

Final
CHARTER TOWNSHIP OF COMMERCE
DOWNTOWN DEVELOPMENT AUTHORITY
Tuesday, June 21, 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 12:00pm.

Downtown Development Authority:

Present: Debbie Watson, DDA Director
James Gotts, Chairperson
Steve Matta, Vice Chairperson
Brian Winkler, Member
Tim Hoy, Member
David Smith, Member
Jose Mirkin, Member
Elizabeth Bulat, Member (exited at 1:02pm)
Susan Spelker, Member (arrived at 12:21pm)

Absent: Larry Gray, Township Supervisor (excused)

Also Present: Sandy Bowers, DDA Assistant
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

Item 1: Approval of Minutes

MOTION by Mirkin, seconded by Hoy, to approve the Regular Meeting Minutes of May 17, 2022, and the Special Meeting Minutes of June 7, 2022, as presented.

MOTION CARRIED UNANIMOUSLY

Item 2: Public Comments

Ray Golota, 1595 Vanstone Drive, Commerce Township – I want to thank everybody in this room that donated to the car show. I left some flyers up here. It's July 9th at Baker's. There's a huge silent auction and the public is invited; bring cash and checks.
The other thing is, when is Bruce Aikens scheduled to come in?

Director Watson – We had a special meeting with Bruce on June 7th in the Marketing Committee. He could not make it here today. He's also scheduled to meet with the Township Board on July 12th.

Ray Golota – Thank you.

Randy Thomas – I've been walking the trails out here lately. If you haven't walked them, they're really cool. We did 6-1/4 miles. Here's an observation. I went in with a cup of coffee and I started picking up garbage along the way. There are no garbage cans.

Also, there isn't any wayfinding through there. I figured it out. I noticed the same things on the Airline Trail. There is a garbage can at the trailhead at Pontiac Trail, where the old Big Boy was. The next garbage can you hit will be in West Bloomfield. In my opinion, we at least need them at the trailheads where crews can get to them. People are just dumping trash.

Director Watson – I'll work on that. And Dave, I know you and Emily have done a lot of work on the trails. The Parks Committee has talked about wayfinding, but I don't know if they've implemented it in the parks. They discussed having QR codes on the trails that you scan with your phone to open the map and connect to GPS.

Dave Campbell – John Hensler is the manager of the Michigan Airline Trail. I'm guessing he's going to say that you're preaching to the choir and he'd love to have more trash cans out there. Getting to them is probably the challenge.

Discussion continued regarding the need for trash cans on trailways.

Item 3: 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;
 - At the last special meeting, Bruce came in and gave the DDA an update as to where he's at, where he's going and who he's talking to. I think we are all a little frustrated and would like to see something happening on there soon.
 - He's going to be in front of the Township Board to give them an update on July 12th, as well as asking for an extension on the Library portion.
 - His plan is in flux right now. The overall shopping center portion has remained the same since he came out with his site plan. The moving pieces are where the residential is going and how that will be incorporated into the project.
- Parcel B1, Phase II – Aikens, Five & Main; This is the 14 acres north of Phase I, or north of Library Road that he has an option on. That option expires in October of this year. He has not asked for anything yet as he is focused on the current project.
- Parcel B2 – Avalon; Nothing new to report.
- Parcel C – The hard corner of Pontiac Trail and Haggerty Road; The Purchase Agreement has been signed with Lafontaine Group and they have started their due diligence. I know they would like to break ground this year, but it's a tight schedule. For everybody's information, they have terminated their contract on the 8.3 acres on Oakley Park which was going to be an overflow lot.
- 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 – 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; We've had a bit of a pick up in the last 60 days or so. Some were looking to do retail, and others were looking at a gas station. When we discuss gas stations, generally it dies when we tell them they can't have beer, wine or liquor.
- Parcel J2 – Public Storage; Nothing new to report.

- Parcel K – The orphan piece across the street; Dave anything to report?

Dave Campbell – The Space Shop, they're progressing. I think they said they'd like to be open by the Spring. The Fire Marshal has some concerns that access around the building is a gravel surface and he'd like to see that get paved in case there was ever a need to get the fire truck back there. They're working with the Fire Marshal on finding a compromise on that.

Randy Thomas –

- Parcel L – 1.8 acres on Haggerty Road; They have site plan approval with conditions that I believe can be handled administratively.

Dave Campbell – For the daycare, yes. What did they tell us the other day, Deb? They want to do some soil borings.

