

**CHARTER TOWNSHIP OF COMMERCE
DOWNTOWN DEVELOPMENT AUTHORITY
Tuesday, March 20, 2012
Commerce Township Hall
2009 Township Drive
Commerce Township, MI 48390
12:00 p.m.**

CALL TO ORDER:

The Meeting was called to order by Vice Chairperson Lublin at 12:03 p.m.

Downtown Development Authority:

Present: Kathleen Jackson, DDA Director
Dan Lublin, Vice Chairperson
Mark Stacey, Member
Christin Skikun, Member
Jose Mirkin, Member
Brian Winkler, Member
David Smith, Member
Thomas Zoner, Supervisor

Absent: Jim Gotts, Chairperson
Patrick Dohany, Member

Also Present: Thomas Rauch, DDA Attorney
Matt Schwanitz, Giffels-Webster
Randy Thomas – InSite Commercial
Daniel Munro, DDA Secretary
Susan Gross, DDA Treasurer

Item 1: Approval of Minutes

MOTION by Lublin, second by Stacey, to approve the Regular Meeting Minutes of February 21, 2012 as presented.

MOTION CARRIED UNANIMOUSLY

Item 2: Public Comments – None

Item 3: 2012 Michigan Concrete Association Award Presentation

Carry Sutton from the Michigan Concrete Association presented an award for large intersection innovation to Commerce Township, contractor Tony Angelo, Giffels Webster Engineers, and the Road Commission for Oakland County.

Item 4: Director's Report

Update of Activities – Jackson summarized an update of DDA activities including;

The Director spoke at the Lakes Area Chamber of Commerce Annual Luncheon on March 13th to update the Chamber on D.D.A. activities, planning activities and census results.

Beaumont Hospital should be before the Planning Commission in May or June of this year for a scaled down version of what was initially approved.

The warranty work is continuing on the lighting at Oakley Park and Library Drive. Shawn Stevenson of the Lighting Group is coordinating. She is also fixing the lights under the bridge.

Peter Collins from ASTI (our environmental engineers), who was so instrumental in getting the breach of the Pontiac Trail road, is retiring from ASTI. Congratulations to Peter!

Stacey requested an update on the status of the DDA rental homes. Jackson reported on the eviction process on the Welch rd property.

InSite Commercial has met with several developers for residential and retail uses. Additionally, several meetings have been held regarding 'condominimizing' the property.

Motion by Skikun **Second** by Mirkin to approve the agreement with Myers, Nelson, Dillon & Shierk PLLC to provide legal services in connection with the establishment of the site condominium development for the Martin Parkway property in an amount not to exceed \$ 8,000.

Discussion: Stacey and Smith suggested this expenditure is not necessary at this time. Smith commented that Common Area agreements and financial requirements are what is absolutely necessary (and what a developer would need). Meets and bounds descriptions of the land area would suffice. Lublin agreed with this suggestion.

Schwanitz reminded the DDA Board that an ALTA survey has already been prepared. Schwanitz also discussed the difficulties in the current parcel fragmentation that currently exists and how 'condominiumizing' this land area may reduce the need to describe and re-monument parcel 'remainders' as the land is sold and developed.

Rauch disagreed with Stacey, Smith, and Lublin reminding the DDA of the time and effort that has already been expended to create conceptual covenants and restrictions (CC&Rs).

Roll Call Vote

Ayes: Skikun, Mirkin, Stacey, Lublin, Zoner, Winkler
Nays: Smith
Absent: Gotts, Dohany

MOTION CARRIED

Motion by Stacey, **Second** by Mirkin to authorize the agreement for professional services from Giffels Webster for the Martin Parkway Condominium Subdivision Plan in an amount not to exceed \$25,000.

Roll Call Vote

Ayes: Skikun, Mirkin, Stacey, Lublin, Zoner, Winkler
Nays: Smith
Absent: Gotts, Dohany

MOTION CARRIED

Item 5: Attorney's Report

Thomas Rauch discussed the revised Conveyance Agreements for the Township Hall and the Township Board's desire to have the DDA approve the original resolution without the added conditions.

Motion by Stacey, **Second** by Mirkin to approve the original Conveyance Agreement for the Township Hall without conditions.

MOTION CARRIED UNANIMOUSLY

Rauch has also been participating in the developer discussions with Insite Commercial although not directly in the negotiations.

