CHARTER TOWNSHIP OF COMMERCE
JOINT MEETING of
TOWNSHIP BOARD OF TRUSTEES
And
DOWNTOWN DEVELOPMENT AUTHORITY
Tuesday, February 23, 2010
2009 Township Drive
Commerce Township, Michigan 48390

CALL TO ORDER: Supervisor Thomas Zoner called the Board of Trustees meeting to order at 7:00 p.m.

ROLL CALL: Present: Thomas K. Zoner, Supervisor
Sandra Abrams, Clerk
Susan Gross, Treasurer
Debra Kirkwood, Trustee
Robert Long, Trustee
Daniel Munro, Trustee
Rick Sovel, Trustee

Absent: None

CALL TO ORDER: Chairperson Gotts called the Downtown Development Authority meeting to order at 7:00 p.m.

ROLL CALL: Present: Wynn Berry, Chairperson
Jim Gotts, Chairperson
Christin Skikun, Member
David Smith, Member
Randall Thomas, Member
Paul Kirkwood, Member
Jose Mirkin, Member
Daniel Lublin, Member
Wendy Anderson, Member

Absent: Douglas Lanni
Sandra Motz
Patrick Dohany

Item 1: Approval of Agenda: No changes noted

Item 2: Public Comment: Held at the end of the meeting

Item 3: Fourth Amended and Restated DDA Director Agreement: Following discussion it was decided that the Director's Agreement should be addressed after the budget discussion.

Item 4: DDA 2010 Budget (tabled by TB 1-12-2010)

Discussion by both the Township Board and the DDA Board as follows:

- Discussion of the budget as presented at this meeting;
- Round A Bout construction start dates of 2010 versus 2011;

- TEDF Grant and the conditions placed on the acceptance of the grant as it relates to construction timing;
- Written confirmation of the exact grant amount and terms and conditions necessary to make any decisions on the construction of the round a bout; Review of the wording of the Bond Authorizing Resolution (see attached);
- Budget questions relative to the Public Relations and Communication line item amount;
- Budget questions relative to the Legal line item amount; Possibility of using only one legal firm; Discussion of double representation not necessary and costly;
- Budget discussion relative to contracted legal and engineering firms reducing rates;
- Budget discussion relative to how the Public Relations firm was used or could be better used;
- Discussion of the amount of open legal files currently and cost for same;
- Discussion of consultants contracts and review of same annually;
- Discussion of the cost of obtaining the TEDF grant relative to consultants/lobbyist;
- Discussion of other consultants and retainers for same;
- Budget questions relative to Property Marketing and Promotion line item amount and use for same;
- Discussion of changing the past marketing practices of declining to sell property based on internal personnel preferences for the end product of the overall development;
- Discussion of reports that are to be furnished to the Township Board and the DDA board monthly as to how the DDA is operating;
- Discussion of any and all offers to purchase to be brought to the DDA board and the Township Board for the final decision to be made;
- Statement that prior requests have been made by the DDA board members, to the DDA Director, for any and all offers to purchase to be brought to the DDA board for review with no result;
- Statement that the direction of the DDA cannot change under the current leadership;
- Statement that any change in leadership has to be accomplished by the DDA Board;
- Opposing statement that the current leadership is accomplishing the DDA goals and objectives;
- Statement that the current financial crisis is not the fault of the Director of the DDA;
- Request that the DDA Board make a change in leadership thereby changing the direction and past practices of the DDA moving in a positive manner toward as is possible in the current economy to the completion of the DDA project;
- Budget question relative to Property Maintenance and Utilities line items amount and use for same;
- Question on Township Administrative Services relative to the DDA necessary administrative services to be accomplished by floater staffing currently within the Township or part time services in the future;
- Discussion that any item not currently in the budget, can be added at a later date by amendment;

Following a determination that a revised budget was given to the DDA Board that they had not yet reviewed or recommended to the Township Board for approval, and that the original budget distributed to the Township Board for their approval was not now the budget that was recommended by the Finance Committee nor the DDA Board, a short recess was called for clarification of the correct budget and the process for approving same.

