

**Final**  
**CHARTER TOWNSHIP OF COMMERCE**  
**DOWNTOWN DEVELOPMENT AUTHORITY**  
**Tuesday, February 15, 2022**  
**Commerce Township Hall**  
**2009 Township Drive**  
**Commerce Township, MI 48390**  
**12:00 PM**

**CALL TO ORDER:** The Meeting was called to order by Chairperson Gotts at 12:01pm.

**Downtown Development Authority:**

**Present:** Debbie Watson, DDA Director  
James Gotts, Chairperson  
Steve Matta, Vice Chairperson  
Larry Gray, Township Supervisor  
Susan Spelker, Member  
Brian Winkler, Member  
Tim Hoy, Member  
Elizabeth Bulat, Member

**Absent:** Jose Mirkin, Member (excused)  
David Smith, Member (excused)  
Molly Phillips, DDA Treasurer  
Matt Schwantz, Giffels-Webster, DDA Engineer

**Also Present:** Sandy Bowers, DDA Assistant  
Melissa Creech, DDA Secretary  
Thomas Rauch, DDA Attorney  
Randy Thomas, Insite Commercial  
Dave Campbell, Township Planning Director  
Lt. Wendy Reyes, OCSO Substation Commander

**Item 1: Welcome New DDA Assistant, Sandy Bowers**

Chairperson Gotts welcomed Sandy Bowers, and the Board members, Township staff and DDA consultants introduced themselves.

**Item 2: Approval of Minutes**

**MOTION** by Spelker, seconded by Matta to approve the Regular Meeting Minutes of January 18, 2022, as presented.

**MOTION CARRIED UNANIMOUSLY**

**Item 3: Public Comments**

Ray Golota, 1595 Vanstone, Commerce Township – A week ago today, I attended the Trustee’s meeting and I brought something up that I want to bring to you too. Two weeks ago, I was driving down Glengary toward Benstein Grille. I happened to notice, in Wolverine Village, there was a four-wheeler out there clearing the bike path, the Lakes Community Trail. I went down Benstein to see if the trailway at the Benstein Grill, going west, was cleared. It wasn’t. The question I have is, why don’t we, in Commerce Township, team up and get our own four-wheeler with a plow on it and clear the trailways?

Director Watson – Ray, here in Commerce Towne Place, we have seven miles of pathways through the wetlands in the area. Are you speaking of those, or the sidewalks along Martin Parkway, or both?

Ray Golota – Good point, because first it was the community trailways, then I thought to myself, if I was living in these subdivisions, Merrill Park and the other one, paying that kind of money, I would like to have that pathway cleared so I could walk down there.

Director Watson – I can see on the security cameras we still get a lot of pedestrians; however, we also have cross-country skiers and even people that claim to snowshoe. I believe in our Towne Place documents that the trails are supposed to be kept natural, especially because they're gravel. I don't see us plowing those gravel trailways. I'll look into those documents again. Tom, do you recall anything with regard to plowing pathways?

Attorney Rauch – No, I don't off the top of my head, but I do remember discussions about the use of asphalt millings for the footpath with jogging and bicycles. I don't remember if we ever got to the issue of maintenance.

Director Watson – Okay, I'll look into that more and get back with you, Ray.

Ray Golota – Then I thought, it'd be really impressive to team up with Walled Lake and Wixom and do the Michigan Trailway.

Director Watson – That would be the Trailway Council. Larry, you're on that, correct?

Supervisor Gray – Yes.

Director Watson – Do they plow those trails?

Supervisor Gray – No.

Ray Golota – Just a thought. Thanks.

Director Watson – Thank you. Lt. Reyes, did you want to share anything with us today?

Lt. Reyes – Did you have any concerns?

Director Watson – Just the snowmobiles on the non-motorized pathways. I believe that was one day, one incident.

Lt. Reyes – I do have someone getting out there, however chasing a snowmobile is difficult. I'm having him follow-up on the information you gave us.

