

Final
CHARTER TOWNSHIP OF COMMERCE
DOWNTOWN DEVELOPMENT AUTHORITY
****SPECIAL MEETING****
Thursday, January 28, 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 Special Meeting was called to order by Chairperson Gotts at 6:00PM.

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
Steve Matta, Member

Absent:

Tim Hoy, Member (excused)

Also Present:

Molly Phillips, DDA Treasurer
Debbie Watson, DDA Assistant
Thomas Rauch, DDA Attorney
Chris Martella, DDA Attorney
Matt Schwanitz, Giffels-Webster Engineer
Randy Thomas, Insite Commercial
Ben Sebrowski, IT Department Director, Meeting Moderator
Bob Berkheiser, Township Board Trustee

Item 1: Public Comments

Chairperson Gotts opened to Public Comments and asked that callers identify themselves prior to speaking.

Ben Sebrowski – I do see that we have two callers on the line. If you would like to make a public comment, press *9 on your keypad to raise your hand. No one has raised their hand.

Randy Thomas – Ben, I do have a comment. There have been some phone calls and emails. I think Deb is uniquely qualified, based on her proposal, to take over the next steps with what goes on with the DDA. I've worked with Deb for a long time, both through Mark and with Kathleen. Quite honestly, from my position of how I see things, I really don't see that she is at any less detriment than her predecessors walking into this spot. I would suggest that the DDA give her this opportunity. Let's see what Deb can do. I have a whole lot of faith in her.

Item 2: Interim DDA Director

Chairperson Gotts – Thank you very much, Randy. I'm in concurrence with your statement. Are there any other members of the DDA who would like to speak to that issue?

Vice Chairperson Lublin – I'm 100% in concurrence, Deb is the right one to fill the shoes.

Chairperson Gotts – Thank you, Dan. Any other parties?

Steve Matta – I'm probably the newest member to this group, and I think Debbie is fantastic. It has taken a long time for me to get any kind of continuity to understanding what's been going on. I've been here almost two years. Deb has an institutional knowledge that goes back farther than probably half of us at least I'm guessing, but certainly way farther than me. I don't know how we could do without her to be honest with you. I don't know anyone who would be better, and frankly, I'm not even sure why we would spend time calling her interim. We should probably just make her the next Director.

Vice Chairperson Lublin – I agree with that 100%.

Chairperson Gotts – Thank you, Steve. I concur.

Jose Mirkin – I would like to say something, Jim.

Chairperson Gotts – Yes, please, Jose.

Jose Mirkin – I agree with Randy, Danny and Steven. I think that she's the perfect Interim Director. I understand that by law, we are supposed to post this position. I am 100% in agreement that she should be the Acting Director for 30, 60 or 90 days, but once again I understand that by law, we have to post that position.

Steve Matta – I think it was noticed today as an interim issue, but Tom, maybe you could tell us if we have to post it for some period of time, and/or interview other candidates.

Attorney Rauch – I don't think the statute or our bylaws require it. As I understand it, the Township Board did not impose any particular conditions other than the DDA Board's recommendation, but I also understand it was approved at the Township Board as an interim appointment, subject to the DDA Board's recommendation. I think first, it's the proposal for an Interim Director, and I'll check in to be sure, but I don't believe that either the DDA statute or bylaws require a particular procedure for naming the Director.

Steve Matta – And Tom, my understanding of the Township Board was that they really didn't have a say necessarily in who we chose, only the budget portion of it. Maybe a representative of the Board is here who can speak to that, or Larry can talk to us about that.

Attorney Rauch – I don't think that's correct, Steve. I don't have the information in front of me because I'm using the computer for this meeting, but the Director is designated, I think, by the Chief Executive Officer, by the Supervisor, and is subject to the approval of the Township Board.

Steve Matta – Okay.

Chairperson Gotts – Larry has his hand up.

Supervisor Gray – First of all, I want to check; did we close public comments on this?

Chairperson Gotts – Yes, I believe public comments have been closed.

