

Date: October 28, 2019

To: City Council & City Manager:

After sitting on the sidelines watching the various discussions about the “road diet”, I’ve decided I need to add my perspective – hopefully in a constructive way. The more I’ve looked at this issue, the more questionable it has become for reasons beyond the simple “road diet.” I approach the subject from perspectives beyond what I’ve heard.

First, if the City of Midland, whose motto is “the City of Modern Explorers,” we should not be addressing such a parochial issue in a vacuum. Our community should have in place the goals of the community, rather than the goals of the State or special interests. Various “associations” (i.e. Downtown Development, Circle Business partners, South Saginaw businesses, etc.) are found competing for attention and answers rather than collectively joining in supporting one another.

While the City does have a “Master Plan,” it is woefully inadequate in addressing the overriding geographic, economic and social division, and fails to contain what I’ve seen existing in other communities. The current Master Plan is segmented and divided in ways much like the city. It outlines broad concepts as separate pieces of what can only be described as a puzzle. Each area’s geography and accompanying problems are viewed as individual entities; Land use is separated entirely by local economics, community facilities, transportation and traffic without benefit of having an overall integrated plan when considering the city as a single entity. There simply is no “Citywide Plan” directing development as an integrated whole.

Midland’s Master Plan has no outline of a Community Vision or plans for Economic Health, Environmental Health, Utilities (Water, Stormwater, Sanitary Sewer, Electric, Broadband, WiFi, & Cable TV), Community and Neighborhood Livability, Safety and Wellness, Culture, Parks & Recreation, Capital Improvements, and a Pedestrian Plan. One section of the current Master Plan holds a Transportation Plan. Yet, it fails to contain any mention of an “Advanced Traffic Management System (ATMS),” which is the current de facto standard in the industry. It fails to define multi-modal transportation but establishes a goal with three objectives, while failing to include anything resembling a bike plan. We are constantly hearing about the importance of providing pedestrian and bike access, but there is no community-wide plan.

The existing Master Plan omits how the community should be developed as one integrated whole. A cogent plan would outline all the connectedness throughout Midland in very specific and intentional ways. We need development to be directly connected throughout the entire City of Midland. It should blend all aspects including current zoning and future zoning. The current Master Plan barely outlines broad concepts as separate pieces.

Everything is looked at individually under separate headings; Land Use is separate from Local Economy, or Market Strategies, or Community Facilities, or Transportation, rather than having an integrated plan that considers all these things as a connected whole.

Constantly addressing these ideas as stand-alone point issues is confusing. There are diverse development concerns all around the city. Midland Mall, Fairgrounds, Center City, Down Town, etc. each work on and develop their own ideas and solutions, which become, by definition, self-serving ideas and plans. There is no context for the plethora of ideas because there is no overarching integrated plan that would give context. There has been no agreement on proceeding forward with the "Road Diet" because there is no overarching integration or collaboration of the entities involved. As a result, citizens and businesses are left wondering: Who is really in charge?

Truly progressive communities eliminate pitting one part of the community against the other by providing an open platform for discussion to assure geographic, economic and social collaboration for everyone. They insured congruence among all the ideas and plans. By intent they limit self-serving special interest efforts and provides guidance to those who may want to develop properties throughout the community.

Over my career I've worked for and lived in numerous communities, ranging from small (Midland) to large (El Paso, TX). Truly vibrant communities have developed plans that outline the broad parameters by which development efforts occur. They acknowledge the critical interplay among all city codes (building codes, zoning codes, fire codes, etc.). Plans like these stop pitting one part of the community against the other. It establishes context from which creative ideas and all development can occur in a complementary manner.

Additionally, the communities I'm talking about hold outreach meetings in neighborhoods to actually listen to what the citizens see as concerns, ideas and opportunities for their community. They are truly sessions to receive input and you would be amazed at the intelligence and insight the average citizen can bring to the whole continuum of vitality. These meetings are not the token meetings that invite people to review some pre-hatched plan from which endorsement is sought. They usually have several city staff (ranging from administration, park & recreation, public safety, etc.), the council person for their area, and real ideas are gathered that can then inform all segments of the city operation about what the citizens see is important. One community I was in held 20 of these sessions every few years. They were not gripe or complain sessions; rather, they engaged in the creative process to bring forward fresh ideas. It informs the "City Plan" of changes to consider or new items to add.

