

**CHARTER TOWNSHIP OF LYON  
BOARD OF TRUSTEES  
MEETING MINUTES  
March 3, 2003**

Approved as submitted April 7, 2003.

DATE: March 3, 2003  
TIME: 7:00 PM  
PLACE: 58000 Grand River

Call to Order: Supervisor Shigley called the meeting to order at 7:00 pm.

Roll Call: Present: Joseph Shigley, Supervisor  
Patricia Carcone, Treasurer  
Pamela Johnson, Clerk  
Steve Adams, Trustee  
Ray Bisio, Trustee  
Dan Cash, Trustee  
Lannie Young, Trustee

Also Present: Matt Quinn, Township Attorney  
Chris Olson, Township Superintendent  
Chris Doozan, Township Planner  
Loren Crandell, Township Engineer  
Les Cash, Fire Chief  
Larry Phillips, Building Official

Guests: 61

**1. APPROVAL OF THE CONSENT AGENDA:**

Mr. Adams made a motion to approve the Consent Agenda as submitted. Ms. Carcone supported the motion.

Roll Call Vote: Ayes: Bisio, Carcone, Cash, Johnson, Shigley, Young,  
Adams  
Nays: None

Motion approved.

**2. CALL TO THE PUBLIC ON NON-AGENDA ITEMS:**

Bill Altgilbers, Continental Aluminum, stated that he has been President of Continental Aluminum

since July. He stated that in order to be pro-active one of the first steps he took was to establish a hot line to investigate complaints. He noted that the hot line was activated in August and has been used on numerous occasions. He stated that the hot line has even been on the unauthorized web sites. Prior to February 14th, he stated that he received two calls with regard to noise. He noted that on February 14th he received a call at midnight from an individual. He stated that he has also received many calls with regard to a flyer being placed in mailboxes. Attached to the flyer was a pre-printed Lyon Township Complaint Form. He noted that since the February 14th call and the distribution of the flyer, he has seen a significant increase of calls to the hot line.

Mr. Altgilbers stated that he can assure the Board that within the last two weeks their operation has not changed. He stated that in spite of the fact that there are currently two lawsuits in litigation and in an effort to respond to legitimate complaints, he read the following statement which is on Continental Aluminum letterhead and addressed to Joe Shigley:

*"Dear Joe,*

*Continental Aluminum is in the final stages of negotiations with an engineering firm that specializes in acoustic noises and vibrations. The intent of the study is to assist Continental in evaluating the noise situation. I will provide you with additional information as it becomes available.*

*Thank you,"*

Mr. Shigley stated that he would rather not have the public speak on the issue of Continental at this time. He stated that they will be adding it to the agenda and the public may speak at that time.

Joseph Berenholtz stated that he owns property on Griswold Road. He stated that he is a Physician, Obstetrician/Gynecologist, Surgeon and in his spare time he develops light industrial projects. He stated that he bought a beautiful tract of land, 6.3 acres, on Griswold Road in hopes of bringing clients to the area. He stated that he knew that his success or failure hinged on the paving of Griswold Road. He stated that he was shocked and dismayed when he heard that a very small, but very vocal group were actively promoting the rejection of an SAD for the paving. This group only represents 15% to 20% of the funds needed. He stated that thanks to the pro-active work of several members of the Road Committee, grants and

monies were available and a rare opportunity was at hand. He stated that he has read accounts of this group's arguments, some are valid and some are mostly erroneous. He further discussed this issue. He asked the Board not to succumb to threats and allow protestation to maintain the status quo. Progress is coming, this is inevitable. He stated that Lyon Township is a Class A Community and deserves a Class A Road.

Darcy Hollon, 24300 Martindale Road, stated that she used to live on a gravel road. She stated that it is very difficult to make a left turn off Martindale Road onto Ten Mile Road at 7:10 AM because of all the traffic for the school. She questioned if there is some way that they could persuade Oakland County into installing a light at this intersection. She stated that the light could flash all day with the exception of before and after school hours.

Ms. Hollon stated that she ran into her brother yesterday who was furious because he just found out that there is a bike path that is going to be installed in front of his house along Eight Mile Road. She stated that maybe the Township could put in a bike path along Martindale Road. She noted that she has been asking for a sidewalk or bike path for a long time.