Director Watson – The neighbors are very thorough and supplied footage. I hope the landscaping is not damaged where they plowed through it. No matter how many bollards we put up to block the trailways and stop motorized traffic, snowmobiles are always going to find a way around them so it does present challenges.

Lt. Reyes – I appreciate you letting us know. It will probably be a couple times a year we'll have this issue.

Discussion continued regarding issues with snowmobiles, the non-motorized trails, and enforcement.

#### **Item 4: Insite Commercial Report**

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

- Parcels A&H – Shapiro's Barrington development; They're moving forward on the additional three buildings that front along Martin Parkway. They will be done with the development this year. I know their leasing is going very well. They're actually exceeding some of the anticipated rents. The community really likes it.
- Parcel B1, Phase I – Aikens, Five & Main; Bruce gave you his report last month. I don't have anything major to share, other than he has wrapped up discussions with some of the multi-family developers, which more than likely will be the first out of the ground on his portion of the property. We've got the green light now and we've got the attorneys involved in wrapping up with the gourmet market.
- Parcel B1, Phase II – Aikens, Five & Main; Nothing new to report.
- Parcel B2 – Avalon; Nothing new to report.
- Parcel C – The hard corner of Pontiac Trail and Haggerty Road; This is where we've had the most activity. Right now, we have two offers on the property. They're fairly separated right now economically and we haven't countered back to any of them. We're asking them to give us the proposed land use, get a site plan and some elevations and sit down with Dave to get a feel, then maybe even do a conceptual site plan review if Dave thinks that's the next step. We need to figure out if this is something that Commerce wants to see, and if the other boards will buy into it. It's always good to have two offers. We are meeting with the automotive group tomorrow for the review, and then hopefully within the next week to 10 days, with the other group. Then we will have a better sense on direction and counter offers.
- Parcels D&E – Pulte, Merrill Park; Nothing new to report.
- Parcel F – The acreage in front of the Township Hall; Nothing new to report.
- Parcel G – Wycliff; Nothing new to report.
- Parcel I – BBI Holdings, Gilden Woods; North of the Township Hall,
- Parcel J1 – 2.38 acres on the hard corner of Oakley and Haggerty;
  - I've had several discussions regarding a gas station. For clarification, gas station jobbers are the ones that supply the fuel to the stations. Sometimes the jobbers own and operate the station, and sometimes they bring in an operator. I think we've got a jobber I've been talking to. He's hunting and likes this corner.
  - We also have a local developer that I've had conversation with before. He's now down in Florida. Hopefully when he gets back in March or April, we can continue that discussion.
- Parcel J2 – Public Storage; Nothing new to report.
- Parcel K – The Space Shop; the orphan piece; Everybody can see the progress going on at Pontiac Trail and M-5.
- Parcel L – 1.8 acres on Haggerty Road; We have this under contract with Higher Ground Education. They're in their due diligence right now, and there's not a whole lot for me to report. They have already contacted Dave, and he will probably have more to tell you by the next meeting.

Dave Campbell – They have asked questions about procedure, timelines and what meetings they need to get to with which bodies. I think they're coming up with a game plan, and I expect to see them here soon enough.

Randy Thomas –

- Parcel M&N – These are remaining parcels that the DDA owns within the Five & Main development.

**Item 5: Attorney's Report**

- **DDA Assistant Contract –**

Attorney Rauch – As I sent to you in an email on Friday, Deb is hiring an Administrative Assistant, Sandy Bowers, who is here working. We have prepared an agreement similar to the one that we've utilized in the past for other DDA Assistants, including Deb at that time. It's for your consideration and I'll let Deb speak to it. You have the document before you, and I think Deb would entertain a motion and approval of the Board.

Director Watson – Yes, and the contract is standard, beginning February 10<sup>th</sup>.

Attorney Rauch – Since Deb needed to get some work done immediately, as I understand it, Sandy came onboard on the 10<sup>th</sup>. My recommendation is that we date the agreement effective the 10<sup>th</sup> day of February.

Chairperson Gotts – The contract we're looking at is dated February 10<sup>th</sup>. Are there any questions of counsel? Hearing none, we will entertain a motion.

