

**Final**  
**CHARTER TOWNSHIP OF COMMERCE**  
**DOWNTOWN DEVELOPMENT AUTHORITY**  
**Tuesday, October 19, 2021**  
**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 12:04pm.

**Downtown Development Authority:**

**Present:**

Debbie Watson, DDA Director  
James Gotts, Chairperson  
Larry Gray, Township Supervisor  
David Smith, Member  
Tim Hoy, Member  
Brian Winkler, Member  
Jose Mirkin, Member  
Steve Matta, Member

**Absent:**

Dan Lublin, Vice Chairperson (excused)  
Susan Spelker, Member (excused)  
Thomas Rauch, DDA Attorney (excused)

**Also Present:**

Melissa Creech, DDA Secretary  
Molly Phillips, DDA Treasurer  
Matt Schwanitz, Giffels-Webster, DDA Engineer  
Randy Thomas, Insite Commercial  
Dave Campbell, Township Planning Director  
Abigail Mundy, DDA Assistant  
Lt. Reyes, Substation Commander, Oakland County Sheriffs Office  
Bruce Aikens, Robert B. Aikens & Associates, LLC

**Item 1: Approval of Minutes**

**MOTION** by Mirkin, seconded by Hoy, to approve the Regular Meeting Minutes of September 21, 2021, as presented.

**MOTION CARRIED UNANIMOUSLY**

**Item 2: Public Comments**

Lt. Reyes reported that the speed radar sign will be placed on Martin Parkway this week. She also provided an update regarding a sign bandit who was recently seen on security camera footage vandalizing a West Bloomfield sign. It is unknown if West Bloomfield has captured the individual. It is also unknown if this is the same man who has been interfering with signs in Commerce Township.

Dave Campbell – Can you help us understand how the speed limit along a road like Martin Parkway gets determined? The State Police do a speed study, correct?

Lt. Reyes – Yes, why?

Dave Campbell – What we hear sometimes is that the speed limit is too high out there, but there is a methodology to how the speed limit gets determined.

Lt. Reyes – Right. I could make contact and see if there is a way to petition, or request that it be lowered. I am sure we can have a conversation about it. We have a lot of accidents around the circle. I am not sure if it is the speed or if it is just the drivers.

Discussion continued regarding a potential speed limit of 35 or 40mph, additional signage, keeping the traffic moving through the area, public safety concerns, how developments sometimes help calm traffic, and fencing at the roundabout that helped slow drivers down.

Director Watson – Anything else to share with us today, Wendy?

Lt. Reyes – We have some crime happening, but thankfully it's not major. It's kids and petty stuff. We got a call on Sunday that kids were riding through the parks on motorcycles, four wheelers and golf carts. We also have sign thieves, but no major crimes, which is good.

Larry Gray – We get some graffiti every so often, but we have been painting over it.

Chairperson Gotts – Are there any further questions or discussions for Lt. Reyes? Hearing none, thank you Lieutenant for protecting us, saving us from ourselves and everyone else. If there are no further public comments, we will move to Item 3 and welcome our developmental partner, Bruce Aikens.

### **Item 3: Five & Main Quarterly Update**

Bruce Aikens provided an overview of the residential and commercial developments underway. He is looking to break ground in 2022 on the Five & Main project. He will be attending the Vegas ICSC in December 2021 where he has some strategic meetings scheduled with potential tenants.

Chairperson Gotts thanked Mr. Aikens for being our neighbor and developmental partner.

### **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; There have been some changes with Barrington. Jim Galbraith was in front of the Planning Commission this month, and he did get approved for 36 additional units that are fronting Martin Parkway. Dave, would you like to shed any light on that?

Dave Campbell – He was approved to add three of the existing two-story buildings that he is already building along the Martin Parkway frontage, on the west side of the road. Included with that will be their typical landscaping, which usually goes above and beyond. He's extending the sidewalk along the west side of Martin Parkway and wrapping it around so that it ends up along Pontiac Trail at the entrance to Kingstowne Manor. They have two existing driveway approaches along the west side of Martin Parkway that currently don't go anywhere. One of those would go away, so there would only be one new point of access to these three additional buildings. It would be a right-in, right-out along the southbound portion of Martin Parkway.

