

**Final**  
**CHARTER TOWNSHIP OF COMMERCE**  
**DOWNTOWN DEVELOPMENT AUTHORITY**  
**Tuesday, January 16, 2024**  
**Commerce Township Hall**  
**2009 Township Drive**  
**Commerce Township, MI 48390**

**CALL TO ORDER:** The Meeting was called to order by Chairperson Gotts at 12:00pm.

**Downtown Development Authority:**

**Present:** Debbie Watson, DDA Director  
James Gotts, Chairperson  
Steve Matta, Vice Chairperson  
Larry Gray, Township Supervisor  
David Smith, Member  
Brian Winkler, Member  
Derek Tuck, Member  
Tim Hoy, Member  
Jose Mirkin, Member  
Robert Sackleh, Member

**Absent:** Matt Schwanitz, Giffels-Webster, DDA Engineer  
Lt. Wendy Reyes, OCSO Substation Commander

**Also Present:** Molly Phillips, DDA Treasurer  
Melissa Creech, DDA Secretary  
Sandy Allard, DDA Assistant  
Dave Campbell, Township Planning Director  
Chris Martella, Dawda Mann, DDA Attorney  
Randy Thomas, Insite Commercial

**Item 1: Approval of Minutes**

**MOTION** by Matta, seconded by Hoy, to approve the DDA Regular Meeting Minutes of December 19, 2023, as presented. **MOTION CARRIED UNANIMOUSLY**

**Item 2: Public Comments**

Ray Golota, 1595 Vanstone, Commerce Township – Happy New Year to everybody. I heard a rumor that the Ghost restaurant might be up for sale.

Discussion took place regarding the Ghost restaurant and the space they lease within the building that is for sale.

**Item 3: OCSO Update**

Lt. Reyes was not in attendance. Supervisor Gray noted that the Sheriff's are moving into the new building today.

**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; Nothing new to report.

- Parcel B1, Phase I – Aikens, Five & Main; Bruce was at the ICSC last month and it went well. There's a lot of retail interest in the property. He will be in at the April meeting, but I will see if I can get a detailed update from him for next month.
- Parcel B1, Phase II – Aikens, Five & Main; There was a 60-day extension discussed at the last meeting to close on the .44 acres. He's buying it and selling it to Continental for the apartment complex. Dave, anything new with Continental?

Dave Campbell – I don't know that there's anything new. They're plugging away. We have conversations with them a couple times a week. The latest significant conversation was that they got confirmation from our Fire Marshal that their proposed buildings meet the latest version of the international fire code. There was some interpretation involved there which had to do with egress from the buildings. The Fire Department had a third party fire code reviewer look at it to confirm that it complies with the fire code. That was good news for Continental.

Randy Thomas – I would assume that .44 acres will be sold soon and that will kick off Continental's development with going vertical on the land. We will probably see them out there in March, depending on when the frost laws break. They will mobilize heavy equipment and start balancing the land as soon as they can. Have they applied for permits?

Dave Campbell – It's a longer answer than what you want, but yes, they have applied for permits. Our Building Department can't issue permits for land that doesn't legally exist yet. That's where the DDA has to close with Bruce, so that Bruce can then close with Continental, so that Continental owns the dirt, and the permits can be issued to that dirt.

Randy Thomas – Good answer, Dave.

David Smith – We had the same problem with the Library, because there was no actual access to it before the road was done.

Dave Campbell – There's going to be a new legal description and a parcel ID number for the land that Continental is going to own, and the permits are all issued to that parcel ID number, which can't be issued until everybody closes.

Randy Thomas –

- Parcel B2 – Avalon; We got a phone call from the group that operates the senior facility. I haven't talked to them yet, so I don't know what it's about, but they reached out. I know they have excess land.
- Parcel C – The hard corner of Pontiac Trail and Haggerty Road; Lafontaine Automotive Group (LAG) – Anything new, Dave?

Dave Campbell – I don't know of anything new. They also intend to break ground this spring. The Township is building a sanitary sewer across the back of their property, as part of Bruce's project, in an effort to abandon the pump station along Haggerty Road. I know that's in for permitting and all those things have to piggy-back off of each other. To the best of my knowledge, they want to have a dealership up and running by a year from today.

Randy Thomas – There will be a lot of construction in that quadrant of the Township.

