

**CHARTER TOWNSHIP OF COMMERCE  
DOWNTOWN DEVELOPMENT AUTHORITY**

**Tuesday, June 25, 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  
Mark Stacey, Member  
Brian Winkler, Member  
Jose Mirkin, Member  
Pat Dohany, Member  
David Smith, Member  
Thomas Zoner, Supervisor

**Absent:** Christin Skikun, Member

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

**Item 1: Approval of Minutes**

**MOTION** by Dohany, second by Stacey, to approve the Regular Meeting Minutes of May 21, 2013 with corrections. **MOTION CARRIED UNANIMOUSLY**

**Item 2: Public Comments**

Susan Averbuch, 9005 Campbell Creek, thanked Director Jackson for all her assistance with securing Welch Road. Very happy to see the Township has a Facebook page. Would like to know when there will be more placement of trees.

Randy Wortheimer with Hunter Pastuer Homes, introduced himself and informed the DDA he has submitted an offer on a piece of property in Commerce Towne Place. Currently, he is in the process of developing Augusta Woods in Commerce Township and will be proposing another project to the Planning Commission at their next meeting.

A representative of Toll Brothers, introduced himself and informed the DDA he has submitted a letter of intent on the same piece of property as Hunter Pastuer Homes.

**Item 3: Director's Report**

**Update of Activities:** The new business, On the Dunes, located within the DDA Area, on the west side of Haggerty Road, opened on Tuesday, June 18, 2013.

The Walled Lake Schools Art Show was a success. Over 300 people attended the reception on Wednesday, May 21, 2013. The DDA received thanks from the schools and they also suggested that it be held at the Township Hall again next year.

The Planning Commission approved a Tim Horton's restaurant on Haggerty Road, just south of Pontiac Trail, at their June 3, 2013 meeting. Construction should begin within the month.

The petitioner for the Marriot Hotel, located on Loop road, north of Fourteen Mile Road has submitted plans for the July Planning Commission meeting.

There were no MTT judgments for April.

The Automation Alley membership was renewed with Jim Gotts and David Smith being added to the contact list for events and press releases.

#### **Item 4: Attorney's Report**

DDA Attorney, Thomas Rauch, gave a verbal update that included administrative matters and finalizing the agreement with Shapiro Development.

#### **Item 5: Engineer's Report**

Matt Schwanitz provided an update that he is working on some administrative matters. No other new updates.

Gross asked if the road project has been closed out financially.

Director Jackson stated they are still waiting for one more bill before it can be closed out.

#### **Item 6: Committee Reports**

A. Finance Committee – Stacey stated the Finance Committee has been working with Joe Heffernan from Plante Moran regarding future projections. Those reports are not available at this time.

B. Public Relations Committee – Mirkin stated the attendance for the Rotary Carnival was a success. The attendance was 13,000 people. They are beginning to plan for the carnival for next year. The student Art Exhibit was a huge success. WLSD was very happy working with Commerce Township. They would be interested in planning an international choir on the property near the Township Hall in the future. Grace Church Run for Hunger is still scheduled for November 2, 2013 and the Optimist Run will be in September.

C. Marketing Committee – Smith gave an update that included a developer within the food entity is interested in the property near WalMart, another development is looking at the property next to the Library. There are talks of a round-a-bout going in at Walnut Lake Road. Two developers are asking for Randy to negotiate their offers.

Mirkin stated if we can wait two more years we will be able to get twice the amount for the property.

Smith believes the prices are on the same level as the 2004 prices.

Smith stated the Marketing Committee will be changing some of the ways they communicate with the Downtown Development Authority including keeping them more informed.

Mirkin asked if the DDA should keep the Township Board involved in our decision so we all feel like a team working together.

Smith asked if the Township Board has seen this purchase agreement.

Jackson said they are aware of the offer and the product but have not seen the actual purchase agreement.

Rausch stated it is always a good idea to share this information.

Randy Thomas with Insite Commercial gave an update that included he was at the conference in Las Vegas last month with an attendance of 43,000 people. Thomas met with 13 developers from other states but have current projects within Michigan. Thomas will be attending another conference at the end of July that will be held at the Novi Rock Financial Center.

Thomas is working with two developers who have submitted offers and are interested in the same property.

We are at the 2004-2005 pricing. Multiple parties are interested in Parcel G, the 14.9 acres.

A retail developer is very interested in an upscale development like the Village of Rochester Hills. The developer has invited the Township Board and DDA to view his development and he will explain what his ideas are for the proposed development in Commerce.

A national development is looking at the 43 acres as mixed use. The uses will possibly include a retail portion, senior component and multiple family units that will be higher end. Expecting a purchase agreement within the next week.

#### **Item 7: Resolution regarding Purchase Agreement**

Rauch explained the wording in the resolution regarding the purchase agreement was changed from negotiated to discussed.

Thomas explained the purchase agreement does not include the school property closing. There is a 90 day extended diligence due to the Oakland County Road Commission.

Rauch will be looking at the details regarding the Home Owners Association.

**MOTION** by Stacey, second by Mirkin, to approve the Purchase Agreement with Shapiro Development as presented and execute the revised resolution.

