

**CHARTER TOWNSHIP OF COMMERCE
DOWNTOWN DEVELOPMENT AUTHORITY**

**Tuesday, December 17, 2013
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 12:00 p.m.

Downtown Development Authority:

Present: Kathleen Jackson, DDA Director
Jim Gotts, Chairperson
Dan Lublin, Vice Chairperson
Brian Winkler, Member
Mark Stacey, Member
Jose Mirkin, Member
Thomas Zoner, Supervisor

Absent: David Smith, Member
Tim Hoy, Member

Also Present: Thomas Rauch, DDA Attorney
Vanessa Magner, DDA Secretary
Susan Gross, DDA Treasurer
Matt Schwanitz, Giffels-Webster Engineer
Randy Thomas – Insite Commercial

Item 1: Approval of Minutes

MOTION by Zoner, second by Winkler, to approve the Regular Meeting Minutes of November 19, 2013. **MOTION CARRIED UNANIMOUSLY**

Item 2: Public Comments - NONE

Item 3: Director's Report

Update of Activities:

There will be a recommendation from Tom Zoner for the appointment of a DDA board member at the January 14, 2014 Township Board meeting.

The Planning Commission continues to review the master plan, with respect to multiple family designations within the Township. The Commission approved a request to “unbank” 14 parking spaces on the southerly end of this parcel and tabled the special land use request for a drive thru until such time as the petitioner has a proposed tenant. The request was for a drive thru; however, no tenant was identified. The Commission also recommended approval of an amendment to the Zoning Ordinance to amend the following Articles: Article 2 Definitions, Article 23 Industrial District, Article 26 Use Standards, Article 28 parking, loading and Access Management, Article 30 Signs and Article 33 General Provisions. The purpose of the amendment is to define and clarify the terms “motor vehicle” and “store” and to insure the consistent use of these terms throughout. These amendments will help “clean up” outdoor storage of vehicles boats, etc.... This will directly benefit the D.D.A. area, as outdoor storage has become an issue in the past year(s).

There was one MTT judgment, which totaled \$521.42 since the last DDA meeting.

The Township Board approved the Haggerty and Welch Road abandonments and the construction of the sewer line from to connect from the Haggerty Pump Station to the Martin Parkway pump station. This work shall commence at such time as the “corner parcel” is developed. The Engineer will speak more to this issue at the D.D.A. meeting. Construction costs to be borne by the Sanitary Sewer Fund.

Three new businesses opened in the D.D.A. area this past month: Tim Hortons (Haggerty Road, south of Pontiac Trail), Massage Green (Haggerty Road in front of Meijers) and Zealand Spa (Welch and Maple roads).

Item 4: Attorney’s Report

DDA Attorney, Thomas Rauch, provided the DDA board members with 4 different documents regarding the Hunter Pasteur Homes development that included; a Second Amendment to Real Estate Agreement which had been executed since the last DDA Board meeting, together with an Agreement for Exchange of Land, Easement Agreement for Emergency Access and Temporary Construction Easement Agreement.

Rauch explained the Second Amendment to Real Estate Agreement extended Hunter Pastor Homes LLC site plan approval to January 29, 2014 and was executed on December 13, 2013.

Rauch explained in detail the 3 other documents: 1) The Exchange of Land is the DDA acquiring a portion of land from the Township to provide the Developer with direct access from their project to Martin Parkway and for the Township to acquire a small parcel from the DDA to facilitate the Developer’s emergency access to their project; 2) The Easement Agreement for Emergency Access, by which the Township will grant the Developer an easement for emergency vehicles to have access to the Developer’s project over a portion of the parking lot serving the Township Hall; and 3) a Temporary Construction Easement Agreement for the Township to grant the Developer a temporary construction easement small parcel acquired from the DDA under the Exchange Agreement, to permit the Developer to construct the improvements for the emergency access to the Development Parcel.

Jackson explained the landscaping for the road connecting the development to Martin Parkway will need landscape approval from the Planning Commission.

