

**CHARTER TOWNSHIP OF LYON  
SPECIAL BOARD OF TRUSTEES  
MEETING MINUTES  
May 12, 2003**

Approved as submitted June 2, 2003.

DATE: May 12, 2003  
TIME: 6:00 PM  
PLACE: 58000 Grand River

Call to Order: Supervisor Shigley called the meeting to order at 6:00 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  
Les Cash, Fire Chief

Guests: 15

Ms. Johnson presented Chief Cash with a plaque for thirty years of service as Fire Chief for the Township.

**1. CALL TO THE PUBLIC ON NON-AGENDA ITEMS: NONE**

**2. APPROVAL OF AGENDA:**

Mr. Shigley stated that there are three items on the agenda this evening and that he would like to set a time limit of 15 minutes per item.

Mr. Cash made a motion to approve the agenda of Items a and b and striking item c from the agenda citing pending litigation and advice from Legal Counsel. Ms. Carcone supported the motion.

Mr. Shigley stated that he does have comments on this. Mr. Adams stated that before they vote on this, he felt that as Supervisor of the Township, Mr. Shigley has the right to make his comments. He stated that he felt that it is inappropriate of this Board to strike Item c off the agenda. Mr. Shigley stated that he agreed with this.

Mr. Bisio stated that with regard to the comments, he felt that they should ask Legal Counsel's opinion. Mr. Quinn stated that the motion to amend the agenda is appropriate. Mr. Bisio asked if striking an item that is on a pre-written agenda is allowed. Mr. Quinn responded that it is. Mr. Bisio stated that he has the feeling that they don't want Mr. Shigley to discuss Continental Aluminum at all. Mr. Adams stated that he felt that it is unfair. He stated that he feels that Mr. Shigley has the right to say his comments. He felt that the comments should be heard.

Mr. Young stated that he knows this is controversial. This is a meeting of the Board of Trustees and this Board is ruled by a majority. He stated that there is a motion stated and supported. He stated that they need to call the question. He stated that he understands that everybody has an opinion of what they should do and what they can't do, but this meeting is not a meeting of Joe Shigley or Ray Bisio or Steve Adams, it is a meeting of the Board of Trustees. He stated that as a matter of order they have to acknowledge this.

Mr. Shigley reminded Mr. Young that anytime there is a motion the entire Board should have an opportunity to make comments on that motion.

Mr. Bisio stated that he felt that it is dangerous not to discuss or hear the comments from Mr. Shigley regarding Continental Aluminum. He stated that he knows that there are legal activities but would still like to hear what Mr. Shigley has to say.

Mr. Shigley asked if there were any comments on the motion from the public. A resident asked to have the motion repeated, which Mr. Shigley did. Mr. Young stated that as a point of order, they have never had public comment on the motion for approval of the agenda in any meeting that he can remember. He stated that there are legal reasons why this needs to be brought up to the Board to decide this. It is not up to the public.

Mr. Young stated that the motion has been made and supported and he would move that they call the question.

Mr. Shigley stated that the reason he offered this to the public is because they always give the public an opportunity to speak.

Mr. Shigley read a prepared statement with regard to Continental Aluminum.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved.

### 3. UNFINISHED BUSINESS:

#### a. Singh Development – Annexation Proposal, Section 19

Mr. Olson stated that before the Board is a memo from him dated May 8, 2003 as well as a number of documents that at various times last week. He stated that Singh Development is requesting that 37 acres of the Langan property be annexed to the City of South Lyon in order for them to build a subdivision in the City. He explained the proceedings for this which are outlined in his memo.

Mr. Olson noted that Steve Keahm is present representing Singh Development tonight.

Mr. Olson noted that this is in order for the Board's approval. If the Board does approve this, then it will go before the City of South Lyon for approval at their next meeting.

Mr. Quinn stated that tonight there is a resolution for the Board's consideration. This resolution will authorize the Supervisor and Clerk to sign all the supporting documents. The resolution would then go to the City of South Lyon for their consideration. If the City approves the resolution the annexation would then be completed. The City would then send the resolutions to the County Clerk and the Secretary of State to complete the annexation.

Mr. Young stated that there is more than the resolution attached here. He questioned if they need to approve each agreement. Mr. Quinn stated that by approving the resolution, the resolution already approves all the supporting items. He stated that the only one motion is needed.

There was discussion with regard to Exhibit B. Mr. Quinn explained this and how it will affect the properties on Woodland Lane and Forrest Drive.