If the Planning Department and the Planning Commission had done this, they would not be holding special sessions trying to convince the public that a specific idea, hatched by a group of special interest entities, is good or not. Rather, they would be evaluating how this plan either embraces an overarching city plan, or how it was not consistent with the principles and goals of the overall city plan. They would not be engaged in promoting the special interests of individual segments of the community.

Second, it has been reported that the Michigan Department of Transportation completed a 2-year study of – the US-10 Business Route corridor. It's incredulous that they failed to respond to the vary goals they articulated. The comments make nice phraseology, but are not responsive to their own report. Let's look at each goal separately...

Goal 1. Accommodate year 2040 traffic volumes. - MDOT said they are using .5% increase volumes per year for future projections. What are the projections based upon? How confident are they in their numbers when projecting out over 20 years? Did they include in their projections the impact of anticipated traffic pattern changes resulting from the development included? What are those projections based upon? If mixed use changes occur what traffic volumes and flow changes are anticipated? If lanes are reduced now, and traffic volumes increase in the future, how do we expand the lanes to accommodate the addition traffic and who pays the bills to “re-do” what is previously “undone?”

The MDOT Research Administration published Research Report RC-1555 stating some rather pointed elements.

- a) *“To be effective, road diet conversions should improve safety without creating operations issues.”*
- b) *“An average daily volume of 20,000 is an often-cited threshold above which road diets are presumed not to be useful.”* In fact, the Federal Highway Administration (FHWA) *“...requires operational analysis for prospective road diet conversion sites when the average daily volume exceeds 15,000 vehicles.”*
- c) *“...research findings from the operational analysis indicated potential concerns for road diet conversions on roads with daily traffic volumes as low as 10,000 vehicles...”* *“The research suggests using a peak-hour traffic volume of 1,000 vehicles as a **MAXIMUM** threshold for implementing road diets.”*

The current “Road Diet” report showing on the City’s website (as of 9/23/2019) show MDOT’s average daily volume figures from 2010 thru 2018. In their text they write, *“Recent field counts found 13,875 vehicles per day at Jerome Street... right around the 5-year average volume, and a slight increase of about 1,100 vehicles per day at State.”* This is where my concern becomes elevated, since 13,875 is dangerously close to the MAXIMUM of 15,000 and well above the 10,000. Further, FHWA and MDOT illustrations are virtually for road with 2-way traffic. In a footnote, they indicate that *“...principles of a road diet may be implemented on one-way roads...”* but they give no guidance or empirical examples of such implementations. If the counts used by FHWA and MDOT are largely from 2-way traffic, then the volumes of BOTH Indian and Buttles should be used for analysis purposes.

Further, in interim reports given to the City Council, the volumes numbers reported are in a totally different manner than seen in other more comprehensive reports. Plus, the dates for volume studies seem selected to show the most favorable number. For example, the May 15, 2019 report to the Council used data from December 19-25, 2018. This likely was a time of lower traffic volumes because of the Christmas Holiday, hence skewing perspectives.

Momentum Midland's June 2015 New Vision report specifically recommended a road diet to remedy "...a major high-speed barrier between Downtown and the neighborhoods..." and the Indian/Buttles corridor "...carry 20,000-25,000 vehicles per day" This report totally counters the claim that this is an MDOT initiative and runs counter to MDOT's own guidelines. This is a project proposed by consultants SB Friedman Development Advisors; Loonie, Ricks, Kiss; and, Alta Planning+Design on behalf of Momentum Midland prior to June of 2015, which was well hatched before MDOT proposed a study in Midland the end of 2015. In December 2016, MDOT presented a 542 page preliminary report with none of the traffic volume numbers they claim are most important.

Goal 2. *Alleviate current and anticipated traffic congestion at intersections and along the subject road segments.* – Apparently, there are current traffic congestion issues, since this was one of MDOT's goals. Nothing specific about current traffic congestion was put forward. What are they? How does reducing lanes improve this congestion? What traffic congestion does MDOT anticipate going forward...and how does lane reduction help this?