Harold Grove, 28735 Hovey Lane, stated that the Zoning Department has done an excellent job in taking care of items that have come to their attention. He stated that with regard to the barn that was recently torn down on Travis Road, Detroit Dismantling Company was contracted to take care of this job. He noted that there is still several piles of debris left at the site. He questioned if there will be a follow up with the owners of this property to have them clean up the piles of debris.

**3. APPROVAL OF THE AGENDA:**

The following items were added to the agenda:

- Fire Department Discussion
- Continental Aluminum
- New Hudson Streetscape Presentation by Will Malone

Mr. Adams made a motion to approve the agenda as modified. Ms. Carcone supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

Motion approved.

**4. ANNOUNCEMENTS AND COMMUNICATIONS:**

a. Board of Review Dates: March 4th, 8th, 10th and 13th

Mr. Shigley reviewed the dates and the times that the Board of Review will be meeting.

Mr. Cash stated that some residents contact him about reduced tax assessments because

of Continental. He questioned if this would take place again this year. Mr. Shigley stated

that they follow with the Oakland County Assessor. Mr. Young stated that one of the concerns is

that they need to be real careful because the Board of Review has gone without the approval of

the Tax Assessor for the last two years on the property value assessments. He stated that they

need to be real careful from a precedent setting standpoint.

Mr. Cash stated that in 2001 one was rejected for the same issues that the others were approved.

He stated that last year a house that was closer than others was rejected while the others

were approved. He stated that there seems to be no rhyme or reason. Mr. Shigley stated that

he would be at the Board of Review meetings and would look into this.

Mr. Olson stated that he wanted to inform the Board that Larry Phillips, Building Official, and Al Hogan, Building Inspector, have gone to all 70 lots in the Carriage Club Subdivision

regarding the water softener issue. He stated that they found 10 violations, nobody was home at 8

homes which they will continue to try and contact someone and there was 1 home that they

were denied entry. This homeowner stated that they would never allow anyone entry to their

home. Mr. Olson requested the Board's authorization to get whatever legal paperwork done in

order to gain entry to the home.

Mr. Adams commended Mr. Phillips for this action. He stated that the reports on sodium chloride have been very close to being over and in many cases it was over. He stated

that this issue was brought to Mr. Phillips' attention and he did take action. This shows that the

Township is at work.

Mr. Young made a motion to support Mr. Olson obtaining legal advice. Mr. Cash supported the motion.

Mr. Shigley asked if there were any comments with regard to the motion by the Board.

Mr. Bisio stated that it is obvious that they need legal advice on this. He stated that he is surprised that they haven't gotten it already.

Mr. Olson stated that they may need to have a search warrant executed. He stated that he just wanted the Board to be aware of this.

Mr. Bisio stated the Township is spending money on legal and as a Board member he was not notified.

Mr. Shigley asked if there were any public comments.

Robin Allen, 28550 Tindale Trail, stated that he would like to make a comment with regard to the issue at hand, the tax reductions. He stated that he believed that the property that was being discussed is the property that his parent's used to own. He stated that he believed that it was rejected because the people who bought the house was aware of the Continental problem before they purchased it.

Voice Vote:	Ayes:	All
	Nays:	None

Motion approved.

**5. UNFINISHED BUSINESS:**

**a. Fire Department Discussion**

Mr. Adams read the following statement with regard to the Fire Department issue:

*“Trustee Ray Bisio and I met with State Senator Nancy Cassis last Friday for a breakfast meeting and Revenue sharing from the State has been cut to all Townships which affects our Township's spending – and more cuts may be coming.*

*Senator Cassis stated that the State Legislators are meeting and drawing up a plan to cut their*

own salaries to help the budget crunch. They are shutting down unnecessary lights, going to all white paper and many more cost cutting initiatives. I think this is a first and it should serve notice to our Township that we should be conservative on how we spend.

In September of last year this Board authorized the spending of up to \$10,000 to bring in outside consultants to review our Fire Department because of negative publicity, citizen complaints and the thought of politics in this Board.

I will be making a motion tonight to the Board to rescind the motion because our Township can make better use of the monies during these tight times and consultants only can give you a brief snapshot. We need an ONGOING process.

At the January MTA three day meeting four members of this Board attended the meeting and Educational sessions. Over 1200 elected officials from over 500 Michigan Townships were there.

One of the classes that Ray Bisio and I attended was Managing Your Townships Fire Department and it gave us an opportunity to discuss mutual problems with other Townships.

