



Final  
**CHARTER TOWNSHIP OF COMMERCE  
 DOWNTOWN DEVELOPMENT AUTHORITY**  
 Tuesday, April 19, 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 12:03pm.

**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  
 Jose Mirkin, Member  
 David Smith, Member
- Absent:** Sandy Bowers, DDA Assistant
- Also Present:** Melissa Creech, DDA Secretary  
 Molly Phillips, DDA Treasurer  
 Thomas Rauch, DDA Attorney  
 Matt Schwanitz, Giffels-Webster, DDA Engineer  
 Randy Thomas, Insite Commercial  
 Dave Campbell, Township Planning Director  
 Lt. Wendy Reyes, OCSO Substation Commander

**Item 1: Approval of Minutes**

**MOTION** by Spelker, seconded by Bulat, to approve the Regular Meeting Minutes of March 15, 2022, as presented. **MOTION CARRIED UNANIMOUSLY**

**Item 3: Public Comments**

Chairperson Gotts welcomed Lt. Reyes.

Discussions took place regarding continuing issues with theft of signs in the community, and preventative efforts.

Director Watson thanked Lt. Reyes for providing thorough police reports. All insurance claims, nearly \$30,000 in the past few months, have been finalized. Discussion continued regarding issues of speeding on Martin Parkway, significant damages to landscaping and light poles, and measures to slow traffic.

**Item 3: DDA Informational Meeting**

**A. 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;
  - I'll start off with the latest we know from Bruce. I've spoken to him a couple times this month.
  - Two weeks ago, I flew a group for him, one of his potential partners. They were extremely impressed with the market and the area.
  - In about a month is the ICSC in Vegas. Bruce has several meetings set up for that. In his opinion, his next steps hinge on that event.
  - We will have him in for an update after the ICSC, on June 7<sup>th</sup> at a special Marketing Committee meeting.
- 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;
  - Last month, we reported that we had an offer from an automotive dealership group. We were far apart on the economics.
  - We've had meetings with members of the DDA Marketing Committee, and they presented a conceptual site plan review to the Planning Commission.
  - We need to address issues related to the PUD and the Condominium Association. Therefore we will give the buyers more time in order for the municipality to get through whatever process is necessary.
  - We finally came to an agreement economically last Friday. The buyer is at \$2.65 million and is putting up an earnest deposit of \$25,000.
  - They have an initial inspection period of 90 days. At the end of that period, we're asking them to put up another \$10,000, which becomes non-refundable, but applicable. It is refundable if the DDA defaults, or if the site plan is denied.
  - After that \$10,000 is deposited, they have another additional 90 days to seek the approvals. There is also an extension beyond that, if they have not yet received approvals, for 30 days at an additional \$10,000, non-refundable.
  - Tom just received the revised LOI today. I would like him to review this to ensure it is in the complete format that he'd like to see.
- 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 – Wynclyff; Nothing new to report.
- Parcel I – BBI Holdings, Gilden Woods; North of the Township Hall, Nothing new to report.
- Parcel J1 – 2.38 acres on the hard corner of Oakley and Haggerty; We had a gas station group that was interested, and we had a letter of intent. We were very specific on the Township's position regarding alcohol. He agreed initially that it wasn't a big problem, until he got the agreement back. He said that if you want this number, I have to have beer and wine. I told him that would be an uphill battle.
- Parcel J2 – Public Storage; Nothing new to report.
- Parcel K – The orphan piece across the street; Nothing new to report.
- Parcel L – 1.8 acres on Haggerty Road;
  - The childcare group is in their due diligence phase.
  - They gave us their title objections, and Tom responded.
  - I have calls in to them to find out where they're at in the process.
- Parcel M&N – These are the two out-lots that are being retained.

### **B. Asset & Liability Report**

Treasurer Phillips reported that we successfully made our first bond payment of the year on March 31<sup>st</sup>. To date, we have transferred \$600,000 from the winter tax capture to the DDA to help fund it. More money will be coming to the DDA when the settlements are finalized, but the bulk of capture comes in during the summer.

