

**CHARTER TOWNSHIP OF COMMERCE  
DOWNTOWN DEVELOPMENT AUTHORITY**

**Tuesday, February 17, 2015**

**Commerce Township Hall**

**2869 Pontiac Trail**

**Commerce Township, MI 48390**

**12:00 p.m.**

**CALL TO ORDER:**

The Meeting was called to order by Vice Chairperson Lublin at 12:00 p.m.

**Downtown Development Authority:**

**Present:** Kathleen Jackson, Director  
Dan Lublin, Vice Chairperson  
Jose Mirkin, Member  
Susan Spelker, Member  
Brian Winkler, Member  
Mark Stacey, Member  
David Smith, Member  
Tom Zoner, Township Supervisor

**Also Present:** Thomas Rauch, DDA Attorney  
Vanessa Magner, DDA Secretary  
Molly Phillips, Township Treasurer  
Matt Schwanitz, Giffels-Webster Engineer  
Randy Thomas, Insite Commercial

**Absent:** James Gotts, Chairperson (excused)  
Tim Hoy, Member (excused)

**Item 1: Approval of Minutes**

**MOTION** by Stacey, seconded by Mirkin, to approve the Regular Meeting Minutes of January 20, 2015 as written. **MOTION CARRIED UNANIMOUSLY**

**Item 2: Public Comments**

None

**Item 3: Director's Report**

Director Jackson gave an update. The Planning Department is currently working with the property owner just west of Maple and Haggerty Zerbo's, which is anticipated to be on the March 2nd Planning Commission agenda. The Department is also continuing to work with Kroger at 14 and Haggerty. The Buckeye pipeline has their equipment in the staging area for their work and that license was in exchange for \$25,000 to the DDA.

In the last month, work has continued with Jim Galbraith and the Shapiro group for his multi-family product as far as the RCOC and the MDEQ.

As Randy stated, Granger is in for their engineering review.

Jose can speak to the carnival, but they have submitted to the Planning Department.

The wayfinding meeting with the stakeholders will be held within the next two weeks. That will include the developers who have purchase agreements, along with other interested parties. This will enable everyone to get on the same page and get some general ideas for wayfinding, which includes signage, directional signage, et cetera, but also as important if not more so, the streetscape improvements such as benches, trash cans, et cetera, and the uniform, consistent design theme and appearance throughout the entire DDA project area of 330 acres.

Lastly, she would be sharing some pictures by email that she had taken on a recent trip to Cleveland. She had visited two of their outdoor lifestyle centers, Legacy Village and Crocker Park.

**Item 4: Attorney's Report**

DDA Attorney, Thomas Rauch, stated that there are a couple of minor and significant matters to be addressed. As explained in the email that was included the attachments, the PUD agreement was originally drafted and then restated to deal with the pathway issues. Then the PUD agreement was amended to confirm that the property would be subject to ad valorem taxation. The Second Amendment to the PUD agreement was also implemented which provided for the developers to have the ability to utilize private roads within their units.

Then the Third Amendment to the PUD agreement was drafted which initially confirmed that a developer or property owner could not object to an amendment unless they were materially impacted by the amendment itself. The Third Amendment was subsequently revised to be specific to each developer and their respective unit, which revisions were accepted by the current owners as well as those parties which have executor contracts to purchase land in the project area.

Attorney Rauch recommended that the DDA Board approve the form of the agreement. It would then go to the Planning Commission in March and if recommended for approval, it would be presented to the Township Board on March 10th. If approved by the Board, the document would be fully executed and then recorded as soon as possible thereafter.

**MOTION** by Mirkin, supported by Stacey, that the DDA recommend approval of the Third Amendment to the PUD agreement. **MOTION CARRIED UNANIMOUSLY**

Attorney Rauch discussed the Homeowner's Association budget. The Association is responsible for the street lighting and other extra improvements to Martin Parkway. All of those risks have now been cataloged in the Association casualty insurance policy proposal. The DDA Board doesn't actually approve this, but since the DDA is the approximate 85% Association member, he felt it would be appropriate to report it to the Board. After the meeting, he would then have Kathleen Jackson and Vanessa Magner, who serve on the association board, execute the documents.

Lublin asked if the association is covered for people that might get hurt in a slip and fall while walking on the walkway in the wintertime. Attorney Rauch replied that the DDA is covered under the DDA/Township policy. The DDA is also the owner of portions of the pathways that are not located in the parcels that have been purchased. The association is responsible for the common areas.

