

Final
CHARTER TOWNSHIP OF COMMERCE
DOWNTOWN DEVELOPMENT AUTHORITY
Tuesday, January 19, 2021
Commerce Township Hall
2009 Township Drive
Commerce Township, MI 48390
12:00 PM

In accordance with Public Act 228 of 2020, this meeting was held via Zoom, video conferencing technology.

CALL TO ORDER: The Meeting was called to order by Member Tim Hoy at 12:00PM.

Downtown Development Authority:

Present: James Gotts, Chairperson
Dan Lublin, Vice Chairperson
Brian Winkler, Member
Larry Gray, Township Supervisor
Jose Mirkin, Member
David Smith, Member
Susan Spelker, Member
Tim Hoy, Member
Steve Matta, Member

Also Present: Molly Phillips, DDA Treasurer
Melissa Creech, DDA Secretary
Debbie Watson, DDA Assistant
Thomas Rauch, DDA Attorney
Matt Schwanitz, Giffels-Webster Engineer
Randy Thomas, Insite Commercial
Dave Campbell, Township Planning Director
Lt. Wendy Reyes, Substation Commander, Oakland County Sheriffs
Ken Milburn, Meeting Moderator, Merge Live

Tim Hoy – I'm temporarily chairing your meeting today, so welcome to the January 19th meeting of the Downtown Development Authority. Before we begin our meeting today I wish to make an announcement that I sincerely wish I didn't have to make. On Saturday, January 16th, our DDA Director, Mark Stacey passed away. His death was very sudden and heartbreaking for his family and everybody who knew him.

Mark gave his valuable time and expertise to the DDA for many years. His organizational skills and his thoughtful guidance were essential to the complicated and challenging work of the DDA. But Mark always had a mission and it was single-minded, and that was to make Commerce Township a better place to live in. The residents of Commerce Township were truly blessed to have him as the DDA Director, and the work that he did is evident everywhere in the DDA district. We'll continue I'm sure to feel Mark's influences for many years as progress in the Commerce Downtown Development continues. Mark's legacy will probably be fully realized when we see the completion of what Mark would call his "ride through the kingdom".

He will be greatly missed by all of us who served with him on the DDA. And I am certain I can speak for every one of us who worked with Mark that we are saddened by the loss, not only of a co-worker, but a friend. Our thoughts and prayers go out from all of us here today to both his lovely wife Teresa and their daughter Morgan. I know that our Chairman, Jim Gotts wants to say

a few words, followed by Debbie Watson, and we welcome anyone who would like to say a few brief words before the meeting begins.

Chairperson Gotts – Thank you, Tim. I appreciate the opportunity, as saddening as it is. I've got about a half century in Commerce Township, and originally, Union Lake Action Committee and the Planning Commission, and most recently, the Downtown Development Authority. I've known and worked with Mark for probably 20% of that time. He was intelligent, knowledgeable, totally dedicated and will be sorely missed.

I think he's going to be virtually irreplaceable. I have great sympathy and empathy for his family, his lovely wife Teresa and daughter Morgan, and I wish to convey all of our heartfelt thanks for everything that Mark had done, and paramount total sympathy. Thank you.

Debbie Watson – Thank you, Tim and Jim. I really appreciate, Tim, you stepping in and chairing the meeting today. I just have a few words to share.

I was so blessed to have worked alongside Mark for nearly six years now. He wasn't just my boss - he was a true friend and a mentor. It was an honor to be his "work-wife" as his family called me. Over the past few days, I've had to make a lot of phone calls. The list was daunting at first, but with each call, I found it to be therapeutic and comforting.

Everyone loved Mark. Everyone has a story to tell about Mark. With each call and each story, the words that resonated were that Mark was a kind and selfless man, a true friend. He had an awesome sense of humor. He cared about you, your health, your family, your pets, your personal struggles and your victories. He always remembered what you had going on, and that was always first. He was patient. He was a great listener. He was always happy to share his wisdom in every situation, offering good advice and guidance.

I believe it was Susan Spelker who said, don't confuse kindness with weakness. That was fitting, because Mark's kindness was definitely one of his strengths, and yet when he needed to be tough, he proudly rose to the occasion. He protected everything that he put his heart into - his family, his friends, his work here in the DDA, and in Commerce Township. Mark was a brilliant and dedicated man. He was a fierce negotiator, a fearless protector and a financial genius.

I hope we can take the positive energy and life lessons that Mark has taught all of us, about the kind of people we need to be every day, and continue on our path, to honor his memory and see this DDA project through. It was his mission. It was his passion, and it was his kingdom. Thank you.