Jose Mirkin – We do need more of this good news, that money is coming in.

Treasurer Phillips – Exactly. Let's hope property values keep going up.

Finance Chairperson Spelker – Money keeps coming in, the values keep going up and we keep paying down the debt.

Treasurer Phillips – All good things.

Finance Chairperson Spelker – It's easy for us that are here to say, business as usual, but Molly does such a fantastic job that business as usual has earned us excellent credit ratings, and the point we are at where we're finally getting this financial situation headed in the right direction. It's due to her adherence to being incredibly fiscally responsible, taking a conservative approach, and planning for the worst case. The plan is there, it's in place and well thought out. Kudos to our Treasurer.

Treasurer Phillips – Thank you.

Chairperson Gotts – On behalf of the DDA Board, we thank you for your tenacious efforts, Molly.

Treasurer Phillips – Based on the interest rates at the end of the year, for the 10-year treasuries, which is what we base our Township debt guarantee on, the present value of the future liability to the Township went down more than \$8 million.

Finance Chairperson Spelker – Good job.

[Applause]

### **C. Q&A**

None.

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

Attorney Rauch – Following up on Randy's presentation of the Parcel C Letter of Intent, back in January, the developer gave us a Letter of Intent through their broker and Randy. We had provided comments on that LOI. In March, the developer had the opportunity to talk with the Planning Department about the land use, and they delivered a conceptual presentation to the Planning Commission.

Discussions between Randy and the DDA Director evolved into economics, and as of last Friday, the LOI was revised. I received the redline version an hour ago, with the sales price that the DDA had suggested would be acceptable. I will look over the final version. I'm sure it is consistent with what we've discussed. A Letter of Intent is non-binding, but it does outline the basic terms and conditions that the buyer and seller want to move forward on, to develop the

purchase agreement. The LOI indicates that the purchase agreement will be the DDA's form, as it needs to be revised to effect this transaction, and to address the issues of land use for the automobile dealership where it is not currently permitted.

I would recommend that you give the DDA Director the authority to execute the LOI and to proceed with the Township, the developer and the broker, on the administrative matters necessary to get to a purchase agreement, which might very well come back at the next meeting.

Vice Chairperson Matta – Tom, based on your timeline, there will still potentially be some back and forth on the LOI?

Attorney Rauch – I expect that there won't be much, but as Randy mentioned, they have not approved the final version. They did agree to the purchase price. There may be some minor edits but at this point, it is pretty much in final form.

Vice Chairperson Matta – And you anticipate that we will have a purchase agreement that will come before us again in another month or so?

Attorney Rauch – The LOI indicates that the parties are going to work toward a purchase agreement, which could be as soon as next month, or depending on how the discussions develop, could be later. Similar to what we've done in the past, you will receive an email from me prior to the DDA Board meeting that it will be considered at.

Vice Chairperson Matta – Thank you for that.

**MOTION** by Matta, supported by Mirkin, to authorize the DDA Director to sign the LOI, with the advice and finalization by the DDA Attorney, and to proceed with the necessary administrative matters to draft an acceptable form of purchase agreement.

**MOTION CARRIED UNANIMOUSLY**

Jose Mirkin and Randy Thomas discussed the purchase price negotiated for Parcel C, other offers, dynamic markets and fluctuating prices. Discussion continued regarding the goals to achieve a high quality development and capturable buildout on this gateway parcel. Vice Chairperson Matta agreed with Randy Thomas; the DDA is not an ordinary seller going only for the highest purchase price. We have a duty to care about what goes on the site. Jose thanked Randy for a job well done.

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

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

- I. **Updates on Developers** – *Refer to the Insite Report for additional details.*
  - Aikens/Five & Main – Bruce's update is being rescheduled to June, after he attends the ICSC in Vegas, May 22-24. A special Marketing Committee meeting will be held on June 7, 2022, at 11am at the Township Hall.