Because of adverse publicity in the newspapers, letters and citizen's complaints we need an

ADMINISTRATIVE BOARD and their function defined by the MTA is they are problem solvers, empowered by the Board and reporting to the Board to provide administrative oversight on Budget, Personnel and Policy Development. They would investigate and report any citizen concerns, negative press publicity, firefighters complaints and report to the Board for Board action.

Under no circumstances are they to supercede the Chief's authority of responsibilities spelled out by the MTA.

A recommended structure of the Administrative Board would consist of three Township residents (preferably two professional firefighters, residents that serve in other community Fire Departments full time and one professional accountant or CPA.) Chris Olson would give assistance and guidance to the Board.

*Selection of the Board would be just like we fill the Planning Commission, ZBA and Park Committee. The openings would be advertised in the paper, the applicants would be interviewed by this Board and selected thus eliminating any thought of politics.*

*I would like to ask that this issue be placed on the April Trustee meeting to allow my fellow members of the Board to study our proposal and materials which I will be sharing with them from the MTA at which time I will be bringing the motion to a vote.*

*The sign on the front of our Fire Stations say LYON TOWNSHIP FIRE DEPARTMENT. It belongs to the people of this Township and we all should strive to make it the best fire department in the State of Michigan."*

Mr. Shigley questioned if Mr. Adams is looking to have this issue added to the April Board meeting agenda. Mr. Adams responded that he would like to review this for an administrative board at the April meeting. He stated that at this meeting he would like to make a motion to rescind the Board's approval for spending up to \$10,000 on a consultant. He stated that what the Township needs is an ongoing process.

Mr. Olson stated that he does have sessions scheduled for the 15th, 23rd and 30th pending confirmation. He stated that with examining these issues that need to be addressed, part of the idea would be to have an ongoing process through the services of the EAP. He stated that there is the possibility of confidential matters and if there is an administrative board it would be subject to the Open Meetings Act and would preclude the possibility of confidentiality. He further discussed the process that is being set up.

Mr. Adams stated that they are spending the Township's money and they really don't need to spend the money. He stated that he has talked to other Townships in the area and to people at the MTA and within the MTA's own instructions, this is the way that it should operate. He stated that they want to get a process so that if there is a problem, it can be addressed. He noted that there was a recent problem with an ambulance last week. Mr. Olson briefly explained what happened with the ambulance and why it stalled.

Mr. Shigley questioned if the Township has spent any money yet on the consultant. Mr. Olson

responded that they have not. They are in the process of getting it scheduled.

Mr. Bisio stated that this has been going on for six months now. He stated that this is a serious concern. He stated that after the meeting he had with Nancy Cassis and after looking at the finances of the State, he believes that this would be money foolishly spent. There was further discussion with regard to the finances.

Mr. Young stated that aside from the money issue, they are all concerned about the money, one of the things is that six months ago it sounded like they had some insurmountable problems. The Board made the decision then to hire an outside firm to address the problems. He stated that it has taken time to do this. He stated that he is impatient, also, and would have liked to have this done before now. He stated that it sounds like things are now scheduled. He stated that his question would be that if there is no longer a problem today, how did it go away?

Mr. Adams stated that he did not say that there aren't problems today, he felt that there are possibly some problems.

Mr. Young stated that he does have a problem with the issue of rescinding a Board decision.

Mr. Olson stated that the Fire Department is run very well. They have had a reported 700 incidents this year and there were only 240 serious incidents. He stated that he felt that the latest stunt is a publicity stunt by the ACLU. He stated that he has received no materials from the ACLU, only electronic e-mail responses. He stated that with regard to the ongoing process idea there are statutory considerations, which he will provide for the next meeting. He stated that his primary contact is with the Chief, but when does have an opportunity to talk with the firefighters, he does.

Mr. Bisio stated that the Board removed this from the Supervisor and gave it to the Superintendent.

He stated that he would like to see some movement in addressing these issues. He stated that they have to communicate.

Mr. Adams made a motion that the money authorized by this Board in September be rescinded and they not spend the money. Mr. Bisio supported the motion.

Mr. Shigley asked if there were any comments regarding the motion by the Board.

Mr. Cash asked when the cut-off is for items on the agenda. Ms. Johnson stated that the agendas went out last Wednesday. Mr. Cash stated that he does not mind adding stuff to the agenda, but there is a cut-off date. He stated that they can come in and have two items added by the Supervisor and then there is a Trustee who comes in with a statement already typed out for him to read to the public. He stated that he has never been privileged to have something added to the agenda once it was printed. He stated that all the people who had their information turned in on time, get put behind the items that weren't even on the agenda to begin with. He stated that he does not believe that this is right. He further discussed this issue.

