

**Final**  
**CHARTER TOWNSHIP OF COMMERCE**  
**DOWNTOWN DEVELOPMENT AUTHORITY**  
**Tuesday, September 15, 2020**  
**Commerce Township Hall**  
**2009 Township Drive**  
**Commerce Township, MI 48390**  
**12:00 PM**

Due to Governor Whitmer's Executive Orders, this meeting was held via Zoom, video conferencing technology.

**CALL TO ORDER:** The Meeting was called to order by Director Stacey at 12:00PM.

**Downtown Development Authority:**

**Present:** Mark Stacey, DDA Director  
James Gotts, Chairperson  
Dan Lublin, Vice Chairperson  
Susan Spelker, Member  
Brian Winkler, Member  
Steve Matta, Member  
Tim Hoy, Member  
David Scott, Township Supervisor  
Jose Mirkin, Member  
David Smith, Member

**Also Present:** Thomas Rauch, DDA Attorney  
Debbie Watson, DDA Assistant  
Melissa Creech, DDA Secretary  
Molly Phillips, DDA Treasurer  
Matt Schwanitz, Giffels-Webster Engineer  
Randy Thomas, Insite Commercial  
Dave Campbell, Township Planning Director  
Ken Milburn, Meeting Moderator, Merge Live

**Item 1: Approval of Minutes**

**MOTION** by Lublin, seconded by Gotts, to approve the Regular Meeting Minutes of August 18, 2020 as presented.

**ROLL CALL VOTE**

**AYES:** Lublin, Gotts, Matta, Winkler, Mirkin, Smith, Spelker, Hoy, Scott

**NAYS:** None

**MOTION CARRIED UNANIMOUSLY**

**Item 2: Public Comments**

Ken Milburn – To any callers online that would like to make public comment, the way you raise your hand is by pressing \*9 on your keypad. Press \*9 and we will call on you, then press \*6 to unmute your line and state your name and address for the record.

Pam Jackson, 5736 Lancaster Lane, Commerce Township – I'm just sitting in and listening on to this fabulous meeting today. Thank you.

Director Stacey – Thanks for joining us today, Pam.

Larry Gray – For the record, Larry Gray is on the call, just to see how these Downtown Development Authority Meetings go. I look forward to working with you folks.

Director Stacey – Thank you, Larry, for joining us.

Eric Nagler, Campbell Creek Drive – Are you looking for me, Mark?

Director Stacey – Hi Eric, how are you?

Eric Nagler – Just listening in.

Director Stacey – Thank you.

Ken Milburn – I think that's all the callers, Mr. Chair.

Director Stacey closed public comment.

### **Item 3: Insite Commercial Report**

Randy Thomas – I'd like to note that Kellie McDonald from Goddard Schools is on the call so she may have comment as it relates to Parcel L.

Randy Thomas provided an overview of the Insite report submitted in the DDA Board's packet.

- Parcels A&H – Shapiro's Barrington development; If you drive through the Shapiro development, on the southwest corner of the property, you'll note that they've got a lot of progress going on with a lot of the buildings being closed up and then a lot of foundations being put in the ground. Their goal to have the vast majority of the buildings up and enclosed so they can finish the interior of the buildings during the winter months. Mark, I believe you've walked through one or two of the units. Do you want to give just a quick update?

Director Stacey – I went out there with Dave Campbell. We met with the onsite supervisor. The buildings are coming along as expected. They're hoping to move the first people in January 1<sup>st</sup>. We did a tour of a ground floor unit, and also the clubhouse. They're going to look exceptional. They were talking about rental pricing in the neighborhood of \$2800 for the 2-bedroom ground floor units that overlook the wetlands, which is a price point that will assist us in building an exceptional neighborhood. In looking at them, they really are going to come out very nice. The clubhouse is not done, but you could just tell it's going to be stunning by the time it's done. With the pool and the outdoor areas that they're including, and the walkways, the improvements to the pathway system that hook into our 7 miles of trails, by the time that project is done, I think we're all going to be very pleased.

The one thing they did say that's slowing them down is pricing and availability of the wood products to build the buildings, but that's something that we're hearing from all of the contractors at this point in time. Mr. Campbell, did you have anything to add?

Dave Campbell – I would agree that everything is turning out very nice. The tour of the clubhouse and the unit that we were able to look at are definitely indicative of this being a high-quality development.

Director Stacey – Thank you Dave.

Randy Thomas –

- Parcel B1 – Aikens, Five & Main;
  - Phase I – I really haven't heard much from Bruce. Phase 1a would be the development of the Ring Road and the out-lots. Dave, have you heard anything?