Director Watson – Yes, they said July 14th they will do soil borings, and they're also working to resubmit revised plans to the Planning and Building Departments for approvals, based on those conditions, such as the north elevation improvements.

Dave Campbell – I think they've done all of that; they revised the elevations on the north side of the building and tweaked some of the landscaping.

Randy Thomas –

- Parcel M&N – These are the two out-lots that are being retained in the Five & Main development. Nothing new to report.

Item 4: Attorney's Report

Attorney Rauch – The agreement for Parcel C for LAG is in effect. Parcel L closing is probably coming in mid-August, unless they choose to extend, which is unlikely given their conduct.

Item 5: Director's Report

Director Watson discussed highlights of the following report, which was included in the Board's packet.

I. Updates on Developments – Refer to the Insite Report for additional details.

- Aikens/Five & Main – Bruce provided an update at a special Marketing Committee meeting on June 7th, and he is scheduled to meet with Township Board in July. His report was upbeat and positive after his recent ICSC event in May. Previous tenants are still onboard, and a number of potential new tenants have expressed interest. The potential for a developmental partnership is still under review.
- Merrill Park – I've spoken with their HOA President a few times regarding several matters. Their board members are changing again.
- The Avalon of Commerce Township – Nothing new to report.
- Shapiro/Barrington – Construction continues on their final phase.
- Wycliff – 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, Guidepost Montessori –

- Their site plan was approved at the May 2nd Planning Commission meeting.
- We anticipate closing will take place in August, or thereafter.
- Parcel C / Unit 3 – Lafontaine Automotive Group Dealership (LAG)
 - The DDA met at a special meeting on June 7th and authorized execution of the LAG purchase agreement. The PA has since been fully executed, and the deposit has been received.
 - The proposed Fifth Amendment to the Master Deed has been circulated for a vote by the CTP Directors, with ballots due June 27th. We have received responses from Merrill Park and Barrington.
 - The proposed Zoning and Master Deed amendments are scheduled to go before the Planning Commission on July 11th, and the Township Board on July 12th.

II. MTT Judgments – A report was included in the packet.

III. Commerce Towne Place HOA Items –

- A. **Budget** – The 2022 budget was approved.
- B. **Dues** – Nothing new to report.
- C. **Tax Forms & Reports** – The tax form was completed and mailed in March.
- D. **Lighting & Electrical** – **CJ’s Lighting, Chris Niestroy; Shaw Electric, Mark Fetters, Adam Dornton**
 - Our DTE insurance claim is still pending for \$448 for an electrical matter.
 - Our lighting order is in and projects and repairs are scheduled.
- E. **Landscaping** – **United Lawnscape, Jim Parkinson; Mark Rousseaux**
 - United is maintaining the grounds.
 - We have a pending turf damage claim for \$1880.
 - Over the Memorial holiday weekend, a driver crashed straight into the Oakley Park roundabout, uprooting a very large tree. The OCSO was timely with a police report and we are in the process of filing the insurance claim.
 - Rousseaux completed tree projects on June 12th along Martin Parkway; trimmed branches, removed several dead/dying trees, and ground tree stumps. We will be planning for replacement trees, with recommendations from Township staff regarding species. Spray treatments have also been recommended to improve tree health.
 - In May, Rousseaux removed a large fallen tree along the east pathway and the trails in that area were regraded. He also did some maintenance and cleaned out culverts along the west side trails.
 - We will continue review of the budget and other projects for trails, footbridge maintenance and signage.
- F. **Irrigation** – **Michigan Automatic Sprinkler, Mike Rennie**
 - The irrigation system is functional. I spoke with Mike this morning and additional decoders need replacing as they have reached the end of their useful lives.
 - The system was turned off temporarily while grading took place at Barrington.
- G. **Memorial Benches for Mark Stacey** –

- Benches are scheduled for installation in late June. They will be located on each side of the Martin Parkway Bridge / Tunnel.
- We received a reply from the manufacturer, who does not recommend any kind of paint, anti-graffiti or otherwise, be used on the composite material. They do however recommend certain graffiti removal products be used if and when graffiti occurs.

IV. Other –

- Treasurer Phillips has been consulting with Plante Moran and preparing the DDA annual reports to be filed this month.

Director Watson deferred to Secretary Creech for an update from the June 14th Township Board meeting.