Mr. Shigley stated that with regard to the two items he requested put on the agenda this evening, he has asked for months now to have them on the agenda concurrently. He stated that these are two issues that he would like to see closed.

Mr. Cash stated that if they are going to add items to the agenda, they should be added to the end of the agenda and not in front of the other items that are already on the agenda.

Mr. Cash stated that they have a chance to get this investigation over with, possibly by the end of this month. He stated that he felt that they should go ahead and get it done.

Ms. Johnson stated that she would like to see this done, simply for the fact that it would be un-political and there would be no influences by any of the Board members or any particular residents of the Township.

Mr. Bisio questioned when will this be completed. Mr. Olson responded that he does have a schedule of sessions that have been set up. He stated that he would imagine that the Board should see a written report some time in April or at the May meeting.

Mr. Shigley asked if there were any public comments.

James Huffman, 58560 Grand River, stated that he would rather spend \$100,000 on the committee than to have Mr. Bisio, Mr. Adams, their puppeteers and puppet have any influence on this.

Harold Grove, 28735 Hovey Lane, stated that he strongly supports Mr. Adams position after hearing what he had to say about attending the MTA conference. He stated that he is the person who submitted 108 signatures last year. He stated that he is sure if they were to go around and circulate more petitions now, the number of signatures would grow by the hundreds, especially after reading the articles in the Detroit News. He stated that there are an increasing number of people who are in favor of having a committee. He stated that this would be an unbiased, neutral committee and it would save the Township \$10,000. He stated that nowadays everyone is trying to save money and cut budgets and here we are throwing away another \$10,000 when some people in this community are willing to give up their time and effort and save the Township some money. He stated that he would certainly hope that the Board will listen and vote against spending the \$10,000.

Mr. Grove discussed the article that was in last Thursday's Detroit News. He stated that he has three questions relative to the failure of the EMS unit. He stated that there is no excuse for a vehicle of this importance not starting. He stated that his questions are:

- Who is responsible for the maintenance schedule of these vehicles and other

equipment at each Fire Station?

- Are the vehicles test driven and tested on a daily basis?
- Who are the people who perform the maintenance on these vehicles, are they authorized?

Les Cash, Fire Chief, stated that the Firefighters on duty are responsible for the maintenance schedule of the vehicles. If something is in need of repair, they would write up a work order.

Chief Cash explained what happened with the EMS vehicle. He stated that he was informed of the truck not starting and made arrangements to take the vehicle into Hines Park Ford on the following Friday. He stated that he has gone to the station on several occasions to test the truck, which started each time he tried. He noted that each unit is tested every day by the Duty Day person.

Andrew Laprise, Firefighter, stated that he was on that particular call. The vehicle did start but as they pulled out, the vehicle stalled and would not re-start. He stated that they did notify the Fire Chief who came to the station. He stated that he is not a mechanic but does know from taking his own vehicles in that if the problem is not there when the vehicle is taken in, they can't fix it. He stated that to his knowledge the vehicle has not had a problem since it has come back from the dealership.

Mr. Olson noted that this was an operational issue that was dealt with and resolved.

Darcy Hollon, 24300 Martindale Road, stated that they could be talking about box a and box b, but they are talking about money. She noted that other communities that have spent money that they shouldn't have, have gone bankrupt. She stated that she does want to cause the firefighters to feel that they are being persecuted or put under a microscope or anything like that, if for some reason they go with an alternate plan. She stated that they do need to consider the amount of money that they are spending, it might be needed somewhere else in the Township.

Dave Talaga, Firefighter, stated that if the \$10,000 for the survey is rescinded by the Board, they would almost be making the assumption that there will be a Fire Board put in place. Otherwise, what is the resolution to the Firefighter's problems, if there even are any?

Mr. Shigley stated that this is only rescinding spending the money this month so that at next month's meeting they could come up with a different solution.

Mr. Talaga stated that all this is going to do is extend the time further. He stated that Mr. Olson already has something in place, and felt that they should follow through with it.

Jim Hamilton 24200 Martindale Road, stated that he does concur that the Township should not spend the money.

Robin Allen, 28550 Tindale Trail, stated that with regard to Mr. Cash's statement that he was not aware that the Fire Department issue would be on the agenda, he wondered why all the Firefighters are here tonight. He stated that in regard to the spending of the \$10,000, the Township spent \$10,000 in 1999 on an SME study on Continental that the Township never did anything with.