**MOTION** by Winkler, supported by Spelker, to approve the Administrative Assistant services contract as proposed by counsel.

**MOTION CARRIED UNANIMOUSLY**

Director Watson – Thank you.

Chairperson Gotts – Welcome to the fun center.

Sandy Bowers – Thank you.

Attorney Rauch – Jim, I'll ask you to sign the contract after the meeting.

Chairperson Gotts – Absolutely.

**Item 6: Director's Report**

Director Watson – I think I covered just about everything in my written report, but I would like to ask Susan, would you be available to come to our March Marketing meeting at 11:00?

Susan Spelker – Sure.

Director Watson – Okay, and then going forward, I know David Smith will have a rotational schedule. Elizabeth joined us today, and David was absent. Larry will be sitting out next month.

Director Watson provided an overview of the report included in the Board's packet.

**I. Updates on Developers – Randy covered updates on the developers.**

- Aikens/Five & Main – Bruce Aikens delivered a quarterly report to the DDA in January.

- The Avalon of Commerce Township – I did speak with Amanda today regarding replacing their frontage trees as recommended by Dave Campbell.
- Merrill Park – Elizabeth, anything exciting at Merrill Park, besides the snowmobilers?

Elizabeth Bulat – There's a new HOA team so I've been in contact. Somebody revealed the minutes from the DDA that are shared publicly, so everybody now knows I'm a member of this team. I think there's a lot of excitement where it had become a bit stagnant. People are getting excited again and I'm trying to be open for any feedback that I can relay back to the team, and I'll be partnering with the new HOA.

- Shapiro/Barrington – Nothing new to report.
- Wyncliff – Nothing new to report.
- Public Storage – Nothing new to report.
- The Space Shop – Parcel K, Self-Storage; Construction continues and site issues were addressed by the Building Official.
- Parcel L, Murphy RE Services for Higher Ground Education Childcare – The PA was executed and they are in their due diligence phase. As this moves forward, we will need to start thinking about removing the pathway stub that is attached to the pathway at the back of Merrill Park. When that comes to fruition, we will need permission from the Merrill Park HOA to go on their land, remove that section and smooth it out so we don't have the pathway dead-end into their fence. That's if the HOA still wants to do that.

Elizabeth Bulat – I remember previous discussions on that.

Director Watson – So, if we can get reconfirmation.

Elizabeth Bulat – I'll be happy to be a part of that.

Director Watson – Thank you.

**II. MTT Judgments** – Molly provided a tax value reduction report which was included in your packet. Regal Entertainment did actually reopen the theater.

**III. Commerce Towne Place HOA Items –**

- A. Budget** – The 2022 budget was approved.
- B. Dues** – Invoices have been sent out for 2022 dues. Payments have been received from the DDA, Barrington, Merrill Park and Wyncliff. We await Five & Main and Avalon.
- C. Tax Forms & Reports** – The tax form is in progress.
- D. Lighting & Electrical – CJs Lighting, Chris Niestroy; Shaw Electric, Mark Feters, Adam Dornton**
  - Lighting
    - Four light poles were reinstalled on January 31<sup>st</sup>. On February 7<sup>th</sup>, one of those four was taken down again. We have a pending claim for \$8175.
    - A full assessment of maintenance, repairs and inventory has been completed. An order is being placed for supplies, which is estimated to take 12 weeks for

delivery. Our supplies are being relocated out of the old Township Hall. We hope to have the entire lighting system fully functional again sometime in the spring.