Item 6: Engineer's Report

Schwanitz indicated the appropriate items have already been discussed

Item 7: Committee Reports

- A. Finance Committee – Stacey reported the committee met last Friday and worked on the agreements presented and approved at today's DDA meeting. Stacey also reported on the committees work on financial analysis of land sales and future tax revenues.
- B. Public Relations Committee – Mirkin; nothing to report.
- C. Marketing Committee – Marketing Committee activity has already been presented. Smith advised the committee will be working with Insite on all offers.

Item 8: Approval of Warrants and Finance Report

MOTION by Zoner, second by Stacey to approve the Warrants and Finance Report with the exception of utility payments for the Library in the amount of \$1,347.33 and PGA Drive lighting of \$128.41

MOTION CARRIED UNANIMOUSLY

Item 9: Other Matters

As there were no other matters.

MOTION by Stacey, second by Mirkin to adjourn at 1:36 p.m.

MOTION CARRIED UNANIMOUSLY



Daniel Munro, Commerce Township 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 March 20, 2012, in the Commerce Township Hall at 12:00 Noon.

PRESENT: Lublin, Mirkin, Skikun, Stacey, Zoner, Smith, Winkler

ABSENT: Gotts, Dohany

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, approved, among other projects, the construction of Martin Parkway from Oakley Park Road to Pontiac Trail, the construction of roundabouts and other roadway infrastructure and related improvements, and the renovation of the former Links of Pinewood Golf Course clubhouse for use by Commerce Township as the Township municipal office building, all pertaining to the development of the DDA’s land totaling approximately 350 acres and located in Section 24 of the Township (the “Project”).

WHEREAS, in connection with the Project, the DDA purchased the Links of Pinewood Golf Course which included the golf course clubhouse, a portion of which was then utilized by the DDA as a golf course and subsequently the clubhouse was converted by the Charter Township of Commerce (the “Township”) into the Township municipal office building (such portion of the Project the “Property”); and

WHEREAS, the DDA and Commerce Township decided to transfer Title to the Property to the Township when the Martin Parkway and its related roundabouts were dedicated to the Road Commission for Oakland County (“RCOC”); and

WHEREAS, Martin Parkway, including the roundabouts, was dedicated to the RCOC in November of 2011 and the land division and conveyance documents for the transfer of the Property, including a Warranty Deed to the Property (“Deed”), have now been prepared; and

NOW, THEREFORE, BE IT RESOLVED that the DDA Board hereby approves the form of the documents presented to the DDA Board and authorizes the Chairperson or Vice Chairperson of the DDA, with the Secretary, to execute the Deed and further authorizes the Chairperson, Vice Chairperson, Secretary, Treasurer or DDA Director, or any one or more of them, to execute any additional documents that are required to implement the conveyance of the Property to the Township, as envisioned by the land division, Deed and other conveyance documents 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 conveyance of the Property and all related matters and/or to comply with any applicable law or ordinance, including but not limited to implementing an appropriate land division for the Property from other land comprising the Project and as may be necessary to amend any restrictions or documents pertaining to the Pinewood Industrial Subdivision and to comply with all other 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 conditions of the Deed and other documents for conveyance of the Property and the actions of the DDA Director and DDA attorneys to implement the intents and purposes hereof.

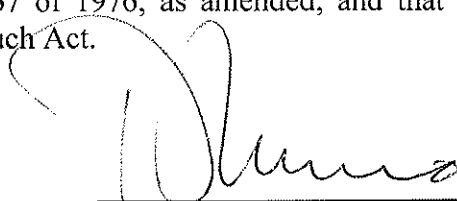
MOTION by Stacey SECOND by Mirkin

Ayes: Lublin, Stacey, Skikun, Mirkin, Winkler, Zoner, Smith

Nays: None

RESOLUTION ADOPTED.

The undersigned is the duly qualified Secretary of the Commerce Township Downtown Development Authority and certifies that the foregoing is a true and complete copy of a resolution adopted by the Authority at a special meeting held on March 20, 2012, the original of which is on file in my office, and that such meeting was conducted and public notice was given pursuant to and in compliance with PA 267 of 1976, as amended, and that minutes of such meeting were kept and held as required by such Act.



Secretary

March 20, 2012