Following the recess:
A determination was made that the revised budget was required to be approved by the DDA board for recommendation to the Township Board.

MOTION by Thomas, second by Lublin to approve for recommendation to the Township Board the 2010 DDA Budget as revised.
ROLL CALL VOTE:
Ayes: Skitkun, Smith, Thomas, Kirkwood, Mirken, Lublin, Gotts
Nays: Anderson
Absent: Lanni, Motz, Dohany

MOTION CARRIED

Discussion of the Budget process and determination that a Special Meeting of the DDA Board would be held on March 2, 2010, at their regular time of 12:00 noon, in order for the DDA board to review the budget just approved for adjustments that were suggested by the Township Board including an opportunity to inquire and adjust the consultants fees and review and make a recommendation on the 4th amended and restated DDA Director's Agreement.

The DDA Board will again join the Township Board at their regular meeting held on March 9th 2010, at 7:00 p.m. for a joint meeting of the two boards.

Item 5: Tri-Party Funds

MOTION by Munro, second by Kirkwood, to authorize the Township Supervisor to notify the Road Commission for Oakland County to reallocate $600,000 from the Haggerty Road Improvement Fund to the Martin Parkway Project.

MOTION CARRIED UNANIMOUSLY

Item 6: DDA Warrants

MOTION by Munro, second by Long, to table the DDA warrants as presented.
ROLL CALL VOTE:
Ayes: Munro, Long
NAYS: Kirkwood, Gross, Sovel, Abrams, Zoner

MOTION TO TABLE FAILED

MOTION by Munro, second by Long to deny the DDA warrants as presented.
ROLL CALL VOTE:
Ayes: Munro, Long, Sovel
NAYS: Kirkwood, Gross, Abrams, Zoner

MOTION TO DENY FAILED

Discussion and unanimous consent to send the Warrants as presented back to the DDA Board for review and recommendation.

MOTION by Munro, second by Long, to approve the Resolution in appreciation of the City of Novi and authorize representation by the Township Board to present the Resolution to the City of Novi at one of their regular meetings.

MOTION CARRIED UNANIMOUSLY

Item 2: Public Comments (Out of Order)
Tabitha Stasie, resident, stated that she requested and obtained a meeting with DDA Director Berry on Monday, February 22, 2010, and stated that Mr. Berry was in excess of 15 minutes late for the meeting but had called to say he would be delayed. She further stated that Mr. Berry did not recall certain information that was discussed at the last DDA Meeting, that she was not given answers to questions and that she asked specifically the amount of the total debt of the DDA and did not receive an answer. In conclusion she stated the DDA information must be transparent and that she is opposed to taxation for the DDA project.

Mark Stacey, resident, stated that the problem of expenses is past and the current discussion should be about revenues.

MOTION by Munro, second by Abrams, to enter into Closed Session for the purpose of discussing pending litigation.
ROLL CALL VOTE:
AYES: Munro, Kirkwood, Gross, Zoner, Abrams, Sovel, Long
NAYS: None

MOTION CARRIED UNANIMOUSLY

Township Board of Trustees Entered into Closed Session at 10:45 p.m.
DDA Board Members to be present in the Closed Session for observation purposes only.
Returned to regular session at 11:20 p.m.

MOTION by Sovel, second by Gross to approve the Closed Session minutes as presented.

MOTION CARRIED UNANIMOUSLY

MOTION by Munro, second by Kirkwood to authorize the acceptance of the Case Evaluation relative to Commerce Township VS Detroit Gun Club, Case No. 08094755, as discussed in Closed Session. **MOTION CARRIED UNANIMOUSLY**

MOTION by Gross, second by Abrams, to adjourn Township Board of Trustees meeting.

MOTION CARRIED UNANIMOUSLY

MOTION by Smith, second by Skikun, to adjourn Downtown Development Authority meeting.

MOTION CARRIED UNANIMOUSLY

Meeting adjourned at 11:25 p.m.

Sandra Abrams, MMC
Clerk, Charter Township of Commerce