

**CHARTER TOWNSHIP OF COMMERCE
TOWNSHIP BOARD OF TRUSTEES MEETING
September 8, 2026
2009 Township Drive
Commerce Township, Michigan 48390**

CALL TO ORDER Clerk Creech called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

At the request of Supervisor Gray, Clerk Creech would like the Board to appoint Trustee Rick Sovel as Interim Chairperson.

MOTION by Creech, supported by Massey, to appoint Trustee Rick Sovel as Interim Chairperson for tonight's meeting. **MOTION CARRIED UNANIMOUSLY**

ROLL CALL: Present: Rick Sovel, Interim Chairperson/Trustee
Larry Gray, Supervisor
Melissa Creech, Clerk
Katelyn Massey, Treasurer
Robert Berkheiser, Trustee
Robert Long, Trustee
George Weber, Trustee

Also Present: Hans Rentrop, Township Attorney
John W. Kummer, Township Attorney
Jim Dundas, Fire Chief
Emily England, Parks and Rec/Senior Director
Lt. Hix, Oakland County Sheriff's Office
Sgt. Leggatt, Oakland County Sheriff's Office
Jay James, Building Official
Andy Miller, Deputy Building Official
Jason Mayer, Giffels Webster Engineers
Deborah Watson, DDA Director
Kay McMahon, Communication Specialist
Alyson Lobert, Library Director
Dave Campbell, Planning Director

APPROVAL OF MINUTES

MOTION by Creech, supported by Massey, to approve the August 18, 2026 Regular Township Board Meeting minutes as submitted.

MOTION CARRIED UNANIMOUSLY

ITEM 1: APPROVAL OF AGENDA

MOTION by Sovel, supported by Creech, to approve the September 8, 2026 agenda, as presented with one change: **ITEM 6: Adoptions** moved to after **ITEM 2: Public Comments**.

Roll Call:

Ayes: Sovel, Creech, Massey, Weber, Gray

Nays: Berkheiser, Long

MOTION CARRIED

ITEM 2: PUBLIC COMMENTS

Interim Chairperson Trustee Sovel opened Public Comments and advised the public that speaking time is limited to three minutes. This is for public comments only and not for comments regarding the public hearings and not for comments regarding **ITEM 9: New Business, C. Lower Mount Royal Paving SAD Discussion** on the agenda.

Township Attorney John Kummer made the following statement:

Recently you may have noticed multiple fiber optic contractors installing fiber optic lines near your home. All fiber optic installations within the road right-of-way require a Metro Act Permit and a construction permit from the Township. State regulations heavily control the utility companies' right of access. While the Township may pass ordinances related to installation, it is prohibited from including terms in its construction permits that are contrary to State law, specifically the Metro Act.

Many residents have provided a letter to the Township requesting the Township adopt a "Dig Once" ordinance. The provisions requested and the application of them to the Township are as follows:

1. Requiring mandatory coordination which means requiring providers to coordinate installation. The Township already has the ability to require this. However, it must be aware of more than one provider seeking to install at the same location and any delay associated with the Township's coordination must be reasonable.
2. Joint trenching means requiring companies installing in the same right-of-way to install lines simultaneously in a shared trench. The Township cannot require this as the Metro Act addresses the co-location of lines and makes it optional.
3. Street cut moratorium by which the Township would prohibit installation of lines under streets for 3 to 5 years after one is installed is prohibited by the Metro Act. The Metro Act prohibits the Township from unreasonably delaying access and the Township does not have jurisdiction over the streets the way cities and villages do.

The Township is updating its ordinances to address many recent concerns regarding the Metro Act permits and seeks to take all legally available measures to protect and preserve the interests of its residents in light of the current influx of fiber optic companies working within the Township.

ITEM 2: PUBLIC COMMENTS (continued)

The following residents spoke in favor of the Pathways millage on the November 3, 2026 ballot:

Steve Michell, 4363 Bluebird
Charlie Cosgrove, 8340 Golfside

The following resident spoke regarding the issues they've encountered during fiber optic installations in their neighborhood:

Kimm Leslie, 9031 Cynthia Court

The following residents were not in favor of the Commerce Lake Market Conditional rezoning:

Michael Koerber, 1595 Commerce Shores
Deborah Koerber, 2780 Tall Pines Way

The following residents spoke in favor of the Commerce Lake Market Conditional rezoning:

Lee Patterson, 2320 Benstein Road
Ed Pitt, 1632 Nottingham Court
John Anolick, 1550 Carpenter Court
Mike Blackwell, 1460 Carpenter Court
Dave Sheeran, 3838 Vanstone
Suzanne Sadler, 2860 Tall Pines Way

Interim Chairperson Trustee Sovel closed Public Comments.

ITEM 6: ADOPTIONS

A. Code of Ordinances Amendment 1.078 – Utility Permits

Township Attorney John Kummer said the purpose of this ordinance is to amend Chapter 40, Article II, Section 40-20 through Section 40-25, and to add Section 40-26 and Section 40-27 which requires advance notice of utility work to the Township and affected residents, to require on-site supervision and adherence to approved plans, to confine work permitted to the public right-of-way and easement areas, to require timely restoration of disturbed rights-of-way, and to provide for the term, suspension, and revocation of permits issued under this article so as to minimize the disruption occasioned by such work while making the most efficient use of those limited areas available for the installation of utilities, securing the public health, safety, and welfare.

Trustee Long said he hopes the Township has learned from this.

Trustee Weber asked if this achieves the residents' request for a dig once ordinance?

ITEM 6: ADOPTIONS (continued)

Township Attorney John Kummer said this ordinance has more teeth than the previous one in that the Township can stop work to force compliance and it requires joint boxing where practical.

Building Official Jay James said because of the Metro Act, the Township cannot deny the applications just because we don't want them in the Township. When the utility companies submit plans, he reviews them and looks for water or sewer conflicts and easements.

Township Attorney Hans Rentrop said the Metro Act was designed by and lobbied for by the utility companies and it is to their benefit. There are timelines prescribed within the Act that the Township must meet. Further complicating the issue is that the Township does not own the roads within the Township. Oakland County owns the roads.

Building Official Jay James said this amended ordinance enables him to suspend the permit if the utility company is not responsive. It increases the notification time by the utility from 48 hours to 5 business days.