Township Board Update

Secretary Creech –

- Public comments were nearly two hours.
- We approved three contracts:
 - The water service contract with GLWA.
 - The marine patrol service with OCSO.
 - The HIDTA agreement for the NET Officer.
- We approved the Fee Ordinance with minor changes.
- Adoption of the Sidewalk and Pathway Ordinance.
- We approved all of the fireworks in the area.
- We approved a new book display for the Library.
- We withdrew from a contract with the Dailey Company to renovate the Byers Farmhouse because they have been unresponsive.
- We signed a lawn contract agreement for our ordinance.
- We also approved new carpet for the Township Hall, and luxury vinyl tile for each foyer area.
- We approved an overhaul to our Township HVAC system.
- We approved a budget amendment for the Planning Department for the update to the Master Plan.
- We also approved many SAD's.

Discussion took place regarding the Sidewalk Ordinance, maintenance and snow removal.

DDA Legal Services RFP Draft

Director Watson – The draft was emailed to all of you, and a hard copy was provided today with edits highlighted. Please let me know if any of you have edits or suggestions. This is a compilation after reviewing many RFPs posted by other local communities, along with input from Tom, Molly and the Township Attorney.

Chairperson Gotts – Did our present counsel have any comments relative to the RFP, and is Kemp Klein going to participate?

Attorney Rauch – My understanding is that the firm will submit a proposal. When Deb and I started talking about this, I explained that I have not been involved with very many RFPs, and I have not drafted them. I'm delighted that the Township and the DDA had work product to work from, and Hans Rentrop has been extremely helpful to Deb in pulling things together. Some of the Township's previous RFP's included extraordinary detail and volume. Our firm started working with the DDA about 20 years ago, and we have a 2-page proposal letter that I wrote, and at the time, my partner, Pat Paruch, was helpful in the municipal aspects of our work as she had been Mayor of Royal Oak. The 2-page agreement seemed to work.

Director Watson – We discussed having a contract. I think we want that in place with the new attorney who will take over in January. It could possibly be a 1-year contract like I have, which then goes month-to-month.

Jose Mirkin – For 20 years, we've had a company that we were satisfied with. Why are we doing the RFP?

Director Watson – Larry Gray had suggested that we do an RFP, and we did discuss this at a previous DDA meeting. The Board took action and decided that we will move forward to go through the RFP process, to ensure that we are getting the best service possible. We're not selecting based on price alone. We don't have to select the lowest bid in this case. It will be based on their proposal and qualifications. There's evaluation criteria within the RFP. Larry Gray felt that we should look at our options and this Board agreed.

(Spelker arrived 12:21pm)

Chairperson Gotts – We don't have any particular dissatisfaction with our present counsel or their quality of service, and the RFP is not statutorily required, but because we are a public entity, we probably do have some sort of obligation to go through the process.

Steve Matta – And Tom is very difficult to replace. Just the history and knowledge he possesses – you're not going to be able to duplicate that. We want to make sure that we get the best choice possible, and that will require looking at everything we can get.

Tim Hoy – Who does the screening once you receive the applications?

Director Watson – I think I would suggest that Larry Gray, Jim Gotts and I do the screening and interviews. Evaluation guidelines are suggested in the RFP. I think my fear is having an attorney who is a litigator, because then they might be in court a lot and unreachable. Tom has always been reachable. I can't recall when I've called him and he wasn't available. He has always been there for us. I'm hopeful that whoever takes over for him will have the same availability.

Tim Hoy – Tom, is the attorney we are looking for more real estate oriented, or more political and DDA oriented?

Attorney Rauch – In the RFP, Deb has put in more real estate experience than you would normally find for a municipal body such as a DDA. The vast majority of our work, my work with the DDA, benefits from the fact that I have been a real estate lawyer. I think that we are unique in that respect. A lot of DDA's get involved in some real estate work in the downtown. We have

a humungous real estate presence in the Township. I think the characteristics of counsel should have considerable amount of real estate experience, and with municipal work as well. That's certainly what I would recommend. As I said, when we first started, Pat Paruch was one of my partners and she had municipal experience which, at that time, we were thinking she would have been involved in everything we were doing. I was not a municipal lawyer then, but I guess I am now to a significant extent. It evolved, but real estate is what you need help with more than anything else.

Jose Mirkin – Are you retiring, or is your company going out of business?

Attorney Rauch – Yes and no. The firm is continuing to operate, and evolves as people come and go. I am Of Counsel to the firm, and have been for two years. At Kemp Klein, we don't have a specific requirement that you retire at a particular age. However, it is time for me to move on, and not to any further legal practice. I had intended to see the successful development of Five & Main, and in the last couple of years, I've come to the conclusion that it isn't going to happen in the next six months.