Dan Lublin – Knowing Mark before and after he joined the Township in form or another, he was a true friend to everybody, and dedicated to the community 100%. He gave everything he could, at all times, respecting everybody. He'll be more than sorely missed. He can never be replaced, but all I can say is that we are lucky to have had the best of him during his time with us and may God take care of him and his family.

Supervisor Gray – Fortunately, but unfortunately, I've known Mark for only two months. As I let everybody know today, the two months I knew him... what a great guy. He stopped in every morning and asked me how I was doing, asked me how my family was doing – that was actually the first question, then he'd ask about me. When I got the message from Debbie, she called me Friday and then followed up, I can tell it's going to be a huge person to replace. I just want to let everybody know that, anything I can do to help, please let me know. I look forward to working with everybody, and continuing his legacy on getting the DDA developed and the kingdom that he wanted it to be. Thank you.

Tim Hoy – With that, I'd like to thank you all for those comments. As a DDA, we'll finish the job of making Commerce Township a better place to live in and we can make Mark proud. I think the most important thing in anyone's life is passion. If you have it, you've lived a full life, and Mark surely had it, and we'll miss him.

Item 1: Approval of Minutes

MOTION by Lublin, seconded by Gotts, to approve the Regular Meeting Minutes of December 15, 2020 as presented.

ROLL CALL VOTE

AYES: Lublin, Gotts, Spelker, Smith, Gray, Mirkin, Winkler, Matta, Hoy

NAYS: None

MOTION CARRIED UNANIMOUSLY

Item 2: Public Comments

Ken Milburn – We do have one or two callers that may want to speak. If you'd like to speak, please press *9 on your keypad to raise your hand.

Seeing no one at this time, Mr. Chair.

Tim Hoy – With no public comments, we'll move on.

Item 3: Insite Commercial Report

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

Randy Thomas – I'll just say a little something about Mark. For those of us who have some institutional knowledge, we'll probably remember that Mark was actually an opponent of what the DDA endeavored to do, long before what we see right now. When he came onboard, I wasn't sure what to expect. Much to my surprise, he was a big champion of what was going on. Four days of the week, he would be one of my first calls, right around 8 to 8:30am. Honestly, we talked more about our kids and hockey than we did the DDA stuff. He became a friend. He'll surely be missed, there's no doubt about it. I wish he could have seen what we've all been working hard for. But I know he's in a good spot right now and he'll be happy on what we move forward and finish.

- Parcels A&H – Shapiro's Barrington development; They're delivering a building about every 4 weeks. The tenant occupancy is starting. On the schedule, they'll look at delivering these buildings close to the end of the year, and it may take another 18 months before they get full occupancy. I met with Jim Galbraith over the holidays. He told me that tenants are paying the rent and they love the space. I haven't been in the units, but all of the foundations are in and they'll continue construction throughout the balance of this season.
- Parcel B1 – Aikens, Five & Main; Phase I
 - I did talk with Bruce yesterday to get his update. Because of what's happened with the virus, it has changed the retail landscape significantly. We don't know if we've got a theater deal or a hotel deal right now, but conversely, a lot of the tenants that are in Twelve Oaks have felt the pain. There's been a big push, nationally, to get into these outdoor venues.
 - My conversation with Bruce yesterday was that he's got other assets. He's watching Rochester Hills, where they only lost one tenant, the Victoria's Secret, but they're backfilling that. He feels pretty good about that because a couple months ago, nobody knew what was going to happen with the retail landscape.

