

**CHARTER TOWNSHIP OF COMMERCE  
DOWNTOWN DEVELOPMENT AUTHORITY**

**Tuesday, October 19, 2004**

**Commerce Township Hall**

**2840 Fisher**

**Commerce Township, MI 48390**

**12:00 p.m.**

**CALL TO ORDER:** Chairperson Shimmin called the meeting to order at 12:30 p.m.

**Downtown Development Authority**

**Present:** Wynn Berry, Director  
Robert Shimmin, Chairperson  
Daniel Lublin, Member  
James Gotts, Vice-Chairperson  
Thomas Zoner, Member  
Norman Levine, Member  
Marina Bilopolska, Member  
Randall Thomas, Member  
Sandra Motz, Member  
Paul Kirkwood, Member  
Douglas Lanni, Member

**Quorum of DDA Members determined**

**Absent:** Frank Marotta, Member

**Also Present:** Tom Rauch, DDA Attorney  
Sandra Abrams, DDA Secretary  
Phillip Adkison, Township Attorney  
Christina Michaels, Township Attorney  
Deb Kirkwood, DDA Administrative Assistant  
Kathleen Bartoluzzi, Township Planner  
Susan Gross, DDA Treasurer

**Approval of the Minutes:** September 21, 2004, Regular Meeting

**Item 1: Public Comments**

Bruce Gershenson, Gershenson Realty & Investment expressed interest in 30 acres of property within the DDA Project Area for upscale assisted Living. Handout provided.

Jim Galbraith, Haggerty Development, expressed interest in residential property within the DDA project area.

Earl Whitlock would like to speak during the DDA meeting during the items listed on the agenda as well as the public comments section of the DDA agenda. In addition, requested information on wetland mitigation within the project area, how it will be monitored and stated he hoped the mitigation was in the Huron River Watershed. He also stated that all choices made by the DDA be in the best interest of the residents.

Susan Averbuch stated the DDA Environmental Assessment had been reviewed and had two concerns: 1) cost 2) intent of the Environmental Assessment, why was it needed? She further stated opposition to any road that has any similarity to an extension of M-5 that would potentially send 30,000 cars into the area.

Mark Stacy expressed support for the statements of Susan Averbuch stating promises were made that M-5 would go no further by the State and the local level. He further stated the DDA has an obligation to protect the residents and the project should be a joint community project. He stated that transparency of the project is necessary so all know what is happening relative to public meetings and public participation. In addition he requested the DDA implement an ethics and conflict of interest policy.

Dan Lublin stated that information needs to be discussed. He stated the DDA had at one time a minimal effect on the Township with the sewer and water system but now the DDA is a large property owner in the Township

Loren McQuen of West Bloomfield said the project will have an effect on West Bloomfield and that the 15 Mile improvements will affect all surrounding communities.

Julie LeBlanc stated she is an advocate for Public involvement and requested the DDA consider Public comments being allowed at the end of the meeting as well as the current Public comment section at the beginning of the agenda.

Mark Stacy stated he would like to see the meetings changed to the evening instead of the current 12:00 noon meeting schedule.

Dan Lublin also requested Public Comments add to the end of the meeting.

**Item 2: Consent Agenda**

MOTION by Gotts, second by Lanni to approve the Consent Agenda without out add on item relative to Plant Moran.

MOTION CARRIED UNANIMOUSLY

**Item 3: Director Update**

**A. Amended Proposal for Overall Development Plan Consultants JJR**

JJR has been contacted by DDA attorneys regarding contract. One change has been included in the contract after discussion with JJR.

Discussion relative to the costs for JJR for the contract. In addition, discussion of Board approval of all aspects of this contract, offers to purchase, land available, and all items relative to the DDA project area.

**B. Update on Stream Study by Asti**

Peter Collins from ASTI, and Project Manager for the Environmental Assessment Study stated they are still collecting samples. It is anticipated that the water quality study will be completed late next month and then analysis can be started.

**Item 4: Bond Issue**

Process will include:

DDA Resolution requesting issuance of Township Tax Increment Bonds; Township Board acceptance of DDA request; Underwriter hired by the township board; Bond Resolution Contract for DDA approval; and Bond Resolution Contract for Township Board approval. This will be a taxable bond issue and a similar rate to the last bond issue is expected. The Resolution will be requesting the Township Board to proceed with Bond Issue.