- Also in the spring, CJs will be painting all green light poles bronze. This will begin to simplify our ordering process, which involves parts from three manufacturers, and painting of supplies as we have both green and bronze poles in our system.
- Electrical
  - On January 12<sup>th</sup>, our underground electrical was damaged by contractors working for Comcast. They did not have a Township permit and their work was stopped by the Building Official. Power was temporarily disconnected to the tunnel lighting and security cameras. Shaw promptly made the repairs and staked the area.
  - The Comcast contractors who damaged property are paying invoices directly to Shaw and Michigan Automatic, for \$6226 and \$192 respectively.
  - The Building Department is coordinating with the DDA on the permitting process for this incident, and on future utility installations. Lines of communication are improving with contractors and developers and they have been notified repeatedly of the requirements for permits and staking of private utilities.
  - As-builts have been provided to contractors for irrigation, and Shaw will be preparing as-builts for electrical.
  - A Miss Dig account needs to be established, either through the Township, or as a separate account if necessary. Estimated costs are \$500 or less to partner with the Township, or \$2000 for an independent account.
  - Counsel advised that the easements granted to the RCOC do essentially establish a right-of-way along Martin Parkway, even though we are still the fee holder of the land. However, utility contractors are required to call Miss Dig, stake private utilities, and to seek County and Township permits. We hope to receive notifications through these channels in the future prior to directional boring.
  - I am working to implement any and all potential measures that will help to prevent future damages to our underground private utilities.

**E. Landscaping – United Lawnscape, Jim Parkinson; Mark Rousseaux; Brian Servello**

- Payments are expected soon for two pending turf damage claims, \$1650 and \$786.
- On January 19<sup>th</sup>, a driver crashed into the PGA roundabout, damaging two large pine trees. Insurance has not yet been provided, but the claim of \$10,450 has been sent to the prosecutor, and a request for insurance has been mailed to the driver.

**F. Irrigation – Michigan Automatic Sprinkler, Mike Rennie**

- We received as-builts for the irrigation system in January. These plans have already been shared several times with contractors, so the timing couldn't have been better to have these on file.
- Staking was performed to prevent damages.

**G. Memorial Benches –**

- Benches were delivered in late November and are in storage.
- They will be installed in the spring.

#### IV. Other –

- Insurance claims for the past few months total nearly \$30,000 in damages, so I'm really looking forward to Sandy's help with following up on those claims and making sure that all the bills are getting paid in that regard.
- Sign Bandit; Nothing new to report.
- As we've discussed, Supervisor Gray and I received recent complaints of snowmobiles on our non-motorized trails, and concerns with the danger this poses to pedestrians, cross-country skiers, etc. We communicated with the Sheriffs on these issues.
- Congratulations to Susan Spelker! On February 8<sup>th</sup>, she was reappointed to the DDA Board for another 4-year term.

Director Watson deferred to Supervisor Gray for an update from the February 8<sup>th</sup> Township Board meeting.

#### Township Board Update

Supervisor Gray shared the following with the DDA Board:

- The Township Board meeting was pretty uneventful.
- We had three appointments; Keith Mayer was appointed to the Board of Review, Susan Spelker was reappointed to the DDA for a 4-year term, and Bob Mistele was reappointed to the Zoning Board of Appeals for a 3-year term.
- We awarded a contract for the sidewalks around the Richardson Center, to make it all ADA compliant.
- We had discussion on the Horse Farm with our concessionaire regarding some issues we've been having there. We decided to put out a new RFP for a concessionaire. So, if anybody is interested in running a horse farm, we will have an RFP out there shortly. The current concessionaire will be able to submit as well.
- We looked at introduction of a rental ordinance inspection program, to inspect rental homes, which we do not do now.
- We talked about the Union Lake Road traffic congestion. One day, we'd like to get Martin Parkway to five lanes, all the way up to Cooley and Union Lake Roads. We just asked for Township support on that. Dave and I met with the Road Commission a couple weeks ago and got a roadmap on where we need to go. If we're able to follow everything properly, we're looking at probably 5 years before we put a shovel in the ground.
- George Weber brought up a property owned by the Walled Lake Schools, which is located behind Victory Park.
  - They own 83 acres.
  - We met with folks from the school board to get an idea of what they're looking at. They're looking to sell that land for about \$4 million to \$5 million.
  - The Township would be very interested in buying that property because it adjoins the park, but we're not sure where we would get that money. The school bought the property from the DNR, so we will be looking at a DNR grant to buy it back.
  - The other obstacle is that the schools actually want to see it developed. Dave figures they could probably put 150 homes in there, and the school board wants to bring in more children to the Walled Lake School system.
- Lastly, we are going to be renewing the millage for the Library.