- He's working on a couple things. Today, we're going to be flying a group out of Ohio to take a look at the project area and the market. Next month I'll have a report on where that leads us and I'll find out who that is.
- He still plans on moving forward. Dave, he's probably going to reach out to you here in the next 30 days to continue the discussions we had, particularly what's going to happen with the residential portion of his part of the development, and then the development of the ring road.
- To sum it up, no one saw this coming on last year. It certainly has pushed his portion of the project back. The upside is, there's light at the end of the tunnel and it's not a train coming at us. I'll continue to stay in contact with him and keep the DDA up to speed as much as possible.
- Mark and I had talked about this, and I did ask Bruce to come in, probably at the beginning of the second quarter to meet with us and update the DDA himself. We'll make sure that happens.
- Parcel B1 – Aikens, Five & Main; Phase II –
 - Bruce has until October 31, 2021 to close on this. I'm sure we'll be having some discussions on it. I would anticipate having a discussion regarding the closing date based on what's happened.
- Parcel B2 – Granger, First & Main; Nothing new to report.
- Parcel C – The hard corner of Pontiac Trail and Haggerty Road; We have had some activity. It was a little slow from Thanksgiving through Christmas, but the first two weeks have picked up. We have had three inquiries; oddly enough, two were from high-end senior developers, and another from a local retail developer. Once Bruce breaks ground, it will create a little bit more urgency on this from the folks that we're talking to. I don't really have deals on the table, but the good thing is we have gotten calls.
- Parcels D&E – Pulte, Merrill Park; Nothing new to report.
- Parcel F – The 3.9 acres in front of the Township Hall; It was quiet during the holidays. Nothing to report to the DDA Board right now on that.
- Parcel G – Wyncliff; Nothing new to report.
- Parcel I – BBI Holdings, Gilden Woods, North of the Township Hall; She's doing well at the location and they're actually doing better than they anticipated. This site, on the east side of the market, is one of their best locations. They're very pleased with what's going on in Commerce.
- Parcel J1 – 2.38 acres on the hard corner of Oakley and Haggerty; This is the remaining piece. It has been relatively quiet. I haven't had any inquiries yet this month.
- Parcel J2 – Public Storage (Formerly NorthPoint, Beyond Self Storage); You've probably seen some color and name changes on here. This property was developed by NorthPoint development. They had a portfolio sale to Public Storage. Dave can probably bring you up to speed.

Dave Campbell – I actually just talked to that group this morning about where they need to be procedurally for site plan and Special Land Use approval for the self-storage facility. Their hope is to be in front of the Planning Commission at their meeting on March 1st. They are moving forward with hopes of getting the approvals they need.

Randy Thomas –

- Parcel K – The orphan piece across the street; The developer is the group based out of Atlanta that's looking to do self-storage. They did have a conceptual site plan review with the Planning Commission. It was well-received. This would encompass the DDA's parcel, and the parcel adjacent to the west. The proposed development would also have a continuation, an easement the developer is willing to grant. Then we've got to go to the State of Michigan to get the balance of the easement. That potentially is a continuation of the trail way that eventually could lead into the development area, into Five & Main. We have a purchase agreement that is in front of the DDA. I believe Tom sent that out to you last Friday. That is going to go for a vote. I'll let Tom give you the details on that when he gives his report.
- Parcel L – 1.8 acres on Haggerty Road; You may recall, we had Goddard Schools on this parcel, and they were surprised by corporate who said they were going to hold off on approving this site because they were afraid of cannibalism on a location that's going up at 13 Mile and Haggerty. It's a different market from a traffic pattern. She has not gotten any final word. She has pled her case and she's still waiting to find out if they're going to free up this location. I have reached out to other childcare providers, because obviously there's still a need in the market. I'm not going to take Goddard off yet because I don't believe we're quite done.
- Parcel M&N – Our signs continue to get vandalized or stolen. These are the two remaining pieces. As Aikens starts to develop the ring road, that will position one of the out-lots immediately, and quite honestly the second out-lot because it would be right across from where the proposed market is going to be.
- I had a meeting with the market operator about a week ago. They're very excited about putting their store here in Commerce.

Dan Lublin – Randy, what's happening with the Beaumont property? Have you had any calls on that?

Randy Thomas – Yeah, I do. The vast majority of the calls I get are from residential developers who are looking to do multi-family or some sort of mixed use. Beaumont is hesitant to go down the road with a residential developer because of the site contamination on the northwest portion of the property. I make developers keenly aware that there are some issues. We do have a group that we sent information to this morning. Their initial read is they think they can get a level of comfort. They're going to do some more homework.

I've also got two industrial developers. We've talked on and off for a period of time. When the property came back on the market, one of them actually put in a lowball offer, which we never responded back to. They're back at the table, along with another group. I don't know which way this will swing, but we get a lot of calls.

Item 4: Director's Report

The Board observed a moment of silence to honor Mark Stacey.

Item 5: Attorney's Report

Attorney Rauch – Thank you, Tim. I also want to express my intense sadness at losing Mark. As Randy said, from the time when he started as an adversary, subsequently he developed into the best champion I think we've had for our affairs. It's going to be difficult to not have him on an every other day phone conversation.

I have two matters I forwarded to you last week. The first one is the procedures for remote attendance at meetings, which the Township Board adopted, and I believe recommended to the

various departments and entities within the Township. So, I have taken the Township Board's version, converted it to a Downtown Development Authority procedures document, and unless there are questions, I would appreciate a motion to approve the procedures and adopt them on behalf of the DDA.

MOTION by Lublin, supported by Mirkin, to approve the Resolution and adopt the new Procedures as presented by the Attorney.