Township Attorney John Kummer said the ordinance requires the notice to be conspicuously posted or mailed in writing to all residents within 300 feet of the intended work.

Interim Chairperson Trustee Sovel reiterated that because of the Metro Act, the Township cannot say no to the utilities, the Township cannot delay or deny the utilities, and the Township cannot establish a moratorium.

MOTION by Berkheiser, supported by Creech, to approve an ordinance to amend the code of ordinances, Charter Township of Commerce, to be known as code amendment ordinance no. 1.078.

Discussion:

Trustee Weber confirmed that the revocation procedure consists of a hearing before the Township Board and the permit can only be revoked by Board approval.

Township Attorney John Kummer confirmed the revocation procedure.

Building Official Jay James said he would first suspend the permit and the hearing would be placed on the agenda for the next regularly scheduled board meeting.

Attorney John Kummer said it is a tiered system to provide due process rights.

Interim Chairperson Trustee Sovel asked if language could be added to require the pedestals and towers be installed along property lines.

ITEM 6: ADOPTIONS (continued)

Township Attorney Hans Rentrop said that to adopt the ordinance tonight the Board could add Section 40-20 (o) stating that all utility boxes should be located on property lines of adjacent properties except where otherwise approved by the Building Official.

MOTION by Berkheiser, supported by Creech, to approve an ordinance to amend the code of ordinances, Charter Township of Commerce, to be known as code amendment ordinance number 1.078 with the inclusion under Section 40-20 the additional subparagraph (o) stating that all utility boxes shall be located on the adjoining property lines unless otherwise approved by the Building Official.

MOTION CARRIED UNANIMOUSLY

ITEM 3: PUBLIC HEARINGS

A. Establishment Resolution – Special Projects No. 56 SAD

Interim Chairperson Trustee Sovel opened the Public Hearing.

Seeing None, Interim Chairperson Trustee Sovel Closed the Public Hearing.

MOTION by Berkheiser, supported by Weber, to approve the Resolution of the Township Board of the Charter Township of Commerce to undertake an improvement project and to establish and maintain a special assessment district to pay costs associated therewith and approving the plans and estimates of costs therefor for Special Projects No. 56

Roll Call:

Ayes: Berkheiser, Weber, Creech, Massey, Long, Sovel, Gray

Nays:

MOTION CARRIED UNANIMOUSLY

B. Township Fire & Rescue Protection SAD – Resolution Confirming 2027 Special Assessment Roll

Interim Chairperson Trustee Sovel opened the Public Hearing.

Seeing None, Interim Chairperson Trustee Sovel Closed the Public Hearing.

Township Attorney Hans Rentrop said this is the same resolution the Board sees every year to establish the special assessment rate.

Trustee Weber summarized how the Board uses the millage and plans out five years into the future to save for large capital expenditures as it specifically relates to the Fire Department. The millage pays all operating costs for fire, rescue, and ALS. Last year the Board agreed to max it out at 2.8 mills due to ongoing projects and purchases but the plan was to lower it for 2027 down to 2.6 mills which still provides a fund balance of more than \$5 million. This is 10 months of operating expenses. But this year we have not yet had any budget discussion on this item. He does not support keeping the rate at 2.8 mills if the Township does not need it.

ITEM 3: PUBLIC HEARINGS (continued)

Clerk Creech said this resolution is not setting the millage rate for 2027. It says that the rate can be set at up to 2.8 mills and this is merely the required public hearing advertised in the mailer included with the tax bills. The same way it's done every year.

Trustee Weber said then we'll dial in during budget meetings.

Clerk Creech said correct and the Township needs to send the L4029 tax form to the County by September 30th, which is never done in time. But it can be sent to the County as "tentative" and amended if we need to do so.

Trustee Berkheiser said that he also does not want to be locked into 2.8 mills.

Trustee Weber asked when the SAD ends?

Township Attorney Hans Rentrop said it runs through 2028.

MOTION by Berkheiser, supported by Creech, to approve the Township Fire & Rescue Protection Special Assessment District Resolution Confirming 2027 Special Assessment Roll.

Roll Call:

Ayes: Berkheiser, Creech, Massey, Weber, Long, Sovel, Gray

Nays:

MOTION CARRIED UNANIMOUSLY

C. Township Police Protection SAD – Resolution Confirming 2027 Special Assessment Roll

Interim Chairperson Trustee Sovel opened the Public Hearing.

Seeing None, Interim Chairperson Trustee Sovel Closed the Public Hearing.

MOTION by Sovel, supported by Creech, to approve the Township Police Protection Special Assessment District Resolution Confirming 2027 Special Assessment Roll.

Discussion:

Trustee Berkheiser said that given the recent issues with the County, and this is projected to run through the 2030 election, and the millage is at the max, do we have enough? He would like the Treasurer, Lt. Hix, and few other people to get together and look at the numbers and try to do a projection.

Roll Call:

Ayes: Sovel, Creech, Massey, Weber, Berkheiser, Long, Gray

Nays:

MOTION CARRIED UNANIMOUSLY

ITEM 4: BOARD APPOINTMENTS

A. Brady Phillips – Reappointment to the Planning Commission for a 3-Year Term Ending October 31, 2029

Clerk Creech said that Brady had a prior commitment and is unable to attend the meeting.

Supervisor Gray said that Brady has done a great job in his role on the Planning Commission. During his 3 plus years he has been active, participates, and researches every item before meetings. He would like to see Brady reappointed for a 3-year term.

MOTION by Gray, supported by Weber, to reappoint Brady Phillips to the Planning Commission for a 3-year term ending October 31, 2029.

MOTION CARRIED UNANIMOUSLY

B. Brian Winkler – Reappointment to the Planning Commission for a 3-Year Term Ending October 31, 2029

Supervisor Gray said that Brian has also done a great job in his role on the Planning Commission for close to 20 years. He researches projects to ensure they are the best fit for Commerce Township. He would like to see Brian reappointed for a 3-Year term.

MOTION by Gray, supported by Weber, to reappoint Brian Winkler to the Planning Commission for a 3-year term ending October 31, 2029.

Discussion:

Trustee Berkheiser asked about Brian's meeting attendance.

