

Final
CHARTER TOWNSHIP OF COMMERCE
DOWNTOWN DEVELOPMENT AUTHORITY
Tuesday, October 18, 2016
Commerce Township Hall
2009 Township Drive
Commerce Township, MI 48390
12:00 p.m.

CALL TO ORDER:

The Meeting was called to order by Chairperson Gotts at 12:02 p.m.

Downtown Development Authority:

Present: Mark Stacey, DDA Director
James Gotts, Chairperson
Dan Lublin, Vice Chairperson
Brian Winkler, Member
Tom Zoner, Township Supervisor
Susan Spelker, Member
David Smith, Member
Susan Averbuch, Member
Tim Hoy, Member

Absent: Jose Mirkin, Member (excused)

Also Present: Debbie Watson, DDA Assistant
Thomas Rauch, DDA Attorney
Molly Phillips, DDA Treasurer
Matt Schwanitz, Giffels-Webster Engineer
Randy Thomas, Insite Commercial
Dave Campbell, Township Planner

Item 1: Approval of Minutes

MOTION by Spelker, seconded by Averbuch, to approve the Regular Meeting Minutes of September 20, 2016 as presented.

MOTION CARRIED UNANIMOUSLY

Item 2: Public Comments

Regina Fronczak-Roth, 4080 Lakepoint Lane, Commerce, stated that she is concerned about development in the DDA, as are the young people in her neighborhood that she has spoken with. She discussed walking communities, such as Milford, and how she thought the DDA would also be that way. She thought this would be an area of parks and recreation, but now it's turning into commercial.

She cited an article in the Oakland Press regarding the Rochester Hills park that's being put into their DDA. It will be 119 acres and will include playgrounds and park amenities that are designed for children and adults with special needs. She encouraged the Board to implement those types of facilities here in the DDA and in the Township. She asked if that would be done here in the area of M-5.

Chairperson Gotts explained that the area is scheduled for commercial development, which does include a small park as an ancillary use. He also explained that the Board has a responsibility to the fiscal security of the Township and this has a lot to do with the tax base being representative of something other than just residential.

Director Stacey added that in looking at the full development, there will be 7 miles of walking trails and approximately 120 acres of park.

Matt Schwanitz agreed and explained that there is a 120-acre park centrally located in the DDA property around the bridge on Martin Parkway. That open space is park and it's already designated for preservation.

Regina Fronczak discussed having a water park, and reiterated the amenities that serve children with disabilities. She referred to Steven Clark's story on Channel 7 news regarding his granddaughter's disabilities. He's raising money for a unique park like this. She feels these needs should be met somewhere in our community.

Debbie Watson added that Steven Clark's wife was present at the recent Parks and Recreation meeting and they were seeking approval to put the playground into Dodge Park, so that is a possibility.

>>Chairperson Gotts proposed that Item 9. be moved up as Item 2a. and there were no objections.

Item 2a: Insite Commercial Report

Randy Thomas provided an overview of the Insite report submitted in the DDA Board's packet, and the following items were discussed:

- Parcels A&H - Shapiro has released some contracts for clearing and land balancing. Vertical construction should commence next year. Director Stacey added that Galbraith had a meeting onsite this morning, with Township staff and others, in preparation for the mass grading and clearing. Dave Campbell elaborated that they had the engineer onsite indicating trees to be preserved and those to be removed.
- Parcel B1 - Some of the anchor tenants have been given preliminary approval, pending visits to the site by those division Presidents. Bruce is anticipated to be in attendance at the November meeting and he will be asking for an extension which is provided for in the contract. Attorney Rauch can review those contract details. Tomorrow is the ICSC in Chicago and there's a series of meetings, one of which is with a very large anchor.
- Parcel B2 - Granger's second level is going up and they are progressing.
- Parcel C - There is potential interest in the parcel at the corner of Pontiac Trail and Haggerty Road and they're still continuing to look at it. The group has been encouraged to present an offer for the Board to consider. Another developer previously had this under contract and he may also revisit this.
- Parcels D&E - Pulte has received approval from the Planning Commission for Phase Two. Director Stacey added that they will be putting in the remainder of their sewers and roads, and Joe Skore stated that they wanted to get them in before winter. Susan Averbuch inquired about landscaping. Randy and Director Stacey explained that they're not even close to addressing that as they're still in the construction phase.
- Parcel F - An offer is anticipated which would be for a medical office use proposal. Their group is holding a meeting on November 15th. Dave Campbell and Mark Stacey met with the developer, who has made significant inquiries and investment just looking into this piece of property.
- Parcel G - Wyncliff is well underway. The last two lots are under construction. This should be closed out soon. Director Stacey added that it Hunter Pasteur's intent to turn the HOA over to the residents by the end of this year. Dave Campbell added that there was a recent issue regarding a sidewalk from the development to the DDA pathway system and that is still being worked out with the Building Department.
- Parcel I - Nothing new to report.