MOTION by Gotts, second by Kirkwood to approve the resolution of the Commerce Township Downtown Development Authority Regarding Issuance of Township Tax Increment Bonds

Discussion relative to the DDA's ability to repay the bonds. Plante Moran is preparing documentation that will detail the DDA's ability to repay the bonds. This documentation will be presented to the DDA prior to the Township Board, and presented to the Township Board at the November 9, 2004 regular meeting.

ROLL CALL VOTE

AYES: Lanni, Kirkwood, Motz, Thomas, Bilopolska, Levine, Zoner, Gotts, Lublin, Shimmin

NAYS: None

ABSENT: Marotta

MOTION CARRIED UNANIMOUSLY

**Item 5: Engineer's Update**

**A. Haggerty Road**

Report was presented by Giffels-Webster Engineers showing the impact of the design for Haggerty Road being extended south to Crumb Road.

MOTION by Lublin, second by Lanni to approve the Estimated Construction Costs as presented by Giffels Webster in their report of October 18, 2004.

MOTION CARRIED UNANIMOUSLY

MOTION by Gotts, second by Lublin to approve a budget amendment of \$ 345,000 for the estimated design costs. Total budget for this item to be \$1,225,500.

MOTION CARRIED UNANIMOUSLY

**B. Update on Environmental Assessment**

Environment Assessment Alternatives discussed. Goal is to ensure complete analysis. DDA is not required to do Environmental Assessments as there are not Federal Funds being expended, however, protection of the community and to address all community concerns the Environmental Assessment will be analyzed and presented to the Board and community.

Water quality study is in process. Water quality is not usually included in an environmental assessment but it has been concluded it is necessary for this project.. Traffic impacts, noise impacts, water quality impacts, as well as economic and social impacts are included in the environmental impact study.

### C. Progress Report on Signs

Waiting for contractors to submit proposals. It may be more cost effective to approve a contractor based on referral and qualifications than to use the bid process.

### **Item 6: Attorneys Update**

Covered under item 4, Bond Issue

### **Item 7:**

Executive Session

MOTION by Gotts, second by Motz to enter into Executive Session for the Purpose of discussing Property Acquisition.

### ROLL CALL VOTE

AYES: Lanni, Kirkwood, Motz, Thomas, Bilopolska, Levine, Zoner, Gotts, Lublin, Shimmin

NAYS: None

ABSENT: Marotta

MOTION CARRIED UNANIMOUSLY

Entered into Executive Session  
Returned to Regular Session at 2:40 p.m.

MOTION BY Gotts, second by Zoner to recommend to the Township Board the appointment of Oppenheimer as underwriter for the current bond Issue.

MOTION CARRIED UNANIMOUSLY

Discussion: Before the township board can authorize the borrowing the DDA needs to provide an estimate of anticipated Tax Increment revenues to the Township Board.

Director Berry is to provide each DDA member and each Township Board Member a copy of the Plante Moran financial report.

**Item 8: Other Matters**

MOTION by Lublin, second by Levine to approve a second "Public Comments" section be added to the end of the DDA agenda.

AMENDMENT to the MOTION by Lanni, second by Lublin to limit the second public comments section on the DDA agenda to two minutes.

Discussion

AMENDMENT to the MOTION by Zoner, second by Gotts to have "Public Comments" only at the end of the agenda.

WITHDRAWAL of Amendment to Motion by Zoner and Gotts  
WITHDRAWAL of Amendment to Motion by Lanni and Lublin  
WITHDRAWAL of MOTION by Lublin and Levine

MOTION by Lublin, second by Levine to allow "Public Comments" at both the beginning and end of the DDA meeting, the public comments at the end of the meeting to be a maximum of 10 minutes.

**ROLL CALL VOTE**

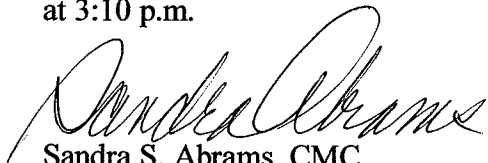
AYES: Lublin, Levine, Bilopolska, Thomas, Motz

NAYS: Shimmin, Gotts, Zoner, Kirkwood, Lanni

ABSENT: Marotta

TIE VOTE – MOTION FAILS

MOTION by Zoner, second by Motz, to adjourn, Motion Carried and Meeting adjourned at 3:10 p.m.



Sandra S. Abrams, CMC  
Clerk Charter Township of Commerce  
DDA Secretary