Dave Campbell – I know that Mr. Aikens is negotiating with potential residential partners and it sounds like one in particular is making some real progress. I want to believe that once that deal is made with the residential partner, that might be the tipping point to see some real progress on the site. I think the residential developer believes there to be a market to get those units going as soon as possible.

Randy Thomas – That's consistent with what Bruce has been talking about the past couple months.

- Phase II – The northern 14+/- acres; nothing to report. He's got until October 31, 2021, to exercise that option.
- Parcel B2 – Granger, First & Main; I've reported at previous meetings that Granger was looking at a possible exit strategy on the excess land. I did hear from one of the representatives last month that they're still in the investigative stage and they'll be getting back with us.
- Parcel C – The hard corner of Pontiac Trail and Haggerty Road; We continue to talk to gas station operators. The activity in the last 30 days, typically in August it does get a little lighter because everybody is on vacation, so we saw that again this year. It's also reflective on Parcel F and J1.
- Parcels D&E – Pulte, Merrill Park; Nothing new to report.
- Parcel F – The acreage in front of the Township Hall; As I just shared with you, a little lighter activity during the past month. The dentist that I've told you about in the past is still monitoring what's going on with Five & Main before he makes any commitments, but he does remain interested.
- Parcel G – Wynclyff; Hunter Pasteur, Nothing to report.
- Parcel I – BBI Holdings, Gilden Woods; North of the Township Hall, Nothing to report.
- Parcel J1 – 2.38 acres on the hard corner of Oakley and Haggerty; Generally, if we talk to anybody on Parcel C or in reverse, we have the same conversation on this piece. Activity was a little lighter in the last month. We have had an inquiry on an industrial building, but they have elected to make an offer on another piece, but still within the DDA district.

Director Stacey – Randy, I know that Haggerty and Oakley Park, the piece that was connected kitty-corner in West Bloomfield; it had sold and then there was a sign back up. Do you know what's going on with that, because it's competitive to ours?

Randy Thomas – I did place a phone call. I haven't heard back from the broker relative to what's going on. I believe that they were looking to do multi-family on the corner. I'll reach out again and find out what the story is.

Director Stacey – Thank you.

Randy Thomas –

- Parcel J2 – NorthPoint, Beyond Self-Storage; Nothing to report.

- Parcel K – The orphan piece across the street; I did tell you that there was a group that was looking to do self-storage or mixed-used with retail and self-storage. Their plan was that they were going to come back and have a preliminary meeting with Dave Campbell and I before making any formal offers. I have not heard from them in the last 60 days so I don't really know where they stand.
- Parcel L – 1.8 acres on Haggerty Road; We have reached an agreement on a Letter of Intent. I believe Tom Rauch has circulated that to everybody. Tom, I'll let you give the update since we're now entering the legal phase of this.

Attorney Rauch – The Letter of Intent was discussed and negotiated, signed by Mark and by Kellie McDonald. You have a copy of it that I sent you a few days ago.

It is consistent with the information that you've heard before. Ms. McDonald intends to have the early childhood school developed on the site. After executing the Letter of Intent, we have commenced negotiations and are actually very close to having the sales agreement available. We certainly should have something by the next meeting for your approval.

There are a couple of issues that require us to do some research, particularly regarding the pathway system in the existing development which had originally been intended to be proposed as possibly crossing this parcel to Haggerty Road. We are going to look at that further over the next time period, and I think we'll have a recommendation within the next month.

Director Stacey – Now Tom, the Marketing Committee has looked at this individually and I have spoken with them. At this point, do we need this Board to make a motion to move forward with the purchase agreement based on the Letter of Intent?

Attorney Rauch – That would certainly be appropriate. It would be appropriate to have the Board acknowledge the Letter of Intent and confirm that the Director, myself and Randy will continue to negotiate the terms of the sales agreement and bring it back to the Board when it's in a form that both parties can agree to.

Director Stacey – Thank you. Based on our discussions last month, we feel that this does satisfy what the DDA Board was looking for, which was to have a price that was within our parameters of what the piece of property was worth, bringing in a high-quality development that offered the ability to improve that section of Haggerty Road. If you go over there, you'll notice that Affairs to Remember's building is looking really good. When you put in a brand new building here, suddenly we're going to have what I feel is at least some traction in cleaning up that section of Haggerty. We're excited. The product for Goddard Schools is significantly different than what is over there. The operator comes with a solid resume to provide this service to the children in this area. What I would like to do is to get this Board to make a motion to move toward the purchase agreement based on the Letter of Intent if that is your desire.