- Parcels D&E – Pulte, Merrill Park; Nothing new to report.
- Parcel F – The 3.9 acres in front of the Township Hall; Nothing to report.
- Parcel G – Wyncliff; Nothing new to report.

- Parcel I – Gilden Woods; North of the Township Hall, Nothing new to report.
- Parcel J1 – 2.38 acres on the hard corner of Oakley and Haggerty;
  - As you'll recall, we have a signed LOI with the group that's looking to do roughly 10,000 square feet with two drive-throughs.
  - They had a conceptual site plan reviewed by the Planning Commission; however, they were not in attendance.
  - Chris has had a purchase agreement in their hands for the better part of three weeks. We're waiting to hear back from them.
  - In the interim, I received a request from them. Their initial deal is our full asking price with 90 days due diligence and 15 days to close. That was their offer, but they have since come back and requested another 90-day extension to follow the initial 90 days for an additional \$10,000. The Marketing Committee recommends that if the DDA Board wants to consider any extension, it should be no more than 45 days, and the \$10,000 additional was agreeable. We also agreed that the initial deposit should be increased. Chris is going to draft the revisions and with the Board's acknowledgement, I will send that back to them with the new terms.

Director Watson – David, what was the final number for the initial deposit?

Marketing Chair, David Smith – We decided on \$50,000.

Director Watson – Yes, as this could tie up the property until July with the initial 90 days, plus the potential 45-day extension, and 15 days to close.

Randy Thomas –

- Parcel J2 – Public Storage; Nothing to report.
- Parcel K – The orphan piece; The Space Shop; Nothing to report.
- Parcel L – 1.8 acres on Haggerty Road; Guidepost Montessori; Nothing new to report.
- Parcel M&N – These are the retail outlots that the DDA has reserved. I'm starting to get some activity. We put another sign out. I don't think we're prepared to do anything yet until we know exactly what will happen with the road, et cetera, but there is some interest.

Treasurer Phillips – Those parcels don't actually exist yet either; they don't have parcel ID numbers and no lot lines. Every time I see a description, it goes down by a tenth of an acre.

Randy Thomas – Parcel M, on Pontiac Trail, is at 1.09 acres. Parcel N would be on Martin Parkway at the northeast corner of the roundabout by the library site. That is not defined yet and will be roughly a 1.5-acre parcel.

Vice Chairperson Matta – That's in Phase II, right?

Randy Thomas – Yes.

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

Attorney Martella – The 1.09 acres for Parcel M is pretty much as locked in as it is going to be. That is starting to show up in the B-docs, so we are feeling a little bit more confident about it. Parcel N is in Phase II.

Randy Thomas and Attorney Martella discussed when Parcel M would be extracted, and the anticipated timeline for site improvements, infrastructure, utilities, and the access road. Attorney Martella noted that Parcel M will be defined at closing; a legal description and parcel ID number will be provided.

Attorney Martella – And I assume, Dave, has it been clearly defined as to where the access road is going?

Dave Campbell – Where it's going to go is clearly defined. The Road Commission still needs to do a design for that traffic signal, for the alignment and geometry of that signal. There might still be some details of lane alignment that still need to be defined.

Attorney Martella – Has Continental discussed where they are tapping into utilities for water and sewer, et cetera.

Dave Campbell – They have engineering plans that would show all of that which are currently being reviewed by Giffels Webster, the Township Engineer. I can show them to you and Randy to make sure everything is where we want it.

Attorney Martella – That would be a Matt Schwanitz call. I just want to see where we are in that process because it will be important to know where the underground utilities are going and where we will tap in for Parcel M.

Dave Campbell – I know I have had conversations with Jason Mayer from Giffels to ensure that however the water and sewer is being routed, that it is such that it will be easily accessible for Parcel M.

Randy Thomas – I know Matt is looking at that to make sure.

David Smith – It has to be part of the larger reciprocal operating agreement with utilities because both projects are contingent off the mains that are being put in. It's also reliant on the Township bringing in services.

Dave Campbell – And the storm water too; the storm water from Parcel M will be part of the bigger storm water management for the whole 5 & Main project.

David Smith – Which is to Bruce's benefit because a lot of the engineering for his project is getting done by the apartment component.