**Item 7: Engineer's Report**

Nothing new to report from Engineer Schwanitz.

**Item 8: Planning Director's Report**

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

- Randy mentioned where we're at with Parcel C. We do have a meeting with one of the prospective buyers tomorrow. That will be with representatives from both the Township and the DDA so we will hear what their intentions are.
- We are hopefully, slowly but surely, working with the Road Commission, with the State, and maybe even with our representatives in D.C. on finding a way to mitigate the congestion that we have along the Martin-Richardson-Union Lake corridor. It's going to be a long, arduous process to get it done. We figure we have to start somewhere.

Chairperson Gotts – Was there actually a Bay Pointe presentation to the Planning Commission?

Dave Campbell – No, there was nothing on the Bay Pointe project with the Planning Commission. I did have a conversation with the prospective developer a couple weeks ago. He is saying that he still wants to proceed and he still considers it an active project. He told me he will know more in 60 days.

Supervisor Gray – I can add to Dave's comment. When we met with the RCOC, we did have representatives with us from the offices of Senator Runestad and Haley Stevens.

Dave Campbell – The first step is a PEL study, which is an acronym for Planning and Environmental Linkages. If you're going to ask for money from the State or the Federal Highway Administration, you have to have this PEL study in hand. That's where we are going to start. The RCOC will hopefully get some bids from engineering firms to conduct the PEL study.

**Item 9: Committee Reports**

- A. Finance Committee – Cash Advance Approval – Susan Spelker – This is the time of year once again when we will be asking the Township Board for an advance to meet our debt requirements. In your packet is the budget, which projected that we would need \$2 million at this time in order to meet the obligation. It has happened, as we've discussed before, that we've had more revenue along with the tax capture from the winter tax collection. Therefore, we are experiencing a shortfall of \$1.3 million, as opposed to the higher number projected which was closer to \$2 million. We have the opportunity to reduce the ask and take that down to \$1.5 million, if everyone is in favor of making that change. We can ask for the \$2 million and reduce the debt faster, but then that increases our debt to the Township. I've never been comfortable with continuing to increase the debt with the Township, any more than necessary, because that is something that will stay with us in perpetuity. My suggestion is that we move forward with the ask of \$1.5 million if everybody is in agreement.

Chairperson Gotts – We would then entertain a motion to amend our request from \$2 million to \$1.5 million.

**MOTION** by Matta, supported by Hoy, to amend the Cash Advance Request to \$1.5 million, down from \$2 million, as recommended by Finance Chair, Susan Spelker.

**MOTION CARRIED UNANIMOUSLY**



- B. Public Relations Committee – Director Watson – Public Relations Chair, Jose Mirkin, had nothing to report at this time.
- C. Marketing Committee – Director Watson – Marketing Chair, David Smith, had nothing to report at this time, and Randy covered the update.

**Item 10: Approval of Warrants and/or Carryovers, Add-ons, Revenue & Expenditure**  
**MOTION** by Spelker, seconded by Matta, to approve the Warrants and/or Carryovers, Add-ons and the Revenue & Expenditure Report. **MOTION CARRIED UNANIMOUSLY**

**Item 11: Other Matters**

- **Discuss RFPs for Legal Services**

Director Watson stated Attorney Rauch will be retiring at the end of 2022. She explained that Supervisor Gray had suggested that the DDA might issue a Request for Proposals for legal services. The DDA Board is not necessarily required to go out for RFPs, but it may be a wise process to compare services and pricing. She requested assistance with the RFP process from Township Clerk and DDA Secretary, Melissa Creech, along with Vice Chairperson, Steve Matta, and Attorney, Tom Rauch.

Attorney Rauch discussed his status at the firm of Kemp Klein. He has enjoyed his time with the DDA very much and he will continue to assist as the transition moves forward. Brian Winkler discussed his knowledge of the RFP process and the tangible benefits that Kemp Klein brings to the DDA from their experience. Discussion continued regarding the review process for RFPs.