Planning Director Dave Campbell said there are no issues and when Mr. Winkler is going to travel, he gives plenty of notice.

Trustee Weber said that Mr. Winkler and Mr. Phillips are probably two of the most valuable members of the Planning Commission. They read and study everything, they're very active and they are two of the best.

MOTION CARRIED UNANIMOUSLY

ITEM 5: CONTRACT AWARDS AND AGREEMENTS

A. Wingate Preserve Amendment to CRA

Planning Director Dave Campbell said on July 14, 2026 the Commerce Township Board approved a conditional rezoning for Wingate Preserve to consist of 142 single-family homes on approximately 75 acres at the northeast corner of Commerce and Carey Roads. The approved conditional rezoning agreement included a conditional rezoning plan that showed the general layout of the proposed development. The conditional rezoning plan presented to the Township Board showed 148 dwelling units, but in the course of their discussion with the Board, the development team offered to reduce the number of units to 142 while maintaining the same general layout. Subsequent to the Board's approval of the conditional rezoning, the development team reevaluated their project's layout and opted to eliminate the three short cul-de-sacs toward the north side

ITEM 5: CONTRACT AWARDS AND AGREEMENTS (continued)

of the project and instead line most of those units along the north side of the project's northerly east-west road, while maintaining the approved unit count of 142.

The Planning Department consulted with the Township Attorney and any change that materially affects any of the specific conditions in the conditional rezoning agreement requires an amendment to the agreement which must be approved by the Township Board of Trustees.

The Planning Department feels the elimination of the three short cul-de-sacs is a positive for the existing residents along Four Oaks Drive to the north and the future residents of Wingate Preserve because it will maximize the separation between the existing and proposed homes and provide a natural open space that's not bifurcated by the three cul-de-sacs.

Trustee Berkheiser asked if traffic lights were proposed for the entrances to the development along both roads?

Planning Director Dave Campbell said no new traffic lights were proposed and the site access points have not changed from what the Board approved back in July.

Trustee Weber said that he thinks the Board has a greater duty to existing residents than proposed future residents and he thinks this plan accomplishes that with the significantly larger buffer.

MOTION by Weber, supported by Creech, to approve the Wingate Preserve Amendment to the conditional rezoning agreement.

Roll Call:

Ayes: Weber, Creech, Massey, Berkheiser, Long, Sovel

Nays: Gray

MOTION CARRIED

B. Huron Cemetery Maintenance Contract Extension

Trustee Berkheiser commented that we don't have a lot of choices but the in-between contract years are reasonable increases but the new contract years are large increases. The last contract in 2024 was a 25% increase and this one is a 17% increase plus 3% per year and asked if we could try to smooth that out and do better projections. With these cost changes do we need to change our fees?

Clerk Creech said that the Township has not changed the rates in a long time. The resident rate is \$350.00 which is very low.

MOTION by Creech, supported by Massey, to approve the contract with Huron Cemetery Maintenance beginning January 1, 2027 through December 31, 2029

MOTION CARRIED UNANIMOUSLY

ITEM 5: CONTRACT AWARDS AND AGREEMENTS (continued)

C. KER Contract Extension

Building Official Jay James said the contract is up at the end of the year. He proposes a new fee schedule that equates to approximately a 4% increase for the first 2 years and then another 4% for the next 2 years. The 4% increase only addresses the hourly billings and it does not address the Building Department fees which is a percentage of those fees.

MOTION by Weber, supported by Massey, to approve the KER Contract Extension for 4 years.

Discussion:

Supervisor Gray asked why is it time and a half after 8 hours when we work 10-hour days?

Building Official Jay James answered that it refers to when he had inspectors out in the field. It's never applied and he has never charged the Township that rate.

MOTION CARRIED UNANIMOUSLY

D. Part-Time Building Official Contract

Building Official Jay James said this contract was developed back when he took over the Building Department and the Township Attorney's indicated that because he is enforcing Township laws, he needs to be on staff at least part-time. The agreement was that he would bill the Township for 10 hours per week. There are no changes to this contract. It is merely a renewal through 2030.

MOTION by Long, supported by Berkheiser, to approve the renewal of the Part-Time Building Official Contract.

MOTION CARRIED UNANIMOUSLY

E. Fire Station No. 4 Hydrant Installation

Giffels Webster Engineer Jason Mayer said that the Township received bids for the Fire Station No. 4 hydrant on September 1, 2026. The bids ranged from \$106,422.50 to \$217,065.00. The low bid was submitted by Macomb Pipeline & Utilities Co. based in Sterling Heights. He checked their references and he recommends awarding the construction contract to them for a total project budget not to exceed \$127,500.00. This project is to extend the fire hydrant to the back of station 4 for future training.

Trustee Berkheiser asked Chief Dundas if this is in the budget?

Chief Dundas said yes but a portion of it will be funded through a community grant from HUD.

MOTION by Berkheiser, supported by Gray, to approve the proposal and the budget in an amount not to exceed \$128,000 for the Commerce Township Fire Station No. 4 hydrant project.

MOTION CARRIED UNANIMOUSLY

ITEM 5: CONTRACT AWARDS AND AGREEMENTS (continued)

F. UFS Cost of Service Study – Sewer

Township Attorney Hans Rentrop said this is a proposal submitted by UFS for a cost allocation and rate component study. The purpose is to identify the costs of various functions of the sewer system including collection, transport, treatment, maintenance, administration, and capital improvements.

Trustee Weber said this enables the Township to determine what to charge other communities using the Township's sewer system. He asked what the analysis of the "Y" infrastructure connected to White Lake's sewer entails?

Giffels Webster Engineer Jason Mayer said those sections are where White Lake flows through to get to the treatment plant. We are trying to allocate White Lake's portion and share of the costs.

MOTION by Sovel, supported by Creech, to approve the UFS Cost of Service Study – Sewer, including the "Y" analysis, in an amount not to exceed \$21,500 to come from the sewer fund.

MOTION CARRIED UNANIMOUSLY

ITEM 7: PURCHASES

A. Library Wall Feature

Library Director Alyson Lobert said she is requesting the Board's approval to purchase the Everbrite Mini for \$17,042 to come from the Library's furniture budget.