Further complicating my consideration of any road diet is the lack of meaningful communication. Is the road diet for Buttles only, or will it involve Indian? Regardless of the answer, what is the rationale for it? Why would you be concerned with one half of it and not the other? Why is the test only [currently] occurring on Buttles? Do alternate ideas exist for Indian? Is it OK for pedestrians to cross three lanes of traffic on Indian but hazardous on Buttles? Is Indian too far from the precious "downtown" area to warrant the purported benefits of "traffic calming?" Why are traffic counts only showing for one half of the Indian/Buttles corridor?

Goal 3. *Enhance safety and reduce crashes for all modes of transportation* – Since accidents have dramatically increased, why would we continue the "road diet?" MDOT proclaimed in their Research Report Number: RC-1555, "To be effective, road diet conversions should improve safety without creating operations issues." Are they serious and committed to this, or is this just more hyperbole? The city's own statistics show a range of annual accident totals between May 2009 and May 2019. However, if you look at worst case 2018-19 there were 37 which more than doubled the number in 2014-15 (17). That is statistically a 109% increase. In any case, at no point in the last decade have there been more than 28 accidents in a year until 2018-19 when there were 37. This statistic alone should shut down the quest for a "road diet."

Goal 4. *Increase connectivity to downtown Midland and Discovery Square.* – I've worked with Departments of Transportation in four states and I've never known them to want to increase connectivity between two local areas. So, why does MDOT want to improve connectivity between these two areas and what is MDOT's proposal? I've not seen any mention of this. How did they know about Discovery Square? Google doesn't know where it is, and most citizens are clueless, so how did MDOT know about it? I know where it is, but why was MDOT's report silent regarding this goal?

Goal 5. *Improve non-motorized mobility and eliminate barriers for bicyclists/pedestrians with minimal impacts to traffic flow.* – What barriers exist, today? What are the impacts on traffic

flow? Some barriers (that I've not seen addressed) include: how do people even get to the Buttles/Indian corridor to be able to take advantage of any bicycle/pedestrian improvements. Biking corridors throughout the city are virtually non-existent or very poorly implemented. No plan has been drafted to provide this. We might paint a few bike lanes on some streets, but there is no bike corridor plan that would be responsive to bikers. Such a plan should be part of a comprehensive integrated city plan if one were to exist. Do bikers really want to be able to bike in the corridor? Has there ever been a study of just bikers to determine their destination and needs, or is this just a pipe dream of those who propose that they "know better" what is needed? Why is it OK for bikers to traverse Indian, but for some reason we need to reduce the lanes on Buttles? Does anyone really know what they are "studying" or are we simply trying to find data that agrees with a desired outcome?

Goal 6. Implement context sensitive design. – What is this and what are the recommendations? What is the context? Is this something MDOT is implementing as part of this study, or is this just so much more circumlocution. In their 2016 report they mention "modest to limited aesthetic improvements to portions of the remaining right of way." Are they really serious about this being one of their goals?

Goal 7. Support economic development within the corridor. – When has any DOT ever been part of improving economic development in local communities? They can't figure out how to keep existing roads in good repair, so why are they working on local economic development? It's interesting commentary, but I don't see anything creative or positive in this report. It seems more like placation of special interest groups.

Now, the Road Diet has been held out as a "test" for possible implementation on Indian and Buttles, reducing three lanes to two. A long time ago there were bollards setup on Indian, but they, for some reason, have been gone for weeks and perhaps months. Why? How can an honest and effective test be done regarding the reduction of lanes if it is only done one half the proposed roads? Was the criticism too much to leave them on Indian? Has some conclusion already been reached regarding Indian? If so, what?