Director Watson – Larry, when will Bruce meet with the Township Board again?

Supervisor Gray – In June also.

Director Watson –

- Merrill Park – Nothing new to report.
- The Avalon of Commerce Township – Nothing new to report.
- 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.
- Parcel L, Murphy RE Services for Higher Ground Education Childcare – They're still in their due diligence phase. They're tentatively scheduled to go before the Planning Commission in May with their site plan.
- Parcel C – As Lafontaine moves forward with their dealership proposal, potential amendments are being reviewed for the Master Deed, Bylaws and PUD.
- Parcel J1 – Nothing new to report.

**II. MTT Judgments** – Nothing new to report.

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

A. **Budget** – The 2022 budget was approved.

B. **Dues** – Avalon's payment was received. Second quarter dues invoices were sent out in March to Wyncliff and Merrill Park. We already received Merrill Park's check, and payment is on its way from Wyncliff. All other dues are current.

C. **Tax Forms & Reports** – The tax form is complete and was mailed in March.

D. **Lighting & Electrical** – **CJs Lighting, Chris Niestroy; Shaw Electric, Mark Feters, Adam Dornton**

○ Lighting

- Our order was placed in March for lighting supplies and will take anywhere from 8 to 12 weeks, or more depending on supply chain issues and other delays.
- Projects and repairs will be scheduled as weather permits.
- All insurance claims have been finalized.

○ Electrical

- Shaw has quoted \$5900 to prepare as-builts for the underground electrical private utilities. We will be proceeding.
- An additional scope was included for \$2350 to prepare CAD drawings for future project work and turnover copies to CTPA. This will be deferred.

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

- All insurance claims have been finalized.
- United has been onsite, cleaning up flower beds, mulching and reviewing project areas to be addressed. They anticipate cutting grass during the first week of May. The site is looking better already.
- We are working to schedule spring cleanup of Martin Parkway and the trails, and also maintenance on the footbridges.
- We are reviewing quotes, timelines and suggested projects for tree removals, replacements, stump grinding, fertilizer, and turf repairs along Martin Parkway.

- Jason Mayer sent out an email on April 11<sup>th</sup>, which I forwarded to the DDA Board. He is overseeing the Martin Parkway Adopt-a-Road, scheduled for Saturday, April 23<sup>rd</sup> from 9am-11am (*arrival at 8:45 at the Township Hall*). Road cleanup events have not been held since 2019 due to the pandemic. Thank you to Jason and Giffels Webster for restarting this program!

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

- Spring opening of the irrigation system is scheduled for Wednesday, April 20, 2022.

**G. Memorial Benches –**

- Benches were delivered in late November and are in storage.
- They will be installed in the near future, weather permitting.

**IV. Other –**

- Sign Bandit – Nothing new to report.
- Walled Lake Schools secured their property on Welch Road with a new barrier and posted “No Trespassing” signs. Hopefully, four-wheeling activity will be deterred.
- RFPs for legal services are being reviewed in order to prepare our draft.
- The Miss Dig account is progressing.

**Item 6: Engineer's Report**

Engineer Schwanitz – There has been nothing substantial. We answer questions when they're posed on various deals and offer our opinion on what needs to be done.

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

Dave Campbell, Planning Director – An update on Parcel L; the brand name is Guideposts Montessori. They are hoping to get to our Planning Commission for the May 2<sup>nd</sup> meeting. Concerns came up recently from the RCOC with the location of their driveway. It would land right where Haggerty Road expands from one southbound lane to two, right where the road starts to flare out. We're going back and forth with them about potentially shifting the location of their driveway, or if they will have to do some road widening with the RCOC, which is always an expensive proposition.

Chairperson Gotts – I'm sure you get bombarded with questions, as it's probably on everyone's minds, about the installation of our signage on the pedestrian bridge announcing the entry into Commerce Township. I think there's a bureaucratic problem.