MOTION by Massey, supported by Gray, to approve the invoice for the Library wall feature in an amount not to exceed \$17,042 from the Library furniture fund.

MOTION CARRIED UNANIMOUSLY

ITEM 8: OLD BUSINESS

**A. 2732 E. Commerce Road Dangerous Building Show Cause Hearing –
Tabled 8-18-2026**

MOTION by Berkheiser, supported by Creech, to remove the 2732 E. Commerce Road Dangerous Building Show Cause Hearing from the table.

MOTION CARRIED UNANIMOUSLY

Township Attorney John Kummer said the Board tabled the show cause hearing at their August 18, 2026 meeting to give the property owner the opportunity to attend the hearing tonight or to otherwise respond to the notice. The Hearing Officer order was provided in the agenda packet for tonight's meeting along with photos of the property. Tonight, the procedure is adopting the order, modifying the order, or denying it. A resolution has been provided if you choose to move forward with the Hearing Officer's recommendation.

Trustee Berkheiser asked Building Official Jay James if he's had any contact with the owner.

ITEM 8: OLD BUSINESS (continued)

Building Official Jay James said he has tried to contact Ms. Argenta multiple times since the August 18, 2026 board meeting and she will not respond.

Township Attorney John Kummer said the Township renoticed her after the August 18th meeting by posting the notice and sending it by certified mail.

Trustee Berkheiser said the Board has postponed this several times.

MOTION by Berkheiser, supported by Gray, to move forward with the resolution of the Township Board of the Charter Township of Commerce authorizing the Township Attorneys to file complaint for order to demolish the dangerous building at 2732 E. Commerce Road.

Discussion:

Interim Chairperson Trustee Sovel asked what the timeline looks like.

Township Attorney John Kummer said it depends on whether the owner responds to the order but it would probably be 2027 when the Township obtains the order to demolish from the court.

Building Official Jay James said it takes time to bid out the demolition contract.

MOTION CARRIED UNANIMOUSLY

B. Lakeside Accessory Structures

Building Official Jay James said that at the discussion meeting on July 28, 2026 the Board discussed the possibility of creating an ordinance that would allow detached accessory structures on the lakeside. He provided the Board with a list of 7 different type of criteria that he met with the Planning Commission to review. They addressed setback requirements, minimum separation requirements, height standards, no vehicular access, number and size requirements, and exterior materials. Everyone at the Board meeting seemed in favor of moving forward. However, at that meeting the Board did not make a motion to do so. He would like the Board to make a motion so the ordinance can be prepared and brought back to the Board for consideration.

MOTION by Berkheiser, supported by Weber, to move forward with the detached accessory structure ordinance for lakeside structures.

MOTION CARRIED UNANIMOUSLY

ITEM 9: NEW BUSINESS

A. Commerce Lake Market CRA

Planning Director David Campbell said the conditional rezoning agreement is for two properties to be developed into a new and expanded Commerce Lake Market. The existing store at 1750 Glengary Road is currently zoned B-2 (community business) and the existing house at 2750 Benstein Road is currently zoned R-1D (one family

ITEM 9: NEW BUSINESS (continued)

residential). The petitioner proposes to conditionally rezone the two properties to B-3 (general business). Demolish the two existing structures and develop a 6,800 square foot neighborhood market to include a four-pump fueling center along Benstein Road. The easterly of the two existing driveways along Glengary Road would remain, the westerly Benstein Road driveway would be eliminated, and a new driveway would be created along the east side of Benstein Road.

The Planning Commission held the requisite hearing which was very well attended at their regular meeting on August 10, 2026 and with a unanimous vote approved a motion recommending the Township Board approve the Commerce Lake Market Conditional rezoning petition.

The dispensing of automotive fuels is permitted only as a special land use in the B-3 zoning district requiring the applicant to return to the Planning Commission to seek that approval along with site plan approval. The Planning Commission must consider whether there is a documented and immediate need for a gas station at that location. The petitioner obtained a market study and around 500 signatures supporting his proposal.

Trustee Weber said the Planning Commission has reviewed this for many months. The present market, to be kind, is an eye sore. The new proposal will significantly enhance that corner and not just in appearance but also in function. The design and the look are very important and the Planning Commission will get another bite at the apple when they look at it for site plan approval and special land use. It's not a done deal at this point in time. Traffic, safety, and the environment are the top considerations. The market and gas station will not increase traffic in that location, the traffic is already there. The environment took us a long time to get our heads around it but there are very significant and stringent requirements for the tanks such as double walls and sensors which must be inspected monthly.

Clerk Creech asked if there was feedback from Geary Masonry?

Planning Director Dave Campbell said that Mr. Geary spoke in support at the Planning Commission's public hearing.

MOTION by Weber, supported by Berkheiser, to approve the Commerce Lake Market conditional rezoning agreement as submitted. **MOTION CARRIED UNANIMOUSLY**

B. Zoning Ordinance Amendment 3.070

Planning Director Dave Campbell said this is the map amendment that goes along with the Commerce Lake Market conditional rezoning agreement in the previous item.

MOTION by Weber, supported by Massey, to approve the zoning ordinance amendment 3.070 map amendment. **MOTION CARRIED UNANIMOUSLY**

ITEM 9: NEW BUSINESS (continued)