Don Collick, Firefighter, 28425 Pontiac Trail, stated that this is a public forum and that he does have a right to be here. He wondered why Mr. Allen was questioning why the Firefighters are here. He stated that he has been a Township resident for over 30 years. He supports his Fire Department and is tired of the ongoing nitpicking. He stated that everybody should let them do the jobs they were hired for. He felt that they should quit dwelling on this and move on.

Abe Ayoub, 21962 N. Lyon Trail, felt that the problems are made a lot bigger by the Detroit News than what they really are.

Ms. Carcone stated that she probably knows better than anybody else in the Township, the financial situation of the Township. She stated that they can definitely afford to spend \$10,000. It is not a matter of wasting money. She stated that she does want to take the politics out of this. She stated that she feels that the Firefighters do a fabulous job. She stated that \$10,000 is a lot of money, but there are some issues in the Fire Department that need to be looked at by an independent firm or person. She stated that she feels that the Fire Department is worth spending this amount of money.

Mr. Bisio stated that this whole situation would have been resolved if there was some



meeting!

To assist you, Mr. Altgilbers, in helping your Corporate Parent Company Executives understand what our citizens are going through, I have supplied our citizens with the address, telephone number, e-mail address and the name of Tom Akers, the Executive VP of the Metal Exchange Corp. Joe Shigley and I have already sent an e-mail to Mr. Akers and will probably be giving him daily updates. If this doesn't work, we will be going to the Chairman of the Board.

The distance from our small community makes them indifferent to our problems and at night they go home to their Executive homes in St. Louis and sleep in peace with no hum/drone to contend with.

Mr. Altgilbers, I hope you convince Mr. Akers that its time to prove Continental's sincerity in wanting to be a good neighbor.

Show us a sign!"

Mr. Shigley stated that in the past month or two the Township has been receiving numerous amounts of complaints. A lot of these complaints deal with sound. He stated that he does recall that the Township did spend an enormous amount of money for the SME Study for sound. He stated that he believed that the study did recommend or acknowledge that there was a sound problem. He stated that he has read some of the letters that the citizens have sent to the Township and can't sleep is probably the biggest reason for the complaints. He stated that he remembers reading an article a few weeks ago about an American Flag that was making too much noise. He noted that there was a solution to that problem. He stated that it is frustrating to him, there has to be something that the Township can do about sound.

Mr. Shigley commended Mr. Bisio and Mr. Adams for contacting and discussing this with Nancy Cassis. He felt that something may come out of this. He stated that sound is a major issue and they need to find a way to solve this.

Mr. Altgilbers stated that Mr. Adams indicated that there are no lawsuits with regard to noise. He stated that both lawsuits specifically deal with noise. He stated that many times when he has answered the hotline he has told citizens that there are two pending lawsuits that have to do

with noise and until those lawsuits are settled, his Attorneys have advised him not to talk about them. He stated that he can assure the Board that they have been in negotiations with an Acoustical Engineering firm and they are in the final stages of these negotiations. He stated that pending the outcome of the lawsuits, he is not free to talk about what they are doing or what will be doing. He stated that he would welcome a meeting with Nancy Cassis, here or in Lansing.

Mr. Altgilbers stated that Tom Akers is the Vice President of Metal Exchange, but has nothing to do with Continental. He stated that his boss is Bill Aronson.

Mr. Young asked Mr. Altgilbers to have their Acoustical Engineers look specifically at the drone noise. Mr. Altgilbers responded that this is specifically what they will be looking into. He stated that he has been to people's homes and has heard the noise. He stated that it is not a loud noise and that it probably does not exceed the noise ordinance but it is a low drone noise.

Mr. Shigley asked if there were any public comments.

Claude Pfeffer, 59101 Albert Lane, stated that this has been going on since 1997 and the biggest thing that he can see is that when this all started with the smell and the fall out from Continental. He stated that he came up to the Township Hall and got the Ordinance for noise, which he felt is one of the best ones he has seen for noise. It also dealt with the Db level. He stated that as far as Continental, he is not against business operations at all, but he felt that he should not be able to hear it or taste it. He stated that this just doesn't happen on a clear, cool night, it happens all the time. He stated that they cannot sleep. They have earplugs that are rated for a 29 Db and they can still hear the droning noise.