Stacey inquired as to when the Association insurance policy is actually required. Attorney Rauch replied that the documents may not require insurance at any particular time, although they may. Stacey also inquired about the current DDA insurance cost was through the Township. Director Jackson stated that the insurance cost is \$3,800 for the DDA policy through the Township.

Stacey asked if a motion was necessary. Attorney Rauch explained that these are not decisions of the DDA, and therefore a single resolution approving the association and supporting the activities would be sufficient. The consent for legal action would be provided by the association board members approval, but there is no harm in reflecting the DDA's support.

**MOTION** by Stacey, supported by Mirkin, to approve the Homeowner's Association budget, invoices and insurance proposal as submitted, and the appointment of Molly Phillips as the Association Treasurer. **MOTION CARRIED UNANIMOUSLY**

Director Jackson welcomed Molly Phillips as the new Treasurer of the Township and of the Condominium Association and thanked her for serving. She invited her to also join the DDA Board as Treasurer. Molly was appointed and sworn in approximately two weeks ago.

**MOTION** by Mirkin, supported by Stacey, to approve Molly Phillips as Treasurer of the DDA.  
**MOTION CARRIED UNANIMOUSLY**

**Item 5: Engineer's Report**

Giffels has been assisting the DDA on discussions with the insurance company to get estimated values on all the improvements that were to be insured, and double checking what the original construction costs were on many items.

The Engineers have also been assisting Jim Galbraith on the RCOC discussions and DEQ permits, floodplain permits and answering title questions from some of the purchaser's attorneys.

Stacey inquired about the Haggerty Road Construction. Director Jackson stated that work is expected to begin in March or April and will result in a full closure of Haggerty Road, between Pontiac Trail north to Richardson Road, during the construction season.

**Item 6: Committee Reports**

- A. Finance Committee – Mark Stacey stated that he and Director Jackson had worked together on gathering data to calculate the values of the remaining properties. They had spoken with Randy Thomas about the purchase prices for the final pieces and they will continue working on these figures. In addition, the Committee would like to arrange a meeting, hopefully this month, with Molly to talk about the DDA.
- B. Public Relations Committee – Jose Mirkin reported that everything is progressing including the Rotary Carnival, scheduled for 5/18 to 5/21/15, and the Walled Lake Art Exhibit is on track for May also. The Committee will be meeting with all of the Walled Lake Schools art teachers on March 18th at 3:00pm at the Township Hall.
- C. Marketing Committee – David Smith stated that he had nothing to update at this time.

Supervisor Zoner stated that the Township Board had decided upon the north side of Dodge Park as the location for the new Library.

**Item 7: Insite Commercial Report**

Randy Thomas provided an overview of the properties to the DDA board members.

**Item 8: Irrigation Update**

Director Jackson noted that this would be deferred until the March meeting.

**Item 9: Appointment of Molly Phillips as Treasurer of DDA**

(This item was covered under Item 4. Attorney's Report with the appropriate motion.)

**Item 10: Approval of Warrants, Add-ons, Revenue & Expenditure Report and Wire Transfers**

Mirkin inquired about an invoice billed to the DDA from Attorney Phil Adkison. Director Jackson explained that the invoice was for time spent on the Third Amendment to the PUD agreement.

Discussions continued regarding the association budget, the insurance quote, maintenance costs and bids for landscaping and lawn cutting services.

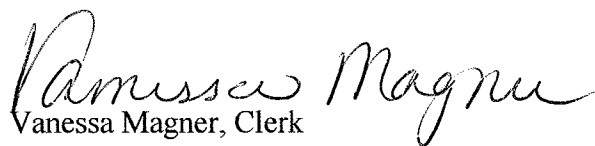
**MOTION** by Mirkin, seconded by Stacey, to approve the Warrants, Add-ons and Revenue & Expenditure Report and Wire Transfers. **MOTION CARRIED UNANIMOUSLY**

**Item 11: Other Matters**

- Mirkin inquired with Director Jackson about the new Verizon store at Haggerty and Maple Road.
- Mirkin stated that, following Tom Zoner's suggestion, he will be extending an invitation to Connie Jo Ozinga, Library Director, to attend the March Public Relations Committee meeting, along with the representative from the DIA, to further discuss advantages of the partnership between the Township/DDA and the DIA.
- The next regularly scheduled meeting of the DDA is March 17, 2015, which Director Jackson noted does fall on St. Patrick's Day ♣.

**MOTION** by Smith, seconded by Phillips, to adjourn at 12:49p.m.

**MOTION CARRIED UNANIMOUSLY**

  
Vanessa Magner, Clerk  
DDA Secretary