Furthermore, the idea of a "road diet", how it was presented and is being pursued, seems quite dubious. An anonymous "developer", has been purchasing properties in the Indian/Buttles corridor. Presently, Spheric Development, LLC owns 49 parcels. Upon acquisition by Spheric Development, LLC the assessed value of these parcels was significantly and almost immediately adjusted downward. Many questions arise from the 49 transactions. All purchases may be altruistic and legitimate, but must make one wonder: **(see Appendix A):** 10 properties were acquired for \$0; One property was acquired for \$1.00; 15 properties were purchased for more than \$300,000 each. Virtually every property had their assessed value reduced from a previous high with no reflection of the value established by the transaction when acquired by Spheric Development, LLC. One property was sold in 2016 for \$98,000 but subsequently acquired by Spheric Development, LLC. for \$0. In total, Spheric Development, LLC. has paid \$8,209,201 for these 49 parcels. These 49 parcels have a current assessed value totaling \$988,200, which is down from their previous high totaling \$1,586,500. How do someone acquire

property for over \$8 million and end up with an assessed value less than \$1-million? Further, the general public is picking up the loss of assessed value through their tax rates, not Spheric Development, LLC.

I built a new home in Midland in 2014 in a new subdivision. My home is the smallest in the subdivision, yet it has the second highest assessment. When I went to the Board of Review I was rebuffed because I had no “current sales” to show that I was over assessed. In a new subdivision there isn’t a history of sales, since they are all initial construction sales.

Well, in a relatively small area we have 49 sales to one party that paid 8 times the assessed value, yet their assessments remain at an average \$20,167 each. That’s the kind of assessment treatment the rest of us would like. Perhaps it is time for the State to look at our property values or perhaps we need a complete reassessment.

Conspiracy theorists will come alive when we see that Spheric Development, LLC is registered in Michigan as a “foreign” entity. Where does their money originate? Are they laundering corporate overseas profits through an offshore account to avoid federal taxes or are they a drug cartel laundering money? Since they were incorporated in the State of Delaware in 2007, does this make them a “foreign entity” because Delaware is a foreign state? Certainly, the secrecy surrounding Spheric Development, LLC thus far might be concerning. How can this private entity drive so much development and alter city plans with such presumed power?

In 2015 a group identified as “Momentum Midland” paid private consultants to develop a “vision plan” for Midland. In their publications they indicate *“A number of Midland businesses, civic organizations, philanthropic foundations and individuals are working together on Momentum Midland.”* They published a plan calling for ...you guessed it, (1) a road diet for the Buttles/Indian corridor, (2) turning Ashman and Rodd into two-way streets, (3) changing Poseyville bridge into a multimodal connector allowing for pedestrians and bicycles, (4) Gateway Plaza connecting the East End with downtown, and (5) relocation of Farmers Market among other recommendations. Now we find many of these ideas in the MDOT report and it doesn’t even involve the US10 Business Route. The city is implementing some of the others and I’m not sure how much the citizens of Midland have been involved in any of these decisions. Is Momentum Midland running the city now, or are the citizens through our elected officials, and the city staff running the city?

In 2016 “Momentum Midland” began actively marketing to recruit developers to build on the sites. Spheric Development, LLC, Midland Baseball Foundation, Chemical Bank and United Way of Midland County are identified as the parties to Momentum Midland advertising this plan. Obviously, Spheric Development isn’t a developer since they are now looking for a developer. Now we have the City promoting specific projects in this corridor that had their genesis among special interests. Could this be considered conspiracy or collusion happening in Midland? Should this subject be of interest to our community? Shouldn’t discussions regarding this subject be conducted in a more open

manner with serious public engagement? Why is the public consternation with this project not handled more openly?

The next maneuver may likely be that Momentum Midland (or other co-conspirators) will want to enhance the area designated as a TIF (tax increment financing) District. Then the door will be open to lining the pockets of the “investors” by sequestering tax funds that would otherwise go to the General Fund. An effect of this is that the citizens of the community picks up the tab for city services that would otherwise be funded from the properties now in the TIF District, since the increased tax value is sequestered into a separate fund that isn’t subjected to the same public disclosure as the General Fund.

Enough questions and doubt exist at the core of this “road diet” that it should be halted until all these questions are answered. Nothing positive can come from something steeped in nondisclosure, misinformation, and half-truths. The City should not be in the business of promoting the agenda of private entities. Further, I’ve yet to hear what problem existed that spurred the initial study by MDOT and without the problem being defined, there is no way to effectively measure any proposed solution that has been identified.