Dave Campbell – It's a very long story. The latest chapter is that the next round of testing for the repair of the blue wave panels is scheduled for next week, on Monday, April 25<sup>th</sup>. They want to metalize the panels to keep them from rusting again. Before MDOT will agree to that, they want to see that a test panel can be metalized, and that the metallization will adhere to the test panel up to a certain PSI.

We have been invited to attend this test. They are optimistic that they've found a solution and that the testing will be successful. If that's the case, they are telling us that it will be 22 weeks from a successful test to the time that those panels go back up. That would put us around early September. That would be a best case scenario.

Randy Thomas – When you say “they”, who are they?

Dave Campbell – There's a lot. The entity doing the metallization is a company out of Farmington Hills called Midwest Thermal Coatings. They do a lot of work in the automotive industry. They're hoping to move more into the bridge industry. They're the ones who will be doing the metallization if the test passes.

Randy Thomas – And who is the responsible party?

Dave Campbell – That's another long answer. It's the subcontractor who originally installed the panels who failed to galvanize them at the beginning, which is why there's a problem with rust. MDOT is holding them responsible for repairing and reinstalling what they should have done right the first time. The name of that company is Action Traffic Maintenance, which has a lot of contracts with MDOT. Davis Construction is the general contractor, and they also have a lot of contracts with MDOT.

The other issue we have had with the bridge is the color changing lighting system along the northbound side of the bridge. When it works correctly, we can do different holiday themes with those lights and it's a really good look. Otherwise they're just a solid blue color, which also adds to the gateway feature of the bridge.

Those lights, going back to Easter of last year, there are two zones that were doing a strobing effect. It took us a lot of time to find an electrician who could figure out the problem and the solution. Like anything else, the solution wasn't particularly cheap, but the Township Board, in their infinite wisdom, recognized the value of what we've invested in that bridge and maintaining its stature as a gateway to the community, so they agreed to spend the money to get those lights fixed. I'm waiting on the contractor, Shaw Electric, to give us a schedule. There will be lane closures along M-5 and they will need permitting from MDOT. We hope to see those lights working again sometime in the near future.

Discussion continued between Dave Campbell and David Smith regarding the Township's ownership of, and responsibility to maintain the accoutrements and lighting on the M-5 bridge. Jose Mirkin suggested holding a grand opening ceremony at the bridge when the panels are reinstalled since there was never an official inauguration. Director Watson thought this could possibly be timed in the fall with the M-5K. Dave Campbell recommended that everybody participate in the M-5K and start training now.

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

- A. Finance Committee – Finance Chairperson Susan Spelker – As Molly stated earlier, the bond payment was made with the advance approved by the Township. I'm delighted to say it's business as usual.
- B. Public Relations Committee – Public Relations Chairperson, Jose Mirkin – Nothing to report this month, although our Director is coming up with plans to beautify the community. By next month, hopefully we will have some ideas to share with the Board.
- C. Marketing Committee – Marketing Chairperson, David Smith – We have the LOI on Parcel C. This is a complicated deal and it will take certain navigating to complete it. If we can pull it off, it will benefit the Township, the DDA and our constituents. The other party who had placed an offer on Parcel C is now looking at another parcel.

**Item 9: Approval of Warrants and/or Carryovers, Add-ons, Revenue & Expenditure**  
**MOTION** by Mirkin, seconded by Winkler, to approve the Warrants and/or Carryovers, Add-ons and the Revenue & Expenditure Report. **MOTION CARRIED UNANIMOUSLY**