Supervisor Gray – Okay, I didn't hear that. So, from what we've been told, what happens is that the DDA Board will select the next DDA Director. Then, once we as a group select the next Director, we will go to the Township Board for approval of that person. What the Township Board approved, or what we suggested, is that we are backing Deb for an interim timeline of 90 days, to be the Interim Director of the DDA. We recommend that and we have her approval, but it's up to the DDA Board to make that decision. If we're discussing this right now, what I'd like to do is make that motion.

MOTION by Gray, supported by Lublin, that the DDA Board recommend having Deb Watson be the Interim Director for the next 90 days for the Downtown Development Authority.

Discussion –

Spelker – I understand that the Township Board approved her as an interim, and I think that's important. I think that when people are talking about this position, although I'll be the first one to say I'm 190% behind Deb having this position permanently, it's always a good idea to post so that people can't throw any rocks at the appointment. You can review the postings and see that none of them have worked for the DDA for years like Deb. It's a really good form to follow, just to make everybody comfortable with the appointment. I'm more than comfortable, but there's a public at large that has to be satisfied as well, and they deserve to be able to throw their hat in the ring, in case on that million-to-one chance, there was someone that was better, we at least took a look. We weren't remiss in our duties. We didn't rush into anything, even though this is just a horrific and sudden situation. We kept our cool, we made our interim, and we'll review anyone who is interested, should anyone come forward in the next 90 days. Confident that no one else will who is anywhere near qualified as Deb, we'll go ahead and appoint her permanently, which is what I would like to see happen. I think that there's a form, it's etiquette, it's good business, it's just the way things ought to be done.

The other thing I want to say is that, Deb, being as competent as she is, has a tendency to overextend herself. I want to make sure that whoever is going to manage this situation, with and for her, make sure that she has support and a secretary, and is not taking notes at a meeting when she is the Director. I know her proposal said that she doesn't need a secretary right away. I am vehemently disagreeing with that part of it. All due respect, Deb. You have to have support in order to do the job properly. I want you to do the job the way that I know you can do it, and you need the tools to do the job. I wouldn't ask you to change a tire without a jack, and I'm not asking you to do this job without a secretary. That's what I had to say, that's how I wanted to weigh in. Thank you for listening.

Gotts – Are there any further discussions?

Gray – Susan I agree with you 100%. That's exactly why we're taking these steps so that, if there is anybody better, we have that 90 days to post the job and interview, but it's very important that we carry on the DDA business, and Deb's the best one to do it at this time. I guess my question is what you just mentioned; there is a proposal out and that's what the Township Board approved. We're backing this decision that we are going to stay within the budget. If we're going to get her a secretary, we need to figure that out, Deb. We need to make sure we stay within the budget of where we're at. I believe her proposal was 35 hours per week, which is right at budget.

Watson – Yes, at that point when we look at an assistant, I would adjust my hours and we would make sure that we stay within budget. We can go over that in detail together, Larry.

Gray – I'm hopeful we can get this before 90 days. Hopefully this process will only be 30-45 days where this doesn't become an issue, but I think we're following the proper steps here to fulfill this position.

Matta – Does it make sense to post for a replacement for Deb's position now, at the same time, so she has a secretary that we can line up right away? Post for both.

Lublin – Well, that's fine.

Gray – I guess it would be. Again, the proposal was her doing both spots until she received the Director's position. I think we need to have her in the position as the Director for her to hire her assistant.

Lublin – It makes sense. I'm not opposed. I think that's a good idea.

Gotts – In the meantime, she's going to do both jobs and she'll be compensated for each?

Gray – Correct, yes.

Matta – Right. But, if you post for both, she can then interview immediately; she has a list of candidates ready, without delay.

Phillips – If you post for both, and then something happens and the Board doesn't approve Deb, and you've hired somebody else for her administrative position, then where do you go?

Gotts – Good point.

Spelker – I think that because they've already approved her as an interim, that we have a fair amount of confidence that they would approve her as a permanent replacement.

Matta – Yes, I don't think we'd hire a replacement for Deb until she has the permanent job, but you have the applicants lined up and she can then do the interviews. Just trying to get it all out at once.

Gotts – Are there any further comments?

There were no additional comments.