MOTION by Zoner, second by Stacey, to approve, in substantially the form of the documents presented to DDA Board, the Agreement for Exchange of Land, Easement Agreement for Emergency Access, and Temporary Construction Easement Agreement with Hunter Pastor Homes LLC for their development of a portion of Unit 1 of the Site Condominium, subject to approval of such documents from the Township Board of Trustees.

MOTION CARRIED UNANIMOUSLY

Item 5: Engineer’s Report

Matt Schwanitz was present and informed the board the Township Board approved the abandonment of the pump station on Haggerty Road. This project will be paid from the Sewer Fund.

Item 6: Committee Reports

A. Finance Committee – Stacey stated the Township Board approved the 2014 Amended Budget that included the traffic study. The Township Board also approved the 2013 Budget Amendments.

B. Public Relations Committee – Mirkin explained he had a meeting with the Walled Lake Consolidated School art teachers and they will be holding their 2nd Annual Art Exhibit in March. The Rotary Club met with the Fire Chief, Fire Marshall, Sheriff's Department, Jay James, and Kathleen Jackson. The dates are scheduled for May 16-19, 2014.

C. Marketing Committee – No update.

Item 7: Insite Commercial Report

Randy Thomas explained the Shapiro Development has requested an extension on the due diligence to June 30, 2014. Thomas Rauch passed out the Second Amendment to Purchase Agreement for the DDA board members to review. Jim Galbrath was present and explained to the board the reasons he is asking for the extension that included; the permits with the Road Commission for the road connector from Welch to Martin Parkway; working with the DEQ to resolve drainage issues; Survey and Title Inspection process is still be worked on. The site plan process will begin after these issues are resolved.

MOTION by Lublin, second by Mirkin, to approve the Second Amendment to Purchase Agreement with M. Shapiro Development Company LLC.

MOTION CARRIED UNANIMOUSLY

Parcel D&E - Thomas informed the members that Edward Rose will be withdrawing their offer. There have been 4 other parties interested in this property. Thomas has received 1 offer and this will be going to the marketing committee.

Parcel B – Thomas met with a retail developer and is expecting a Letter of Intent.

Haggerty and Pontiac Trail – Thomas is in the process of talking with developers.

Parcel I – Previous interested party has not been returning calls.

Oakley Park and Haggerty – Thomas explained the developer is no longer interested in a parking lot for this property.

Item 8: Dedication to Road Commission for Haggerty Road Improvements

Jackson explained the dedication to the Road Commission is for the Haggerty Road improvement project in 2014. The property is 61' x 10'.

Stacey asked if we could sell this property.

Schwanitz explained this was approved in the PUD Agreement.

MOTION by Stacey, second by Lublin, to approve the Haggerty Road dedication to the Oakland County Road Commission.

MOTION CARRIED UNANIMOUSLY

Item 9: Budget Amendments for 2013

MOTION by Lublin, second by Mirkin, to approve the 2013 Budget Amendments.

MOTION CARRIED UNANIMOUSLY

Item 10: Amended 2014 Budget

Stacey explained the only change in the 2014 Budget is the \$20,000 for the traffic study.

MOTION by Zoner, second by Lublin, to approve the Amended 2014 Budget.

MOTION CARRIED UNANIMOUSLY

Item 11: Approval of warrants and Finance Report

MOTION by Lublin, second by Mirkin, to approve the Warrants with add ons the Finance Report.

MOTION CARRIED UNANIMOUSLY

Item 12: Other Matters

Stacey asked the status of the tree stakes.

Jackson said she is talking with the maintenance department regarding that issue. She also mentioned the sprinkler system has been winterized.

MOTION by Lublin, second by Mirkin to adjourn at 12:47 p.m.

MOTION CARRIED UNANIMOUSLY

A handwritten signature in cursive script that reads "Vanessa Wagner".

Vanessa Wagner, Clerk
DDA Secretary