They anticipate that any new traffic from these three additional buildings will come and go via the existing roundabout. Part of their explanation to the Planning Commission was that these

three new residential buildings would generate significantly less traffic than what could otherwise be there if it were developed as commercial, which is always what was envisioned. Whether it be a hotel, a couple restaurants, or drive-through coffee, the residential option would generate less traffic than that. That is one of the things that the Planning Commission took under consideration. They shared some of the disappointment that it would not have a commercial element to it, but in making their decision, traffic was part of that too.

- Parcel B1, Phase I & Phase II – Aikens, Five & Main; Bruce covered in his presentation.
- Parcel B2 – Avalon (First & Main); Nothing new to report.
- Parcel C – The hard corner of Pontiac Trail and Haggerty Road; Generally it picks up until right around Thanksgiving, but this past month we've had a little less activity than the previous month. Nothing new to report.
- Parcels D&E – Pulte, Merrill Park; Nothing new to report.
- Parcel F – The acreage in front of the Township Hall; Nothing new to report. We would like to put our sign back up. I guess maybe that is one we could put a camera on as well.
- Parcel G – Wyncliff; 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; Inquiries were a little lighter. We have a gas station operator that calls me with a lot of questions but he doesn't pull any triggers. However, late yesterday we did get an offer. It is from a childcare group. The same buyer put an offer on this property, and also on Parcel L. I have questions and I really need them to get focused instead of trying to shop. I've got a little work on that before you'll see it.
- Parcel K – The Space Shop; You can see the vertical construction going on with the storage facility on the south side of Pontiac Trail.
- Parcel L – 1.8 acres on Haggerty Road; See above comments on Parcel J1.
- Parcel M&N – These are the two parcels that remain within the Five & Main project.

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

Director Watson initiated discussion regarding Vice Chairperson Dan Lublin. She and Chairperson Gotts had spoken with Dan, and he will not be seeking reappointment. His term will end December 31<sup>st</sup>.

Discussion took place regarding Dan's extensive history with Commerce Township and the DDA, and about having Dan continue to be involved in a new role. Supervisor Gray added that the Township is currently accepting resumes for the Board vacancy. The ideal candidate for the position would be a business owner and/or resident of Commerce Township. The interview process will most likely take place in December.

Director Watson gave a review of the report she submitted in the Board's packet.

#### **I. Updates on Developers –**

- Aikens/Five & Main – Bruce is scheduled to provide an update to the Township Board at their Quarterly Meeting on Tuesday, October 26<sup>th</sup> at 7:00pm.
- Merrill Park – Nothing new to report.
- The Avalon of Commerce Township (First & Main) – We still need to discuss appointment of a new representative for Commerce Towne Place with Avalon, Lonestar and Grace Management Firm.

- Shapiro/Barrington – Jim Galbraith’s Unit 11 request for additional residential was approved by the Planning Commission on October 4<sup>th</sup>. The termination agreement he has proposed to the DDA is on our agenda.
- Wyncliff – Their HOA is working to get their entrance light pole installed and their electrical extended for holiday lighting before the snow flies.
- Public Storage – Nothing new to report.
- The Space Shop – Parcel K, Self-Storage; Other than construction being underway, nothing new to report.

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

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

- A. **HOA Budget** – The 2022 budget will be distributed in November, with a goal to finalize a consent action in December. Although we required use of some reserves in 2021, due to tree removals and storm damages, the 2022 budget is expected to be the same or similar to that of 2021.
- B. **Dues** – 2021 Dues are current. Quarterly billings for the 4<sup>th</sup> quarter, for the subdivisions, have been sent out.
- C. **Tax Forms & Reports** – Taxes were completed and mailed timely. The annual report was filed on September 27, 2021.
- D. **Lighting – CJs Lighting, Chris Niestroy; Shaw Electric, Mark Fetters, Adam Dornton**
- Accidents and claims: All lighting related claims have been finalized.
  - Chris is working to wrap up repairs before winter.
  - Shaw was onsite Friday, October 8<sup>th</sup> to address some electrical issues.
- E. **Landscaping – United Lawnscape, Jim Parkinson; Mark Rousseaux; Brian Servello**
- United has been maintaining the grounds and performed final treatments for weed overgrowth.
  - We have a contract with United through 2022.
  - United and Rousseaux are available to work with the Outrun Hunger team to ensure the trails are ready for this year’s race, scheduled for Saturday, November 13<sup>th</sup>. Most of the necessary trail maintenance was already completed this year after the storm cleanups.
  - A turf damage claim is pending.
  - Phragmites are being treated this week which require temporary trail closures. The HOAs were notified by email.
- F. **Irrigation – Michigan Automatic Sprinkler, Mike Rennie**
- We made several repairs this year and the system is running smoothly.
  - I have asked Mike to schedule preparing irrigation specs for us in January 2022 so we will have accurate, up-to-date files for future reference.

