKUE did not evaluate whether the DDA Board was in compliance at any previous stime.

Mark Stacy, resident, requested the best practices be followed for future records of the DDA.

MOTION BY Lanni, second by Lublin, to adjourn.

MOTION CARRIED UNANIMOUSLY, meeting adjourned at 2:30 p.m.

A handwritten signature in cursive script, appearing to read "Sandra S. Abrams".

Sandra S. Abrams, CMC  
Clerk Charter Township of Commerce