Thank you for considering the information presented. Please advise if you have any questions regarding this letter’s content.

Sincerely,

A handwritten signature in black ink that reads "Gerald L. Gordier". The signature is written in a cursive, flowing style.

Gerald L. Gordier

Appendix A

Name	Parcel Number Reference	Address	Current Assessed Value	High Assessment		Sold to Spheric		Notes
				Year	Value	Sales Month/Year	Amount	
SPHERIC DEVELOPMENT LLC	14-16-50-056	516 GEORGE ST	21600	2016	38200	Nov-15	1	2004 sold for \$68,000
SPHERIC DEVELOPMENT LLC	14-16-50-058	512 GEORGE ST	21600	2015	34900	Nov-14	170,000	
SPHERIC DEVELOPMENT LLC	14-16-50-060	508 GEORGE ST	21600	2015	47800	Nov-14	170,000	
SPHERIC DEVELOPMENT LLC	14-16-50-062	502 GEORGE ST	21600	2015	55700	Nov-14	90,000	
SPHERIC DEVELOPMENT LLC	14-16-50-063	611 E INDIAN ST	21600	2015	42700	Nov-14	90,000	
SPHERIC DEVELOPMENT LLC	14-16-50-064	615 E INDIAN ST	34200	2015	54600	May-17	0	
SPHERIC DEVELOPMENT LLC	14-16-50-065	411 GEORGE ST	21600	2007	32200	Aug-16	60,000	
SPHERIC DEVELOPMENT LLC	14-16-50-066	415 GEORGE ST	21600	2016	62600	Jul-12	150,000	
SPHERIC DEVELOPMENT LLC	14-16-50-084	506 CRONKRIGHT ST	21600	2016	43800	Aug-07	85,000	
SPHERIC DEVELOPMENT LLC	14-16-50-086	502 CRONKRIGHT ST	21600	2015	15100	May-16	455,000	
SPHERIC DEVELOPMENT LLC	14-16-50-088	416 CRONKRIGHT ST	21600	2016	43500	Nov-08	0	
SPHERIC DEVELOPMENT LLC	14-16-50-090	412 CRONKRIGHT ST	21600	2009	26400	Oct-07	167,000	
SPHERIC DEVELOPMENT LLC	14-16-50-092	501 E BUTTLES ST	21600	2008	35700	Oct-07	0	
SPHERIC DEVELOPMENT LLC	14-16-50-094	505 E BUTTLES ST	21600	2008	35700	Dec-07	0	
SPHERIC DEVELOPMENT LLC	14-16-50-095	509 E BUTTLES ST	21600	2008	38100	May-11	77,000	
SPHERIC DEVELOPMENT LLC	14-16-50-096	515 E BUTTLES ST	21600	2011	40800	Nov-08	310,000	
SPHERIC DEVELOPMENT LLC	14-16-50-156	403 TOWNSEND ST	11100	2009	34900	Aug-07	500,000	
SPHERIC DEVELOPMENT LLC	14-16-50-158	407 TOWNSEND ST	11100	2008	19600	Nov-08	455,000	
SPHERIC DEVELOPMENT LLC	14-16-50-160	409 TOWNSEND ST	19900	2009	35200	Mar-08	500,000	
SPHERIC DEVELOPMENT LLC	14-16-50-162	415 TOWNSEND ST	19900	2008	3200	Nov-08	63,000	
SPHERIC DEVELOPMENT LLC	14-16-50-228	311 E BUTTLES ST	25900	2016	25800	Nov-08	500,000	
SPHERIC DEVELOPMENT LLC	14-16-50-230	402 RODD ST	39600	2009	85000	Nov-08	500,000	
SPHERIC DEVELOPMENT LLC	14-16-50-232	408 RODD ST	30000	2017	31600	Nov-08	500,000	
SPHERIC DEVELOPMENT LLC	14-16-50-326	501 RODD ST	21600	2016	42200	Jun-16	0	2016 sold for \$93,000
SPHERIC DEVELOPMENT LLC	14-16-50-790	205 E INDIAN ST	9600	2008	12300	Aug-07	45,500	
SPHERIC DEVELOPMENT LLC	14-16-50-826	502 MCDONALD ST	19200	2008	44500	Jan-07	57,000	
SPHERIC DEVELOPMENT LLC	14-16-60-184	501 ASHMAN ST	27100	2007	75100	May-07	157,000	
SPHERIC DEVELOPMENT LLC	14-16-60-188	114 W INDIAN ST	11400	2018	11400	May-07	157,000	
SPHERIC DEVELOPMENT LLC	14-16-60-190	116 W INDIAN ST	8100	2018	8100	May-07	57,000	
SPHERIC DEVELOPMENT LLC	14-16-60-194	203 W INDIAN ST	8100	2008	37000	May-07	57,000	
SPHERIC DEVELOPMENT LLC	14-16-60-198	205 W INDIAN ST	28700	2018	28700	Mar-07	72,000	
SPHERIC DEVELOPMENT LLC	14-16-60-202	211 W INDIAN ST	28700	2017	28700	Aug-07	300,000	
SPHERIC DEVELOPMENT LLC	14-16-60-206	215 W INDIAN ST	12900	2007	22900	Jul-07	50,000	
SPHERIC DEVELOPMENT LLC	14-16-60-208	216 W INDIAN ST	11400	2008	29100	Jun-08	32,000	
SPHERIC DEVELOPMENT LLC	14-16-60-250	410 FITZHUGH ST	15900	2018	15900	Dec-08	0	
SPHERIC DEVELOPMENT LLC	14-16-60-254	212 W BUTTLES ST	28700	2008	40000	Oct-07	0	
SPHERIC DEVELOPMENT LLC	14-16-60-260	409 GORDON ST	12000	2008	24200	Aug-07	70,000	
SPHERIC DEVELOPMENT LLC	14-16-60-274	508 GORDON ST	8100	2008	19400	Feb-02	44,000	