**MOTION** by Lublin, seconded by Gotts, to approve the Letter of Intent and to have the Attorney and the Director move forward based on the conditions as outlined.

**ROLL CALL VOTE**

**AYES:** Lublin, Gotts, Hoy, Spelker, Smith, Scott, Mirkin, Winkler, Matta

**NAYS:** None

**MOTION CARRIED UNANIMOUSLY**

Vice Chairperson Lublin – I think this works out every bit to the benefit of the community, with the housing to the west and the park between it. I think we have a true winner for that area.

Director Stacey – I think it will work out very well. Thank you, Danny.

Randy Thomas –

- Parcel M&N – These are the two out-lots that are being retained. Other than our signs continually being vandalized and torn down, I think we will have activity with the disposition of these pieces here once Aikens starts the Ring Road.

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

- **Updates on Developers** - *(Most covered by Randy's report)*
  - Goddard School – We do have the signed LOI. I'll work on the Purchase Agreement.
- **DDA Budget** – I took the budget to Township Board on August 25<sup>th</sup>. It is now in their process. As you remember, we approve it, send it Township Board, they accept it or make changes. They did not change anything. They will work that into their budget. Then it will come back to this Board, probably in November, for final adoption. At this point there is nothing we have to do on that.
- **MTT Judgments** – Nothing currently outstanding that we're aware of.
- **HOA Items** –
  - **HOA Budget** – We will be working on the 2021 HOA Budget.
  - **Dues** – All dues are current.
  - **Tax Forms** – All tax forms are submitted.
  - **Lighting - CJs Lighting, Chris Niestroy; Shaw Electric, Mark Fetters**
    - We have met with the light pole supplier and we're trying to get pricing for a new shipment of light poles and heads.
    - Our inventory will be out after this final repair.
    - Whether we are moving to a steel light pole or staying with aluminum is the big debate, based on availability.
    - At the last meeting, I made you aware that someone ran over a light pole. The actual pre-trial conference is sometime today. We will find out if we get any reimbursement; however, we did find that there was no auto insurance involved. Hopefully we can work out a payment plan to get recovery.
    - We do need to restock our inventory. We had Chris in, our lighting contractor, and we are putting that order together.
  - **Landscaping - United Lawnscape, Brian Sparks; Westside Forestry**
    - We continue with United. They're doing a good job.
    - We had a tree that came down behind Granger. We have gone to work with Rousseaux Excavating, to take care of some of the issues.
    - We went out to our original vendor on the tree issue, but we were unhappy with the pricing that came back.
    - Rousseaux gave us very good hourly pricing. So far, pricing and responsiveness has been great. We're hopeful this will be a long-term, positive relationship for the HOA to deal with onsite problems.
  - **Irrigation - Michigan Automatic Sprinkler, Mike Rennie**
    - The irrigation system is up and running, just about in time to close it down for the winter, but I think the project is looking good.
    - We have one area that was not being watered and I think they lost the grass, but it's in front of Merrill Park. That was actually their sprinkler system that was not working, not ours. While it looks terrible, that's not something that was caused by our irrigation.

- **Other**

- **Phragmites –**

- We have been in contact with our phragmites vendor.
- You'll remember in the fall that we sprayed for phragmites in the common areas. Last year, the bill was approximately \$14,000. This year, it came in at \$13,500.
- Phragmites are an ongoing problem and you have to do constant treatment to keep up with them. Then, once you get rid of them, it helps.
- The issue we have now is that we applied for a State license to treat the phragmites. It was denied. The chemical that we used last year is not being allowed this year. Based on our discussions with our vendor, he feels that the chemical they want him to use is not as good. In theory, it's supposed to be better for the protected conservation wetlands; however, if the phragmites are getting into those, I don't see the positive to this.
- They are fighting at the State level over it; not just our situation or Commerce Towne Place, but it is the commercial vendors that do these types of services that are fighting the State, trying to get approval for the better level of chemical to kill the phragmites.
- We have authorized for this year to proceed with the chemical that is not as effective; however, it is the only thing they'll let us use this year. Hopefully next year, we can go back to the better treatment program.

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

Attorney Rauch – We continue to work on the sale of Parcel L. We've had quite a bit of progress with the Letter of Intent, and with a draft Purchase Agreement which I've prepared. The potential buyer has provided us comments on that, and now I need to go do further research and investigation. As I indicated earlier, we should be back with something by the next meeting. Other than that, it has been relatively quiet.