- Parcel J - A draft proposal came in from a business located adjacent to the property; however, a recent meeting was cancelled and needs to be rescheduled. There have been a significant amount of gas station inquiries throughout Commerce and they have been directed to look at this corner based upon the comments made at the last joint meeting.
- Parcel K - One of the adjacent owners stated that he is going to put in an offer, however he may want to meet with the Planner before doing so.
- Parcel L - Nothing new to report.
- Parcel M&N - These are the two residual pieces that the DDA has retained as part of the development for Parcel B1.

In general, there is a lot of high-end restaurant activity and interest in the DDA area.

Item 3: Director's Report

Director Stacey discussed the following with the Board:

- **HOA Items**
 - **Lighting - CJs Lighting, Chris Niestroy, Shaw Electric, Keith Greene**
 - The light pole order arrived and CJs began installation when he discovered the wrong fixtures were shipped.
 - A photo included in the packet shows the angle of the arm on the fixture is bent versus curved.
 - An email was sent, and Conserva Electric is assisting with correcting this matter and placing a rush order.
 - Electrical damage occurred at the Library roundabout on 9/22.
 - The incident involved Consumers Power digging onsite.
 - They hit the main electrical feed for the lighting system and took out lights from the roundabout up to Walmart.
 - We immediately contacted Shaw to have them diagnose the problem. Their investigation determined that there was significant damage to the system. An emergency repair was authorized as that entire section of lighting was out.
 - The Shaw invoice for repair, which came in yesterday, is included in the packet in the amount of \$33,812. This included repairs for the underground damages, and damage to the control box. No one was electrocuted because the control box worked properly, but the breakers are about \$800 each and three were blown.
 - Granger and Consumers have been notified that they're responsible for the damage to the system, and they are aware that Shaw Electric was hired to restore the system. This invoice will be forwarded to them with documentation attached for reimbursement.
 - Developers are notified that if any of their vendors damage the property, they are responsible for their vendor's activity. That was conveyed to Granger in the pre-con meeting, verbally and in writing, and requirements for staking underground utilities were specified.

Director Stacey stated that authorization is needed from the Board, under Item 10., to pay the Shaw invoice, but reimbursement will be pursued. David Smith asked if this would be an insurance matter. Director Stacey replied that it would be the contractor's insurance, not ours.

- **Irrigation - Michigan Automatic Sprinkler, Mike Rennie**
 - I met with Mike. He will repair the system so that he can shut it down properly for the season.
 - He will be pushing this as late into the season as possible so there won't be any additional damages to the irrigation system.
 - Pulte and Granger will receive bills for damages, and they are aware.
 - Some changes were made to the system which ultimately benefit the HOA and the DDA. Pulte has agreed to water the entire area in the front of Merrill Park, from the road back. That allowed a portion of the system to be abandoned.
- **Landscaping - United Lawnscape, Jim Parkinson**
 - The HOA invoice is enclosed for review.
 - The grounds are being maintained.
 - We have authorized Jim to perform additional maintenance on the west side trail system. We are holding the Outrun Hunger 5K on Saturday, November 12th. Trail maintenance has not been done as regularly this year due to the construction in the area. Funds have been set aside for fixing the trails and trimming the trees back. This benefits the community, as well as those participating in the fundraiser.
- **Bond Refunding**
 - We had an advance from the Township of \$1.5 million which was put into the Comerica account.
 - Bonds were refunded on October 1st.
 - The Comerica letter of credit has been eliminated.
 - Refinance bonds have not been called yet.
- **MTT Judgments - None.**

David Smith inquired about monetary responsibilities in the HOA with regard to Pulte performing their own watering. Discussion continued regarding Galbraith taking over his own irrigation, and Aikens planning to do the same. That will ultimately leave only the open space to be managed by the HOA.

Brian Winkler and David Smith both discussed the potential for billing an administrative fee, usually 15%, to charge for the time of the Director and Assistant on matters such as the electrical damages. Director Stacey stated that this has not been done in the past; however, he would inquire further about how this could be enforced.