C. Lower Mount Royal Paving SAD Discussion

Building Official Jay James said the Paving SAD was brought to the Board in October 2025. It was the seventh time in ten years that the subdivision requested an SAD to pave their roads. This is the first time they felt they received enough signatures to get the SAD approved. The SAD came before the Board for the establishment where the State statute that requires you to determine the SAD validity via road frontage, showed they had obtained 56% based on road frontage. However, at the meeting the Board asked what the percentage was based on parcels and that was just under 50%. Even though they reached the threshold per the State Act, the Township Board asked if they could get enough signatures by parcel count. The petitioners out soliciting signatures went back out to obtain more signatures, they needed 7 or 8 more signatures, which they obtained. It put the parcel count at just about 51% and that was approved by the Township Board. Since then, Giffels Webster has started the survey and design work with the intention of putting it out to bid this winter with the intention that construction would begin in the spring. Recently the Board was copied on a letter from one of the residents who has some concerns regarding some discrepancies she found after a FOIA request as far as the signatures that were obtained and the frontages utilized. The Building Department looked into those discrepancies and answered her questions but there were some questions regarding drainage costs that we cannot answer at this time because Giffels Webster is still working on the plans. Judy in the Building Department reviewed the discrepancies and some of them were valid. There were three signatures that were not valid and they were removed. The frontage discrepancies were all associated with properties that had alley ways. We used property gateway to get those distances and if you don't have the aerial turned on, the alley ways appear to be road frontages and they were included by mistake. We removed those and recalculated the frontages. Also, when we start an SAD, we send it to the engineers to get an initial boundary assessment and a parcel count. As we got more information, some of those parcels were found not to receive a benefit from the SAD and those parcels were removed from the SAD. Out lots and parks are also removed. The initial parcel count was 382 but was reduced to 364. After these corrections, the petition stands at 50% by parcel count. Road frontage is at 52% which meets the threshold set by state law. This meeting tonight is not part of the SAD process. Once the bids come in and we have formal numbers, there are still 2 public hearings to be held. This is not one of those public hearings. This meeting is to answer the questions in the FOIA request, explain the discrepancies, and allow the residents to ask questions.

Interim Chairperson Trustee Sovel said that it sounds like that even with the corrections we are still at about 50%.

Building Official Jay James confirmed that the petition meets the threshold for frontage.

Interim Chairperson Trustee Sovel asked if the Board could require more signatures and require the petitioners to obtain more signatures?

ITEM 9: NEW BUSINESS (continued)

Township Attorney John Kummer said yes, you may ask for more signatures.

Trustee Berkheiser asked if the percentage must be greater than 50%?

Township Attorney Hans Rentrop said it must be in excess of 50%. The current petition meets that threshold.

Trustee Weber asked how many signatures were obtained?

Building Official Jay James said 182.

Trustee Weber said that with something of this magnitude where 50% of the residents are saying no to a \$15,000 assessment, he can't support that.

Building Official Jay James asked if Trustee Weber wants the petitioners to obtain more signatures so they exceed 50% by parcel count?

Trustee Weber said yes, when we are asking people to spend that kind of money, where we are forcing people to spend that kind of money, it needs to be significantly above 50%.

Township Attorney Hans Rentrop said that for clarification, legally the Board has enough signatures and the SAD statute allows the Board to establish districts, levy assessments, and fund projects and it's the Board's choice to proceed or not. The Board can ask for more signatures.

Building Official Jay James said if the Board is done asking him questions, he would like to give the residents the opportunity to speak.

Deborah Mays, 1024 Sherbrooke Street, the petition estimate shows \$15,903 on 382 lots but the working list is actually 364. That same \$6.075 million equals \$16,690 per lot, roughly 5% more than residents were shown when signing. She asked the Building Department why an accurate number of assessable lots within the district was not determined before the estimate was generated, the Building Department said it was too costly and time consuming to do it beforehand. This petition has been circulating almost every year for the last 10 years and she is unsure why previous counts couldn't have been used and why wasn't the per lot figure updated once the 364 was the established count. More importantly, if the total rises within the 10% threshold, that is allowed, then each lot is paying 15% higher than the amount residents were shown at signing.

Her first question is she asked the Building Department why some corner lots on project roads were left out but are still within the district and the Building Department said those lots only have driveway access on a public road and by law had to be left out. Interior corner lots with a driveway on one street are in and their side frontage counts. She

ITEM 9: NEW BUSINESS (continued)

doesn't see anything in Act 188 or any meeting minutes discussing road SAD's that says a driveway is a qualifier for side frontage to be included as frontage on the road when a driveway is also on a public road. What statute requires a driveway on side frontage if it also has driveway access on a public road?

Building Official Jay James said that lot frontages are for improvements on those lots. So, if there's a corner lot on only one street that is improved then that is the frontage that is counted. So even though they only have one driveway coming off of one street, if both sides that have road frontage are being improved then both sides of the frontage are counted toward their signature.

Trustee Weber said then the driveway is irrelevant.

Building Official Jay James said yes, and they are only relevant in the fact that they are receiving a benefit. So, if the driveway is coming off S. Commerce Road and they don't have any other access to the SAD roads, then they are not receiving a benefit.

Deborah Mays said they get drainage benefit and emergency access benefit.

Building Official Jay James said if their access is off of S. Commerce Road they do not receive drainage benefit.

Deborah Mays asked when will the sufficiency lot list be frozen showing parcels, addresses, and signatures so that residents can review it? If there is no set date then she asks the Board to freeze the list and make it available before the sufficiency hearing for residents to review it.

Deborah Mays said the Building Department said that if road and drainage amounts are used up and the contingency is exhausted, then the project stops for new public hearings. What is that process and where is it written?

Building Official Jay James said that as he discussed with her, the contingency is included in the estimate and if the total project cost exceeds 10% of the total cost, in order to reassess residents the additional money, then we have to go back to the hearing process. We are not to that yet with the original estimate. We have to get through the first two public hearings, we have to start construction, and we have to know that the final costs are going to exceed 10%. Once we know that then we would have to hold public hearings again.

Township Attorney Hans Rentrop corrected Building Official Jay James by indicating that if the project costs exceed the approved total at all, then a re-assessment would be necessary. In this case, additional public hearings would be required.

ITEM 9: NEW BUSINESS (continued)

Anthony Hall, 1015 Sherbrooke Street, said that he thought this was approved and he signed in favor of it. He thinks upgrading the roads and dealing with the drainage issues will increase their property values. His concern tonight after listening to Mr. Weber is that the requirement is more than 50% on signatures and more than 51% on frontage and it's a majority and the majority should carry it. If it's an election and you get 51%, you win and now in this instance it's 53% and he's open to the fact that it's a democracy but if we get more than the required 50%, he wants it to go ahead. The majority should win, that's the way democracy looks. His lot and two lots to his west suffer significant flooding whenever it rains and both drains near his house need work. At some point he would like to know how he addresses that as we move forward.

Building Official Jay James said that as far as the drainage issues, a placeholder was put in by the engineers at \$500,000, which is the engineer's best estimate. Currently survey and design work is being done.