Mr. Bisio stated that they are just transferring the acreage. Mr. Quinn stated that this is correct, it is the property owned by one entity. Mr. Bisio stated that this has nothing to do with the individual lots in Lyon Township. Mr. Quinn stated that this is correct.

Mr. Adams questioned if this is approved, where will the money go and where will the money be allotted. Mr. Olson responded that the money will be put in a restricted reserve in the

General

Fund. This will be similar to what the Township already has for the bike paths. He noted that money cannot be spent unless it is authorized. He noted that the Township has needs and wants and it will be up to the Board to prioritize what this money will be spent on. He stated that the money will be shown as "cash on hand". It has not been designated for release for spending.

Mr. Young made a motion to adopt the resolution pertaining to the attachments of the property Singh has an interest in according to the forms provided. Mr. Cash supported the motion.

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

Mr. Young stated that by adoption of this resolution which is entitled "Approval of Attachments", it brings into play all the other resolutions into one. Mr. Quinn stated that this is correct.

Mr. Bisio feels that they are being strong armed into an annexation situation by the developer. He stated that he is opposed to giving away property. He stated that he hopes this works out.

Mr. Shigley asked if there were any comments from the public. There were none.

Roll Call Vote:           Ayes: Cash, Young, Johnson  
                                   Nays: Carcone, Bisio, Adams, Shigley

Motion failed.

**b. Griswold Road Paving**

Mr. Olson explained that before the Board this evening is a memo from him dated May 9, 2003 which explains some of the changes that have been going on in terms of the work that has been done. He reviewed the comments indicated in his memo and explained the status of this project.

Mr. Olson stated that by the end of this month they need to have some assurances that the finances are in order so this project can move forward.

Mr. Young stated that the Road Committee has been working on this project for a long time. He stated that it would be a win, win situation for the Township. This is a one time opportunity and it would be good for the Township.

Mr. Bisio questioned if we have \$900,000 guaranteed for this project. Mr. Olson responded that they do. He noted that it has gone through SEMCOG as part of the transportation improvement program for Southeast Michigan.

Mr. Bisio questioned if the City of South Lyon has allocated \$220,000. Mr. Olson responded that Rod Cook and the City Council has not yet voted on the use of their Tri-Party Funds. Mr. Bisio stated that he would feel a lot more comfortable after the City has voted on this. He questioned what would happen if the City votes this down. Mr. Olson responded that at the next meeting the Board would have the opportunity to rescind this obligation. Mr. Young noted that they could change this obligation at any time by a motion of the Board. Mr. Quinn stated that this is correct.

Mr. Bisio stated that they are looking at \$70,000 from the Township's Tri-Party Funds. He stated that in his mind, he is not sure.

Joseph Berenholtz stated that he owns 6.39 acres which is zoned I-2. He stated that his original intention was to develop an industrial park. He noted that he is currently building two buildings in Novi. He stated that he has watched the process for paving Griswold go on for well over a year. He stated that he has done everything in his power to be at these meetings. He felt that this would benefit the City, but also the Township. The advantage of \$900,000 Federal Grant should be taken advantage of. It is a one time opportunity to turn Griswold Road into something better than what it is now. He felt that a Class A road would bring in quality businesses and a good tax base for the Township. He stated that the SAD project was burdensome on the residents along this road. He urged the Board to consider this opportunity.

Ms. Carcone questioned what kind of contribution is the School District willing to consider. Mr. Olson responded that when he talked with Dr. Pearson it was indicated that they would contribute \$82,000. Ms. Carcone questioned where the \$70,000 would be coming out of, the General Fund or Tri-Party. Mr. Olson responded that whatever they take out of the Tri-Party the Township has to put in their third of the amount, \$70,000. The \$70,000 would come out of the General Fund. Ms. Carcone questioned what they have budgeted for the roads. Mr. Olson responded that there is \$39,600 in the Road Fund for the graveling projects that they do every year. He noted that they do have the ability to do this.

Ms. Carcone stated that she would have to see where the money is coming from. She stated that they still have \$39,600 for graveling. Mr. Olson stated that it would come from the



**5. ADJOURNMENT:**

Mr. Cash made a motion to adjourn the meeting. Mr. Bisio supported the motion.

Voice Vote:           Ayes: All  
                              Nays: None

Motion approved. The meeting was adjourned at 6:55 PM.

Respectfully Submitted,

**Deby Cothery**

Deby Cothery  
Recording Secretary

Pamela Johnson  
Township Clerk