Treasurer Phillips and Director Stacey elaborated on remaining bonds, including the 2008 refunding bonds that PNC holds the letter of credit for. The interest rate will be monitored.

Item 4: Attorney's Report

DDA Attorney, Thomas Rauch, stated that the Aikens' contract provides for a December 2nd due date which the developer has the ability to automatically rollover to another 6 months. They have indicated that they will do that. An amendment to the agreement is anticipated at the November meeting to provide for the issues relating to title and survey at that time, and for a portion of the existing deposit to be paid to the DDA.

Last month in the packet, there was a copy of the Private Road Development Agreement Amendment for Merrill Park which was not considered. It was an oversight. Pulte had a change in the nomenclature of the names for their roads and they amended their master deed. The PUD agreement permits private roads and they entered into the Private Road Development

Agreement. After the change was implemented to their master deed to correct the names of their roads, they amended the Private Road Development Agreement. The amendment needs to be considered by the DDA Board Members. Attorney Rauch encouraged that any motion to approve also include language allowing any one of the DDA officers to execute the document, especially since Missy was unable to attend the meeting due to pre-election matters. This would allow Chairperson Gotts to execute the documents.

Attorney Rauch stated that he had also recently discussed a related matter with Director Stacey. Back in 2008, the Board passed a resolution authorizing the DDA Director and other officers to execute documents for projects that have been approved, but needed to be addressed in between scheduled meetings. This has only been utilized on a couple of occasions due to scheduling issues, or when the Director had to get something done right away. That prior resolution will be updated and revisited in the future for the Board's consideration so that the execution of documents can be authorized officially in between Board meetings without having to call a special meeting.

MOTION by Lublin, supported by Winkler, to approve the First Amendment to Private Road Development Agreement as presented by counsel and to authorize any one (or more) of the Chairperson, Vice-chairperson, Secretary, Treasurer or Director to execute the First Amendment to Private Road Development Agreement on behalf of the DDA.

MOTION CARRIED UNANIMOUSLY

Item 5: Engineer's Report

Matt Schwanitz, Giffels Webster, reported that there hasn't been significant work in the last month, other than dealing somewhat with the lighting issue, and then assisting Granger in the process for electrical service.

Director Stacey added that last month, the Board authorized working on the easements with Granger. Everything is set on the DDA side and we are waiting on DTE and Granger.

Item 6: Planner's Report

Dave Campbell, Planning Director, shared the following:

- Aldi is wrapping up and holding their Grand Opening on Thursday. This is one of their nicer stores as the Planning Commission requested that they upgrade their standard prototype.
- Meijer is looking to reface their store and add a drive-thru pickup window for their pharmacy. A drive-thru is a Special Land Use so they will be before the Planning Commission in November. Their refacing is overdue as the building was originally constructed in the early 90s.
- Williams International, at the southwest corner of Maple and M-5, put in their pathway along Maple Road. This is 1500 feet of concrete pathway. It looks great and it's a really good connection too.
- Sedona Stone will hold their Grand Opening on November 11th. They went into the old Motor City Steel building and they have given the building a facelift.
- Walmart wants to add a new feature where you can order online and pickup at the store. As part of that, they want to add some new signage and other things, however we may need to tell them to scale it back because it is a good looking Walmart. We don't want orange paint splashed on there to advertise the pickup service.

Lastly, Dave Campbell presented renderings of the new, non-motorized bridge over M-5 and provided an update on the project and enhancements. The bridge has been aligned to the roadway perpendicular in a manner that reduces the span. The bridge design includes sails to coincide with the Township logo, along with the medallion seal, and there is also an attractive lighting package. Dave also discussed the budget, Township Board approval of the design on a preliminary basis, and the timeline to incorporate the plans with MDOT's engineering. There are small details that may be modified. This will be bid out in the Spring and construction is expected in Summer 2017.

Director Stacey stated that he is in favor of the design and he sits on the committee for the bridge project. Brian Winkler stated that he has been in close contact with Dave on the bridge design and Dave has done an incredible amount of work in a very short period of time on this project. Brian complimented Dave in his ability to get this approved so quickly in order to meet MDOT's schedule. Discussions continued regarding co-funding, MDOT not permitting private advertising on this type of bridge, lighting, and issues to be addressed with the location of the existing billboard.

