

**CHARTER TOWNSHIP OF COMMERCE  
DOWNTOWN DEVELOPMENT AUTHORITY**

**Tuesday, May 17, 2011  
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 12:05 p.m.

**Downtown Development Authority:**

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

**Absent:** None

**Also Present:** Thomas Rauch, DDA Attorney  
Matt Schwanitz, Giffels-Webster  
Susan Gross, DDA Treasurer  
Daniel Munro, DDA Secretary  
Vanessa Magner, Deputy Township Clerk

DDA Board recognized Brian Winkler as the newest Member of the DDA Board

**Item 1: Approval of Minutes**

**MOTION** by Dohany, second by Lublin, to approve the Regular Meeting Minutes of April 19, 2011 meeting as presented.

**MOTION CARRIED UNANIMOUSLY**

**Item 2: Public Comments**

Commerce business person Larry Snyder, from Pro Tech Communications 1681 Traditional Dr. (non-resident) asked about participation in DDA sub-committees. Zoner informed Mr. Snyder of opportunities to participate

**Item 3: Treasurer's Report for April, 2011**

No report available. No action taken

**Item 4: Director's Report**

**Update of Activities** – Jackson summarized an update of DDA activities including; The RCOC received bids on April 26th for the roundabout and the low bid was accepted from Tony

Angelo Company. Utility relocation continues at this point and all utility work should be done by June 1<sup>st</sup>.

The groundbreaking ceremony is scheduled for May 20<sup>th</sup> at 11:30 a.m. with the RCOC, DDA and Township.

Tom Zoner and I met with Dennis Kolar of the RCOC to discuss the road project and cost issues. The DDA construction budget was discussed. DDA members requested clarification on fund allocations.

Trees are being planted along Martin Road north of PGA Drive, in the Pinewood Industrial Subdivision. These trees were part of the right of way acquisition and agreed upon last year.

**Item 5: Election of Officers**

**MOTION** by Zoner, second by Dohany, to appoint Jim Gotts as DDA Chairperson and Dan Lublin as Vice Chair.

**MOTION CARRIED UNANIMOUSLY**

**MOTION** by Dohany, second by Zoner, to appoint Susan Gross as DDA Treasurer and Daniel Munro as Secretary.

**MOTION CARRIED UNANIMOUSLY**

**Item 6: Approval of Meeting Schedule for 2011 and bylaws**

**MOTION** by Dohany, second by Zoner, to approve the Meeting Schedule for 2011 and bylaws as corrected.

**MOTION CARRIED UNANIMOUSLY**

**Item 7: Attorney's Report** – Rauch discussed the Bank of Michigan letter of credit and his desire to extend the term to three years. B of A was reluctant to extend the letter.

**MOTION** by Dohany, second by Skikun, to approve the Bank of Michigan Letter of Credit Resolution.

**MOTION CARRIED UNANIMOUSLY**

Rauch discussed the timing of the Library property transfer through a conveyance agreement at the time of roadway dedication.

Rauch discussed responsibilities of "Public Officials" in the matter of the Open Meetings Act and Closed Session.

**Item 8: Engineer's Report** – Schwanitz gave an update including; Pontiac Trail road closure strategy, time table, and traffic routing. Jackson discussed the communication plan with RCOC for resident notification.

**MOTION** by Dohany, second by Zoner, to authorize Jackson and Zoner to negotiate with the paving contractor a license to operate a batch plant and storage area during parkway construction.

**MOTION CARRIED UNANIMOUSLY**

**Item 9: Committee Reports**

- A. Finance Committee - No update; will meet prior to June meeting
- B. Public Relations Committee – Mirkin presented minutes of the last Public Relations Committee meeting. Brainstorming session included ideas and events to bring attention to the Parkway area.
- C. Marketing Committee – No update; meeting scheduled for next week.

**Item 10: Approval of Warrants and Financial Report**

MOTION by Dohany, second by Zoner to approve the Warrants and Financial Report as presented.

**MOTION CARRIED UNANIMOUSLY**

**Item 11: Other Matters**

MOTION by Lublin, second by Mirkin to adjourn.

**MOTION CARRIED UNANIMOUSLY**

Meeting adjourned at 1:36 p.m.

A handwritten signature in black ink, appearing to read 'Daniel Munro', with a large, stylized initial 'D'.

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 May 17, 2011, in the Commerce Township Hall at 12:00 Noon.

**PRESENT:** Gotts, Lublin, Mirkin, Stacey, Winkler, Skikun, Smith, Dohany, Zoner

**ABSENT:** None

The following preamble and resolutions were offered by Dohany and supported by Skikun:

**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; construction of connecting roads from Martin Parkway to Haggerty Road and Welch Road; the restoration and installation of bridges over Glengary Creek, storm water treatment, sanitary sewer and other utility infrastructure and related matters pertaining to the development of the DDA’s land totaling approximately 330 acres and primarily located in Section 24 of the Township (the “Project”).

**WHEREAS**, in order to implement the Project, the DDA applied for and has obtained two (2) permits from the Michigan Department of Environmental Quality (“MDEQ”) (“Permit Nos. 07630063-T and 07630064-T); and

**WHEREAS**, the terms of the MDEQ Permits require the applicant (the DDA) to provide certain financial security to the MDEQ, in the form of a Bond or Letter of Credit; and

**WHEREAS**, in May of 2008 the DDA initially obtained a Letter of Credit which was replaced with a Letter of Credit issued by the Bank of Michigan (“Bank”) in May 2009 and again in May 2010, in a reduced amount as permitted by MDEQ; and

**WHEREAS**, the annual Letter of Credit was renewed effective May 8, 2011 and the DDA Board wishes to authorize and ratify the replacement Letter of Credit securing the MDEQ Permits.

**NOW, THEREFORE, BE IT RESOLVED** that the DDA Board confirms, ratifies and authorizes the Chairperson, Vice Chairperson, Secretary, Treasurer or DDA Director, or any one

of them, to execute any and all Bank or other documents that are required to acquire and issue the replacement Letter of Credit; and

**BE IT FURTHER RESOLVED**, that the DDA Board hereby approves and ratifies the actions of the DDA Treasurer, Director and counsel in negotiating the replacement Letter of Credit and the execution of all such documents as may be required by the Bank to obtain and provide the replacement Letter of Credit to MDEQ and/or otherwise as may be necessary or desirable to implement the Project and the intents and purposes hereof including, but not limited to, the copies of the Letter of Credit documents presented to the DDA this date.

**MOTIONED by Dohany seconded by Skikun**

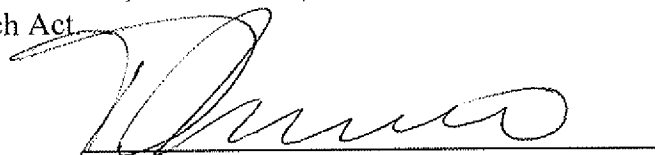
**MOTION ACTION:**

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

**Nays:** None

**MOTION CARRIED**

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 regular meeting held on May 17, 2011, 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**

May 18<sup>th</sup>, 2011

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