So yes, I'm retiring. I'm retaining Of Counsel relationship with the firm, but on a very limited basis. I have two basic major client representations, with the DDA being one of them. Both clients will see less of me.

Chairperson Gotts – We wish you a very happy and enjoyable retirement. Will you be available to consult with the new attorney?

Attorney Rauch – Deb has set it up and her intention for the Board is to have a new attorney work with me over the next few months.

Director Watson – Yes, that would be the fourth quarter. Hopefully we will make our final selection by September 20th at the DDA Meeting. That timeline gives a couple months for respondents to attend either the July or August DDA meeting to ask questions if they choose to. Proposals are due by August 22nd and then we will make a decision by September. We can have them onboard for the fourth quarter, and they'll take over in January. If I understand correctly, they can still call upon you, Tom, at least throughout the year in 2023 if they have questions.

Attorney Rauch – Yes, I'm not retiring from the practice of law completely. I am a member of the State Bar and will continue my membership. I will continue Of Counsel next year, assuming my firm wants me to continue. That would put me in a position of being able to assist if you need help on an occasional basis.

Director Watson – Thank you.

Tim Hoy – How long have you been counsel for the DDA?

Attorney Rauch – About 20 years. It may have been longer.

Director Watson – The letter was dated in 2000.

Attorney Rauch – Yes, 22 years. The first properties we acquired were the two Marotta properties, one of which is finally getting fully developed with Parcel L.

Jose Mirkin – Mighty fine work.

Director Watson – I'll be posting the RFP on June 27th. We've talked about several places to post it; certainly on our website, Michigan Municipal League, and BidNet. We also discussed sending it by email directly to law firms, to municipal and real estate attorneys, who are listed with the Michigan State Bar. If anyone has additional suggestions, please let me know.

Item 6: Engineer's Report

Matt Schwanitz, Giffels Webster – Nothing to report. Things have been quiet.

Item 7: Planning Director's Report

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

- At the July 11th Planning Commission meeting, we're scheduled to have a public hearing for an amendment to the Towne Center Overlay. That Zoning Ordinance amendment is to create an allowance for a new car dealership, so long as that dealership is approved by the Township as a PUD. That is meant to provide a path for Lafontaine to develop on the corner of Haggerty and Pontiac Trail. The Planning Commission may make a formal recommendation to the Township Board.

Director Watson – Will Township Board review that on July 12th?

Dave Campbell – Is that our schedule?

Director Watson – Yes, and in your report it shows July 11th Planning Commission and July 12th Township Board for both amendments.

Dave Campbell – Yes, there's no reason we can't do that. We're also doing the Fifth Amendment to the Commerce Towne Place Master Deed?

Director Watson – Yes.

Dave Campbell – Which is doing something similar to provide an allowance for the dealership. Then Lafontaine will have a path for their projects.

- Within the DDA district, Midtown on Haggerty, which is on the west side of Haggerty north of 14 Mile Road; that development will include retail and residential. You're going to see them start moving a lot of dirt very soon to put in their underground utilities.
- In that same neck of the woods, within the Commerce Crossing development, Costco is now looking at the out-lot along Loop Road. That was where Valvoline wanted to go recently and the Township Board was not favorable toward that. Costco is looking at buying it and utilizing it to potentially expand the capacity of their gas station.
- In that same area, Chase Bank is looking to open a branch next door to Red Robin, to the east. To do so, they need some help from Lifetime Fitness as they have a restriction on drive-through users. We don't think they will have an issue with a bank drive-through, but it is something they will need to negotiate.
- The Barrington Phase II, the three additional buildings along Martin Parkway; their lumber was delivered recently, so you will start seeing that go vertical.

- I know Mr. Mirkin always likes to ask about the wave panels on the M-5 bridge. MDOT told us late last week that they would have a schedule for the repair and replacement of those wave panels. They were hoping to have that schedule by the end of last week. It never arrived, and yesterday was a State and Federal holiday, so I did not get an answer. I want to be optimistic. I await that schedule and I'll know more when they provide it.
- As Clerk Creech mentioned, the Township Board approved the budget and scope for an update to the Township's Master Plan. That is something that the Planning Commission, the Planning Department and Giffels Webster are going to be working on for the better part of the next year. Some areas we will be looking at are areas within the DDA district. I certainly encourage you to participate in the public input sessions that we are going to have on that. We certainly want to have some DDA input.

David Smith – The homes at the gravel pit on Sleeth Road; I read a report that those homes are \$800,000 to \$1.4 million?