#### **Item 6: Engineer's Report**

Matt Schwanitz, Giffels Webster – Pretty much on the same theme as Tom's. We've assisted in the purchase of Parcel L; performed a title survey which is being used by both the seller and the purchaser.

We've been assisting with some information requests from outside groups interested in buying property, and interacting with Aikens. That's about it, it's been a pretty quiet month.

#### **Item 7: Planning Director's Report**

Dave Campbell, Township Planning Director, shared the following with the Board members:

- I don't know that I have any more updates on any DDA owned properties.
- A couple projects I can update you on within the DDA boundaries.
- One is 84 Lumber in the Homestead Industrial Park off of Martin Road. They went in front of the Planning Commission for a public hearing. They are proposing a Conditional Rezoning of three properties; rezoning them from TLM to Industrial so that they can have an outdoor lumberyard encompassing those three properties. The Planning Commission did not take any formal action last night. Procedurally, we have to bring them back at the Planning Commission's October 5<sup>th</sup> meeting. Based on the conversations last night, that

sounds like a project that is likely to move forward and go in front of the Township Board for final determination on the rezoning at the Board's October 13<sup>th</sup> meeting.

- I had a conversation this morning with the realtor who is marketing the vacant piece of property just north of 14 Mile Road, on the west side of Haggerty Road. We call that the Fedder property. The realtor and Mr. Fedder are going to meet with me tomorrow about doing some sort of mixed use on that parcel, comprised of residential with retail/commercial along the Haggerty Road frontage.
- Another property in the DDA that's probably key to the development area is the former Dick Morris dealership. That property has been on the market for a while. We've gotten some phone calls and had a few conversations over the past few weeks.
  - One guy wanted to do auto repair on that property, which was something we were not really excited to see. We think that property has more potential.
  - Another potential buyer I think sees the potential of the property as being an entry point into the DDA and the Aikens development. They were more interested in the investment potential of that property and maybe holding it until the Aikens project comes to fruition. There has been a lot of conversation about what can be done on that property.

#### **Item 8: Committee Reports**

- A. Finance Committee – Director Stacey – We did sign the cash advance from the Township for the \$1 million that you had approved at the last meeting. Molly, has that already happened, or is that coming up soon?

Treasurer Phillips – I'm going to get it out of the Debt Sinking Fund by September 24<sup>th</sup> so that we can make our debt payments on October 1<sup>st</sup>.

Director Stacey – Thank you for doing that for us. And of course, we have sent the budget to the Township Board.

- B. Public Relations Committee – Jose Mirkin – I do not have anything to report this month.

Director Stacey – Has there been any movement with the schools, or is that just all on hold at the current time?

Jose Mirkin – Everything is on hold and nobody knows the exact details.

- C. Marketing Committee – David Smith – Really not much to report. I think Randy always states it so eloquently. I'm happy for the sale on the Haggerty parcel. It shows that single family is growing in Commerce, which is a good thing for our tax base. Other than that, everything is going smoothly.

#### **Item 9: Approval of Warrants and/or Carryovers, Add-ons, Revenue & Expenditure**

**MOTION** by Gotts, seconded by Lublin, to approve the Warrants and/or Carryovers, Add-ons and the Revenue & Expenditure Report.