Phil Mitchell, 27541 T.F. Hicks Court, stated that he is glad that Continental has a hotline. He stated that he doesn't want them to think that the residents are ungrateful. He stated that if he knew it would do some good to call and complain about the noise, he would do it and so would a lot of other people. He stated that he does know that there are a number of times that you could be at ground level and not hear the sound but when you go to the second floor of his house you can hear the noise.

Darcy Hollon, 24300 Martindale Road, she stated that the Fire Department has had issues

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Continental  
no  
have used  
they

six months and she is glad that the Board voted to get them resolved. She stated that she didn't want the money spent. She stated that there have been ongoing issues with Continental since 1997 and she has asked repeatedly for money to be allocated for an Environmental Attorney. She stated that it has been either voted down or she has been told that there is no money. She stated that they have had problems that the Township's Attorneys could have used some help on from a specialist. She stated that since the Township has so much money, they should consider hiring an Environmental Attorney.

what

Ms. Hollon stated that a friend of hers went to Court on December 4, 2002 and observed what went on during these lawsuits. She stated that she has purchased the transcript from this and submitted a copy for the Board and the record.

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always

Jerry Powell, 58740 Travis Road, stated that with regard to the noise, it is transmitted in a line of sight basis. He questioned if there are any plans in the works to take care of the noise that is being transmitted to the upper levels of structures. Mr. Altgilbers responded that they are in the final negotiations stage with an Acoustical Engineering firm. He noted that noise does not always travel line of sight, it bounces around.

Continental  
that

Sharon Chalifour, 57620 Pontiac Trail, questioned why someone would be outside Continental beating on a 55-gallon drum at 2:00 AM. She stated that the noise is ongoing. She stated that she doesn't call because it doesn't do any good.

Continental site. He stated that he agrees whole-heartedly with all the comments tonight. He stated that he owns a colonial and the walls that face east toward the plant are the ones that are affected. He stated that the second level is where his children sleep and he can't give them earplugs. He has to turn on fans and other things to drown out the drone. He stated that last year they began sending in faxes of complaints. He questioned if the results of these complaints have been tallied and if that information is available. Mr. Shigley stated that the complaints are

faxed  
to both Continental and to MDEQ. He stated that the complaints came in from all over  
the  
place.

Dennis Ostach, 58065 Travis Road, stated that he lives approximately 1/2 mile away and  
he hears  
and smells it constantly. He stated that it is a constant drone that is just terrible. He stated  
that he  
even purchased new triple pane windows that are supposed to be the best at blocking  
out  
sound, and it didn't help. He stated that he senses from the Board that they were upset  
that the  
study for the Fire Department has taken six months. He stated how do you think that they  
feel  
about this taking six years. He stated that he is tired, but he is not going to give up and  
stop  
fighting. He stated that Mr. Altgilbers can do something, it is within his power. He has done  
everything else and even increased production. Mr. Ostach stated that he has stopped  
complaining because has lost faith in this Board, the Planning Commission and the ZBA. He  
stated that none of the Boards listen to them, they have been here for six years.

Ms. Ostach stated that this Board and other Boards are fearful about getting sued by  
Continental.  
He stated that if this is the only thing that the Boards understand, then maybe the citizens  
should  
sue the Township and them maybe then something will be done. He stated that the Board  
represents the residents.

Mr. Ostach stated that Mr. Altgilbers lives in Pinckney and he goes home to a nice quiet  
house.  
Mr. Altgilbers stated that he lives in South Lyon. Mr. Ostach stated that Mr. Altgilbers  
should live  
in Lyon Township and listen to the noise and see his property values go down like the rest  
of the  
residents.

Bob Schram, 57562 Hidden Timbers, stated that he is in support of everything that has  
been said  
this evening. He stated that they moved to Lyon Township for the rural atmosphere and  
the fresh  
air. Well the rural atmosphere is being taken care of real quick. He stated that he is 2.5  
miles  
away and he still hears the droning noise every single night. He stated that there is no  
quality of  
life. He stated that something has got to be done. The Board needs to respond.

Robin Allen, 28550 Tindale Trail, read the following statement into the record:

“Why has Lyon Township not dealt with the noise pollution coming from Continental Aluminum?”

This has been going on for 5 years now. The weekend of February 14th thru the 17th, the noise was unbearable! Your neighbors, maybe even you, are suffering sleep disturbances at night.

For those who spend their day at home the constant noise during the day is frustrating.