Discussion continued regarding the engineering for 5 & Main utilities, storm water management, and permitting.

Director Watson – Dave, Continental and Bruce are using the same engineer, correct?

Dave Campbell – They're all working with PEA, yes.

Director Watson – I did not think we had much for Matt today so I gave him the day off, but if we have any direct questions for him, I'm happy to relay them.

Attorney Martella – To cover what Randy reported, we have been going back and forth on the PA for Parcel J1. Until they reached out to Randy, we hadn't heard from them for a couple weeks. Their newest request was discussed at Marketing today, with the initial deposit increased to \$50,000. The extension they were asking for at the end of the original 90 days due diligence period was another 90 days, but we pushed it back to 45 days with an additional \$10,000 down. This would push it out 135 days, plus 15 for closing, so 150 days from whenever they sign the agreement to closing, provided there are no other hiccups or extension requests. Again, not a problem; I will go back to them and I'll keep you informed of how that goes.

I will also say that we are waiting on execution of Bruce's PA amendment for the .44-acre parcel. That was pushed out to coincide with the closing on Continental. The language and terms indicate that when he is ready to close with Continental, the amendment and the extension of due diligence ends and we go to closing. It sounds like Continental is moving forward lightning fast and they want to get in the ground. We are targeting the end of February for the closing. They have been working on an amendment for a unit line readjustment to include the .44-acre parcel in Unit 1, so although it will require an amendment to the B-docs, it will not issue a new tax parcel ID and will not create new units. It will just redraw the boundary lines. Attorney Kim Shierk is onboard, and she has handled most of the B-docs and amendments since inception. To echo what Dave Campbell said, they can't pull a permit until they have a parcel ID. Thankfully, because it's going to be a lot line readjustment, the boundaries of the unit will change but the tax parcel will not. It still needs to be done and a letter of acceptance from the County is required so that the Township can issue the permits.

Discussion continued regarding the permitting process for Continental's project.

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

Director Watson reviewed highlights and updates to the written report submitted in the Board's packet, which is included here in its entirety.

- I. Updates on Developments – Please refer to the Insite Report and the Planning Director's Report for additional information.**
- *5 & Main –*
    - *At the December meeting, the DDA Board agreed to grant a 60-day extension to the purchase agreement for the .44-acre parcel.*
    - *Continental continues to work on acquiring their permits for their development, Springs at 5 & Main. Closing could take place in Feb. 2024.*
    - *Bruce is scheduled to deliver an update to the DDA Board in April as there is nothing new to report at this time.*
  - *Merrill Park – Nothing new to report.*
  - *The Avalon of Commerce Twp – Nothing new to report.*
  - *Barrington – Nothing new to report.*
  - *Wyncliff – Nothing new to report.*
  - *Public Storage – Nothing new to report.*
  - *The Space Shop, Self-Storage – Nothing new to report.*
  - *Higher Ground, Guidepost Montessori – Nothing new to report.*
  - *Lafontaine Automotive Group Dealership (LAG) – Construction is expected to begin this Spring.*
  - *Parcel F / Unit 7, in front of the Township Hall – Nothing new to report.*

- *Parcel J1, Haggerty & Oakley Park – The PA has been reviewed by the buyers and their counsel, and comments were exchanged with DDA counsel. We anticipate an update at the January meeting.*
- *Parcels M & N – We have organized due diligence files in preparation for marketing of these outlots as things progress at 5 & Main.*

**II. *MTT Judgments*** – *As updates are available, a report will be given at the DDA meeting.*

Director Watson – Molly, anything new on MTT?

Treasurer Phillips – We had a veteran’s exemption come through in the DDA for \$127,000. I think that’s it.

Director Watson – Thank you.

