

**CHARTER TOWNSHIP OF COMMERCE
DOWNTOWN DEVELOPMENT AUTHORITY**

Tuesday, March 15, 2005

Commerce Township Hall

2840 Fisher

Commerce Township, MI 48390

12:00 p.m.

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

Downtown Development Authority

Present: E. Wynn Berry, DDA Director
Robert Shimmin, Chairperson
Thomas Zoner, Member
Frank Marotta, Member
Marina Bilopolska, Member
Randall Thomas, Member
Sandra Motz, Member
Paul Kirkwood, Member
Douglas Lanni, Member
Daniel Lublin, Member

Quorum of DDA Members determined

Absent: James Gotts, Vice-Chairperson
Norman Levine, Member

Also Present: Tom Rauch, DDA Attorney
Pat Paruch, DDA Attorney
Sandra Abrams, DDA Secretary
Sue Gross, DDA Treasurer
Phillip Adkison, Township Attorney
Christina Michaels, Township Attorney
Deb Kirkwood, DDA Administrative Assistant

Approval of the Minutes: February 15, 2005, Regular DDA Meeting

MOTION by Zoner, second by Thomas, to approve the minutes of the February 15, 2005, Regular Meeting as presented.

MOTION CARRIED UNANIMOUSLY

Item 1: Public Comments

Mark Stacy, Commerce Township resident, commented on the severance provisions of the DDA Director Contract as poor use of public funds.

Item 2: Consent Agenda

- a. Treasurer's Report for February 2005 – Receive and File
- b. Approval of the Warrants and Add On Warrants

MOTION by Zoner, second by Lublin, to approve the Warrants and Add On Warrants as presented.

MOTION CARRIED UNANIMOUSLY

Item 3: Director's Update

- A. JJR: The first task given to JJR is almost completed and will be presented to the DDA Board at the next meeting;
- B. Environmental Assessment: The Environmental Assessment is progressing and the Environmental Assessment Report will be available shortly;
- C. Temporary Library: Construction has commenced and is on schedule;
- D. Taubman negotiations in progress. DDA is responding to the latest Taubman proposal at this time;
- E. The sale of all of the personal property at El Dorado is complete at a sale price of \$10,800.
- F. Form Based Zoning Ordinance: A presentation describing Form Based Zoning Ordinance presented by McKenna & Associates with a question and answer period will follow the closed session.
- G. Performing Arts Center: Discussion of creating a Performing Arts Center in the DDA project area near the 1st round-about, north of Pontiac Trail, especially duplication of the same services in other areas, parking, number of acres that would be required, and cost of the project.

Item 4: Engineer's Update

The Haggerty Road ROW plans are proceeding and are available to view. The necessary alignment is being determined and will be forwarded to the DDA Director shortly.

Design plans for Welch Road improvements at Maple Road have been submitted to the Road Commission for Oakland County for review. Then they will be submitted to MDOT for a grade inspection at the railroad crossing, and then will go out for bid.

Oakland County is working on an update to the FEMA Maps which will entail more accurate topography. "Draft" documents are available for review during the current public comment period prior to final approval.

Item 5: Attorneys Update

An attorney update will be presented in Executive Session with probable resolutions upon return to regular session.

Discussion of the Welch Road Agreement to Widen Welch Road South of Maple Road. The DDA has previously agreed to participate in the Welch Road widening project south of Maple. The Board needs to reconfirm and authorize the execution of the funding Agreement and authorize the appropriate signatures. The two private parties would pay \$70,000 and \$90,000 respectively (one has already contributed (\$20,000)). Discussion of the "not to exceed" dollar amount; the Board agreed that the DDA would pay any short fall amount. If the bid comes back exceeding the amount pledged by all parties in the Agreement, the issue of the DDA covering any cost override over \$500,000 would be

brought back to the DDA Board for review and approval. It was confirmed that the Township is not participating in the funding of this project.

MOTION by Zoner, second by Lanni to authorize the spending by the DDA of up to \$500,000 to improve Welch Road south of Maple Road, including the railroad intersection just north of Maple, to authorize the signing of the Agreement by any one of the DDA officers as long as the bid price received requires an expenditure by the DDA to be no more than \$500,000, and to require the matter to be brought back to the DDA Board for review and approval prior to signing if, under the bids received, the DDA share of the cost will exceed \$500,000.

MOTION CARRIED UNANIMOUSLY

Item 6: Executive Session

MOTION by Zoner, second by Thomas, to enter into Executive Session for the purpose of discussing the purchase of property.

Roll Call Vote

Ayes: Lublin, Zoner, Lanni, Kirkwood, Motz, Thomas, Bilopolska, Marotta, Shimmin

Nays: None

Absent: Gotts, Levine

MOTION CARRIED UNANIMOUSLY

Entered into Executive Session at 1:00 p.m.

Returned to Regular Session at 1:15 p.m.

MOTION by Zoner, second by Thomas to approve the Resolution of the Commerce Township Downtown Development Authority to Acquire a Certain Parcel of Land from Soave Center, LLC.

MOTION CARRIED UNANIMOUSLY

MOTION by Zoner, second by Thomas to approve the Resolution of the Commerce Township Downtown Development Authority to Acquire a Certain Parcel of Land From Pontiac Haggerty Investment Group.

MOTION CARRIED UNANIMOUSLY

FORM BASED ZONING PRESENTATION: Following a slide presentation on this form of ordinance by John Jackson, the creation of an Ordinance Committee comprised in part of members from the Planning Commission, DDA, and Township Board was discussed. The Committee would report back to the DDA on their findings and progress. As to the time need to complete the Ordinance, it was discussed that area with a higher priority could be expedited, but overall the project would take approximately one year.

Item 7: Other Matters

As there were no other matters, **MOTION** by Lanni, second by Zoner to adjourn. Motion carried unanimously. Meeting adjourned at 2:10 p.m.

Sandra S. Abrams, CMC
Clerk, Charter Township of Commerce
Secretary to the DDA
KKUEM 454459