Lyon

Township has a Noise Ordinance. Why is this Ordinance not being enforced? Must it

affect

Township officials personally before something is done?

Continental Aluminum setup a hotline number for residents to use to voice their complaints.

Everyone who lives near or downwind of the plant has heard the constant droning sound.

Let

me assure you that the noise is not made up and it is definitely coming from Continental Aluminum. Continental Aluminum repeatedly states they want to be a “good neighbor”.

Well,

it's time to prove it. For Continental to put their money where their mouth is. Continental should

be forced to improve the conditions of the plant so we can once again find sanctuary in our

homes.

The Township Board conducted a study of Continental's adherence to the Township's Noise

Ordinances. The study was approved at a meeting on September 16, 1999. The Township Board

agreed to spend \$10,000.00 of taxpayers money to conduct this study. The study concluded that

Continental was, in fact, in violation of the Township's Ordinance on noise and even provided

suggestions of corrective measures. Yet, 4 years later we are still suffering from the constant

droning sound emanating from Continental Aluminum. Why? Has a ticket ever been issued to

Continental for the violations? The Township purchased noise meters to take readings but have

chosen not to use them. Why?

It is time for the residents of Lyon Township to unite. Feed back from the Township and Continental Aluminum has been that it is always the same residents complaining. The residents of Lyon Township want the Township Board members to correct this problem and to stop saying that there is nothing they can do about this issue. If this Board and Superintendent cannot solve this problem then the residents need to replace them with people who will diligently work on this issue until it is resolved. It is totally unacceptable for Township officials to plead that there is

*nothing they can do about this issue anymore. This has gone on for too long and the people have suffered long enough. We are sure that if the Board members were personally impacted by the noise like people in the immediate vicinity of Continental, this issue would have been addressed years ago."*

Dennis Ostach, 58065 Travis Road, stated that he picked up the flyers on the way into the meeting and finds it very funny that the Zoning Officers Report of February, 2003, which indicates that they took care of three issues (excessive horses on property, improper fence, junk cars, threatening dog). He stated that all of these violations were addressed and taken care of. He asked "What is the deal?"

James Huffman, 58560 Grand River, stated that Mr. Allen brought up a good point that the Township spent \$10,000 to investigate Continental Aluminum. He stated that Continental affects maybe 1,000 to 1,500 people, whereas, the Fire Department affects the whole Township.

### **c. Kojaian Development – Restaurant Capital Charges**

Mr. Quinn stated that at the Board's direction, they had meetings with Kojaian, their Counsel and Joe Shigley. He stated that they discussed the methods of allocation for REU's for restaurants. He stated that it was agreed, after consulting with the engineers and everyone else, that they can treat restaurant commercial uses the same way that they treat light industrial uses by bifurcating the REU usage based upon the square footage that is attributable to the different uses within the structure. He cited some examples of this. He stated that the Zoning Ordinance specifically defines a bar and it specifically defines a restaurant area. The discussion and the decision is really nothing more than interpreting the Township's Ordinance.

Mr. Quinn stated that this doesn't require any Board action, it is a report to the Board based upon the Board's direction.

Ms. Johnson questioned if a business can request an adjustment or an analysis for this. Mr. Quinn responded that the Ordinance only allows adjustments in an upward position because when the REU's are assigned to a building, they have to be calculated on the maximum capacity of that sewer line services that building and those in the area. This is why it can only go up and not

down.

Mr. Young stated that pending what the typical results are for a restaurant, he asked Tony Antone, Kojaian, if they are on board with this. Mr. Antone responded that the reality is what they are going to do is get the actual floor plans for the restaurants and send them to Chris Doozan so that the tap fees can be calculated. He stated that they feel it will all work out.

Mr. Olson stated that they looked at a number of scenarios with the whole REU analysis situation. He stated that they had a meeting with the Township Engineer to look at Rio Grande just in case anybody is concerned about the way seats were allocated. He stated that they found more number of seats than what was on the original plans that the REU's were calculated on. He stated that it appears that there is a fairness question that has been resolved at this point.

**d. Second Reading of Rezoning Request of 13.8 acres from I-1, Light Industrial to R-1.0, Residential-Agricultural, located on the south side of Pontiac Trail and east of Old Plank Road**

Mr. Quinn stated that in front of the Board for second reading and adoption the Zoning Map Amendment No. 112, which is on the County Park property. This amends the 13.8 acres from Light Industrial to R-1.0, Residential-Agricultural so that it can be used for park purposes.