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

- A. ***Budget*** – *The 2024 budget and consent actions were emailed mid-December. We are using DocuSign now to make it easier for everyone; however, we are still awaiting a few signatures.*
- B. ***Dues*** – *Merrill Park’s Q4 payment was received. The 2024 dues invoices will be emailed as soon as the budget is approved.*
- C. ***Tax Forms & Reports*** – *Nothing new to report.*
- D. ***Lighting/Electrical – Shaw Elec., Eric Peterson, Adam Dornton***
- *Shaw will be scheduling an inspection of the system, along with bi-annual maintenance on the control panels.*
  - *Our lighting inventory is verified and sufficient.*
  - *I await the cost estimate and details from DTE regarding their potential acquisition of our lighting system as part of their Community Lighting program.*
  - *We have one light pole down from a recent accident. It will be reinstalled when the weather and scheduling permits.*
- E. ***Landscaping & Maintenance – United Lawnscape, Angela Munroe; Bob Rousseaux’s Excavating, Mark Rousseaux***
- *We are working on insurance claims for three accidents that occurred in late 2023 and resulted in property damages.*
  - *We will schedule turf and landscaping repairs in the spring.*
- F. ***Irrigation – Michigan Automatic Sprinkler, Mike Rennie***
- *The system was winterized at the end of October.*

**IV. *Other*** –

- *Decorations on the light poles and bridge were taken down. Our Township Maintenance Department was very helpful with that project, and they are a great team to work with.*
- *Things have been quiet over the holidays. Nothing additional to report at this time.*



Director Watson – I will be out of town next month so I will miss our meeting, but I will be available by phone and email. Missy, I think you might miss next month's meeting also as you will be busy with the election.

Clerk/Secretary Creech – Yes.

Director Watson – I would look to Larry for an update from the Township Board.

### **Township Board Report – Supervisor Gray**

- Our last Board meeting was last Tuesday.
- We reappointed Krystal Schwartz to the Parks & Recreation Committee for 4 years.
- We okayed the Fire Department to purchase two EKG monitors. You folks may know, the Fire Department is shooting for April 1<sup>st</sup> to become ALS, Advanced Life Support, which we don't do currently. We are gearing up for that.
- We continue to look at a rental inspection program for rental properties. We will discuss this at our quarterly meeting on January 23<sup>rd</sup>.
- We adopted the Parks & Recreation 5-Year Master Plan.

Discussion took place regarding the rental inspection program, tenant rights, inspection fees, and long-term versus short-term rentals.

### **Item 7: Engineer's Report**

Nothing to report at this time.

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

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

- Just a couple projects within the DDA District.
- Lakeside Marine came to the Planning Commission at the January meeting to get two Special Land Use approvals; one for vehicle repair, and the other for outdoor boat storage, both of which they've been doing on the property for many years. Hopefully now, we're actually going to make them compliant. That is on Haggerty Road.
- We had a concept plan for a potential Taco Bell next door to Sonic. There are two homes currently on the site, west of Sonic on Pontiac Trail. The Taco Bell franchise owner and their engineer were in front of the Planning Commission with their conceptual layout. The Planning Commission seemed generally favorable to the idea of having that use there and how it would be accessible from Pontiac Trail. They would have cross access both with Sonic, and via the existing driveway that goes from Haggerty Road.

Director Watson – And the zoning is right there, too, for that use.

Dave Campbell – Yes, the zoning is right, but they would need Special Land Use approval for the drive-through. The Planning Commission felt that was a reasonable ask for that location. Speaking of that neighborhood; 2215 Haggerty is the former Dirty Duck, and more recently it was the Sidecar Slider Bar. There is a new owner/operator who wants to take over that building and operate a new bar/restaurant. He had to come to the Township Board to get their support for a redevelopment license, which is only available in a DDA District. The good part about a redevelopment license is that it's cheaper, but the bad news is, there's more hoops you have to jump through with the State of Michigan to get one. He got his resolution from the Township Board at their meeting last week. He is already working on the building and hoping that the

liquor license will come through in time for opening. There has been turnover with that building over the last few years, so hopefully this is the stable operator we've been waiting for. Discussion continued regarding the former uses and licensing for 2215 Haggerty Road.

**Item 9: Committee Reports**

A. Finance Committee – New Chairperson

Director Watson – Chris, could you elaborate on our process for appointing a new Chairperson?

Attorney Martella – You have a vacancy to fill, and you can do that mid-term. It's an appointment at the pleasure of the Chairperson. It's traditional to name the person and have a vote on it. Jim, if you'd like to make an appointment.

Chairperson Gotts – It would be my pleasure to recommend appointing Bob Sackleh as the new Finance Committee Chairperson.

Attorney Martella – Bob, you might say a little about yourself, the appointment, and that you'd like to do it.

Vice Chairperson Matta – We don't care if you want to do it.