David Smith inquired with Dave Campbell about the timing of the traffic signal at the new Aldi on the corner of Walnut Lake Road and Haggerty. David noted that there have been significant traffic backups occurring there in both directions, even in non-rush hour times, and he contacted the RCOC regarding reviewing and retiming the signal again accordingly.

Item 7: Outrun Hunger 5K - Saturday, November 12, 2016

Director Stacey stated that this event has taken place onsite here for several years. Grace Community Church sponsors the nonprofit to raise money for local food pantries. At the last meeting, it was discussed that this year's race might take place at the Richardson Center. It has now been determined that they will hold it here onsite in the DDA using just the west side trails and running that pathway twice to meet the distance required. At the last meeting, we did not request authorization, which has always been requested in the past.

MOTION by Smith, supported by Spelker, to approve the Outrun Hunger 5K event, scheduled for Saturday, November 12, 2016, to be held on the west side trails of the DDA pathways.

Discussion:

Chairperson Gotts asked that the insurance certificate be verified for this event.

MOTION CARRIED UNANIMOUSLY

Item 8: Committee Reports

- A. Finance Committee – Director Stacey stated that finance items have been covered.
- B. Public Relations Committee - Jose Mirkin's report had been submitted by email and was reviewed. He is still working with the DIA to have the reproductions brought back inside the Library, but because of the move, this would take place sometime in January or February 2017.
- C. Marketing Committee – David Smith stated that everything had been addressed.

Item 9: Approval of Warrants and/or Carryovers, Add-ons, Revenue & Expenditure Report

MOTION by Lublin, seconded by Spelker, to approve the Warrants, Add-ons and the Revenue & Expenditure Report.

Discussion:

Smith - Is the \$33,000 invoice in there?

Stacey - Yes, that's under the add-ons.

MOTION CARRIED UNANIMOUSLY

Item 10: Other Matters

The next regularly scheduled meeting of the DDA is Tues., November 15, 2016 at 12:00pm.

Item 11: Adjournment

MOTION by Lublin, seconded by Winkler, to adjourn at 12:52pm.

MOTION CARRIED UNANIMOUSLY



Melissa Creech
DDA Secretary

BANK CODE: DDA
 DDA WARRANT REPORT FOR BOARD APPROVAL
 TUESDAY, OCTOBER 18, 2016

| Vendor Code | Vendor Name | Inv. Date | Invoice | Description | Amount |
|--|--|------------|---|---------------------------------------|-----------|
| WATSON | DEBORAH WATSON | 10/12/2016 | 2016 SEPT/OCT | DDA ASSISTANT | 1,240.00 |
| TOTAL FOR: DEBORAH WATSON | | | | | 1,240.00 |
| DET EDISON | DTE ENERGY | 10/11/2016 | 11/2/16 2579 LIBR ACCT# 1885 097 0022 8 - | (2579 LIBRARY DR) | 148.58 |
| 10/11/2016 | 11/2/16 2581 LIBR ACCT# 1885 097 0021 0 | | | (2581 LIBRARY) | 205.28 |
| 10/11/2016 | 11/2/16 2660 E, .O ACCT# 1885 097 0019 4 | | | (2660 E. OAKLEY PARK) | 82.58 |
| 10/11/2016 | 11/2/16 3106 MART ACCT# 1885 097 0020 2 | | | (3106 MARTIN PARKWAY) | 67.99 |
| TOTAL FOR: DTE ENERGY | | | | | 504.43 |
| KEMP | KEMP, KLEIN, UMPHREY & ENDLEMAN, PC | 10/04/2016 | 179957 | PROFESSIONAL SERVICES | 4,761.20 |
| TOTAL FOR: KEMP, KLEIN, UMPHREY & ENDLEMAN, PC | | | | | 4,761.20 |
| STACEYMARK | MARK STACEY | 10/12/2016 | 0915-1012-2016 | DDA DIRECTOR | 4,050.00 |
| TOTAL FOR: MARK STACEY | | | | | 4,050.00 |
| MICHCOMM | MICHIGAN COMMUNITY UNDERWRITERS | 09/13/2016 | HTP321922 | MICH. TWP. PARTICIPATING PLAN RENEWAL | 4,458.00 |
| TOTAL FOR: MICHIGAN COMMUNITY UNDERWRITERS | | | | | 4,458.00 |
| TOTAL - ALL VENDORS | | | | | 15,013.63 |
| FUND TOTALS: | | | | | |
| Fund 499 - CAPITAL PROJECTS - DDA | | | | | 15,013.63 |