SPHERIC DEVELOPMENT LLC	14-16-60-276	506 GORDON ST	7200	2008	17000	Jul-08	44,000	
SPHERIC DEVELOPMENT LLC	14-21-80-472	701 E BUTTLES ST	43200	2009	43200	May-09	84,700	
SPHERIC DEVELOPMENT LLC	14-21-80-476	707 E BUTTLES ST	21600	2007	27600	Aug-07	300,000	
SPHERIC DEVELOPMENT LLC	14-21-80-478	711 E BUTTLES ST	21600	2011	27500	May-11	310,000	
SPHERIC DEVELOPMENT LLC	14-21-80-482	409 STATE ST	10800	2011	19000	May-11	310,000	
SPHERIC DEVELOPMENT LLC	14-21-80-486	712 E INDIAN ST	23800	2012	23800	May-11	310,000	
SPHERIC DEVELOPMENT LLC	14-21-80-488	706 E INDIAN ST	19500	2012	19500	Aug-11	0	
SPHERIC DEVELOPMENT LLC	14-21-80-490	702 E INDIAN ST	1400	2008	14400	Oct-07	0	
SPHERIC DEVELOPMENT LLC	14-21-80-492	616 E INDIAN ST	28700	2008	28700	Oct-07	0	
SPHERIC DEVELOPMENT LLC	14-21-80-494	612 E INDIAN ST	21600	2018	21600	Aug-07	455,000	.
SPHERIC DEVELOPMENT LLC	14-21-80-496	416 GEORGE ST	21600	2008	21600	Aug-07	455,000	.
			988,200		1,586,500		8,209,201	

This information was acquired from the City of Midland's Property Records available online as of July 9, 2019.

SUMMARY OF TRANSACTIONS WITH QUESTIONS

- 10 properties were acquired for \$0
- 1 property was acquired for \$1.00
- 15 properties were purchased for more than \$300,000 each

Virtually every property had their assessed value reduced from a previous high and had no reflection of the value of the transaction when acquired by Spheric Development, LLC.

1 property was sold in 2016 for \$98,000 but subsequently acquired by Spheric Development, LLC. for \$0.