Giffels Webster Engineer Jason Mayer said he met a few times with the residents who circulated the petitions and they told him about the flooding issues. He said the residents can let him know of any flooding issues they have.

Anthony Hall said he has videos from the most recent rain storm.

Giffels Webster Engineer Jason Mayer said he would like to see them.

Trustee Long said that the requirement for greater than 50% of frontage is in the State statute which allows special assessment districts and the number of parcels was a preference imposed by some Board members.

Anthony Hall said he wants to abide by what the statute says and he thinks imposing additional requirements is unfair.

Trustee Berkheiser said his personal feeling on the frontage is if you live on a corner lot and both frontages are being counted then you are getting twice the vote of other residents not on a corner lot. He doesn't think that's fair. He understands that you could argue that they are getting twice the benefit, he personally does not think they should get twice the vote. He would like to see over 50% of the parcels.

Anthony Hall said that State law and statutes exist for a reason and he would like people not to put their finger on the scale.

Trustee Berkheiser said the decision on an SAD is the Township Board's decision, not an election decision.

Building Official Jay James said that he thinks the concern was because the SAD law says that the Township can charge by the benefit received. Since he's been at the Township, road SAD's were done where everyone paid an equal portion. Even if one

ITEM 9: NEW BUSINESS (continued)

resident has a 100-foot lot and another resident had a 50-foot lot, they both drive on the same streets. The Board has always considered that both lots have the same benefit. The Board feels that if we are going to charge all residents the same amount then they would like to have a majority involved.

Steve Michell, 4363 Bluebird, said he agrees with the previous speaker. He has circulated petitions a couple of times and residents are under no obligation to answer the door or talk to the circulator and the signatures are difficult to collect. He doesn't think it's fair to be asked to get more signatures. If there's a target or threshold to meet of a certain number of signatures then he doesn't think it's fair to the people who do the work and for the Board to say maybe we approve it and maybe we don't and 51% or 53% isn't quite enough, go back and get more. That's not fair. The State law is pretty clear and if we want to go beyond that, that's fine, but we have to know what the target is.

Lisa McGuire, 4351 Bluebird, asked why is it signatures and not actual votes?

Township Attorney Hans Rentrop said that the State law requires signatures on a petition.

Gary Hooverson, 3163 Ridgemont Street, said the biggest thing is the 30% administration fee for Giffels, just a flat rate of 30%. Why is their contract a flat rate instead of a variable or a cost plus?

Giffels Webster Engineer Jason Mayer said that Giffels cost is 15% and it includes the consultants involved. The Township's SAD costs are at 12%.

Gary Hooverson asked if anyone has itemized those costs and looked at them to determine if they're reasonable?

Building Official Jay James said Giffels charges on a per hour basis so though they've estimated 15% of the total cost, it could turn out to be less than that.

Gary Hooverson asked once construction begins, will everyone have to park a mile away from their homes?

Building Official Jay James said that is a construction sequencing item they will address closer to construction but no one should have to walk a half mile to their homes. You may have to park away from your house but not a half mile away.

Gary Hooverson said some of the people at his end of the street are pretty much invalids and he's also concerned about EMS access.

ITEM 9: NEW BUSINESS (continued)

Building Official Jay James said they do everything they can to limit the disruption and you must have access to your homes and we make sure emergency vehicles have access as well.

Michael Kasparian, 710 Sherbrooke Street, said he's been proactive about his drainage issue and he asked if Jason Mayer could give some attention to 710 Sherbrooke Street. The storm drain on his property is overtaken in 10-15 minutes during a hard rain and he wants it to flow down one side of his yard instead of into his sump pump.

Charles Veres, 749 Sherbrooke Street, said if we are going to determine the number of votes we have or petitioners that have signed based on frontage, it seems a little bit of a shell game to then charge all the parcels the same amount of money. He thinks that if you are going by frontage for the vote or the number of petitioners then that's how they should be charged for the assessment if it goes through. He said it doesn't seem equitable otherwise. He knows that some roads are not paved at all and they've received some extra benefit but in particular the counting of the frontage as more than one vote compared to the other parcels, he doesn't think that's equitable. Regarding drainage, he's done some pretty extensive repairs to his landscaping to divert the water on his property. His and his neighbor's parcels need a little extra attention also.

Jim Czarniecki, 1034 Sherbrooke Street, said this is the first time in all the times that we've done this that you've done it this way. In the past it's always been fair and democratic. It was always done per parcel and now it's done by frontage.

Building Official Jay James said it's always been done by frontage but your subdivision previously never obtained enough signatures.

Jim Czarniecki said that everyone is bringing up their drainage issues and their drains but that's not what we're doing? That's not what's being worked on? So, if the drain is on your property, it's not being worked on? The \$500,000 is for drainage on the streets?

Giffels Webster Engineer Jason Mayer said yes, but if it's flooding the road or causing damage to the road it must be addressed. Some of the drainage needs to go between properties to get to the lake.

Jim Czarniecki said some people think you're going to help them with the drainage issues on their property.

Building Official Jay James said that's correct. If you have a catch basin in your yard, we are not looking at that. We want to make sure it gets off the road and does not flood the road.

Jim Czarniecki asked where the \$500,000 figure came from?

ITEM 9: NEW BUSINESS (continued)

Building Official Jay James said it is based off of the engineer's best experience.

Jim Czarniecki said that all costs have gone up and if this project doesn't begin until next year, when costs will be even higher, what assurances do we have that there's a cap? What if it escalates and you find a major drainage issue?

Building Official Jay James said when Jason is done with the design which will be designed to fix the roads and correct the road drainage, it will go out to bid, then we'll have a firm number. When that number comes in, we'll calculate the per parcel cost and that will be brought to the Township Board at the hearing. The \$15,000 is just our best estimate at this time. When we have firm numbers, we'll come back and have the public hearing and everyone will have a chance to say yes or no. Everyone will have the opportunity to say I signed this petition as a yes because I thought it was going to cost \$15,000 but now the cost is higher, I'm no longer in favor of it. It's up to the Township Board to decide if it moves forward or not.

Dean Gidlof, 4385 Achilla, said he worked with Trustee Long's dad the first time they had the roads paved in Lower Mount Royal. He's in favor of the SAD. He has two lots and last time he was allowed to have a single assessment.