Chairperson Gotts – For the record, you do have a speaking part.

Bob Sackleh – Thank you. I think I was brought onboard because of my background in finance. I'm a CPA with 30 years of experience in industry; not in government though. I'm hoping I can help. I'm willing and able, and numbers are my thing. I think my resume speaks for itself and my experience.

Director Watson – Molly sent me an email that the two of you have already met.

Bob Sackleh – Yes, I stopped by, and we thumbed through some financial information. We will have more discussions, but I'm looking forward to helping out and contributing in the best way I can.

Director Watson and Treasurer Phillips discussed the millions that have been saved since the bonds were converted to fixed rates. The base calculation when the conversions were done for all three sets of bonds, in 2016 and 2019, was close to \$9 million saved if they had kept going at the rates they were at. Bob Sackleh asked about the locked in rate. Treasurer Phillips replied that they are anywhere from 2.25% to 4.1%. Discussion continued regarding the current interest rates.

**MOTION** by Smith, supported by Mirkin, to approve the appointment of Robert Sackleh as the DDA Finance Committee Chairperson.

**MOTION CARRIED UNANIMOUSLY**

B. Public Relations Committee – Jose Mirkin – Happy New Year to everybody. I do not have any news to report this month.



C. Marketing Committee – David Smith – Go Lions!

Treasurer Phillips – My ears are still ringing.

David Smith – Everything has been covered. Our discussion today was regarding Parcel J1, and I think we've made some good decisions.

**Item 10: Approval of Warrants and/or Carryovers, Add-ons, Revenue & Expenditure**

**MOTION** by Mirkin, seconded by Matta, to approve the Warrants and/or Carryovers, Add-ons and the Revenue & Expenditure Report. **MOTION CARRIED UNANIMOUSLY**

**Item 11: Other Matters**

None.

**The next regularly scheduled DDA meeting is Tuesday, February 20, 2024, at 12:00pm.**

**Item 12: Adjournment**

**MOTION** by Mirkin, seconded by Matta, to adjourn the meeting at 12:36pm.

**MOTION CARRIED UNANIMOUSLY**



Melissa Creech  
DDA Secretary

**INVOICE APPROVAL (BY INVOICE) FOR COMMERCE CHARTER TOWNSHIP**

EXP CHECK RUN DATES 01/16/2024 - 01/16/2024

POSTED AND UNPOSTED OPEN AND PAID

BANK ACCOUNTS: DDA

Invoice Number	Bank Account	Description	Amount
WATSON DEBORAH WATSON DEC/ JAN	DDA	DDA DIRECTOR 12/14/23 - 1/10/24	3,422.00
Total For: DEBORAH WATSON			<u>3,422.00</u>
DECKER DECKER AGENCY 4934	DDA	DDA DIRECTOR BOND	1,023.15
Total For: DECKER AGENCY			<u>1,023.15</u>
SANDYB SANDY ALLARD DEC/JAN	DDA	DDA ASSISTANT 12-18-23 THROUGH 1-10-24	816.75
Total For: SANDY ALLARD			<u>816.75</u>
Report Total:			<u>5,261.90</u>

**INVOICE APPROVAL (BY INVOICE) FOR COMMERCE CHARTER TOWNSHIP**

INVOICE ENTRY DATES 01/16/2024 - 01/16/2024

POSTED AND UNPOSTED OPEN AND PAID

BANK ACCOUNTS: DDA

Invoice Number	Bank Account	Description	Amount
<b>DAWDA DAWDA MANN COUNSELORS AT LAW</b>			
591968	DDA	PROFESSIONAL SERVICES THROUGH 12-31-23	3,988.00
Total For: DAWDA MANN COUNSELORS AT LAW			<u>3,988.00</u>
<b>DTE DETROIT EDISON</b>			
02/06 2579 LIBRARY	DDA	ACCT# 9100 077 1100 5	22.86
02/06 2581 LIBRARY	DDA	ACCT# 9100 077 1086 6	1,017.10
02/06 2660 E OAKLEY	DDA	ACCT# 9100 077 1065 0	147.18
02/06 3106 MARTIN	DDA	ACCT# 9100 077 1076 7	183.60
Total For: DETROIT EDISON			<u>1,370.74</u>
Report Total:			<u>5,358.74</u>