**G. Memorial Benches –**

- Two benches have been donated in Mark Stacey's honor, and we will be installing them along the pathway on each side of the Martin Parkway bridge/tunnel.
- Our Maintenance crew is prepared to install them once they have been received. However, as of my last inquiry late September, the benches had not yet arrived. I remain hopeful that they might be installed before winter.

**IV. Other –**

**1. Graffiti –**

- I'm happy to report that we had a wonderful turnout to paint over graffiti in the tunnel on September 25<sup>th</sup>. We had 21 volunteers! A big thank you goes out to Boy Scout Troop 308! It was a great day and the north wall painting is complete. It is so nice to see a clean, bright wall on the security cameras. The Spinal Column covered the story for us.
- We are scheduling painting of the south wall of the tunnel with Township Maintenance staff and this should be completed before the end of the month.
- One day soon, I hope to be able to delete this item completely from my monthly report.

**2. Sign Bandit – We continue to work with the Sheriffs to resolve these issues.**

**3. Speed Limit Signs – As Lt. Reyes discussed, the radar speed limit sign will be set out on Martin Parkway. We will also work with the RCOC to get the permanent speed limit signs replaced.**

**4. Outrun Hunger, Saturday, November 13<sup>th</sup> at 10am – Please visit their website for more information at <https://www.outrunhunger.org/>**

Discussion took place regarding speeding issues and the potential to change the speed limit on Martin Parkway.

Director Watson deferred to Larry Gray for an update from the October 12th Township Board meeting

**Township Board Update**

Supervisor Gray – The Township Board meeting was a short one. It was only a couple hours and we had a lot to go over.

- We had a presentation in reference to what we call the hospital property, where some neighbors would like to split that up and purchase individual parcels.
- We approved both the Fire and Police special assessment roll for 2022. The Police roll stayed the same. Fire went from 2.4 to 2.6 mills.
- We had a new appointment from the Library Advisory Board, Don Peterson, who is replacing Judy Sternberg for a partial term.
- We had a couple interjections on ordinance changes. We did adopt a new ordinance change for gaming and gambling.
- The site condominium plat for the Reserve at Crystal Lake was approved to move forward.
- Halloween trick-or-treating will be from 6:00pm to 8:30pm on October 31st.

Director Watson discussed an ordinance change with Supervisor Gray regarding non-removal of wildlife from the parks. Signs are being posted in the parks, and Director Watson will consider similar signs in the Spring for Commerce Towne Place when trail signs are updated.

**Item 6: Attorneys Report – Termination Agreement for Units 10 & 11**

Attorney Rauch had emailed the Termination Agreement to the Board members. Director Watson gave a review in Attorney Rauch's absence.

Discussion took place regarding termination of the previous participation agreements between MM Commerce Martin and the DDA. An alternative was suggested by Mr. Galbraith in the form of a contribution to the Pathway Fund. These funds will be retained by the DDA, specifically for use in Commerce Towne Place, for pathway maintenance and improvements. David Smith felt this was the best option for the DDA at this time.

**MOTION** by Matta, seconded by Mirkin, to approve the Termination Agreement for Units 10 & 11, with MM Commerce Martin Apartments & Retail, and to move forward with execution of the agreement, as presented by counsel in his memo dated October 8<sup>th</sup>.

**MOTION CARRIED UNANIMOUSLY**

**Item 7: Engineer's Report**

Engineer Schwanitz – Other than supporting Randy and Deb on a number of questions, concept sketches, et cetera, it has been quiet.

Jose Mirkin – Based on your experience, in order to change the speed limit, do we need Oakland County Road Commission approval?

Engineer Schwanitz – No, the Road Commission is not in the plans. It is strictly State Police. I believe it can be handled with the Commission but it is rarely done. Just so everybody understands, Townships do not have the right to set speed limits, but cities can.