Building Official Jay James asked Mr. Gidlof to call him tomorrow.

Kevin Adams, 4625 Sundew, said his lot floods a lot and gets washed out because he's on a dirt road and he's wondering what is the plan for that area?

Giffels Webster Engineer Jason Mayer said that he's still getting surveys but there will be a plan that Mr. Adams can review.

Kevin Adams asked what about the people who can't afford to pay \$15,000 over ten years because they are on fixed income and so forth?

Township Attorney Hans Rentrop said it's an assessment that is enforced like a tax. It is an obligation that the property owner has to pay.

Building Official Jay James said there are some programs at the County and we would direct those residents to the County.

Amanda Kristofik, 911 Ridgemont, said the road currently has speed bumps and she asked if the new road would have speed bumps? She's also concerned about residents with little kids who can barely afford their house being able to afford this assessment.

Giffels Webster Engineer Jason Mayer said yes, the speed bumps would be put back in place.

ITEM 9: NEW BUSINESS (continued)

Trustee Weber said that he appreciates Mr. Hall and Mr. Michell's comments and that it has made him pause and reconsider his thoughts.

D. DDA Cash Advance

DDA Director Deborah Watson said the DDA bond payments of \$2.6 million are due by September 30, 2026. This will create a shortfall and the DDA is requesting a cash advance of up to \$1.2 million. She said after the September payments are made, the remaining bond debt is \$28 million and it will be paid off by 2034. The DDA will become more self-sustaining at that time.

Trustee Long asked what are the DDA's operating costs?

DDA Director Deborah Watson said that budget discussions are soon and she said the operating expenses projected for the end of 2026 are \$2.7 million and that includes the interest expense on bonds.

Trustee Long said that he is asking about the administrative operating costs and meeting costs, things like that.

DDA Director Deborah Watson said the DDA pays the Township \$100,000 for office space and for the time the elected officials spend attending meetings and so forth.

Trustee Long asked if her salary is included in that?

DDA Director Deborah Watson said her salary is included in the admin category and she can bring it to him if he wants to look it over.

Trustee Long wants to know how that has been reduced over the last few years because the work load is significantly less.

DDA Director Deborah Watson said she is going to disagree with him but she is happy to meet with him one on one to review costs and to tell him what a day in the life of a DDA Director is like. She said it is a rollercoaster, she is available 24/7, and because it's been said to wrap it up and wind down, she did not hire an assistant when her previous one took another job. She is still debating whether she will get another assistant next year.

Trustee Berkheiser said this is an idea of the types of questions she'll get as we move into budget season.

MOTION by Sovel, supported by Massey, to advance an amount not to exceed \$1.2 million to the DDA.

ITEM 9: NEW BUSINESS (continued)

Roll Call:

Ayes: Sovel, Massey, Creech, Weber, Berkheiser, Gray,

Nays: Long

MOTION CARRIED

Trustee Berkheiser said that we have to pay it, the Township is responsible. We are not approving a budget; we are approving a bond payment.

E. Donation Agreement for Lot #1 of Morey's Golf View Subdivision

MOTION by Sovel, supported by Weber, to recuse himself from this item.

Roll Call:

Ayes: Sovel, Weber

Nays: Berkheiser

MOTION FAILED

Township Attorney Hans Rentrop said as you may recall from July, residents Rick Sovel and Laura Powers wish to donate the amount the Township paid to purchase Lot #1. Supervisor Gray and the residents have approved the agreement before you. Rick Sovel and Laura Powers are donating \$101,940 in total with \$98,440 toward the purchase price of the property which is what the Township paid for the property; and \$3,500 for landscaping. There are some contingencies to this donation. One of the contingencies is to rezone the property within six months to PRD, public recreation district. Additionally, the HOA has the first right of refusal should the Township ever seek to sell the property and if the Township sells the property in the future and the HOA does not execute its first right of refusal, then the Township is required to give the total sale price of the property or the donation, whichever is greater, to certain charities benefiting Commerce Township. The intent is for the Township to hold the property in perpetuity for the purpose of open space.

Trustee Berkheiser asked if the HOA has the first right of refusal, why didn't the HOA purchase the property?

Interim Chairperson Trustee Rick Sovel said because we are trying to prevent the property from being built upon.

Trustee Berkheiser said you can still sell it to the HOA.

Interim Chairperson Trustee Rick Sovel said then the HOA would have to pay property tax on it.

ITEM 9: NEW BUSINESS (continued)

Trustee Berkheiser said now the Township has to do maintenance on it, cut the grass, lose the tax capture.

Interim Chairperson Trustee Rick Sovel said the Township already bought it. The issue is, do you want the money back?

Trustee Berkheiser said that he voted no on that. He has issues with the contract. He has issues with the HOA having first right of refusal when they weren't willing to take on the property now. We don't know what a future Board may decide to do with this.

Township Attorney Hans Rentrop said the HOA did not ask for the first right of refusal. This is something the donators want. The HOA had no interest in this property whatsoever. The donators said we'll give you this money but you have to keep the property as Township open space in perpetuity.

Interim Chairperson Trustee Rick Sovel said the goal is open space.

Trustee Berkheiser said this is open space to nowhere. It'll never be connected to anything; you'll never see anything connected to it. There'll be no pathways through there. There's no place for it to go. You can't even get a road through there.

Interim Chairperson Trustee Rick Sovel said that Union Lake Road will be expanded into that property.

Trustee Berkheiser said no it will not. There's no way it is going up through there.

MOTION by Weber, supported by Creech, to approve the donation agreement for Lot #1 of Morey's Golf View Subdivision, as submitted.

Trustee Berkheiser asked what restrictions are on it since it is open space and it falls under Parks?

Interim Chairperson Trustee Rick Sovel said it is not a park.

Trustee Berkheiser said open space is managed by Parks.

Interim Chairperson Trustee Rick Sovel said you can't do anything with it. There's been a deed restriction on it since 1955. Currently it's single family residential but it will be rezoned to open space. If it's sold, it will still be open space.

Trustee Berkheiser said this is not a good deal if we can't do what we want with it within Parks. He said that if the Board pushes it through it should not be managed by Parks.