Director Watson added that it might be beneficial if the new DDA attorney was in place by September or October so that Attorney Rauch can establish a relationship with them to help in making the transition.

**MOTION** by Spelker, supported by Bulat, to seek RFPs for Legal Services for the DDA.  
**MOTION CARRIED UNANIMOUSLY**

**Chairperson Gotts – The next regularly scheduled DDA meeting is Tuesday, March 15, 2022, at 12:00pm.**

**Item 11: Adjournment**

**MOTION** by Spelker, seconded by Hoy, to adjourn the meeting at 12:36pm.

**MOTION CARRIED UNANIMOUSLY**



Melissa Creech  
DDA Secretary

02/09/2022 02:29 PM  
User: JBUSHEY  
DB: COMMERCE

INVOICE APPROVAL BY INVOICE REPORT FOR CHARTER TOWNSHIP OF COMMERCE  
EXP CHECK RUN DATES 02/15/2022 - 02/15/2022  
BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID  
BANK CODE: DDA  
DDA WARRANT REPORT  
FEBRUARY 15, 2022

Vendor Name	Invoice Date	Description	Amount	Check #
1. DEBORAH WATSON	02/09/2022	DDA DIRECTOR 1-13 TO 2-9-22	6,800.00	
2. KEMP, KLEIN, UMPHREY & ENDLEMAN, PC	02/04/2022	PROFESSIONAL SERVICES THROUGH JANUARY 31, 2022	8,937.84	
TOTAL - ALL VENDORS			15,737.84	
FUND TOTALS:				
Fund 499 - DOWNTOWN DEVELOPMENT AUTHORITY			15,737.84	

02/09/2022 02:45 PM  
User: JBUSHEY  
DB: COMMERCE

INVOICE APPROVAL BY INVOICE REPORT FOR CHARTER TOWNSHIP OF COMMERCE  
EXP CHECK RUN DATES 01/19/2022 - 02/09/2022  
BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID  
BANK CODE: DDA  
DDA CARRY-OVER REPORT  
FEBRUARY 15, 2022

Vendor Name	Invoice Date	Description	Amount	Check #
1. DETROIT EDISON				
	01/12/2022	2660 OAKLEY PARK	121.64	2263
	01/13/2022	3106 MARTIN PARKWAY	120.26	2263
	01/13/2022	2581 LIBRARY DR.	835.79	2263
	01/13/2022	2579 LIBRARY DR. IRRIGATION	19.38	2263
		TOTAL	<u>1,097.07</u>	
TOTAL - ALL VENDORS			1,097.07	
FUND TOTALS:				
Fund 499 - DOWNTOWN DEVELOPMENT AUTHORITY			1,097.07	

02/14/2022 02:27 PM  
User: JBUSHEY  
DB: COMMERCE

INVOICE APPROVAL BY INVOICE REPORT FOR CHARTER TOWNSHIP OF COMMERCE  
INVOICE ENTRY DATES 02/14/2022 - 02/14/2022  
BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID  
BANK CODE: DDA  
DDA ADD-ON REPORT  
FEBRUARY 15, 2022

Vendor Name	Invoice Date	Description	Amount	Check #
1. DETROIT EDISON				
	02/11/2022	2660 E. OAKLEY PARK	113.47	
	02/11/2022	3106 MARTIN PARKWY	108.44	
	02/11/2022	2581 LIBRARY DR	758.39	
	02/11/2022	2579 LIBRARY DR. IRRIGATION	18.87	
		TOTAL	999.17	
2. WILLIAMS, WILLIAMS, RATTNER&PLUNKET				
	02/01/2022	PROFESSIONAL SERVICES THROUGH JANUARY 31, 2022	585.25	
TOTAL - ALL VENDORS			1,584.42	
FUND TOTALS:				
Fund 499 - DOWNTOWN DEVELOPMENT AUTHORITY			1,584.42	