Jose Mirkin – Let's assume for one second that Commerce Township decides, with board approval, on 25mph. Are the State Police going to say you are violating some law?

Engineer Schwanitz – It is not our road; it is a Road Commission road. We have no authority to even post. Martin Parkway is actually an easement, rather than a fee right-of-way, where the RCOC owns the road. They had us convey that via easement. They basically control the surface rights on the road, but Commerce Towne Place is still the fee owner of the dirt underneath.

Jose Mirkin – Okay, thanks.

David Smith – You also have to realize that you are coming off of a freeway into a residential district, and there will always be some sort of reduction in the speed limit. I think it is just a natural thing. It is going to slow down as things get developed. There are some days where it's at a dead stop.

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

Dave Campbell, Township Planning Director, had submitted his report in the packet and his updates had been covered.

Jose Mirkin inquired about the wave panels on the M-5 pedestrian bridge. Dave Campbell explained that the Michigan Department of Transportation and the State Attorney General's office are actively working with contractors who were responsible for those wave panels. They are trying to determine how to treat the metal to prevent rust, and then reapply the blue paint, while ensuring that the blue paint will adhere to the treatment underneath it.

The recent disappointing news was that they brought in a third party consultant and determined that the thermal spray that they were putting on the metal panels did not pass the adhesion test. The fear is that this takes it back to square one, and it doesn't look like the Township will see those panels back on the bridge anytime this year.

Discussion continued regarding failure to galvanize the wave panels initially, warranties, performance guarantees, potential alternatives and solutions.

**Item 9: Committee Reports**

- A. Finance Committee – Director Watson – Susan and I are scheduled to meet with Treasurer Phillips in November to review financial projections for the DDA Debt Guarantee. A presentation will be given in November to the DDA Board.
- B. Public Relations Committee – Jose Mirkin – Nothing new to report.
- C. Marketing Committee – David Smith – I have nothing to add to our comments on land development.

**Item 10: 2022 DDA Meeting Schedule**

Director Watson stated that the calendar had been shared with Susan Spelker who verifies any conflicts there may be with meeting dates and holidays. The December meeting was moved up one week due to the holidays.

Jose Mirkin initiated discussion regarding a potential joint meeting with the Township Board. Treasurer Phillips and Secretary Creech discussed scheduling. Director Watson and Dave Campbell discussed also inviting the Planning Commission. Director Watson suggested that the second quarter Township Board discussion meeting, on April 26, 2022, might be a good opportunity for all three boards to hold a joint meeting. Bruce Aikens would also be present that evening for a quarterly update.

There were no changes to the 2022 DDA Meeting Schedule as presented, and therefore, it would be forwarded on to the Township Board for final approval.

**Item 11: 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 12: Other Matters**

None.

**Item 13: Adjournment**

**The next regularly scheduled DDA meeting is Tuesday, November 16th, 2021, at 12:00pm.**

**MOTION** by Mirkin, seconded by Winkler, to adjourn the meeting at 12:58pm.

**MOTION CARRIED UNANIMOUSLY**



Melissa Creech  
DDA Secretary

10/13/2021 09:49 AM  
User: JBUSHEY  
DB: COMMERCE

INVOICE APPROVAL BY INVOICE REPORT FOR CHARTER TOWNSHIP OF COMMERCE  
EXP CHECK RUN DATES 10/19/2021 - 10/19/2021  
BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID  
BANK CODE: DDA  
DDA WARRANT REPORT  
OCTOBER 19, 2021

Vendor Name	Invoice Date	Description	Amount	Check #
1. ABIGAIL ROSE MUNDY	10/12/2021	DDA ASSISTANT 9-15 TO 10-12-21	840.00	
2. DEBORAH WATSON	10/12/2021	DDA DIRECTOR 8-15 TO 10/12/21	5,250.00	
3. KEMP, KLEIN, UMPHREY & ENDLEMAN, PC	10/06/2021	PROFESSIONAL SERVICES THROUGH 9-30-21	3,883.10	
TOTAL - ALL VENDORS			9,973.10	
FUND TOTALS:				
Fund 499 - DOWNTOWN DEVELOPMENT AUTHORITY			9,973.10	