ROLL CALL VOTE

AYES: Lublin, Mirkin, Smith, Gray, Gotts, Winkler, Matta, Hoy, Spelker
NAYS: None **MOTION CARRIED UNANIMOUSLY**

Attorney Rauch – With the passage of that motion, we'll move onto the other issue. You'll recall at the last DDA meeting, you approved and directed us to move forward with an agreement consistent with the letter of intent for Parcel K for the small driveway parcel on the south side of Pontiac Trail, east of M-5, to assist the developer who has an option or dominion over the larger parcel to our west to put up an attractive, upscale storage facility.

The agreement has been negotiated and we have a final version; 99% of it was sent to you last week. We've corrected a couple of typos in the meantime. We now have the ability to execute the agreement. Last month, there actually was quite a bit of conversation in the minutes so I won't dwell on the details. The importance to the DDA and to the Township is that this assists the developer in being able to get reasonable access to Pontiac Trail, which the parcel that they are buying to the west of ours doesn't really have at this point. As part of their acquisition and consistent with what the Planning Commission apparently advised them in their conceptual site plan presentation, they are going to dedicate an easement for construction of the pathway across the larger parcel they're buying, and across our parcel if necessary, to be able to link to the Township pathway system.

With that said, if there are any questions, I'll be happy to answer them. If not, I'd appreciate a motion to approve. What I would like to do, assuming approval, is have a resolution include the approval of execution of the document by Tim Hoy, and by Melissa, the Secretary, in lieu of having Mr. Gotts come in. Previously, we had prepared it for Mark's signature, so we're now going to suggest that Tim sign instead. We'll make sure that's in the resolution for whoever proposes it.

Chairperson Gotts – You recommend execution, counselor?

Attorney Rauch – Yes, Jim, of course. I do recommend approval. Dave Smith had commented last month that he wanted to be certain that they utilized a form of agreement that was consistent with our prototype, and they have done that. We've obviously made the appropriate changes to reference their transaction.

MOTION by Lublin, supported by Gotts, to approve the Resolution and to execute the Parcel K Purchase Agreement as presented by the Attorney.

ROLL CALL VOTE

AYES: Lublin, Gotts, Gray, Mirkin, Winkler, Matta, Hoy, Spelker, Smith
NAYS: None **MOTION CARRIED UNANIMOUSLY**

Attorney Rauch – I will confirm that the resolution includes the approval of Mr. Hoy to execute on behalf of the DDA with the Secretary.

Chairperson Gotts – Right.

Attorney Rauch – Thank you very much. That’s all I have.

Tim Hoy – Any more questions of the counselor?

Brian Winkler – With regard to that baseline environment assessment. Was that needed for a piece of property like this, Tom?

Attorney Rauch – As I understand it, although I haven't reviewed the files on this parcel, this small parcel, less than half an acre, had a dwelling on it originally which MDOT acquired. They used the dwelling as a field office for the construction of M-5. We acquired that property, perhaps 10 years ago. I don't remember exactly. The DDA did environmental examinations. I don't recall that a BEA was necessary or completed, but I have a recollection, and there is of course a file reflecting it, that there were some materials from the demolition of the dwelling, perhaps with asbestos or some other small quantity of some detrimental condition. I don't recall that there was a BEA done for that property.

Brian Winkler – Thank you, Tom.

Item 6: Engineer's Report

Matt Schwanitz, Giffels Webster – Nothing much new. I want to just reiterate everybody else's comments. God bless Mark. I have a hard time with making any other comments like that, but he was always thoughtful and respectful, even in the most adverse situations. It's a very good way to live.

Last week or the week before, we had some interactions with Aikens. It was very minor but it helped them out with some title work. They were trying to get their hand around some of the restrictions related to Walmart. Nothing serious, but it indicated that Aikens is actually looking at design work through the process. There haven't been any other developments or needs for the last month or so.

Item 7: Planning Director's Report

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

- Thank you. I'll go along with everyone else and say how much I'm going to miss Mark. He used to come into my office here nearly every single morning and we'd shoot the breeze. I mean it when I say, I'm going to miss the hell out of him.
- As for some updates on some projects in the DDA area:
- The Townes at Merrill Park; these are the townhomes Pulte hopes to build on the east side of Martin Road, near Township Hall, north of the Merrill Park. They got their Conditional Rezoning approved by the Planning Commission and the Township Board. They will be back in front of the Planning Commission on February 1st seeking site plan approval for the condominium townhomes. These are going to be owner-occupied townhomes. I think 103 is the number they're hoping to get.
- The 84 Lumber project, which is in the DDA boundaries in the Homestead Industrial Park along Pioneer. They received site plan approval from the Planning Commission. They had to get a Conditional Rezoning approved first. They got that approved, and then at the Planning Commission's meeting, last week Monday, they got their site plan approval. They are hoping to get going on that project this spring.