Mr. Adams made a motion to consider this the second reading and adoption of AP-01-33, Rezoning Request of 13.8 acres from I-1, Light Industrial to R-1.0, Residential-Agricultural, located on the south side of Pontiac Trail and east of Old Plank Road. Mr. Bisio supported the motion.

Mr. Shigley asked if there were any comments regarding the motion by the Board. There were none. He then asked if there were any public comments. There were none.

Roll Call Vote: Ayes: Cash, Johnson, Shigley, Young, Adams, Bisio, Carcone  
Nays: None

Motion approved.

**e. Township Office Hours – Consider Evening Hours**

Mr. Olson stated that at the last meeting this issue was on the agenda for discussion about changing the Township's office hours to 8:30 AM to 5:00 PM. He stated that there was also

discussion about looking into a possible late evening during the week. He stated that one of the things that they need to look at in conjunction with this is whether or not they are going to run into Federal Labor Standards Act. He stated that they have a number of staff, regardless of the fact that they are on salary, are overtime eligible. He stated that these would be the staff that are not elected or in management positions. He stated that no department should be in a position where there is one woman working alone.

Mr. Young stated that they just started the new office hours today, and he would like to see them work these hours for a while to see how it goes.

Mr. Young made a motion to go with the longer hours as they exist now and see what happens and in the future make an adjustment, if necessary. Mr. Bisio supported the motion.

Mr. Shigley asked if there were any comments regarding the motion by the Board. There were none. He then asked if there were any public comments. There were none.

Voice Vote:	Ayes:	All
	Nays:	None

Motion approved.

**f. New Hudson Streetscape Presentation by Will Malone**

Will Malone, McKenna Associates, Inc., gave a brief presentation of what the DDA is proposing for the New Hudson Streetscape.

A resident was concerned with the proposed new entrance to the cemetery. He wondered if any graves would have to be moved. Mr. Malone responded that in this particular location they would not have to move any graves.

**6. NEW BUSINESS:**

**a. Open Space Preservation Option – Wetland and Watercourse Setback Requirements – Amendment to Section 19.03(F), item 6(c)**

Mr. Doozan explained that at the time the Board adopted the wetlands and watercourse setback requirements, there was discussion with regard to the need to amend the Open Space



motion.

Mr. Shigley asked if there were any comments regarding the motion by the Board. There were none. He then asked if there were any public comments. There were none.

Roll Call Vote: Ayes: Shigley, Young, Adams, Bisio, Carcone, Cash, Johnson  
Nays: None

Motion approved.

**c. Request for Special Board Meeting from Attorney for Sucher Properties**

Mr. Olson stated that everyone should have received a binder of information from the developer.

He stated that it looks to be slightly revised from the binder of information provided to the Planning Commission. He stated that this would be more in keeping with the regular meeting in April as opposed to a special meeting. The Board members concurred. The Board will not hold a special meeting for this issue.

Mr. Doozan noted that the applicant's presentation lasted approximately 1-1/4 hours. He asked

Mr. Quinn if it is possible for them to limit the amount of time for a presentation. Mr. Quinn responded that this would not be a problem. They should notify the applicant as to the amount of time that will be allotted for their presentation.

**d. East Grand River Change Orders**

Mr. Crandell stated that on the East Grand River Special Assessment District, a couple of months

ago he gave a worse case scenario with regard to budget. He stated that there have been a

number of issues with the property owners and a number of large change orders. He stated that

at that time the worse case scenario was that it could be up to \$300,000 over budget. He stated

that most of the issues have been resolved. He reviewed the information provided in the February 10, 2003 Giffels-Webster Engineers letter.

There was brief discussion with regard to the figures Mr. Crandell discussed. Mr. Quinn stated that

he would recommend that the Board table this issue until the April meeting. This would give some

emphasis to the opposition to get back some figures and calculations.

Mr. Young made a motion the table this issue until the April meeting. Ms. Johnson supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

Motion approved.

**7. ITEMS REMOVED FROM THE CONSTANT AGENDA FOR ACTION OR DISCUSSION:  
NONE**

**8. ADJOURNMENT:**

Ms. Johnson made a motion to adjourn the meeting. Ms. Carcone supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

Motion approved. The meeting was adjourned at 9:28 PM.

Respectfully Submitted,

**Deby Cothery**

Deby Cothery  
Recording Secretary

Pamela Johnson  
Clerk