Gotts – As a personal note, I doubt that we would possibly find a rock to look under to find someone who had the capacity, understanding and acquiescence that Debbie has. I think it would be almost an exercise in futility to try to find her replacement to assume the duties of Director. I would think and hope that we'd probably proceed in an expeditious and legal manner to fulfill our obligations. With that said, if anyone else has any other comments, we will entertain them prior to taking the roll call vote. Deb, would you want to re-read the motion?

Watson re-read the motion for the record.

ROLL CALL VOTE

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

ABSENT: Hoy

NAYS: None

MOTION CARRIED UNANIMOUSLY

Chairperson Gotts – Thank you, Deb. Maintain your sanity while you get through this transition.

Debbie Watson – Definitely.

Chairperson Gotts – I don't know where you're going to find a qualified assistant, but I'm certainly hopeful that you're successful in that pursuit.

Debbie Watson – I have few ideas so we'll explore those.

Chairperson Gotts – Is there any other business?

Vice Chairperson Lublin – Looking forward to working with you, Deb. You'll make a great Director.

Debbie Watson – Thank you, Dan.

Treasurer Phillips – I have a question. Deb and I talked about this today and I think she was going to talk to Tom Rauch. We need a President for the Commerce Towne Place homeowner's association, because Mark was the President of the HOA, and I'm the Treasurer of the HOA, but we need somebody who can sign the tax return and all of that stuff.

Chairperson Gotts – Do you have a recommendation, Molly?

Treasurer Phillips – I don't know what the procedure is. Deb was talking about sending out a consent agenda to the other members of the HOA to pick somebody. I don't know what the procedural part of that is. We usually do a consent when we have to send out the budget, but that's also something that needs to be done.

Chairperson Gotts – That's a question of counsel. Tom, does that party, do they have to live within the district?

Attorney Rauch – Remember that the Association is a separate legal entity, a Michigan nonprofit corporation. The Association, with the cooperation of the other members, has been managed by Mark, and Molly as Treasurer, and I believe Deb as Secretary of the Association. But, that's a separate entity of course. That entity would select the person to replace Mark as President. I don't think there will be any objection to it as Mark was the Director and he was the President. I would certainly recommend that a consent action be circulated to the Board of Directors of the Association, appointing Deb as President of the Association now, for this time period. If for any reason, unlikely as it is, that Deb didn't continue, you could change the presidency to someone else later.

Remember that we, the DDA, used to own 100% of the property which is subject to the Commerce Towne Place Condominium Association. Now, we own well less than 50%, and the combination of Jim Galbraith's Barrington property, and the commercial adjacent, together with Bruce Aikens' Phase I, Unit 13, we are no longer a controlling party. My recollection is that Mark told me that he spoke to the parties, a number of the other members. I don't know if he actually spoke to the Wyncliff and Merrill Park Board of Director members, but I believe he did speak with Jim Galbraith, speaking on behalf of Barrington, and with Bruce, and they were supportive of having the DDA and Mark continue in this position for the interim, for the near future. With all that said, I think it would probably be appropriate to recommend that when Deb is appointed as Interim Director of the DDA, she also can be appointed, not by us, but by the Association Directors as the President of the Association. I don't think it's the greatest honor to be the President of the Association. We probably should twist Deb's arm now to say that she will take it if we make her.

Chairperson Gotts – Debbie, are you amenable to that postulation?

Debbie Watson – I am, and that was included in my proposal too. That was on the second page. I know that's a big part of the responsibilities. I take great pride in that.

Chairperson Gotts – Thank you, counselor.

Debbie Watson – I don't think we actually vote on the appointment for the Commerce Towne Place President. We recommend it to them, and we can put that in the minutes, but I don't think we take action, right Tom?

Attorney Rauch – Right, correct.

Debbie Watson – Thank you all for making time this evening to be here, and for all of your support. I truly appreciate it. Thank you.

Item 3: Adjournment

MOTION by Gray, seconded by Lublin, to adjourn at 6:22pm.

ROLL CALL VOTE

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

ABSENT: Hoy

NAYS: None

MOTION CARRIED UNANIMOUSLY



Melissa Creech
DDA Secretary