- Zerbo's, on the south side of Maple, east of M-5; we're hearing they hope to open in the next month or so. One of their steps is that they have to go in front of the Zoning Board of Appeals with requests for several sign exceptions. They're asking for a lot more signage for that building than what our Zoning Ordinance would typically allow.
- Public Storage bought out Beyond Self-Storage. Beyond Self-Storage bought the DDA's property at Oakley Park and Haggerty and built the facility that's there now. Their whole operation has since been bought out by Public Storage, so they're rebranding all of those former Beyond Self-Storage facilities, including the one here in Commerce. They submitted a sign package to the Building Department to rebrand the building, replace the wall sign, replace the ground sign, and also some rebranding efforts as far as bringing their corporate orange color onto the building – a lot, and maybe too much of the corporate orange color. We replied with our thoughts on their sign package, and to my knowledge, we have not heard back from them yet.

Item 8: Committee Reports

- A. Finance Committee – Tim Hoy – Again, because Mark ran this, we will postpone it.
- B. Public Relations Committee - Jose Mirkin – The Public Relations Committee does not have any news to report today, but I want to express my deepest and sincere condolences to the family of Mark Stacey. As Randy said, I met Mark when, as a concerned and responsible resident of the Township, he was raising important issues to the DDA. I never thought that later on, Mark would become in love with the DDA and with the DDA plans to make Commerce Township one of the best in the State. I am stunned, shocked by his passing, and as every member of this team said, he was a dedicated, excellent Director. He was also an excellent colleague and a very good friend. He was a strong supporter of the Public Relations Committee. He was one of the members of the DDA that came to every Art Exhibition in the Library. We talked a lot about how to make Commerce the ideal Township. I'm going to miss Mark.
- C. Marketing Committee – David Smith – Good afternoon, everybody. Like everyone else, Mark was an irreplaceable asset to the DDA, and he deserves the complete respect of the community. When it comes to Marketing, I really don't think there's anything I can add that Randy hasn't. We will all definitely miss Mark. Looking forward to seeing you all Thursday. If you have any questions, let me know.

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: Lublin, Gotts, Mirkin, Winkler, Matta, Hoy, Spelker, Smith, Gray

ABSENT: None

NAYS: None

MOTION CARRIED UNANIMOUSLY

Item 10: Other Matters

- The next regularly scheduled DDA meeting is Tuesday, February 16, 2021 at 12:00pm.
- The Board discussed details of the Memorial Service in honor of Mark Stacey, planned for Thursday, January 21st, at the Township Hall parking lot. There would be an

opportunity to say a few words, and then the group would take a drive through the DDA property, a “ride through Mark’s kingdom”.

Item 11: Adjournment

MOTION by Lublin, seconded by Gotts, to adjourn at 12:45pm.

ROLL CALL VOTE

AYES: Lublin, Gotts, Mirkin, Winkler, Matta, Hoy, Spelker, Smith, Gray

NAYS: None

MOTION CARRIED UNANIMOUSLY



Melissa Creech

DDA Secretary

01/13/2021 08:45 AM
User: JBUSHEY
DB: COMMERCE

INVOICE APPROVAL BY INVOICE REPORT FOR CHARTER TOWNSHIP OF COMMERCE
EXP CHECK RUN DATES 01/19/2021 - 01/19/2021
BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID
BANK CODE: DDA
DDA WARRANT REPORT
JANUARY 19, 2021

Vendor Name	Invoice Date	Description	Amount	Check #
1. COMMERCE TOWNE PLACE ASSOCIATION	01/11/2021	2021 CTPA DUES	13,394.70	
2. DEBORAH WATSON	01/13/2021	DDA ASSISTANT HOURS	1,032.49	
3. DYKEMA GOSSETT, PLLC.	11/18/2020	PROFESSIONAL SERVICES - AIKENS	605.00	
	12/11/2020	PROFESSIONAL SERVICES	2,057.00	
	12/16/2020	PROFESSIONAL SERVICES RENDERED - AIKENS	544.50	
		TOTAL	3,206.50	
4. KEMP, KLEIN, UMPHREY & ENDLEMAN, PC	01/06/2021	PROFESSIONAL SERVICES THROUGH 12/31/2020	4,109.70	
5. MARK STACEY	01/13/2021	DDA DIRECTOR PAY	5,400.00	
TOTAL - ALL VENDORS			27,143.39	
FUND TOTALS:				
Fund 499 - DOWNTOWN DEVELOPMENT AUTHORITY			27,143.39	