**Item 10: Other Matters**

**Township Board Update**

Supervisor Gray –

- At our last Township Board meeting, we had Plante Moran Cresa give a final report on Fire Station #03. We're in the process of closing that out as we're at about 98%.
- You've heard about the Windmill Farms RFP. We are interviewing concessionaires. The current concessionaire is still in the running, but we're looking to bring in someone who will have programs available for the benefit of Commerce Township residents.
- We moved forward with the Lystek system, although the price increased by \$700,000. This system will be put on the water treatment plant to take the sludge and turn it into a Class-B fertilizer rather than hauling it to dumps. If we didn't receive any financial assistance toward that, we figured it would be paid off in about 10 years. However, we did receive some federal funding and ARP dollars, so about \$1.5 million will come from the Township.
- We passed the sidewalk ordinance to address sidewalk issues going forward.
- We are also in the process of establishing a rental inspection program in Commerce for rental homes, apartments and eventually big box stores.
- We discussed ARP dollars received from the government. So far, we've received just over \$2 million of the \$4 million that we are supposed to receive. Those dollars are being disbursed to the Fire Department for a new fire truck and for contract extensions.
- The Township also has a new emergency system. You can register to receive texts and emails regarding emergencies, such as water notices, car accidents and anything impacting the Township. Text CTALERTS to 888-777. This is also on the web page.

Brian Winkler – Jason Mayer with Giffels Webster has organized an Adopt-a-Road cleanup for Martin Parkway this Saturday, April 23<sup>rd</sup>. For those who would like to participate, we will meet here at the Township Hall at 8:45am on Saturday and we will spend a couple hours cleaning up debris and trash along Martin Parkway. Our last DDA Board member, Susan Averbuch, did this before the pandemic.

**Chairperson Gotts – The next regularly scheduled DDA meeting is Tuesday, May 17, 2022, at 12:00pm.**

**Item 11: Adjournment**

**MOTION** by Mirkin, seconded by Hoy, to adjourn the meeting at 12:48pm.

**MOTION CARRIED UNANIMOUSLY**



Melissa Creech  
DDA Secretary



04/19/2022 09:40 AM  
User: JBUSHEY  
DB: COMMERCE

INVOICE APPROVAL BY INVOICE REPORT FOR CHARTER TOWNSHIP OF COMMERCE  
INVOICE ENTRY DATES 04/19/2022 - 04/19/2022  
BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID  
BANK CODE: DDA  
DDA ADD-ON WARRAMT REPORT  
APRIL, 19, 2022

Vendor Name	Invoice Date	Description	Amount	Check #
1. DETROIT EDISON				
	04/12/2022	2579 LIBRARY IRRIGATION	19.28	
	04/12/2022	2660 OAKLEY PARK	102.11	
	04/12/2022	3106 MARTIN PARKWAY	109.53	
	04/12/2022	2581 LIBRARY DR.	684.18	
		TOTAL	915.10	
TOTAL - ALL VENDORS			915.10	
FUND TOTALS:				
Fund 499 - DOWNTOWN DEVELOPMENT AUTHORITY			915.10	

04/13/2022 02:09 PM  
User: JBUSHEY  
DB: COMMERCE

INVOICE APPROVAL BY INVOICE REPORT FOR CHARTER TOWNSHIP OF COMMERCE  
INVOICE ENTRY DATES 04/13/2022 - 04/13/2022  
BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID  
BANK CODE: DDA  
DDA WARRANT REPORT  
APRIL, 19, 2022

Vendor Name	Invoice Date	Description	Amount	Check #
1. ADKISON, NEED & ALLEN	03/31/2022	PROFESSIONAL SERVICES MARCH 2022	492.00	
2. DEBORAH WATSON	04/13/2022	DDA DIRECTOR 3/10 - 4/13/22	4,200.00	
3. KEMP, KLEIN, UMPHREY & ENDLEMAN, PC	04/06/2022	PROFESSIONAL SERVICES THROUGH MARCH 31, 2022	6,295.89	
4. OAKLAND COUNTY TREASURER	03/31/2022	BOND FOR TAX COLLECTIONS	200.28	
5. SANDY BOWERS	04/13/2022	DDA ASSISTANT 3/10 - 4/13/2022	918.75	
TOTAL - ALL VENDORS			12,106.92	
FUND TOTALS:				
Fund 499 - DOWNTOWN DEVELOPMENT AUTHORITY			12,106.92	