ITEM 9: NEW BUSINESS (continued)

Roll Call:

Ayes: Weber, Creech, Massey, Long, Sovel, Gray

Nays: Berkheiser

MOTION CARRIED

F. Haggerty Pump Station Abandonment Budget Amendment

Giffels Webster Engineer Jason Mayer said the approved budget for the Haggerty Pump Station abandonment included a design to directional drill across the wetland. However, the contractor expressed concerns about constructability because the groundwater level was much higher than originally determined by the geotechnical investigation from March 2024 which meant it is not possible to maintain the alignment of the pipe slope for this section of the gravity sewer. After extensive investigation with the geotechnical consultant and with the assistance of the contractor, an alternate route was determined. Over the past month he has worked with the contractor to negotiate pricing to complete the project with the revised sewer route. One of the concerns is that because it is a gravity sewer, it must be drilled at a consistent slope of 1% across the wetlands. The significant additional dewatering, open-cut installation method, and additional manholes required for this option will cause the total project cost to increase by \$493,221.40.

Trustee Weber asked if during the bid process, did they not take that into consideration?

Giffels Webster Engineer Jason Mayer said the preliminary engineering involved getting a geotechnical report. When the contractor reached this area, they actually got a small boat and put some rebar into the ground and based on the results they are concerned that they will not be able to drill directionally and the pipe might actually float. The geotechnical consultant did not obtain soil borings in the middle of the marsh. None of the other contractors flagged this either, and this contractor was the low bidder. This contractor has been helping us throughout this project. They could very easily have done the project as engineered and directional drilled it and then said, sorry it didn't work. The concerns they raised are legitimate and we should do a route that takes those concerns into consideration.

Trustee Weber said that's a half a million-dollar increase. Should we rebid it?

Giffels Webster Engineer Jason Mayer said that is a consideration. He looked at the original bid tabs and taking the pipe pricing, the other bidders were all higher by 17%, 23%, and 98%. He doesn't think every contractor can do this project and all the bidders were fairly large contractors.

Trustee Long said this needs to go back to the drawing board and should be rebid.

MOTION by Berkheiser, supported by Creech, to move forward with the increased budget amendment proposal in an amount not to exceed \$1.82 million.

ITEM 9: NEW BUSINESS (continued)

MOTION CARRIED UNANIMOUSLY

G. Dodge Park Brush Clearing

Parks and Recreation Director Emily England asked the Board to approve brush clearing at Dodge Park that will open up the view from S. Commerce Road into the park.

MOTION by Weber, supported by Gray, to authorize up to \$10,000 for the Dodge Park brush clearing.

MOTION CARRIED UNANIMOUSLY

H. Carroll Lake Heights Subdivision Out Lots 30 & 31 – Dangerous Building Hearing

Township Attorney John Kummer said this is not up for a hearing tonight. This is a request to set a hearing date in time to comply with the Hearing Officer's order for demolition of the non-residential building located on out lots 30 and 31. He is asking for a motion to set the date and time of the hearing.

MOTION by Berkheiser, supported by Sovel, to set the dangerous building hearing for the October 13, 2026 Township Board meeting for Carroll Lake Heights Subdivision out lots 30 and 31.

MOTION CARRIED UNANIMOUSLY

ITEM 10: ORDERS AND ADD ONS

MOTION by Creech, supported by Berkheiser, to approve the orders and add ons.

MOTION CARRIED UNANIMOUSLY

ITEM 11: OTHER MATTERS

Trustee Berkheiser – Are the snow plow contracts coming soon?

Building Official Jay James said yes.

Trustee Berkheiser- What are we doing on e-bikes? They are tearing up the neighborhoods. Is there anything we as the Township can do?

Supervisor Gray said that e-bikes are starting to be a concern for our pathways and the Board needs to start thinking about them sooner rather than later. The Michigan airline Trail and Parks and Rec have had discussions on e-bikes. There have been too many incidents for us not to pay attention to this. He doesn't have a direct example of an ordinance but he is researching the topic.

Trustee Berkheiser- What about the tree damage on the side of the road where the Fire Department cut. Is that the Township's responsibility? Regarding the damage the Township suffered, do we make an insurance claim or contract for it to be ground up?

ITEM 11: OTHER MATTERS (continued)

Parks and Recreation Director Emily England said the Maintenance Department can handle everything. The insurance will only cover direct damage to buildings, etc., and does not cover the cost of cleaning up the trees.

Trustee Berkheiser- The Board has been getting a couple items on the agenda with no data for the Trustees. He thinks it's unfair to put topics on the agenda and then put a packet of info here in front of us. If that continues to happen then he will make a motion to amend the agenda to remove that item. Information needs to be turned in so the Board can make a good, informed decision. For the SAD discussion tonight, a summary should have been included in the agenda packet.

Supervisor Gray- Upcoming budget meeting dates are set for October 6th, October, 13th, October 27th, and November 17th. The meetings start at 5:30 p.m.

Supervisor Gray- Last year the Commerce Towne Place HOA did a wonderful job of decorating Martin Parkway for the Christmas Holidays. If you recall, it was from Pontiac Trail to the Oakley Park roundabout. The cost for this year to continue to decorate is \$5,540. The HOA is short money this year due to various projects and will not be able to afford them this year. He is asking for Commerce Township to pay for this year's decorations. If we only decorate to the Township Drive roundabout it would be \$4,500.

Trustee Berkheiser said that Parks has been doing Byers and the Richardson Center the last few years and it looks really nice.

MOTION by Berkheiser, supported by Creech, to move forward with the Christmas lighting proposal not to exceed \$4,500. **MOTION CARRIED UNANIMOUSLY**

Supervisor Gray- The Township has received \$45,000 in grants from MMRMA for the Fire Department for stair chairs and training reimbursement.

Clerk Creech – Hazardous waste day is on September 26th here at the Township Hall from 9:00 a.m. until 1:00 p.m.

Clerk Creech- Thank you to the Fire Department for a good job last week. There were a lot of calls.

ITEM 10:8-18 ADJOURNMENT

As there were no other matters to come before the Board.

MOTION by Sovel, supported by Weber, to adjourn at 10:33 p.m.

MOTION CARRIED UNANIMOUSLY


Melissa Creech, Clerk
Charter Township of Commerce