Dave Campbell – I'm not sure what report those specific numbers were in, but yes, we always anticipated that at least the houses along the manmade lake on that property are going to be million dollar plus homes. That is a number that was thrown out a couple years ago, and homes haven't gotten any cheaper. You're probably right.

We have to get water and sewer to that property, so the engineers are working with the developer and the property owners along Sleeth Road, including the DNR, Waterland Trucking, ITC has their corridor through that stretch, so we have to get easements from all of those property owners to put in the water and sewer pipes. That is the process we're going through now.

Item 8: Committee Reports

- A. Finance Committee – Finance Chair, Susan Spelker – In your packet, you have received the Revenue & Expenditure report reflecting the recent activity of the DDA. It's all there, and other than that, I don't have anything to report.

Director Watson – And Molly is working on our annual statement for the DDA, which will be finalized by the end of the month.

Treasurer Phillips – Yes, and the audit did get filed with the State this morning, so I can also do the qualifying statement for the DDA.

Director Watson – Thank you.

- B. Public Relations Committee – Public Relations Chair, Jose Mirkin – I submitted the application to participate next year with the DIA. On July 18th, the DIA's selection committee will decide which cities or townships will be able to exhibit masterpieces from the DIA collection. Of course we are competing with many other communities. As usual, if we are chosen, the locations I have selected to display masterpieces are; the Township Hall, the Library, the Richardson Center, and a couple of businesses in the area.

Unfortunately, during the pandemic, my contacts at the DIA resigned, however, I received a very hopeful response from the Community Engagement Manager for Oakland County. She will make sure we are at the top of the list for 2023.

- C. Marketing Committee – Marketing Chair, David Smith – Randy regaled us as usual with his monthly report. In the Marketing Committee meeting today, we had some interesting conversations regarding Five & Main and upcoming extensions on options on the property.

Discussion took place regarding extensions, terms and requirements, delays impacting the project, the necessary infrastructure for the site, potential developmental partnerships, and the interest expressed by future tenants of Five & Main.

(Bulat exited at 1:02pm)

Item 9: Approval of Warrants and/or Carryovers, Add-ons, Revenue & Expenditure

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

Item 10: Other Matters

- Secretary Creech – If you are so inclined, I'm looking for election workers. Dave Campbell and Brian Winkler can vouch for this; it's a really fun day.

Dave Campbell – Of course.

Secretary Creech – If you're interested, please stop by my department or email me and I'll be happy to tell you what's involved.

- Treasurer Phillips – Our audit report is complete. I have the digital copy and we passed with a clean audit.

The next regularly scheduled DDA meeting is Tuesday, July 19, 2022, at 12:00pm.

Item 11: Adjournment

MOTION by Spelker, seconded by Mirkin, to adjourn the meeting at 1:04pm.

MOTION CARRIED UNANIMOUSLY



Melissa Creech
DDA Secretary

06/15/2022 10:37 AM
User: JBUSHEY
DB: COMMERCE

INVOICE APPROVAL BY INVOICE REPORT FOR CHARTER TOWNSHIP OF COMMERCE
INVOICE ENTRY DATES 06/15/2022 - 06/15/2022
BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID
BANK CODE: DDA
DDA WARRANT REPORT
JUNE 21, 2022

Vendor Name	Invoice Date	Description	Amount	Check #
1. ADKISON, NEED & ALLEN	05/31/2022	DDA MATTERS	1,599.00	
2. DEBORAH WATSON	06/15/2022	DDA DIRECT 5/11 - 6/15/22	6,200.00	
3. DETROIT EDISON	06/13/2022	2660 E. OAKLEY PARK	87.28	
	06/13/2022	3106 MARTIN PARKWAY	101.28	
	06/13/2022	2581 LIBRARY DR.	582.43	
	06/13/2022	2579 LIBRARY DR.	74.22	
		TOTAL	845.21	
4. KEMP, KLEIN, UMPHREY & ENDLEMAN, PC	06/08/2022	PROFESSIONAL SERVICES RENDERED THROUGH 5/31/2022	9,702.61	
5. SANDY ALLARD	06/15/2022	DDA ASSISTANT 5/11 - 6/15/2022	1,006.25	
6. WILLIAMS, WILLIAMS, RATTNER&PLUNKET	06/01/2022	PROFESSIONAL SERVICES RENDERD THROUGH MAY 31, 2022	962.50	
TOTAL - ALL VENDORS			20,315.57	
FUND TOTALS:				
Fund 499 - DOWNTOWN DEVELOPMENT AUTHORITY			20,315.57	