#### **ROLL CALL VOTE**

**AYES:** Gotts, Lublin, Spelker, Smith, Scott, Mirkin, Winkler, Matta, Hoy  
**NAYS:** None

**MOTION CARRIED UNANIMOUSLY**

**Item 10: Other Matters**

- Supervisor Scott updated the Board on the following:
  - Just a reminder, Saturday, September 19<sup>th</sup>, 8am-1pm is Household Hazardous Waste Day. Drop off will be in the Commerce Township Hall parking lot. I apologize that this was scheduled on a Jewish holiday.
  - The Township Board has selected the Dailey Company as the firm that will be building the new Fire Station to replace Fire Station #3, which will be demolished quickly. We are well on target to be on budget as the SAD supports.
  - The Township Board approved the purchase of another fire truck, replacing one of the older trucks.
  - When it comes to the realtor signs that have been stolen, I will share only that I've been active for years using cameras on Township property in problem areas. I've turned over some footage to the Oakland County Sheriff's Office, so we should have an electronic witness that will be assisting us on an investigation there.
  - You may have noticed that the M-5 pedestrian bridge was used by some to hang politically controversial banners. Fortunately, they were observed quickly and we got them down, but it didn't stop people from doing graffiti on the bridge. It was in the interior pedestrian walkway. It has been cleaned up and the banners removed. Hopefully patrol will continue, but I remind everyone, you, your friends, family and neighbors – if you see something, say something.
  - The State of Michigan has posted that EEE is being spread by mosquitoes, so treatments are being done in several counties and regions.
  - People Express is our senior and disabled person transportation service. We have partnered with them. We've done a lot of research into senior transportation. It is here and available to seniors and disabled residents 18-years of age or older. Obviously, ridership has been down during COVID. We have used the system to deliver food and pick up prepaid groceries for our senior citizens. I would alert our future supervisors that over time, this service will have to go to the vote of the people to see if they want to support it and continue with it.
  - My last day will be November 20<sup>th</sup>. As I said when I came into office, I'll leave it better than I found it and I'll help whoever my replacement is, unlike the person who vacated the spot and never gave me any input or assistance.
  - Contact the Building Department if you have any questions about where your signs can go. The citizens of Commerce Township have taken a stand that they don't want their community littered with signs. Signs are picked up aggressively during the political season, when they're in road rights-of-way and places that they do not belong. Signs will be allowed on private property.
- **The next regularly scheduled DDA meeting is Tuesday, October 20, 2020 at 12:00pm.**

**Item 11: Closed Session**

**MOTION** by Gotts, seconded by Mirkin, to enter into Closed Session to discuss a written opinion of counsel.

**ROLL CALL VOTE**

**AYES:** Gotts, Mirkin, Smith, Scott, Lublin, Winkler, Matta, Hoy, Spelker

**NAYS:** None

**MOTION CARRIED UNANIMOUSLY**

***The DDA Board entered into Closed Session at 12:44pm.***



***The DDA Board returned from Closed Session at 1:05pm.***

**MOTION** by Lublin, supported by Mirkin, to close the Closed Session.

**ROLL CALL VOTE**

**AYES:** Lublin, Mirkin, Scott, Gotts, Winkler, Matta, Hoy, Spelker, Smith

**NAYS:** None

**MOTION CARRIED UNANIMOUSLY**

**Item 12: Adjournment**

**MOTION** by Lublin, seconded by Smith, to adjourn the meeting at 1:06pm.

**ROLL CALL VOTE**

**AYES:** Lublin, Smith, Gotts, Mirkin, Winkler, Matta, Hoy, Spelker, Scott

**NAYS:** None

**MOTION CARRIED UNANIMOUSLY**



Melissa Creech  
DDA Secretary

09/09/2020 09:09 AM  
User: JBUSHEY  
DB: COMMERCE

INVOICE APPROVAL BY INVOICE REPORT FOR CHARTER TOWNSHIP OF COMMERCE  
EXP CHECK RUN DATES 09/15/2020 - 09/15/2020  
BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID  
BANK CODE: DDA  
DDA WARRANT REPORT  
SEPTEMBER 15, 2020

Vendor Name	Invoice Date	Description	Amount	Check #
1. DEBORAH WATSON	09/09/2020	DDA ASSISTANT HOURS 8/7 - 9/9/20	1,175.00	
2. KEMP, KLEIN, UMPHREY & ENDLEMAN, PC	09/08/2020	PROFESSIONAL SERVICES THROUGH AUG 31, 2020	5,804.05	
3. MARK STACEY	09/09/2020	DDA DIRECTOR HOURS 8/7 - 9/9/20	6,075.00	
TOTAL - ALL VENDORS			13,054.05	
FUND TOTALS:				
Fund 499 - DOWNTOWN DEVELOPMENT AUTHORITY			13,054.05	

09/09/2020 09:10 AM  
User: JBUSHEY  
DB: COMMERCE

INVOICE APPROVAL BY INVOICE REPORT FOR CHARTER TOWNSHIP OF COMMERCE  
EXP CHECK RUN DATES 08/19/2020 - 09/08/2020  
BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID  
BANK CODE: DDA  
DDA WARRANT CARRY-OVER REPORT  
SEPTEMBER 15, 2020

Vendor Name	Invoice Date	Description	Amount	Check #
1. DETROIT EDISON				
	08/14/2020	2660 OAKLEY PARK	85.86	2185
	08/14/2020	3106 MARTIN PARKWAY	41.62	2185
	08/14/2020	2581 LIBRARY DR.	540.10	2185
	08/14/2020	2579 LIBRARY DR.	378.21	2185
		TOTAL	1,045.79	
TOTAL - ALL VENDORS			1,045.79	
FUND TOTALS:				
Fund 499 - DOWNTOWN DEVELOPMENT AUTHORITY			1,045.79	