**MOTION CARRIED UNANIMOUSLY**

#### **Item 8: Approval of Warrants and Finance Report**

**MOTION** by Lublin, second by Stacey, to approve the Warrants, add on's and Finance Report.

**MOTION CARRIED UNANIMOUSLY**

#### **Item 10: Other Matters**

Mirkin – stated he will not be able to attend the July meeting. He asked if there are any updates regarding the construction for Haggerty Road between Pontiac Trail and Richardson.

Zoner – construction is still scheduled for 2014.

Stacey – stated he will not be attending the July meeting either.

Gross – asked if the township maintenance department will be mowing the lawn for DDA.

Jackson – stated they will be mowing the lawn because it is more cost effective to pay them \$50.00 per hour compared to hiring another company. The maintenance department is keeping track of their hours and the DDA will reimburse the township.

**MOTION** by Stacey, second by Lublin to adjourn at 1:32 p.m.

**MOTION CARRIED UNANIMOUSLY**

  
Vanessa Wagner, Clerk  
DDA Secretary

**COMMERCE TOWNSHIP DOWNTOWN DEVELOPMENT AUTHORITY**  
**2009 Township Drive**  
**Commerce Township, Michigan 48390**

**RESOLUTION**

At a regular meeting of the Board of Directors of the Commerce Township Downtown Development Authority, County of Oakland, Michigan, held on June 25, 2013, in the Commerce Township Hall at 12:00 Noon.

**PRESENT:** Brian Winkler, Daniel Lublin, David Smith, James Gotts, Jose Mirkin, Mark Stacey, Patrick Dohany, Thomas Zoner

**ABSENT:** Christin Skikun

The following preamble and resolutions were offered by Stacey; and supported by Mirkin:

**WHEREAS**, The Commerce Township Downtown Development Authority (“DDA”) has, under the Fifth Amended Development Plan and Fifth Amended Tax Increment Financing Plan for Development Area No 1 dated August 2, 2006, constructed Martin Parkway from Oakley Park Road to Pontiac Trail on the DDA’s land in the Township, totaling approximately 350 acres and located in Sections 24 and 25 (the “Property”), including roundabouts and other roadway infrastructure, open space and storm water management and related improvements, to prepare the major portion of the Property for development and sale (collectively the “Project”).

**WHEREAS**, to provide for the orderly development of the Project and such portions of the Property, the DDA entered into a Planned Unit Development Agreement with the Township dated February 12, 2013, which Planned Unit Development Agreement was recorded on April 18, 2013, at Liber 45682, Page 631 (the “PUD Agreement”); and

**WHEREAS**, in connection with the Project and as contemplated by the PUD Agreement, the DDA platted the majority of the Property as a five (5) unit site condominium, the COMMERCE TOWNE PLACE CONDOMINIUM, the Master Deed of which was dated April 16, 2013 and recorded on May 2, 2013 at Liber 45740, Page 630, Oakland County Records and being Oakland County Condominium Subdivision Plan No. 2043 (the “Master Deed”, the “Condominium” and individually each unit thereof a “Unit” and collectively the “Units”); and

**WHEREAS**, the Condominium Units are intended to be sold, in whole or in part, to developers which will develop and construct on their Unit (or portion of a Unit) a development project in accordance with the Master Deed, PUD Agreement, Township zoning and all other ordinances and other applicable laws, rules and regulations of public bodies having jurisdiction on such developer’s project; and

**WHEREAS**, the Marketing sub-committee of the DDA Board of Directors, together with the DDA Director, Chairperson and Project consultant, Randy Thomas of Insite Commercial, has

been discussing with Shapiro Development Company, LLC, [represented by James Galbraith] (the “Developer”) the terms and conditions of the sale and development of Unit 5 of the Condominium; and

**WHEREAS**, as a result of such discussions, the Marketing Committee has recommended to the DDA Board that the DDA enter into an Agreement to sell Unit 5 to the Developer, in accordance with a form of Purchase Agreement presented to the DDA Board (the “Agreement”); and

**NOW, THEREFORE, BE IT RESOLVED** that the DDA Board authorizes the Chairperson and Secretary of the DDA, or in their absence any one of the Chairperson, Vice Chairperson, Secretary, Treasurer or DDA Director, to execute the Agreement and any and all other documents that are required to implement the conveyance of Unit 5 to the Developer, as envisioned by the Agreement and these Resolutions; and to take such other actions and execute such other documents as may be required or are otherwise deemed necessary or desirable in the discretion of any of the foregoing authorized persons, to cause the sale and conveyance of Unit 5 to the Developer and all related matters and/or to comply with the PUD Agreement and any applicable state, county or municipal requirements in connection therewith, and/or to effectuate the intents and purposes hereof; and

**BE IT FURTHER RESOLVED**, that the DDA Board hereby ratifies the negotiation, terms and execution of the Agreement for conveyance of Unit 5 and all related documents and the actions of the Marketing Committee of the DDA Board, DDA Director and DDA attorneys to implement the intents and purposes hereof.

**MOTION by STACEY**

**SECOND by MIRKIN**

**ACTION ON THE MOTION – APPROVED BY UNANIMOUS VOICE VOTE**

June 25, 2013

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